



# City of Colorado Springs

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

## Meeting Minutes - Draft Planning Commission

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Thursday, April 18, 2019

8:30 AM

Council Chambers

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### 1. Call to Order

**Present:** 6 - Scott Hente, Jim Raughton, Vice Chair Reggie Graham , Chair Rhonda McDonald, Samantha Satchell-Smith and John Almy

**Absent:** 3 - James McMurray, Alison Eubanks and Carl Smith

### 2. Approval of the Minutes

[19-216](#) March 21, 2019 Planning Commission Minutes

Presenter:

Rhonda McDonald, Chair

The March minutes were not completed and will be voted on in May.

### 3. Communications

Peter Wysocki - Director of Planning and Community Development

### 4. CONSENT CALENDAR

**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.)**

- A. [CPC PUZ 18-00175](#) An ordinance amending the zoning map for the City of Colorado Springs from A (Agricultural) to PUD (Planned Unit Development; Short-term stay cottages, lodge suites and meeting space, 35-foot maximum building height) for the property located near Weiskopf Point and Flying Horse Club Drive consisting of 2.83 acres.

(QUASI-JUDICIAL)

Related file: CPC PUD 13-00137-A1MJ18

Presenter:

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

A motion was made by Hente and seconded by Satchell-Smith

**Proposed Motion:**

Recommend approval to City Council the zone change of 2.83 acres from A (Agricultural) to PUD (Planned Unit Development; Short-term stay cottages, lodge suites and meeting space, 35-foot maximum building height), 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(B) and the criteria for establishment of a PUD zone as set forth in City Code Section 7.3.603

This item was passed on the Consent Calendar.

- B. [CPC PUD 13-00137-A1 MJ18](#) A development plan for the expansion of the existing Flying Horse Lodges to include 53 rooms, restaurant and meeting space located near Weiskopf Point and Flying Horse Club Drive.

(QUASI-JUDICIAL)

Presenter:

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

A motion was made by Hente and seconded by Satchell-Smith

**Proposed Motion:**

Recommend approval to City Council the development plan for expansion of the Flying Horse Lodges, based upon the findings that the development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.606, and the development plan review criteria as set forth in Section 7.5.502E.

The motion passed on the Consent Calendar.

- C. [CPC ZC 19-00036](#) An ordinance amending the zoning map for the City of Colorado Springs from PBC (Planned Business Center) to TND (Traditional Neighborhood Development) for the property located north of Gold Hill Mesa Drive and east of 21st Street consisting of 4,174 square feet.

(Quasi-Judicial)

Related file: CPC CP 04-00127-A6MN17-MM01

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development Department  
 Peter Wysocki, Planning & Community Development Director

A motion was made by Hente and seconded by Satchell-Smith

**Proposed Motion:**

Recommend approval to the City Council the zone change of 4,174 square feet from PBC (Planned Business Center) to TND (Traditional Neighborhood Development), 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(B).

The motion passed on the Consent Calendar.

- D. [CPC CP 04-00127-A6 MN17-MM01](#) A minor modification to the Gold Hill Mesa Concept Plan updating the zone district boundary and site data.

(Quasi-Judicial)

Related file: CPC ZC 19-00036

Presenter:

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

Peter Wysocki, Planning & Community Development Director

**A motion was made by Hente and seconded by Satchell-Smith**

**Proposed Motion:**

**Recommend approval to City Council the minor modification to the Gold Hill Mesa concept plan, based upon the findings that the modified concept plan meets the review criteria for granting a minor modification to a concept plan as set forth in City Code Section 7.5.503(C).**

The motion passed on the Consent Calendar.

- E. [CPC ZC 19-00009](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 1.13 acres located at the southwest corner of Dublin Boulevard and North Academy Boulevard from PBC/HS (Planned Business Center with a Hillside Overlay) and OC/HS (Office Complex with a Hillside Overlay) to PBC (Planned Business Center).

(QUASI-JUDICIAL)

Related files: CPC DP 19-00010, AR NV 19-00173

Presenter:

Chris Staley, Planner II, Planning & Community Development

**A motion was made by Hente and seconded by Satchell-Smith**

**Proposed Motion:**

**Recommend approval to City Council the zone change of 1.13 acres from PBC/HS (Planned Business Center with a Hillside Overlay) and OC/HS (Office Complex with a Hillside Overlay) to PBC (Planned Business Center) based on the finding that the zone change request complies with the three review criteria for granting a zone change in City Code Section 7.5.603(B).**

The motion passed on the Consent Calendar.

- F. [CPC DP 19-00010](#) A development plan for construction of a 3,061 square foot convenience store with fuel sales located at the southwest corner of Dublin Boulevard

and North Academy Boulevard.

(QUASI-JUDICIAL)

Related files: CPC ZC 19-00009, AR NV 19-00173

Presenter:

Chris Staley, Planner II, Planning & Community Development

**A motion was made by Hente and seconded by Satchell-Smith**

**Proposed Motion:**

**Recommend approval to City Council the development plan for convenience store with fueling station, based upon the findings that the development plan meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E) subject to the following condition:**

- 1. Prior to building permit the existing utility easements shall be vacated and new easements established for the utility relocations per approved plans.**

**The motion was passed on the Consent Calendar**

**G.**     [AR NV 19-00173](#)

A non-use variance to allow a 15 foot side yard setback along the south lot line where 25 foot is required in the PBC (Planned Business Center) zone district located at the southwest corner of Dublin Boulevard and North Academy Boulevard.

(QUASI-JUDICIAL)

Related files: CPC ZC 19-00009, CPC DP 19-00010

Presenter:

Chris Staley, Planner II, Planning & Community Development

**Motion by Hente and seconded by Satchell-Smith**

**Proposed Motion:**

**Recommend approval to City Council the non-use variance for a 15 foot side yard setback where 25 feet side yard setback is required, based upon the findings that the non-use variance meets the review criteria for granting a non-use variance as set forth in City Code Section 7.5.802(B).**

**The motion was passed on the Consent Calendar**

**H.**     [CPC CU 19-00008](#)

A Conditional Use for an indoor kennel in the PBC/AO (Planned Business Center with Airport Overlay) zone district located at 6295 Templeton Gap Road.

(QUASI-JUDICIAL)

Presenter:

Tasha Brackin, Senior Planner, Planning and Community Development

A motion was made by Hente, seconded by Satchell-Smith, to Approve the Conditional Use for an indoor kennel in the PBC/AO (Planned Business Center with Airport Overlay) zone district located at 6295 Templeton Gap Road, based upon the findings that the request complies with the three review criteria for granting a conditional use as set forth in City Code Section 7.5.704, and the development plan review criteria in City Code Section 7.5.502.E.

The motion was passed on the Consent Calendar.

- I. [CPC SN 19-00034](#) A street name change for a roughly 325 foot long segment of public roadway immediately north of E. St. Elmo Ave. to change the name from Mt. Washington Ave. to Creekwalk Ct.

(QUASI-JUDICIAL)

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning & Community Development

Motion by Hente, seconded by Satchell-Smith, to approve the proposed street name change from Mt. Washington Ave. to Creekwalk Ct. for the roughly 325 foot long segment of public roadway immediately north of E. St. Elmo Ave., based upon the finding that the request complies with the street name change review criteria in City Code Section 7.7.704.D.7.

This motion passed on the consent calendar.

### Approval of the Consent Agenda

Motion by Hente, seconded by Satchell-Smith, 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:** 6 - Hente, Raughton, Vice Chair Graham, Chair McDonald, Satchell-Smith and Almy

**Absent:** 3 - McMurray, Eubanks and Smith

## 5. UNFINISHED BUSINESS

- 5.A. [CPC MP 07-00061-A6 MJ17](#) Major amendment to the Briargate Master Plan changing the land use designation of 57.82 acres from Sports Complex (SC) to R-LM (Residential Low/Med; 3.5-7.99 dwelling units per acre), R-M (Residential Medium; 8-11.99 dwelling units per acre) and NP (Park) as part of City Resolution 13-17 authorizing a land exchange located near Powers Boulevard and Old Ranch Road.

(Legislative)

Presenter:

Catherine Carleo, Principal Planner, Planning and Community

Development

**Motion by Vice Chair Graham and seconded by Raughton**

**Proposed Motion:**

**Withdraw the major amendment application to the Briargate Master Plan from the City Planning Commission.**

**The motion was passed unanimously.**

**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Chair McDonald, Satchell-Smith and Almy

**Absent:** 3 - McMurray, Eubanks and Smith

- 5.B.** [CPC PUZ 17-00087](#) The Larry Ochs rezoning of 57.82 acres located near Powers Boulevard and Old Ranch Road changing the zoning from Park (PK) to PUD (Planned Unit Development; Residential, 3.5-11.99 dwelling units per acre, maximum height 45-feet and Park).

(Quasi-Judicial)

Presenter:

Catherine Carleo, Principal Planner, Planning and Community Development

**A motion was made by Graham and seconded by Raughton**

**To Withdraw PUD zone change application to the Briargate Master Plan from the City Planning Commission.**

**The motion was passed unanimously.**

**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Chair McDonald, Satchell-Smith and Almy

**Absent:** 3 - McMurray, Eubanks and Smith

- 5.C.** [CPC PUP 17-00089](#) Larry Ochs Concept Plan illustrating future development of 57.82 acres for residential (3.5-11.99 dwelling units per acre) and a park site located near Powers Boulevard and Old Ranch Road.

(Quasi-Judicial)

Presenter:

Catherine Carleo, Principal Planner, Planning and Community Development

**Motion by Vice Chair Graham and seconded by Raughton**

**To Withdraw the concept plan application to the Briargate Master Plan from the City Planning Commission.**

**The motion passed unanimously.**

**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Chair McDonald, Satchell-Smith and Almy

**Absent:** 3 - McMurray, Eubanks and Smith

**6. NEW BUSINESS CALENDAR**

6.A. [AR CM2](#) Transit Mix  
[18-00636](#)

**Motion by Vice Chair Graham and seconded by Raughton**  
**Proposed Motion:**  
**Postpone to the May 16 City Planning Commission meeting.**

**Aye:** 5 - Raughton, Vice Chair Graham, Chair McDonald, Satchell-Smith and Almy

**Absent:** 4 - Hente, McMurray, Eubanks and Smith

6.B. [CPC UV](#) A Use-Variance to allow a fueling station with a convenience store within  
[18-00159](#) the streamside overlay. This C-5 (Intermediate Business) zoned site is located at the southeast corner of Motor Way and S. Tejon Street and consists of 1.93 acres.

(Quasi-Judicial)

Related file: CPC V 18-00160

Presenter:

Peter Wysocki, Director, Planning and Community Development  
 Matthew Fitzsimmons, Planner II, Urban Planning Division

**Staff presentation:**

**Matthew Fitzsimmons** gave a short presentation on the intent and scope of this project and explained the necessity of the applications.

- Use Variance because of the streamside overlay
- Vacation of City right of way of an alley that runs through the middle of the project and the project cannot move forward without the vacation

Main concerns of stakeholders:

- Environmental contamination
- Gas station within the streamside overlay
- Increased Traffic
- Public safety, loitering and increased homeless activity

**Applicant Presentation:**

**Chris Lieber**, N.E.S., presented a PowerPoint with the scope and intent of this project.

Key pieces to the project:

- Use variance request
  - Several parcels were acquired with different uses
  - Assembly of all the parcels made the whole project subject to

- streamside overlay
- Entire parcel is zoned C-5 and only a small portion to the east of the parcel falls within the streamside
- How well is the project addressing compatibility with the stream and creek corridor
  - Physically and functionally separated from the streamside
    - Provides opportunity to reclaim and rehabilitate the streamside
    - Landscaping, a trail connection and a Creekside plaza are proposed and provide a significant improvement to the already impacted and deteriorating streamside
- Environmental safety, how project might be enhancing the creek corridor, as well as the safety aspect of putting a gas station at the location

Staff and applicant had an extensive community process to address main issues. The four main issues identified:

- Concerns with location including proximity to other stations
- Traffic concerns due to already congested conditions
  - Traffic study conducted
  - Tejon Street reconfiguration
    - Standard-width left turn lane
    - Bike lanes in both directions
    - Provide Signal Pedestals for Pedestrian access
    - Required per redesign of the corner and pedestrian ramps
    - Signalization Timing
- Public safety and loitering along the streamside
  - Perimeter streetside sidewalk to be replaced and multiple access drives to be removed
  - Lighting added along trail
  - Bike lanes added to Tejon
  - Lighting to back and sides of building
  - Buffer wall to be removed to improve public safety and visibility
  - Canyon Creek Metropolitan District will provide maintenance and security for the trail including the Maverik site
  - Seating and walls removed from patio area to discourage loitering
  - Vegetation designed to provide shade and aesthetics while maintaining view of stream
- Need for streamside and environmental protection
  - No portion of the development is within the Streamside Overlay
  - Only 25% of the site is within the streamside buffer and 75% is



external to the streamside buffer

- Installing double-walled, non-corrodible tank systems
- Installing triple-walled, non-corrodible piping systems
- Secondary containment
- Environmental sensors
- Effective Vapor Control
- Double-walled secondary containment

**Rick Magnus, Maverik**

Mr. Magnus gave a detailed overview of how stormwater would be managed.

Mr. Magnus explained that Maverik has a dedicated environmental team that stays ahead in technology. Mr. Magnus went over the numerous fail safes that will be onsite.

**Questions:**

**Commissioner Raughton** asked what was being done with the detention pond before it is discharged into the creek with any accumulation of fluid from the surface and underground.

**Mr. Lieber** explained there is a curb that separates the level of the parking from the riparian corridor so that the stormwater moves through oil containment devices that are placed around the site. This is where the fluid is first captured, and then from there it moves into the secondary containment, which is the detention basin. The intent is for those initial containment basins to capture any fuel or oil it drips.

**Commissioner Raughton** asked if the discharge into the creek a rip rap, or sand and gravel kind of filter.

**Mr. Lieber** explained it is a full spectrum detention pond and under the same requirements of a detention pond that is over an acre.

**Commissioner Satchell-Smith** asked Mr. Lieber to speak about protocols with surface gas leaks and reporting requirements.

Mr. Lieber deferred to Mr. Magnus who said there are still protocols in place for every operator of a fuel station. The protocols are more extensive. Mr. Magnus also informed the commissioners that each store employee has an extensive amount of training in all aspects but especially in fuel handling. Mr. Magnus said some of the treatments include:

- "The Biz" kitty litter
- Chemical treatments
- Regional workers who come to contain big spills

- Is Federally regulated

Mr. Magnus also addressed stormwater and explained that between the fuel dispenser canopy in the store, there is a system that is buried that handles stormwater flows so they don't have to travel all the way around to try to get down to the detention base. These are just larger vessels that are put underground and the capture is all the way around the canopy, then it goes down into the system and is treated before it has a chance to be stormwater surface flow.

**Commissioner Almy** asked if the oil containment devices are designed for longer term use and is there any maintenance required on those to keep them viable, and can they be overwhelmed by a large quantity of fuel that has accidentally been spilled.

**Mr. Magnus** said there is a maintenance program that has to be complied with from federal regulations, as well as inspections.

**Commissioner Raughton** asked if the signage complies with the standards that were set for the Ivywild and Nevada frontage.

**Mr. Lieber** said they had worked with city staff and other proponents of Ivywild to develop the sign and sign standard. Mr. Lieber also stressed that they are open to conversation with signage in order to feel more a part of the Ivywild development.

#### **Supporters:**

**Eric Wyatt**, owner of three companies in town and owns 8 rental properties in the area

Mr. Wyatt said he was impressed by Maverik and thinks it will be a first class building. He also stated it would be convenient for his renters and himself. Mr. Wyatt said he believes what Maverik is doing will benefit the whole area.

#### **Opponents:**

**Susan Dixon**, Ivywild resident

Ms. Dixon said she is concerned about seeing this particular business in this location because of the numerous wildlife that utilizes the creek. Ms. Dixon was concerned how a fuel tanker could get off the freeway and that it would take up half the block to be able to turn. Ms. Dixon fears that it is too congested already at peak hours. Ms. Dixon was also concerned about transients loitering in the area. Ms. Dixon also said there are already two gas stations within the same block and doesn't understand why this has to be a gateway proposal to upgrade the neighborhood.

**Harban S. Salali**, owner of Everyday gas station one block from the site

Mr. Salali said there are already six gas stations in the area and another one is not needed. Mr. Salali also mentioned that Maverik is a big company and it will affect small businesses because they have more resources to bring in cheaper gas. Mr. Salali said he never received information about neighborhood meetings for the Maverik gas station.

**Mr. Sing** (Inaudible), Manager at Everyday gas station

Mr. Sing reiterated there are six or seven gas stations and convenience stores in the area and did not think it was a good idea. Mr. Sing was concerned about the wildlife in the area and fish in the creek.

**Shelley Smith**, lives in the area

Ms. Smith said she travels down Brookside and Tejon to the freeway or downtown many times a week. Ms. Smith is concerned if a gas station is added, there would be several vehicle turning into the gas station. Ms. Smith said the traffic pattern in the area will be changed, which is already really clogged up. Ms. Smith does not see how the traffic would flow during rush hour and believed everything would come to a stop. Ms. Smith also pointed out that flooding occurs every year and is concerned for the creek and what the method is of cleaning the water. Ms. Smith requested that the traffic and environmental concerns continue to be looked at.

**Rebuttal:**

**Mr. Magnus** addressed the detention basin and explained the bottom section is usually made of rubber material so that it doesn't erode. Mr. Magnus went on to say a detention basin brings flows on, slows them down, and allows the water to percolate down to be released without all the silts that are normally carried on a site or in a drainage. Vegetation will also be incorporated to help with filtering.

**Mr. Fitzsimmons** said he was unaware of a plan to make Motor Way one direction. There is a proposal for Motor Way to have a median placed at Nevada between Arvada and Motor Way so that it is only right in/right out, which could change the traffic patterns in the area and reduce the traffic on Motor Way.

**Mr. Lieber** spoke of the detention pond and how it will have native seed throughout and is in compliance with stormwater policy.

**Mr. Lieber** addressed the traffic concerns and explained the study was extensive. The amount of stacking does change, depending on the time of day. There are substantial windows that will afford left turns depending on the time of day. That is why that full movement access on the Tejon side is valuable, because of the amount of time when it will certainly function.

**Mr. Lieber** said in terms of delivery of fuel, Maverik has the ability to determine when the trucks would typically come through. They will be looking at the volume of traffic at the intersection as well as lower volumes from a store perspective as well.

**Commissioner Graham** asked Mr. Lieber if the vegetation in the detention pond are able to take the chemicals out of the run off that occurs.

**Mr. Lieber** explained that to a small degree the vegetation helps with the chemicals, and that they want it to be a pervious system. Mr. Lieber said that primarily the objective was to comply with stormwater requirements. In addition, the seed mixture was picked because it stabilizes the banks, but there is some water quality that comes from that particular seed mix.

**Questions of Staff:**

**Commissioner Raughton** asked if there were any constraints on the delivery of fuel to this site.

**Mr. Fitzsimmons** said the City has no constraints.

**Commissioner Raughton** asked about the busy intersection.

**Mr. Fitzsimmons** referenced a diagram in the packet of how different types of trucks will navigate at the site.

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

**Commissioner Raughton -**

Commissioner Raughton mentioned there are several things that are an integral part of this development.

- Infill development is difficult
- Consolidating properties and accounting for all the adjacent factors in the streamside overlay
- Developers were well advised in their approach in that they have been careful about a number of these factors
- In support of the project

No other commissioners commented.

**Motion by Vice Chair Graham and seconded by Raughton, that this Planning Case be accepted Proposed Motion:**

**Recommend approval to City Council the Use Variance request for Maverik based upon the finding that the request complies with the Use Variance review criteria in City Code Section 7.5.803.B, the development plan criteria in Section 7.5.502.E**

and the Streamside Overlay criteria in Section 7.3.508.C, subject to compliance with the technical and/or informational plan modifications:

**Technical and Informational Modifications to the Use Variance Plan:**

1. Depict and label the utility and drainage easement that was reserved in Ordinance No. 97-190/Rec. #97152308.
2. Gain final acceptance of the project's drainage report.. The motion passed by a vote of

**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Chair McDonald, Satchell-Smith and Almy

**Absent:** 3 - McMurray, Eubanks and Smith

- 6.C.** [CPC V 18-00160](#) An ordinance for vacation of alley right of way located at the southeast corner of East Motor Way and South Tejon Street consisting of 0.093 acres.

(Legislative)

Related file: CPC UV 18-00159

Presenter:

Peter Wysocki, Director, Planning and Community Development  
 Matthew Fitzsimmons, Planner II, Urban Planning Division

See Item 6.B. CPC UV 18-00159

**Motion by Vice Chair Graham, seconded by Satchell-Smith, that this Planning Case be accepted Proposed Motion:**

**CPC V 18-00160**

**Recommend approval of a Vacation of Right of Way to City Council based upon the finding that the project complies with the Vacation review criteria in City Code Section 7.7.402, subject to compliance with the following technical and/or informational plan modifications:**

**Technical and Informational Modifications to the Vacation Plan:**

1. Confirm location of two survey monuments
2. Add the ordinance number to the east-west alley previously vacated.
3. Depict and label the retained easements for the previously vacated alley.
4. Revise the title of the vacation. The motion passed by a vote of

**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Chair McDonald, Satchell-Smith and Almy

**Absent:** 3 - McMurray, Eubanks and Smith

- 6.D.** [CPC PUZ 18-00131](#) A zone change pertaining to 25,000 square feet of land located on the north side of E. Boulder St. between N. Weber St. and N. Wahsatch Ave., changing the zoning from R4 (Multi-Family Residential) to PUD (Planned Unit Development - 37 dwelling units per acre of multi-family residential use, 40' maximum building height).

(QUASI-JUDICIAL)

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning & Community Development

**Motion by Vice Chair Graham and seconded by Raughton  
To postpone to the Planning Commission meeting on May 16.**

**The motion passed unanimously.**

**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Chair McDonald, Satchell-Smith and Almy

**Absent:** 3 - McMurray, Eubanks and Smith

- 6.E. [CPC PUD 18-00132](#) A PUD Development Plan illustrating a new 16 unit apartment building and associated improvements on the eastern 15,000 square foot portion of the site which is located on the north side of E. Boulder St. between N. Weber St. and N. Wahsatch Ave.

(QUASI-JUDICIAL)

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning & Community Development

**Motion by Vice Chair Graham and seconded by Satchell-Smith  
Postpone this item to the May 16 Planning Commission meeting.**

**Motion passed unanimously.**

**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Chair McDonald, Satchell-Smith and Almy

**Absent:** 3 - McMurray, Eubanks and Smith

- 6.F. [CPC PUZ 19-00004](#) An ordinance amending the zoning map for the City of Colorado Springs pertaining to 9.9 acres from R/HS (Residential Estate with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay; detached single-family residential, 2.93 dwelling units per acre, maximum building height of 35 feet) located northwest of Collegiate Drive and Mount Union Court.

(QUASI-JUDICIAL)

Related files: CPC PUD 19-00005, AR NV 19-00184

Presenter:

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

**Staff presentation:**

Mike Schultz gave a PowerPoint presentation with the scope and intent of the

project.

**Applicant Presentation:**

Andrea Barlow, N.E.S.

Ms. Barlow gave a PowerPoint presentation with the scope and intent of the project.

**Questions:**

**Commissioner Hente** mentioned that a year or two ago, the City passed a Hillside ordinance that had to do with foundations and inspections. Commissioner Hente wanted to know if that would apply to this property.

**Andrea Barlow** said that was a requirement that is done with each individual home permit and will apply to this property.

**Commissioner Graham** asked about the 60 foot drop and where was that on the map.

Ms. Barlow explained it was in the southeast corner and that is where the detention pond will be.

Commissioner Raughton stated he was concerned with lots 28 and 29 and said he is not a fan of these alleys or shared drives. Commissioner Raughton wanted to know why they were not oriented differently rather than creating an extra right of way.

Ms. Barlow explained that it would be quite steep in that location and would be difficult to get drive access. Ms. Barlow said the grade wise, it would not have worked for those lots to get access off the main street. Ms. Barlow informed that the developer intends to surface that driveway, but effectively it is a flag lot as part of 27, and similarly, the one of the cul-de-sac is part of lot 17. So the ownership of that driveway will be with that lot, but there will be a shared access and maintenance agreement for that driveway.

**Supporters:**

**Russell Williams**, resident of University Park

Mr. Williams wanted the developer to explain how stormwater was going to be addressed and if there are storm sewers in the street in this development. Mr. Williams said that he lives in a cul-de-sac on Julliard at the bottom of the hill and when there is a significant amount of rain, the cul-de-sac will be three to four inches deep in water.

Mr. Williams also wanted to know if the plans will follow the strict HOA rules with architecture and landscape.

**Opponents:**

None

**Questions of Staff:**

**Rebuttal:**

Ms. Barlow addressed Mr. Williams' stormwater concerns. Ms. Barlow explained University Park was designed and developed before detention was a requirement. The detention pond is probably unique to this development compared to the others. The stormwater will be detained and released into the existing storm sewer that's on Collegiate. The storm water will be collected from the lots into the storm pipe that's in the streets and then directed down the hill into the detention pond.

Ms. Barlow then answered the question regarding the HOA. Ms. Barlow said the developer has formed an HOA for the development and is in the process of negotiating a merger into the University Park HOA, who will ultimately control the architectural standards, the landscape standards and anything to do with this development moving forward. The developer has incorporated into its HOA those same standards and the development will be meeting those same standards as the existing HOA.

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

There was no discussion of the planning commissioners.

**Motion by Hente and seconded by Satchell-Smith**

**Proposed Motion:**

**Recommend approval to City Council the zone change of 9.9 acres from R/HS (Residential Estate with Hillside Overlay to PUD/HS (Planned Unit Development with Hillside Overlay: detached single-family residential, 2.93 dwelling units per acre, 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(B) and the development of a PUD zone as set forth in City Code Section 7.3.603.**

**The motion passed unanimously with a vote of 6:0:3**

**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Chair McDonald, Satchell-Smith and Almy

**Absent:** 3 - McMurray, Eubanks and Smith

- 6.G.**    [CPC PUD 19-00005](#)    The University Bluffs Filing Number 4A Development Plan comprising of 29 single-family lots on 9.9 acres, comprising a maximum density of 2.93 dwelling units per acre and a maximum building height of 35-feet.



(QUASI-JUDICIAL)

Related Files: CPC PUZ 19-00004, AR NV 19-00184

Presenter:

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

See Item 6.F. CPC PUZ 19-00004

**Motion by Hente and seconded by Satchell-Smith**

**Proposed Motion:**

**CPC PUD 19-00005**

**Recommend approval to City Council the University Bluffs Filing Number 4A Development Plan, based upon the findings that the 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) subject to the following technical modification:**

- 1. Move fire lane to the east side of Bowling Green Lane in order to allow proper turning radius to access the shared driveway on the west side.**

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

**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Chair McDonald, Satchell-Smith and Almy

**Absent:** 3 - McMurray, Eubanks and Smith

- 6.H.**    [AR NV 19-00184](#)    A non-use variance request pertaining to City Code Section 7.3.504.D.2 to allow slopes 25% or greater to be disturbed or located within a designated building envelope.

(QUASI-JUDICIAL)

Related files: CPC PUZ 19-00004, CPC PUD 19-00005

Presenter:

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

See Item 6.F. CPC PUZ 19-00004

**Motion by Hente and seconded by Satchell-Smith**

**Proposed Motion:**

**Recommend approval to City Council the non-use variance request pertaining to City Code Section 7.3.504.D.2 relating to slopes 25% or greater being disturbed or located within a designated building envelope, based upon the findings that the non-use variance meets the review criteria for granting a non-use variance as set forth in City Code Section 7.5.802.B.**

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

**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Chair McDonald, Satchell-Smith and Almy

**Absent:** 3 - McMurray, Eubanks and Smith

**6.I.**     [19-210](#)            True North Commons Urban Renewal Area Plan

Presenter:  
Peter Wysocki, Director of Planning and Community Development

**Staff presentation:**  
**Peter Wysocki**, Director of Planning & Community Development  
Mr. Wysocki presented a PowerPoint on the True North Commons Urban Renewal Area Plan.

The vision for the new True North Commons development is to seamlessly embrace the overall character and history of the Air Force Academy campus while providing an iconic architectural Visitors Center Facility and national treasure for residents, visitors and cadets.

**Questions:**  
There were no questions.

**Supporters:**  
None

**Opponents:**  
None

**Questions of Staff:**  
None

**Rebuttal:**  
None

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**  
None

**Motion by Raughton and seconded by Hente**  
**Proposed Motion:**  
**To recommend approval of True North Commons Urban Renewal Area Plan to the City Council based on the finding that it is consistent with the City's Comprehensive Plan - PlanCOS.**

**The motion passed with a vote of 6:0:3**

**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Chair McDonald, Satchell-Smith and Almy

**Absent:** 3 - McMurray, Eubanks and Smith

**7. Adjourn**