



City of Colorado Springs

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

Meeting Minutes - Final Planning Commission

Thursday, June 20, 2019

8:30 AM

Council Chambers

1. Call to Order

Present: 7 - Vice Chair Scott Hente, Commissioner Jim Raughton, Chair Reggie Graham, Samantha Satchell-Smith, Commissioner Alison Eubanks, Commissioner John Almy and Commissioner Marty Rickett

Absent: 2 - Commissioner James McMurray and Commissioner Rhonda McDonald

2. Approval of the Minutes

2.A. [19-318](#) Planning Commission Minutes for April 18, 2019

Presenter:

Rhonda McDonald, Chair, City Planning Commission

Motion by Hente, seconded by Raughton, to approve the April 18, 2019 Planning Commission Minutes. The motion passed by a vote of 7:0:2:0

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

Absent: 2 - Commissioner McMurray and Commissioner McDonald

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 CU](#) A conditional use development plan for the new Atlas Preparatory
[19-00043](#) Charter School located at 1750 South Murray Boulevard.

(Quasi-Judicial)

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development

Motion by Hente, seconded by Raughton, to approve the conditional use development for a school in a PIP-2/cr/AO (Planned Industrial Park with

conditions of record and Airport Overlay) zone 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 with the following condition:

Condition:

- 1. The final drainage report must be approved by Water Resources prior to City Planning Staff stamping the conditional use site plans approved.

The motion was passed on the Consent Calendar by a vote of 7:0:2:0

- C. [CPC DP 18-00151-2](#) A certificate of designation request for MVS Centennial to establish a long term landfill consolidation on a 38-acre property is located south of Van Buren Street, east and west of Centennial Boulevard.

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Development

Motion by Hente, seconded by Raughton, to approve a Certificate of Designation for a long-term landfill consolidation for the MVS Centennial property located south of Van Buren Street on the east and west side of Centennial Boulevard, based on the finding that the Certificate of Designation request complies with the review criteria for a Certificate of Designation set forth in City Code Section 6.3.106.

The motion passed on the Consent Calendar by a vote of 7:0:2:0

- D. [CPC ZC 19-00047](#) Ordinance No. 19-51 amending the zoning map for the City of Colorado Springs pertaining to 8.69 acres located at 2420 Victor Place, changing the zoning from C-6/AO/cr (General Business with Airport Overlay and Conditions of Record) to PIP-2/AO (Planned Industrial Park with Airport Overlay).

(QUASI-JUDICIAL)

Related File: CPC CP 15-00119-A1MJ19

Presenter:

Peter Wysocki, Director Planning and Community Development
Tasha Brackin, Senior Planner, Planning & Community Development

A motion was made by Hente, seconded by Raughton, to recommend approval to City Council the zone change of 8.69 acres from C-6/AO/cr (General Business with Airport Overlay and Conditions of Record) to PIP-2/AO (Planned Industrial Park with 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(B).

The motion passed on the Consent Calendar by a vote of 7:0:2:0

- E. [CPC CP 15-00119-A1 MJ19](#) A Concept Plan illustrating a contractor storage yard and associated improvements on 8.69 acres at 2420 Victor Place.

(QUASI-JUDICIAL)

Related File: CPC ZC 19-00047

Presenter:

Peter Wysocki, Director Planning and Community Development
 Tasha Brackin, Senior Planner, Planning & Community Development

Motion by Hente, seconded by Raughton, to recommend approval to City Council the Concept Plan Amendment, based upon the findings that the amended Concept Plan complies with the review criteria for approving a Concept Plan as set forth in City Code Section 7.5.501(E).

The motion was passed on the Consent Calendar by a vote of 7:0:2:0

Approval of the Consent Agenda

Motion by Hente, seconded by Raughton, 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 Raughton, Chair Graham, Satchell-Smith, Commissioner Eubanks, Commissioner Almy and Commissioner Rickett

Absent: 2 - Commissioner McMurray and Commissioner McDonald

- B. [CPC CU 19-00038](#) A conditional use development plan to allow for Automotive Sales and Rental in the M-1 (Light Industrial) zone district located at 725 East Fillmore Street.

(Quasi-Judicial)

Presenter:

Chris Staley, Planner II, Planning and Community Development

Motion by Hente, seconded by Satchell-Smith, to postpone this item to the July 18 Planning Commission meeting.

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

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

Absent: 2 - Commissioner McMurray and Commissioner McDonald

5. UNFINISHED BUSINESS

- 5.A. [AR CM2 18-00636](#) An appeal of the administrative denial of the Wahsatch Ave Transit Mix US-CO-5068 CMRS Development Plan for the installation of the 80' monopine tower with equipment shelter located at 444 East Costilla Street.

(Quasi-Judicial)

Presenter:

Rachel Teixeira, Planner II, Planning & Community Development

Motion by Hente, seconded by Raughton, to Postpone the appeal to the July 18th Planning Commission hearing.

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

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

Absent: 2 - Commissioner McMurray and Commissioner McDonald

- 5.B. [CPC CA 19-00055](#) An ordinance amending Section 1704 (Short Term Rental Units) of Chapter 7, Planning, Development and Building, of City Code defining and establishing standards for Short Term Rental Units.

(Legislative)

Presenter:

Morgan Hester, Program Coordinator

Motion by Hente, seconded by Satchell-Smith, to postpone the Short Term Rental item indefinitely.

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

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

Absent: 2 - Commissioner McMurray and Commissioner McDonald

6. NEW BUSINESS CALENDAR

- 6.A. [CPC MP 05-00080-A7 MJ19](#) A resolution approving a major amendment to the Wolf Ranch Master Plan changing various land use classifications within the Wolf Ranch development.

(Legislative)

Presenter:

Katie Carleo, Principal Planner, Planning and Development

Peter Wysocki, Planning and Community Development Director

Commissioner Rickett recused himself from this project.

Staff presentation:

Catherine Carleo, Principal Planner, presented a PowerPoint with the scope and intent of this project.

Applicant Presentation:

Tim Siebert, Nor'wood Development Group, presented a PowerPoint and detailed the scope and intent of this project.

Questions:

Commissioner Raughton asked Mr. Siebert if mixed uses of residential, professional, and convenience services were considered.

- Mr. Siebert explained they had been actively marketing the site to find developer conditions that would bring a tenant, however, mostly those who were interested in were gas stations. Even though they are a great convenience, Mr. Siebert said they have been hesitant to bring in that type of use.
- Some of the offset for the tax revenue will come from internet sales since recent legislation and rulings say local sales tax can be collected from internet sales

Commissioner Hente mentioned there was a common theme among the emails and letters received from the public in that they bought their properties based on the understanding of what the plan was for the site. Commissioner Hente asked Mr. Siebert to speak on that.

Mr. Siebert explained that all master plans change. He spoke to the process and engaging the public with those changes.

Commissioner Eubanks asked what the overall change in park land between the current and the proposed master plan.

- Mr. Siebert explained the park land was increased by a couple of acres
- Army Corps of Engineers asked for an update to the wetland delineation and the that delineation has been reduced as well as some of the setback areas based upon those reductions

Commissioner Almy asked if there was a homeowner's association associated with the project and if so had the homeowner's association been allowed to voice a say.

- Mr. Siebert said there is an HOA within the project, but all homeowners are notified at their sale when they purchase a house that it is subject to a master plan
- Master plans follow city code and there is no guarantee that the master

plan for the first homeowner is going to be the same master plan that will be in place later

- Public comment is not voiced through an HOA but through the Planning Department, so the HOA has no governance over land use within the community

Supporters:

None

Opponents:

Paul Burnett, homeowner

- Issue that it affects more than the 1000 people who received a notice but all of Wolf Ranch
- Not all of Wolf Ranch was given the opportunity to review and comment on this
- Not a good idea to change a 25 acre park to nine acres and put in high density housing next to it

Angela Katava, lives on Black Forest Road across from the development

- Wildlife habitat has been obliterated
- Replacing habitat should be a part of neighborhood developments
- Concerns regarding the traffic and street development
- Psychological impact of too much density

Linda Hardin, homeowner in Wolf Ranch

- Master plan amendment project statement says the goal is to encourage creative housing types with a focus on affordability at various price points - There are other areas in the city that can provide affordable housing
- Concerned that property values will decline and increased crime if higher density housing areas are developed
- The master plan says it provides for a demand for housing types in all income categories and existing residents are not aware of this alarming statement
- Concern about cutting the park from 25 acres to 9 acres
- This will increase traffic in quiet communities
- Increase the need for parking and the upkeep of the parks will be immense
- Habitat is a concern

Mike Tyler, business owner on Woodman Road corridor

- Does not object to development or more people coming

- Against the change in the master plan
- Lives about a half mile north of the boundary of the development
- Does not want three homes per acre, it would have an enormous impact on the local population, as well as the wildlife and Black Forest neighborhoods. They are already seeing pronghorns and bears coming onto their properties
- Not compatible with the existing adjacent land use, which most of the homes are on five acres of land
- The resubmitted plan goes against the criteria with no choice of density
- Fire danger from increased population, will there be a new fire station
- Wants the setback increased to 100 yards, 200 feet is inadequate

Judith von Ahlefeldt, Black Forest resident

- Issues with the transition areas, the buffers, wildlife habitat corridors
- Asked for more time for discussion

John Vohland, lives on Old Ranch Road

- The plan has an approximately 250% increase in density going from 1 home per acres up to 3.4 homes per acre
- Old Ranch is lineal and we would be looking at backyards and have to deal with light pollution
- Density increased north of research by 60%
- Asking to maintain the one acre density along Old Ranch

Ross Klinger, private individual

- Wants the commission to consider public safety of the school

Rebuttal and Questions of Staff:

Commissioner Graham asked if anyone from Parks and Rec was present, and Ms. Carleo explained there was not.

Commissioner Graham asked for the applicant to come back in and address the downsizing of the parks and also address the demand market from one dwelling unit per acre to 3.

Before the applicant responded, Ms. Carleo clarified that this project had gone before the parks board, who are the authority on how the parks were allocated, the open spaces, and meeting PLDO. All of those were reviewed through two hearings before parks board, which were unanimously approved.

Mr. Tim Siebert addressed the park development specifically related to the community park:

- In totality, there is an increase of six usable acres from the twenty-four acres that was proposed
- Believe the separation of the park sites is not a detriment to service of the parks and access to parks for the neighborhood and provides more access to diversified areas and takes advantage of the natural setting
- As area develops, there would be parking and access from roadways so access to larger community will not be diminished and will make it more accessible off Briargate Parkway and other connections
- The opportunities that exist with a diversified park setting is it allows improvements in smaller increments to do improvements
- Developers are responsible for the trail connection, which will be built as the development goes up which is creating a bigger asset for the community and park experience not just for the residents but the broader community

Mr. Siebert addressed the dwelling units per acre:

- There are a few areas within the northern part of the city that offer acre lots, most within the Flying Horse development in the northern part of the city off Highway 83
- Those lots are expensive and create a condition in which they are attainable only to a few people
- The buffer distance being set for setbacks from the development plan level of detail as the area is developed allows for :
 - 150 foot backyard
 - 50 feet of space from the southern right of way of Old Ranch Road
 - 150 more feet that can be in the backyard but doesn't have to be, it could be open space
 - There will be a 140 feet of backyard space before the closest edge of the primary structure can even in in that area
 - By design, those lots are the lots that will be large
 - As the area starts to develop, those lots that are directly adjacent and northern most as illustrated in the new master plan will be larger in acreage and will have different development requirements

Mr. Siebert said there was a comment about notices and explained the city process for notices were followed:

- Postcards were sent out
- Signs were posted on the site
- As well as a very active NextDoor social media platform
- All neighborhood meetings were posted to ensure community

engagement

There was a comment regarding there are other neighborhoods in Colorado Springs that can provide affordable housing:

- Mr. Siebert explained they are not providing subsidized housing or Section 8
- This is a market rate community
- Trying to provide for working families

Mr. Siebert mentioned the Ring the Springs trail corridor and that is provided along Black Forest Road and along the northern boundary along Old Ranch Road as a set trail in addition to the north south connections.

Expansion of Black Forest Road:

- Mr. Siebert said as it relates to the west side of Black Forest Road, per annexation agreement, they are required to provide 30 feet of right of way for the expansion of Black Forest Road
- An additional 25 feet setback outside of that 30 feet, which is where the trail goes with landscaping
- There are fencing conditions along that edge as well
- Through the design process and the setbacks, along the north boundary there will still be larger lots in that area

Ms. Siebert said they have been working with the school district and sharing plans with them on how their site would be developed.

Mr. Siebert addressed the traffic along Research and Briargate Parkway:

- These roads have been on the city's master plan for plus 30 years
- They have been designed in such a way that we can balance what is arterial designation with trying to create a slower speeds
- There are roundabouts as approved by the city to try and slow down traffic but still handle the anticipated volume
- The roadways are designed in concert with the city transportation office and ensuring that it fits into the bigger system the larger community has

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Almy asked if there were any people living in the Wolf Ranch community that were not picked up in the 1000 foot notification rules.

- Ms. Carleo stated she could not say what or who in the boundary of the Wolf Ranch master plan did not get a postcard as that information is not queried. Planning takes the boundary of the property, which in this case was extensive, and complete a buffer of 1000 feet and query the

property owners of that buffer. Those are the ones who are sent postcards and is standard for any major applications.

Commissioner Almy said that since this was a master plan, it would indicate the community is affected and not just the homeowners in a 1000 foot buffer.

- Ms. Carleo explained the standard process for any development plan, major or master plan amendment, anything that would come before City Planning Commissioner or City Council it is the affected area. Ms. Carleo noted that planning did go above and beyond to make sure the word was getting out there. In addition, staff had the owners put up additional posters along the major roadways, as well as the standard posters required by the notification process

Commissioner Almy asked about the preservation of the Prairie effort, the necklace pitch, and the Take Tutt to school pitch. Commissioner Almy wanted to know if those were under consideration with the planning process.

- Ms. Carleo explained the Prairie Necklace idea relates to the trail system. The master plan was reviewed in relation to trails by the parks department as well as comprehensive planning division. They are the ones who will look at the larger scale ideas of how we are connecting our trails and what those connections are through Wolf Ranch or extending beyond. Ms. Carleo said the comprehensive planning department's comments are in the packet and they supported the ideas that were presented on trails that are on this master plan.
- Ms. Carleo said the tough alignment is on the city thoroughfare plan established for future development. The big thing for that is that alignment to move through what was identified as Peacock Ranch, which is not within the city. It is in an enclave of itself and sits outside of the city.

Commissioner Almy asked who the governmental advocate was for the wildlife environment and ecology of the bigger area.

- Ms. Carleo answered that the two agencies are the US Fish and Wildlife and the Army Corps of Engineers
- Staff works with those two agencies to review anything that is related to wetlands or critical habitat
- Other than the creek area that the Army Corps of Engineers asked to have analysis done, there was no critical habitat with the master plan boundary identified by the US Fish and Wildlife or Army Corps of Engineers

Commissioner Almy expressed he was sympathetic to the idea that there is no real transition in the area between suburban or dense suburban area to wide

open spaces.

- Ms. Carleo explained that conversation of the density and the impact has been going on between the city and the county. Those conversations are what spurred the setback.

Commissioner Graham said he was very mindful of homeowners who purchased a home in a subdivision when the master plan is looked at. Each homeowner is reminded that when they do buy, it is in the contract that the master plan can be changed. Commissioner Graham also shared his experience with Venezia Park and how it took 20 years to develop. When you have a larger park, it takes longer to get installed. When you break a park into smaller pieces, the funding is a lot easier to come by. Commissioner Graham asked the homeowners to look at that.

Commissioner Graham addressed the issue of the units per acre. Commissioner Graham shared that in the past, master plans have done the same thing because there is no market there to sell those type of large acreage lots.

Commissioner Graham pointed out that he thought the developer has made some really good changes:

- Moving the school down to that different location
- Breaking up the larger lots
- Smaller park areas will have a better chance of being completed sooner than later
- Reduction in size and increasing that space along Black Forest Road is helpful

Commissioner Raughton expressed that given the fact the developer has a previously approved plan, and he's constrained the amendment to maintain the same or less density, and there are issues on individual sites, questions that can be raised about the allocation of that density and the use types, overall there are some improvements that sophisticate the plan in terms of drainage control and parks to configuration.

Motion by Raughton, seconded by Satchell-Smith, to recommend approval to the City Council the Wolf Ranch Master Plan, based upon the findings that the proposal meets the review criteria for master plans as set forth in City Code Section 7.5.408.

The motion passed by a vote of 6:0:2:1

Aye: 6 - Vice Chair Hente, Commissioner Raughton, Chair Graham, Satchell-Smith, Commissioner Almy and Commissioner Eubanks

Absent: 2 - Commissioner McMurray and Commissioner McDonald

Recused: 1 - Commissioner Rickett

- 6.B.** [CPC SN 19-00045](#) An appeal of City Planning Commission's decision to approve a street name change from Imola Lane to Blamires Way for the entire street length from south of Farthing Drive to its terminus.

(Quasi-Judicial)

Presenter:

Peter Wysocki, Director Planning and Community Development
Lonna Thelen, Principal Planner, Planning and Community Development

Staff presentation:

Lonna Thelen, Principal Planner

Ms. Thelen presented a PowerPoint with the scope and intent of the project.

- Rename Imola Lane to Blamires Way
- Only one home that is addressed off Imola Lane (the applicant's)
- Imola Lane is constructed up to a certain point, about halfway through the street

Citizen Concerns:

- A street should not be named after a person or should only be named after a person of honor
- A person should not be able to name a street after him/her self
- The proposed street name, Blamires Way, does not fit the Tuscan or Mediterranean theme that was originally developed for the neighborhood
- It would be difficult to find the street in case of emergency

To address the concerns, Ms. Thelen outlined the review criteria:

- The efficient, timely, and convenient delivery of services and goods public and private to the people and their property will not be adversely affected
 - The application was reviewed by
 - City Engineering
 - Colorado Springs Police Department
 - Enumerations
 - United States Postal Service
 - Streets Division
 - City Traffic Engineering
 - Land Use Review
 - There were no concerns from any of the primary people who review street names for the City and there were no concerns allowing goods and services to be provided to the property

- Requirements of the section have been met, which refers to the previous section 7.7.704.D, and the reviewers had no issues with the following:
 - Requires a naming convention to name streets in the City of Colorado Springs
 - Length of the name
 - Cannot use a name that has already been used in the City
 - Must have a specific suffix (Lane, Boulevard, or Road)
- The street name change does not negatively impact any of the following:
 - Promote health and safety
 - Convenience
 - General welfare of the citizens

Applicant Presentation:

Luanne Ducett, Terra Nova Engineering

Ms. Ducett presented some exhibits with the intent of the project and history behind it.

Questions:

Commissioner Raughton asked if the extension is intended to connect to another road.

- Ms. Thelen answered that the city reserved the right of way for that connection to be made but at this point in time, there are no applications on that property.

Supporters:

None

Opponents:

Michael Kuhn, Attorney who represents various homeowners

- Analysis must be driving by section 7.7.704.D.7 under which an existing roadway may be renamed
 - Subsection D.7.a. - A name change must be denied if it has an adverse impact on people and their property
 - Neighborhood has a Mediterranean theme with houses requiring terracotta roofs, narrow pitches in the roof to comport with a Tuscan look
 - Imola compliments that as it is a region in Italy
 - Property owners on the corner of Imola and Farthing would be the most harmed
 - Renaming the street would convey an impression that it

is the applicant's street and would harbor animosity between the neighbors because of some sort of superiority complex

- Believed that alone is a basis to deny the application
- Subsection D.7.c. requires the applicant to prove that the change promotes the health, safety, convenience and general welfare of the citizens
 - Citizens is plural intentionally and must be used for the welfare and benefit of the community
 - A vanity project does not meet the standards and matter of law
 - Would undercut the safety issues
 - Apple maps
 - Confuse first responders
- **Commissioner Hente** asked if any of the people Mr. Kuhn was representing today lived on Imola Lane and that it looked like there were only two residences currently on the corner of Farthing and Imola.
 - Mr. Kuhn said only one property owner that he represents lives on the corner of Imola Lane and Farthing
 - Commissioner Hente clarified that that property owner had a mailing address with Farthing as the street
- **Commissioner Eubanks** asked how long the residents have lived in the neighborhood.
 - Mr. Kuhn said they have lived there for years and that some homes have been there for over a decade.

Unknown Person, Vice President of Canyons at Broadmoor Board

- Neighborhood is very Tuscan
 - Governing documents for building in the neighborhood are very Tuscan
 - Feels that changing the street name in a pre-established neighborhood will distract from the neighborhood and impact the residents that have lived there for many years

Questions of Staff:

Commissioner Eubanks asked Ms. Thelen who owned the property across from Mr. Blamires and asked if it could be potentially developed into homes.

- Ms. Thelen said it was Carter Brand LLC and it part of a larger parcel. There is a possibility of development on the site but no current applications

Commissioner Almy asked if Mr. Blamires took it upon himself to repair a city road and had it been done under city guidance or approval.

- Ms. Thelen said with any real construction in the city, there are requirements to get plans approved, then for inspections to be held by the city. Ms. Thelen said that portion of Imola Lane went through the process to be submitted, reviewed and approved

Rebuttal:

Luann Ducett explained that Mr. Blamires was just trying to rename the street because he spent so much money on the street. Ms. Ducett also said Mr. Blamires was one of the nicest people she has met and wanted that on record because of the harshness of the opponent’s speech.

- Mr. Blamires is not in the Canyon’s HOA
- In the area, there are other roads, Marshglen Court and Farthing Drive, which is the main road into the neighborhood, and neither are Italian

Commissioner Raughton asked if a large portion of the site has been reserved as open space or undevelopable.

- Ms. Ducett said a large portion is preservation area due to the terrain and vegetation

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Hente made the comment that whether there is vanity involved with the street name change, that there is nothing in city code that prevents vanity from naming a street. Commissioner Hente said he was aware of developments that named streets after family members or friends and he failed to see how this street name change would adversely affect people who do not have an address on the street.

Motion by Hente, seconded by Satchell-Smith, to approve the street name change for Imola Lane to Blamires Way, based upon the finding that the street name change complies with the review criteria in City Code Section 7.7.704.D.7.

The motion passed by a vote of 6:1:2:0

Aye: 6 - Vice Chair Hente, Commissioner Raughton, Chair Graham, Satchell-Smith, Commissioner Rickett and Commissioner Almy

No: 1 - Commissioner Eubanks

Absent: 2 - Commissioner McMurray and Commissioner McDonald

- 6.C.** [CPC AP 19-00069](#) An appeal of the City Planning Commission’s decision to uphold administrative approval of a site plan for a building permit for the construction of a 10-foot tall fence on portions of the Flying W Ranch.

(QUASI-JUDICIAL)

Related Files: CPC AP 19-00069

Presenter:

Peter Wysocki, Director of Planning and Community Development
Meggan Herington, Assistant Planning Director

Commissioner Hente recused himself from this project because he lives in the community that is adjacent to the site.

Meggan Herington, City Planning Department, explained the appellant requested consideration to postpone the item based on reasoning's related to posting and notification.

Mr. James Berdon, Appellant

Mr. Berdon explained that although he was the only appellant on record, he represented more of the community and had spoken to over 40 people about the appeal and setback for the structure.

Mr. Berdon asked for a postponement due to the lack of meeting the minimum requirements for posting the public notice in two areas:

- Notifications through postcards
 - Believed that the buffer should have started further south because the fence structure goes further south than the address that was used and affects more parcels.
 - Only approximately 370 property owners were notified
 - The highlighted area on the postcards did not include a wider area
- Public notice through Posters
 - Signs were posted on gates and for at least two days, the gates were open and the signs could not be read
- Requested to postpone to a later date so a minimum of 10 day mandatory public notice is met

Staff Presentation

Meggan Herington, City Planning Department

- Postcard Notifications
 - The postcards that were sent out only show a general vicinity map where the application is taking place
 - The two parcels that run adjacent to Mountain Shadows were used as a visual to give the neighbors an approximate location of the fence
 - From that point, the notice included a 1000 foot buffer that totaled 382 neighbors
- Two Posters
 - Posters were visible from the public right-of-way

- If the poster from Sceptor Way was not visible, there was another poster on Chuck Wagon Road
- Homeowner's Associations were noticed
 - HOA for the patio homes closest to Chuck Wagon Road were aware of the application and staff spoke to them a number of times
 - The point of a public notice is to sufficiently make the public aware of what would be occurring
 - Received over 60 emails and 15 to 20 phone calls, as well as the presence of social media (NextDoor)

Discussion:

Commissioner Graham asked the commissioners if any of them saw a need to postpone. None of the commissioners felt there was a valid reason to postpone.

Staff presentation:

Meggan Herington, City Planning Department, presented a PowerPoint with the scope and intent of the project.

Commissioner Raughton asked if the fence would have been deemed and accessory structure if the application was only for a six foot fence.

- Ms. Herington answered that no, a six foot or less fence could go right on the property line as a fence.

Commissioner Eubanks asked if this fence follows the previous six foot fence that was up prior to the fire (referring to the Waldo Canyon Fire in 2012).

- Ms. Herington explained this fence is not in the same location as the previous fence but deferred the location of this fence in relation to the previous fence to the applicant. Ms. Herington said the previous fence was not at a 10 foot setback but was further into the property.

Commissioner Rickett asked if from a code standpoint, this application was being looked at as a backyard structure (inaudible).

- Ms. Herington said accessory structures are not permitted in the front yard setback. A front yard setback twenty-five feet, so in an instance where staff has determined a front yard setback, the fence would need to be setback twenty-five feet from the property line.

Appellant Presentation:

James Berdon, Appellant and resident of Mountain Shadows

Mr. Berdon presented information regarding the criteria found in City Code

Section 7.5.906.A.4.

- Express language of the zoning ordinance
 - Certain requirements were waived at the discretion of individuals reviewing only relevant select portions of the application exempting the ranch from submitting crucial information necessary for approval of the project. For example:
 - Not building easements
 - Not building setbacks
 - Ignoring height restrictions
 - No grading or soil erosion plan
 - Express intent of the zoning ordinance to apply consistency for all parties to level the playing field and minimize conflicts. Waiving certain requirements did not allow the staff to make an informed decision.
 - Unreasonable - the height, length, appearance and placement of the proposed structure eclipses anything within the community.
 - Erroneous - certain errors appeared in the development plan
 - Contrary to law
 - The ranch seems to stretch the law and avoid processes for permitting this project
 - Identify benefits and adverse impacts
 - The burden placed on the appellant outweighs the benefits accrued by the applicant.
- Mr. Berdon conveyed that the main issues are:
 - For most part, residents do not object to the fence, the wildlife barrier, or security barriers, but object to the manner in which those are being forced upon the community
 - Design is intrusive, in close proximity of Mountain Shadows community
 - Utility encroachment
 - (several overheads were presented that were referenced by Mr. Berdon)
 - Brogans Bluff address is the front of this parcel in which the fence is and Mr. Berdon recommended this parcel be called the front and not side
 - Hillside overlay is supposed to preserve natural features
 - Erosion

Applicant:**Bruce Wright**, represents Flying W**Aaron Winter**, General Manager

A PowerPoint was presented giving the background of the Flying W Ranch as

well as why the fence is needed. Several pictures were shown to illustrate the development, as well as what should be considered the front of the property.

Questions:

Commissioner Raughton asked about the renderings of the posts for the fence where it shows horizontal posts but the photos show no horizontal posts.

- Mr. Wright explained the corner posts need to be horizontal, but once past the corner on the straight shots, they will be no horizontal posts.

Supporters of the appeal:

Jeff Merten, resides on Brogans Bluff

- Not opposed to the fence, but to the closeness to the backyards
- New fence will take away views of mountains
- Depreciation of property
- Why does it have to be ten feet tall
- Suggested the fence along Mountain Shadows should have a greater setback (100 feet) and not be ten feet tall so residents can retain the mountain view
- Fear of shutting off the entire area of the ranch could cause more deer to be in the Mountain Shadows area and cause problems with re-vegetation of the area and traffic concerns

Lawrence Starr, resident of Mountain Shadows

- Issue with how Flying W Ranch proposed this fence instead of having a discussion about it
- Not reasonable to have a 10 foot fence that will block views
- If there is a predatory fence, where will those animals now go since they will not be on the Flying W Ranch

Lisa Marten, resident of Mountain Shadows

- Where will the deer go and all the animals. If they are displaced from the ranch, they will be pushed into the neighborhood
- Placement of the fence will obstruct from the beauty of some of the mountain ranch and the whole valley looking down from the north
- The fence will destroy some of the beauty of the west side and the deer population in the neighborhood could increase dramatically
- Not right to allow the ranch to address their challenges to the detriment of the many surrounding areas

Don Austin, resident of Mountain Shadows

- Hillside overlay seeks to conserve the aesthetic qualities of hillside area and mitigate visual impacts upon off site areas

- Not opposed to fence just the placement of the fence

Wes Tivel, resident of Mountain Shadows

- Flying W has 1400 acres and there is room for them to move down the hill with the fence to where all of the neighbors that border there don't have to look at it out their windows so close to their property

Danette Taylor, resident of Mountain Shadows

- Concerned about the process
- This is about coexistence and compatibility
- The fence would impact several residents
- Trash from Flying W Ranch will be a major attractant to bears and other things

Opponents of the appeal:

Bruce Barbaric, resident of Mountain Shadows

- This is a property rights issue and compliance with current code and specifications that are in place
- I support the property owner
- If the process has been followed, it's been approved, then opinion would be to let this move forward

Rebuttal:

Appellant Rebuttal: **James Berdon**

- Not opposed to the inside protection, but the perimeter
- Mr. Berdon asked what impact the letters and emails have that the commissioners receive on a project
 - **Commissioner Graham** explained to Mr. Berdon that every letter or email is read and valued
 - **Ms. Herington** also explained to Mr. Berdon that all emails and letters are forwarded to Planning Commissioners, even the day of, including 24 emails from that morning
 - **Commissioner Eubanks** stressed that she reads every correspondence and highlights them.

Applicant Rebuttal: **Bruce Wright**

- Mr. Wright said there is much concern over 150 acres of fencing and what is being overlooked is the 1300 acres of essentially private open space
- The existence of that open space is dependent upon a successful Chuck Wagon business to support it. If there is no Chuck Wagon business, another use has to be found for that land

- The code specifies what the setbacks are and if you are past those setbacks, you can build accessory structures in compliance with the rest of the code, which means eleven feet back, a 40 foot high fence could be built

Aaron Winter

- Mr. Winter made a point that even though the talk is about a ten foot tall fence, in actuality, the woven wire fence is only eight feet tall
- The posts are ten foot tall, but it is an eight foot tall fence with two strands of high tensile strength wire, not a ten foot chain link fence
- Consideration was made of the neighbors regarding the fence. Without having to pull a permit, the ranch could have put a six foot-six inch or seven foot chain link fence all around the property with razor wire at the top but did not want to have an industrial look and wanted it to be less obtrusive for the neighbors

Commissioner Eubanks expressed concern as to why the ten foot setback was pursued. Commissioner Eubanks said she understood the ten foot fence, but believes the setback could be further.

Commissioner Graham asked Ms. Herington to come back up and give a brief tutorial on the setbacks.

Ms. Herington outlined the following:

- The fence is considered an accessory structure and accessory structure setbacks are different than the principal structure setback and are established by zone district
- Accessory structures are not permitted in the front yard setback
- Determination was made by staff that the adjacency to Mountain Shadows is a side setback and is not the front of the ranch even though the fence itself was given an address by Pikes Peak Regional Building Department after the fact of the ranch sitting down with the planning department determining the front being there is no access off Brogans Bluff and no main access off that side
- Staff considered the adjacency to the Mountain Shadows neighborhood from the water tank, Brogan's Bluff area, down to almost Rossmere near as the side of the property and applied the ten foot non-front setback
- If it had been determined that the area was the front, then it would only be required to have a twenty-five foot setback
- The disagreement with the appellant is that staff applied the wrong setback and it should have been determined as a front setback with the twenty-five feet, however, even if that were so, there is nothing in code

that would state staff had the ability to push the fence back further unless the property owner was in agreement with that

Commissioner Eubank wanted to know why the applicant wanted the setback at ten feet instead of what it was before.

- Aaron Winter explained that pre-fire, the ranch was able to be accessed from every single position on Flying W Ranch property. The fire and erosion completely destroyed much of all our access roads. One of the areas that can still be accessed is the frontage road that basically goes up to the water tower which can be accessed via ATV or UTV and other vehicles more receptive to offer that kind of use. That portion of the property cannot be accessed from the Chuck Wagon area anymore, and that is why it was included within the fence line.

Commissioner Almy recognized staff for their planning on trying to adapt what appears to be more of a downtown or suburban code into a ranch setting.

Motion by Satchell-Smith, seconded by Raughton, to deny the appeal, thereby upholding the administrative approval of the site plan for construction of a 10-foot fence with a 10-foot setback addressed as 2830 Brogans Bluff Drive, based upon the finding that the site plan complies with the development standards for accessory structures in City Code Section 7.3.105.A.1, as well as the finding that the appeal criteria in Section 7.5.906.A.4 are not met.

The motion passed by a vote of 6:0:2:1

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

Absent: 2 - Commissioner McMurray and Commissioner McDonald

Recused: 1 - Vice Chair Hente

6.D. [CPC A 13-00004](#) The Church for All Nations Addition No.1 Annexation of 52.78 acres located northeast of Powers Boulevard and Dublin Boulevard.

(Legislative)

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development

Staff presentation:

Katie Carleo, Principal Planner, presented a PowerPoint with the intent and scope of this project.

Proposed 52.78 Acre Annexation

Percentage Contiguous = 69.5%

- Remaining portion of Powers Blvd. to be annexed
- Existing Templeton Gap portion to be annexed

Planned Unit Development

Uses: Institutional, Commercial, Residential

- 20 DU/AC maximum density
- 45' maximum building height Allowable 75' architectural features

Access along existing Templeton Gap Rd.

- Two full movement access points
- Existing full movement at Vickie Lane removed with completion of Tutt extension
- Tutt extension will be completed by PPRTA

Applicant Presentation:

Kyle Campbell, Classic Consulting Engineers and Surveyors
 Mr. Campbell briefly spoke of the project.

Questions:

None

Supporters:

None

Opponents:

None

Questions of Staff:

None

Rebuttal:

None

DISCUSSION AND DECISION OF PLANNING COMMISSION:

None

Motion by Satchell-Smith, seconded by Raughton, to recommend approval to City Council the annexation of the Church for All Nations Addition No.1 Annexation based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.

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

Aye: 5 - Commissioner Raughton, Chair Graham, Satchell-Smith, Commissioner Rickett and Commissioner Almy

Absent: 4 - Vice Chair Hente, Commissioner McMurray, Commissioner McDonald and Commissioner Eubanks

6.E. [CPC PUZ](#) Establishment of a PUD (Planned Unit Development; Mixed
 [13-00138](#) Commercial, Residential, Religious Institution; maximum residential

density 20 DU/AC; 45-feet maximum building height with 75-feet for architectural features with Airport Overlay) zone district pertaining to 52.78 acres located northeast of Powers Boulevard and Dublin Boulevard.

(Legislative)

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development

See Item 6.D. (CPC A 13-00004)

Motion by Satchell-Smith, seconded by Rickett, to recommend approval to City Council the establishment of the PUD (Planned Unit Development; Mixed Commercial and Residential, maximum residential density 20 DU/AC, 45-feet maximum building height with 75-feet for architectural features with Airport Overlay) zone district, 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 5:0:4:0

Aye: 5 - Commissioner Raughton, Chair Graham, Satchell-Smith, Commissioner Rickett and Commissioner Almy

Absent: 4 - Vice Chair Hente, Commissioner McMurray, Commissioner McDonald and Commissioner Eubanks

6.F. [CPC PUP
13-00139](#)

The Church for All Nations PUD Concept Plan illustrating future development of 43.71 acres for mixed commercial and residential use located northeast of Powers Boulevard and Dublin Boulevard.

(Quasi-Judicial)

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development

See Item 6.D. (CPC A 13-00004)

Motion by Satchell-Smith, seconded by Almy, to recommend approval to City Council the Church for All Nations PUD Concept Plan, based upon the findings that the proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E) and criteria for PUD concept plans set forth in City Code Section 7.3.605.

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

Aye: 5 - Commissioner Raughton, Chair Graham, Satchell-Smith, Commissioner Rickett and Commissioner Almy

Absent: 4 - Vice Chair Hente, Commissioner McMurray, Commissioner McDonald and Commissioner Eubanks

- 6.G. [CPC MP 01-00147-A4 MJ19](#) A resolution adopting a major amendment to the Greenbriar/Powerwood Master Plan illustrating modified roadway alignments for the planned east/west roadways between Tutt Boulevard and Templeton Gap Road, and a change from Regional Commercial to Multi-Family Residential for 20.5 acres.

(LEGISLATIVE)

Related Files: CPC CP 01-00148-A10MJ19

Presenter:

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

Staff presentation:

Daniel Sexton, Principal Planner

Mr. Sexton presented a PowerPoint with the scope and intent of the project.

Applicant Presentation:

Andrea Barlow, N.E.S.

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

Questions:

None

Supporters:

None

Opponents:

None

Questions of Staff:

None

Rebuttal:

None

DISCUSSION AND DECISION OF PLANNING COMMISSION:

None

Motion by Hente, seconded by Raughton, to recommend approval to City Council the major master plan amendment for the Greenbriar/Powerwood project, based upon the findings that the request meets the review criteria for granting a major master plan amendment as set forth in City Code Section 7.5.408.

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

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

Absent: 2 - Commissioner McMurray and Commissioner McDonald

6.H. [CPC CP 01-00148-A1 0MJ19](#) A major amendment of the Greenbriar/Powerwood Concept Plan adding the multi-family residential land use as an allowable use, and illustrating modified roadway alignments and an updated lot configuration.

(QUASI-JUDICIAL)

Related Files: CPC MP 01-00147-A4MJ19

Presenter:

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

See Item 6.G. (CPC MP 01-00147-A4MJ19)

Motion by Hente, seconded by Satchell-Smith, to recommend approval to City Council the major concept plan amendment, based upon the findings that the request meets the review criteria for granting a major concept plan amendment as set forth in City Code Section 7.5.501(E).

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

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

Absent: 2 - Commissioner McMurray and Commissioner McDonald

7. Adjourn