



City of Colorado Springs

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Meeting Minutes - Draft Planning Commission

Thursday, April 21, 2022

8:30 AM

Open to Public
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Blue River Board Room

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For those who participate by calling in, you will be muted upon entry to the meeting. Once an item has been heard, the Chair will open the public portion of the hearing for those who wish to comment. There is a three (3) minute time limit for each person. In order to speak, you must press *6 on your phone to unmute yourself.

1. Call to Order and Roll Call

Present: 9 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Eubanks and Alternate Griggs

Excused: 1 - Commissioner Graham

2. Changes to Agenda/Postponements

739 & 741 East High Street

2.A. [CPC UV
21-00149](#)

A use variance for an existing accessory dwelling unit where a duplex is already constructed located at 739 & 741 East High Street.
(Quasi-Judicial)

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development

- Attachments:** [CPC Staff Report](#)
[Use Variance Development Plan Itr](#)
[Project Statement](#)
[Public Comments](#)
[PlanCOS Vision Map](#)
[Applicant's Response Letter](#)
[7.5.803.B Use Variance Review Criteria](#)
[7.5.502.E Development Plan Review](#)

Motion by Commissioner Raughton, seconded by Commissioner Rickett, to postpone a use variance to legalize an existing duplex and accessory dwelling unit located at 739 & 741 East High Street to the May 19, 2022 hearing. The motion passed by a vote of 8:0:1:0

Aye: 8 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 1 - Commissioner Graham

- 2.B.** [CPC NV 21-00150](#) A nonuse variance to City Code 7.3.104.A. allowing a 0-foot side yard setback where 5-feet is required in the R-2 (Two-Family Residential) zone district located at 739 & 741 East High Street. (Quasi-Judicial)

Presenter:
 Matthew Alcuran, Planner II, Planning and Community Development

- Attachments:** [7.5.802.B Nonuse Variance Criteria](#)
[7.5.802.E GuidelinesforReview NonuseVariance](#)
[7.3.104.A Agricultural-Residential-Spec Use-Traditional Neighborhood zone standards](#)

Motion by Commissioner Raughton, seconded by Commissioner Rickett, to postpone a nonuse variance for 739 & 741 East High Street to the May 19, 2022, hearing. The motion passed by a vote of 8:0:1:0

Aye: 8 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 1 - Commissioner Graham

- 2.C.** [CPC NV 21-00151](#) A nonuse variance to City Code 7.3.104.A. allowing a 0-foot rear yard setback where 25-feet is required in the R-2 (Two-Family Residential) zone district located at 739 & 741 East High Street. (Quasi-Judicial)

Presenter:
 Matthew Alcuran, Planner II, Planning and Community Development

Attachments: [7.3.104.A Agricultural-Residential-Spec Use-Traditional Neighborhood zone standards](#)
[7.5.802.B Nonuse Variance Criteria](#)
[7.5.802.E GuidelinesforReview_NonuseVariance](#)

Motion by Commissioner Raughton, seconded by Commissioner Rickett, to postpone a nonuse variance for 739 & 741 East High Street to the May 19, 2022, hearing. The motion passed by a vote of 8:0:1:0

Aye: 8 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 1 - Commissioner Graham

3. Communications

Peter Wysocki, Director of Planning & 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.)

4.A. [CPC 22-248](#) Minutes for the March 17, 2022, City Planning Commission meeting.

Presenter:
 Scott Hente, Chair of the City Planning Commission

Attachments: [CPC_Minutes_03.17.22_draft](#)

The Minutes for the March 17, 2022 meeting was approved on the Consent Calendar.

Mountain View Recovery Center

4.B. [CPC CU 21-00195](#) A conditional use development plan to allow a human service facility providing access to mental health care for drug and alcohol rehabilitation in an M-1/CU (Light Industrial/Conditional Use) zone district located at 329 South 18th Street.

(Quasi-Judicial)

Presenter:
 Matthew Alcuran, Planner II, Planning and Community Development

- Attachments:** [CPC Staff Report CPC CU 21-00195 Mountain View Recovery Center Updated](#)
[Conditional Use Development Plan](#)
[Project Statement](#)
[Context Map](#)
[PlanCOS Vision Map](#)
[Public Comments](#)
[Applicant's Response Letter](#)
[AdditionalPublicComments](#)
[7.5.704 Conditional Use Review](#)
[7.5.502.E Development Plan Review](#)

This Planning Case was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Commissioner Rickett, seconded by Commissioner 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 8:0:1:0

Aye: 8 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Excused: 1 - Commissioner Graham

Approval of the Consent Agenda

Present: 9 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Graham, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

5. ITEMS CALLED OFF CONSENT

6. UNFINISHED BUSINESS

7. NEW BUSINESS CALENDAR

Little Monkey Tree House - Large Daycare

- 7.A. [CPC CU 21-00196](#) An appeal of City Planning Commission's decision to approve a conditional use development plan for a licensed large daycare home with a maximum of twelve (12) children and infants at 8265 Clifton Drive.

(Quasi-Judicial)

Presenter:

Tamara Baxter, Senior Planner, Planning & Community Development Department
Peter Wysocki, Director, Planning and Community Development Department

Attachments: [Appellant Statement](#)
[CC_Little Monkeys Treehouse Childcare](#)
[CPC Staff Report_Little Monkey Treehouse](#)
[Conditional Use Development Plan](#)
[Project Statement](#)
[PlanCOS_Vision Map](#)
[Public Comment](#)
[Public Comment 4.28.22](#)
[Public Comment 5.13.22 Wren](#)
[Public Comment Response](#)
[LittleMonkeyTreeDaycare_AdditionalPublicComment](#)
[Context Map](#)
[CPC_Minutes_LittleMonkeyTreehouseDaycare_draft](#)
[7.5.704 Conditional Use Review](#)
[7.5.502.E Development Plan Review](#)

Staff presentation:

Tamara Baxter, City Planning, presented a PowerPoint with the scope and intent of this project.

Site Details:

- Zoned R1-6/AO (Single-Family with Airport Overlay)
- Single-family residence located at 8265 Clifton Drive, Lot 45, Fairfax Ridge Filing No. 3.

Public Notification and Involvement:

- Public notice was mailed to 269 property owners, on two occasions: internal review and this Planning Commission hearing
- The site was also posted on the two occasions above
- Six written correspondences in opposition were received during the internal review.
 - Traffic - Increase in traffic in the neighborhood
 - Parking - Parking all over the street
 - Noise - Increase noise from children
 - Business Operation - Concern that business is not currently operating as proposed.
 - Conflict with neighborhood covenants - Not allowed per covenants

Project Description:

- Currently operating under a Home Day Care Permit since 2013
 - 6 full-time and 2 part-time
- Request to increase the maximum number of children to twelve (12) - Large Home Daycare
- Meets State of Colorado Child Care requirements for outdoor and indoor

space per child.

- Indoor space/child - 35 square feet per child (420 square feet minimum)
 - Provided - 1,900 square feet
- Outdoor space/child - 75 square feet per child (900 square feet minimum)
 - Provided - 1,485 square feet (completely fenced)
- Monday thru Friday; 7:15 am - 4:00 pm; No weekends
 - Follow Academy School District 20 calendar for closed days (summer, breaks, snow days)
 - Drop-off and pick-up - staggered times
 - On-site parking within driveway

Public Comment:

- Traffic - Increase in traffic in the neighborhood
 - Traffic Engineering had no comment with respect to traffic for this project.
 - Some families have multiple children therefore few vehicles
- Parking - Parking all over the street
 - Parking is proposed within the driveway and in front of residence as needed
 - Staggered drop off and pick up times to minimize impact to neighbors
- Noise / Business Operation - Increase noise from children
 - Daycare to follow Academy School District 20 calendar (no daycare during summer or holidays)
 - Children noise is common in residential neighborhoods
 - Applicant has her own children that have friends over in evenings and weekends
- Conflict with neighborhood covenants - Daycare not allowed per covenants
 - Neighborhood covenants are civil and not enforced by the City of Colorado Springs
 - A small daycare has been operating at this location since 2013

Applicant:

Jesus Perez, husband of the applicant Anna Johnson, spoke to the commissioners about this project. His wife was unable to attend due to a family emergency.

- Has only had complaints from the neighbor who lives next door
- Follows School District 20's calendar
- No daycare during the summer, snow days, or holidays
- 3-car driveway and willing to assign for people to drop off/pick up kids to prevent traffic in the streets
- Expanding the childcare will provide help to the community
- Attempted to reach the company regarding the covenants, but the company is no longer in business, and they have no idea who enforces the covenants

Questions:**Supporters:**

Lisa Leach,

- Lives one street over from this house
- Listening to kids play in the yard is fun
- Other families in the neighborhood have that many kids in their home already, so having a daycare with that many kids is okay
- As for traffic, people are dropping off their kids off or picking them up. They are not causing a traffic jam

Opponents:

Sandra Foss, next door neighbor

- Ms. Foss said this daycare has been denied before, as she gave them a copy of the covenants, which specifically prohibits a daycare in the neighborhood
- The daycare clearly harms the neighborhood by devaluing the property, causing increased noise and traffic, and causing destruction of private property (Specifically Ms. Foss' property)
- Parents park on the sidewalk and block Ms. Foss' driveway
- So much noise that Ms. Foss is unable to open her windows on the south or east side of her house
- None of the neighbors want this daycare
- There was no notice for the original permit for a daycare (not the Large Daycare), but Ms. Foss said she objected to the daycare and nobody else knew about it
- City leaders need to protect and enforce the property owners' rights

Brad Neal, lives close to the residence in question

- Opposed to increasing this residence to a large daycare
- Opposed to it even being a small daycare
- Lived in his house since 2008 and this is the first time he has ever received notification regarding a daycare
- Mr. Neil said he was never aware there was even going to be a small daycare
- If you want a business, that is great, but it does not belong in a residential neighborhood
- In the timeframe that he has become aware that there has been a daycare there, he has noticed an increase in the amount of traffic and amount of noise
- Mr. Neal said he works during the day, but his wife is home, and she has to keep the front side of our house shut because the noise is so loud they are unable to conduct themselves in their own home
- There have been instances of individuals speeding in the neighborhood
- Those parents will pull up on the sidewalk or block driveways because they are in a rush to drop their kids off
- We expect to live in peace and not have that peace disrupted by

somebody running their private business out of their house

Questions of Staff:

Commissioner Almy asked if a conditional use was required for a small daycare? Ms. Baxter explained small daycares are allowed in residential zone districts, but they must apply with the city for a permit. Ms. Baxter stated Ms. Johnson has had a permit with the city since 2013 for the small daycare.

Commissioner Almy said he understood and just wanted to clarify that there would be no notification or anything for the small daycare. Ms. Baxter confirmed that to be true.

Rebuttal:

Tamara Baxter, City Planning

- Ms. Baxter clarified that per code, a small home daycare is allowed, and Ms. Johnson has a license with the State and a permit with the City for the small home daycare

Jesus Perez

- Mr. Perez said there has been a lot of discord from Ms. Foss
- One time a parent blocked Ms. Foss' driveway by about six inches, and they asked the parent to move their vehicle
- There will be a 3-minute drop off so there is not a lot of traffic in the neighborhood

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Rickett said as much as he believed we needed more daycare in Colorado Springs, in this case it seems to be a little more adverse to the neighborhood. By increasing the number of children, it might increase the number of drop offs and pickups every day. The intent of the code is to determine that the public health, safety, and general welfare is not affected. In this case, it sounds like it has been affected, so he will not be in support of the conditional use.

Commissioner Almy clarified that the Planning Commission does not worry about covenants. Covenants exist for a neighborhood, and they have their own remedies. The Planning Commission goes by the actual code. The applicant and those against the project really need to look at being good neighbors. You almost have to overdo it to make sure there are no adverse impacts to the neighborhood. If people are parking in driveways or on sidewalks, that is something that needs to be rectified going forward. As far as the traffic goes, speeding is not unique to this neighborhood. Commissioner Almy said his rationale for supporting the conditional use, although he did understand the neighbors' concerns and issues, he felt there are remedies outside of the Planning Commission that could be taken either through the covenants of their homeowners association or by engaging with police to govern people speeding in the neighborhood.

Commissioner Raughton said he agreed with Commissioner Almy that covenants were not the responsibility of the Planning Commission to enforce,

but there has been contradictory testimony. Commissioner Raughton asked staff if they had looked at the covenants to see if that was a prohibited use. Ms. Baxter said she tried to search for a copy of the covenants and was not able to find one, nor was she provided a copy of them during the review process. Commissioner Raughton said that normally, they would refer to permitted uses and the procedure of the city. Commissioner Raughton said he is of the opinion that childcare is an appropriate use in a residential area and will be supportive of this application. He asked that the applicant take extra effort to collaborate with neighbors.

Commissioner Eubanks said she thought it was unreasonable to state that there should be no personal businesses allowed in a residential area. There are a lot of businesses that qualify as being compatible with being in a residential area and childcare is one of them. Looking at the neighborhood map, it does not seem like this is the only daycare in that neighborhood. It appears it is just an issue of trying to collaborate with your neighbors to make sure you are doing the most you can to try to have the least impact on your surroundings as possible, which she thought the applicant was doing. Commissioner Eubanks said she would be in favor of this application.

Chair Hente said he was going to make some comments, but as is normally the case, Commissioners Raughton and Almy did a better job of expressing what he was going to say and agreed with what they said.

Commissioner Rickett said he agreed that the Planning Commission does not cover covenants in neighborhoods and only follow the code. He said the small daycare is obviously appropriate by the code, but he felt that expanding it was not appropriate and did not follow actual approval criteria.

Motion by Vice Chair McMurray, seconded by Commissioner Raughton, to approve the Conditional Use Development Plan for the Little Monkeys Treehouse Childcare project in the R1-6/AO (Single Family with Airport Overlay), based upon the finding that the request meets the findings for granting a Conditional Use as set forth in City Code Section 7.5.704 and the review criteria for granting a Development Plan, as set forth in City Code Section 7.5.502(E). The motion passed by a vote of 6:2:1:0

Aye: 6 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Almy and Commissioner Eubanks

No: 2 - Commissioner Slattery and Commissioner Rickett

Absent: 1 - Commissioner Graham

STR Appeal - 15 N Corona St

- 7.B. [CPC AP 22-00038](#) An appeal of the administrative denial of the Short Term Rental permit applications for 15 North Corona Street due to an existing short term rental located within 500', pursuant to City Code Sections 7.5.1704.C.

(Quasi-Judicial)

Presenter:

Carli Hiben, Program Coordinator, Planning and Community Development

Attachments: [15 N Corona St Appeal Submittal](#)

[Staff Report - 15 N Corona St](#)

[15 N Corona Street - 500' Buffer 8.5x11](#)

[PlanCOS Vision Map](#)

[15 N Corona St Public Comments](#)

[7.5.1704.C ShortTermRentalPermitReviewCriteria](#)

[7.5.906 \(A\)\(4\) Administrative Appeal](#)

Staff presentation:

Carli Hiben, City Planning, presented a PowerPoint with the scope and intent of this appeal.

STR Permit History

- Ordinance 19-101 (went into effect December 26, 2019)
 - Established the 500-foot non-owner occupied buffer
- Permits Issued (March 5, 2021)
 - Owner Occupied STR Permit for Unit A (STR-1819)
 - Non-Owner Occupied STR Permit for Unit B (STR-1820)
- Renewal Applications Submitted (March 1, 2022)
 - Two non-owner occupied STR permit applications submitted for renewal
- Denial (March 7, 2022)
 - Within 500-foot buffer of another established non-owner occupied STRs

STR Denial

- City Code Section 7.5.906(A)(4) -
 - Criteria For Review Of An Appeal Of An Administrative Decision:
In the written notice, the appellant must substantiate the following
 - Identify the explicit ordinance provisions which are in dispute.
 - Show that the administrative decision is incorrect because of one or more of the following:
 - It was against the express language of this zoning ordinance, or
 - It was against the express intent of this zoning ordinance, or
 - It is unreasonable, or
 - It is erroneous, or
 - It is clearly contrary to law.

Appellant appeal statement (in part)

- *"...The provision at hand limits a non-owner-occupied short-term rental (STR) from being within five hundred feet (500-foot) of another non-owner-occupied short-term rental. The City has stated that the property located at 15 N. Corona St. was within 500-foot of another*

short-term rental, that being 426 E. Kiowa Street. There has been no determination as to how far away 15 N. Corona St. is from 426 E. Kiowa St. From Google maps it could be argued that there is five hundred feet..."

Staff Recommendation

**CPC AP 22-00023 APPEAL OF DENIAL OF SHORT TERM RENTAL
RENEWAL APPLICATIONS**

Deny the appeal and uphold the denial of the Short Term Rental renewal applications, pursuant to City Code Section 7.5.1704.C, and that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906.A.4.

Applicant Presentation:

Sullivan Manion, attorney representing Mr. Conor Andrle, the appellant, presented a PowerPoint with the scope and intent of this appeal.

History of events

- December 28, 2020, Conor Andrle inquired with the Department if the property located at 15 N. Corona St. was eligible for a non-owner-occupied short-term rental (STR).
- Mitch Hammes, a Neighborhood Services Manager, stated that 15 N. Corona Does qualify for a non-owner occupied STR
- Mr. Andrle then, with this knowledge, purchased the property located at 15 N. Corona and invested \$68,000.00 on improvements to rent the property out as a STR.
- On March 1, 2021, Mr. Andrle submitted STR applications for 15 N. Corona St. stating that he intended to "owner occupy apartment A, and non-owner occupy apartment B."
- Soon after, Ashley George, a Code Enforcement Technician, emailed Mr. Andrle back with STR permits 1819 and 1820 for apartments A and B at 15 N. Corona St.
- On January 13, 2022, Mr. Andrle emailed the Department stating his permits were set to expire in March and he would like to begin the process to renew his applications.
- On January 21, 2022, Carli Hiben, a Project Coordinator, emailed Mr. Andrle back stating that they would be unable to renew the permits as non-owner-occupied short-term rentals because "The property would not have been eligible for a non-owner occupied STR at the time of issuance as it was/ is within 500' of another rental that received their short-term rental permit prior to yours (426 E. Kiowa Street)."
- After several discussions with the Department, Mr. Andrle was instructed to submit his Short-Term Rental renewal applications.
- Mr. Andrle then submitted the renewal paperwork.
- On March 7, 2022, Carli Hiben notified Mr. Andrle that the STR renewal had been denied as the subject property was within 500' of a non-owner-occupied short-term rental that had been established since September of 2019.
- In this denial, it was stated that "Department records indicate that 15 N. Corona Street was issued an owner-occupied short-term rental permit for Unit A and a non-owner-occupied short-term rental permit for Unit B..."

- This 500-foot rule comes from City Code Section 7.5.1704.C which states:
 - “No non-owner-occupied short-term rental unit shall be located within five hundred feet (500') of another **non-owner-occupied short-term rental unit**. The five hundred feet (500') separation measurement shall be made in a straight line without regard to intervening structures or objects from the nearest property line of the proposed short term rental unit to the nearest property line of another short-term rental unit...”
- This Section was adopted on December 26, 2019.
- The other STR at issue located at 426 E. Kiowa Street, was granted a STR in September of 2019.
- Mr. Andrle was told by the Department that 15 N. Corona was eligible on December 28, 2020 and was granted a Non-owner- occupied short-term rental in March of 2022.
- City Code Section 7.5.1704.C:
- “No non-owner-occupied short-term rental unit shall be located within five hundred feet (500') of another non-owner-occupied short-term rental unit. The five hundred feet (500') separation measurement shall be made in a straight line without regard to intervening structures or objects from the nearest property line of the proposed short term rental unit to the nearest property line of another short-term rental unit...”
- The Department provided a map demonstrating that 15 N. Corona is approximately 468 feet from 426 E. Kiowa Street.
- City Code 7.5.1701 states:
- “The purpose of the short-term rental unit permit is to facilitate the permitting of short-term rental units subject to appropriate restrictions and standards and to allow for varied accommodations and experiences for visitors while retaining the character of residential neighborhoods. (Ord. 18-112).”
- The Department has conceded the fact that the proposed application is in accordance with the City Comprehensive Plan (PlanCOS).
- They have also conceded that the property is in conformance with the Experience Downtown Plan.
- Neither Mr. Andrle nor the City of Colorado Springs has ever received a complaint regarding the property and its STR.
- By renting out the property, thousands of people every year can enjoy time in our beautiful city.
- The City greatly benefits from tourism, bringing in over \$100 million in local tax receipts annually.
<https://www.visitcos.com/partners/tourism-pays/>
- In light of all of these facts we would posit that the decision by Department to deny the renewal is simply unreasonable. We would ask that the Appeal be granted and that STR permits for 15 N. Corona Street be renewed.

Questions:**Supporters:**

N/A

Opponents:

N/A

Questions of Staff:

Commissioner Raughton asked what the range of uses were in the Form-Based Zone, and Ms. Hiben answered with several uses like commercial and residential. Commissioner Raughton commented that it was not strictly a single-family residential, and Ms. Hiben confirmed that. Commissioner Raughton said he believed the big debate regarding short term rentals revolved around the character of single-family residential.

Commissioner McMurray asked if the appeal was granted, would the appellant have to appeal this every year? Mr. Peter Wysocki, Director of Planning and Community Development, answered that if the appeal was granted, it is basically waiving the 500-foot requirement.

Commissioner Slattery said her question is regarding one of the permits is owner occupied while the other is non-owner occupied. Mr. Manion said Mr. Andrle is no longer living in the unit, as he had to move. There was some time that he had that he was able to continue to rent it out because he was in the military. He was then reapplying for that unit to be switched over to a non-owner issuance.

Commissioner Almy said along with that, if the appellant were to rent one unit out as a long term rental, would that change any of the calculus. Mr. Manion said it would be approximately a \$50,000 loss if it were to be rented out long term versus the short term method. Commissioner Almy asked staff if that changed anything. Ms. Hiben stated as far as financial hardship, that is not considered. As far as one unit being long term and the other as a short term, it would not change anything as the second unit would still be denied.

Commissioner Eubanks commented that it was one address but two units and two separate applications, and one is owner occupied and one is not. But the owner occupied is going to become non-owner occupied. Mr. Manion said they were asking for the renewal of the applications and whether that be denied because one of them is a non-owner versus an owner if the owner occupied is denied then Mr. Andrle will try to figure out a situation to recover that. They are separate properties with separate permitting and unit B does have the non-owner occupancy and Mr. Andrle would like to get that renewed.

Commissioner Eubanks said she could understand the case behind the non-owner occupied in being that Mr. Andrle was told that he could keep this unit and it was not within a certain distance of other units, but he had to have known with the owner occupied that if he no longer lived there, then he would no longer have that unit. Mr. Manion said if that is denied because it no longer meets criteria that they understood that. What they are asking is the renewal of both and if one of those comes back and says this is denied because this is a non-owner occupied, then that is understandable. However, there was a non-owner occupied permit for one of the units.

Commissioner Eubanks said, she would be willing to approve the one that is non-owner occupied but not the owner occupied one, and she wanted to know if that was an option.

Commissioner Slattery said she has toiled with that herself and said the original email was asking for non-owner occupancy permits. That was the direction of purchasing the property and moving forward with that. Commissioner Slattery said she was unsure why the appellant sought the owner-occupied permit, but she was inclined to uphold the appeal because of some of the other issues we talked about like the type of zoning that it is in, and she thought that it was probably measured structure to structure and not property line to property line since there is a jet out in the back of the other 500-foot buffer. Commissioner Slattery said the way the code is written, this is not a detriment to. She said she is inclined to approve it for both units based on those reasons.

Commissioner Raughton said he shared that opinion, and said he saw the site and it was hard for him to envision the 500-foot buffer. There is some question about that property line to property line measurement and a diagonal through other buildings. Given the fact the owner was, through no fault of his own, reassigned to duty at another station, and there is some question about the owner/non-owner situation, he was inclined to support the appeal.

Commissioner McMurray said he shared Commissioner Slattery's opinion. He added in this case there is a property owner who attempted to do their due diligence prior to purchase. They asked a question and got an answer. The city was wrong. Ms. Hiben is correct in her assessment of what the code is, but that does not help the situation that the owner has found himself in. Commissioner McMurray said from his viewpoint, this meets the threshold of being an unreasonable situation, which meets the review criteria.

Commissioner Rickett said the owner did his due diligence prior to purchase, and he supported. He said he also supports the renewal of the permits as originally submitted, which would be one owner occupied and one non-owner occupied. The question is the new applications are for two non-owner occupied, so are we going to approve two non-owner occupied permits and changing the permit of the owner-occupied?

Commissioner Wilson asked for clarification on when the city gives out the permits, are the permits given by unit and not by address? Ms. Hiben said that was correct and if there are multiple units on a property, they can receive up to four short term rental permits depending on the zoning. In this zone district, they could technically get up to four permits on the property if they were eligible, and then each unit would receive their own permit.

Ms. Lisa O'Boyle clarified for the commissioners that the appeal is for two short term rentals and the commission could vote on them separately.

Rebuttal:

Mr. Connor Andrle said when he initially bought the property, he applied for two different types of permits. He said he did not understand that he could get a non-owner occupancy permit for the unit he was living in. He planned to live

there as long as possible until the Army gave him orders to go elsewhere. Mr. Andrle stated he had planned on transferring that permit into a non-owner occupied permit whenever he got stationed somewhere else, and that he had secured that 500-foot buffer with the non-owner occupied permit with his other unit.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Chair Hente said for him, it came down to whether the city keeps its word or not. In the end, the city gave this gentleman their word with the information. The city admits there was an error, but the owner made economic decisions based on that error. Chair Hente said he was in line with what he was hearing from several of the commissioners.

What the commission is being asked is if we are going to split the decision and continue what the owner was originally told, which is one non-owner occupied permit.

Ms. Hiben explained that a property that allows multiple units, if permitted, can establish multiple non-owner occupied short term rentals. There, the 500-foot buffer does not apply if the permits are located on the same lot. So, Mr. Andrle would have been eligible for two owner occupied short term rentals.

Chair Hente said Mr. Andrle asked for non-owner occupied though. Commissioner Slattery said both could have been non-owner occupied from the beginning. It was the owner being honest and saying he did not live there anymore that triggered half this discussion. Ms. Hiben said based on the emails from other staff that they would have issued him two non-owner occupied permits if he would have applied for that. Chair Hente said he now is not inclined to split the decision and was inclined to grant the owner the appeal and be done with it.

Commissioner Rickett asked for clarification on whether the commission would be granting one owner occupied and one non-owner occupied. Commissioner Slattery said the vote would be granting two non-owner occupied short term rental permits for 15 North Corona Street.

Motion by Commissioner Slattery, seconded by Commissioner Raughton, to uphold the appeal and grant two non-occupied short term rental permits for 15 North Corona Street as the appellant has substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906.A.4. The motion passed by a vote of 8:0:1:0

Aye: 8 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 1 - Commissioner Graham

STR Appeal - 214 N 20th St

7.C. [CPC AP 22-00045](#) An appeal of the administrative denial of the Short Term Rental permit application for 214 North 20th Street due to an existing short

term rental located within 500', pursuant to City Code Sections 7.5.1704.C.

(Quasi-Judicial)

Presenter:
 Carli Hiben, Program Coordinator, Planning and Community Development

- Attachments:** [214 N 20th St Appeal](#)
[Postponement Request](#)
[Staff Report - 214 N 20th St](#)
[214 N 20th Street - 500' Buffer_8.5x11](#)
[214 N 20th St Public Comments](#)
[7.5.1704.C ShortTermRentalPermitReviewCriteria](#)
[7.5.906 \(A\)\(4\) Administrative Appeal](#)

Motion by Commissioner Raughton, seconded by Commissioner Rickett, to postpone the appeal to the May 19, 2022, meeting per the appellant's request as the appellant is undergoing military training. The motion passed by a vote of 8:0:1:0

Aye: 8 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 1 - Commissioner Graham

Allaso at Briargate

- 7.D. [CPC ZC 22-00008](#) Ordinance No. 22-34 amending the zoning map of the City of Colorado Springs relating to 10.4 acres located southeast of Chapel Hills Drive and Dynamic Drive from PIP1/cr (Planned Industrial Park with conditions of record) to OC/cr (Office Complex with conditions of record)

(Quasi-Judicial)

Related Files: CPC ZC 22-00008; CPC CP 22-00009

Presenter:
 Katelynn Wintz, Planning Supervisor, Planning and Community Development
 Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC_AllasoAtBriargate](#)
[Exhibit A Legal](#)
[Exhibit B Zone Change Depiction](#)
[staff report Allaso KAW](#)
[Zone Change Exhibit](#)
[Concept Plan](#)
[Project Statement](#)
[Vision Map](#)
[Traffic Study](#)
[View Studies](#)
[public comments 1](#)
[public comments2](#)
[public comments3](#)
[D20_response Capacity comments](#)
[public comments_afterinformalCPC](#)
[7.5.603.B Findings - ZC](#)

Before the hearing started, Commissioner Rickett asked for clarification on who owned the property to make sure he did not know them. Commissioner Rickett said if he knew the owner, he would recuse himself from this hearing. The applicant informed the commissioners that Rusty Richardson was the owner. Commissioner Rickett confirmed he did not know that person.

Chair Hente informed the public that he was contacted by at least one of the residents who joined this property to comment on this and I explained our quasi-judicial rules. Chair Hente said he could not comment on the particulars or specifics of the project and explained the process of the public hearing and how the public can interact. The project itself was not discussed.

Commissioner Raughton left the meeting, as he had a family emergency.

Staff presentation:

Katelynn Wintz, City Planning, presented a PowerPoint with the scope and intent of this project.

Background Information

- 10.4-acres
- Zoned PIP1/cr (Planned Industrial Park with conditions of record)
- Overflow parking lot on northern parcel, and vacant property, is over-lot graded
- Property is part of the Briargate MP

Public Notice

- Site posting and 254 postcards mailed three times: once at the initial review stage, neighborhood meeting correction and before the Planning Commission Hearing.
- One City-coordinated neighborhood meeting was rescheduled and

formally held on February 3rd, 2022, with about 140 participants

- Interested residents cited concerns about increased traffic, school capacity, views.

Existing Zoning - PIP1/cr - Ordinance No. 98-136

- A 100-foot landscape/open space buffer area along eastern property line.
- One tree per 10 feet within the 100-foot, 1/3 of which will be evergreen
- Neighbors shall be notified of grading plans
- Finished grade and finished floor elevations shall be reduced to the maximum extent possible at DP to reduce impacts to residents

Proposed Zoning - OC/cr

- 38-foot maximum building height for multi-family residential
- 70-foot landscape/open space buffer along the eastern property line.
- One tree per ten feet, one-third of which will be evergreen

Applicant Presentation:

Andrea Barlow, Principal with N.E.S representing Titan Development, presented a PowerPoint with the scope and intent of this project. Brian Patterson from Titan Development was present as well and spoke about the company and showed some of the multifamily developments they have developed.

Supporters:

N/A

Opponents:

Bob Sallee, lives on Wimbledon Court in the Summerfield neighborhood

- High density housing was never intended as part of the Summerfield community or surrounding residential areas. The portion of the Briargate Business Campus of interest to the developer is not zoned for multi-family.
- Multi-family zoning directly violates the design of the community as established by the Briargate Master Plan and implemented in the development of the Summerfield Neighborhood and adjacent portion of the Briargate Business Campus.
- PlanCOS, Chapter 1, states "*The balancing of PlanCOS with Privately Initiated Land Use Master Plans is **particularly important.***"
 - *Generally, **developers, property owners, and neighbors should expect to rely on these previously adopted land use plans as entitlements.***
 - This value recognizes the right of citizens to rely on conditions in place when they bought their homes.
- A multifamily development of 251 housing units would negatively impact our **close-knit community of families** living in a vibrant neighborhood by adding 375 adult users of a small park, often filled to capacity, and a trail that passes through the heart of our neighborhood.
- Spokesmen for the developer have emphasized that they are not catering to families with children, plan no playgrounds or amenities for children, and are marketing to those seeking an **urban lifestyle,**

professionals seeking **walkability**. This is not Summerfield. This is a vision for people living downtown, not in a quiet suburb.

- According to the walkability index, cars are required for residents of Summerfield. Using their planning estimate of 1.5 cars per DU, the developer will bring 375 more cars onto Dynamic Dr, a neighborhood street and primary community entrance.
- Neighborhood Values are reflected in more than 185 emails to the City Planner.
- ... relating to public interest, health, safety, convenience, and general welfare.
 - Crime. - Loss of home value, leading to neighborhood decline.
 - Loss of privacy and loss of views for homes on view lots.
 - Health impact of traffic emissions.
 - Excess traffic on principal neighborhood ingress and egress routes and residential streets. Lack of traffic signals and turn lanes.
 - Safety of children on Dynamic and Wimbledon threatened due to increased traffic, especially before and after school.
 - Inconvenient traffic congestion at rush hour, start/end of school.
 - Inconvenient traffic, noise, and light pollution outside business hours.
 - Overuse of neighborhood trail and Lulu Pollard Park, causing degradation.
- Existing land uses are compatible with the Summerfield neighborhood.
- Schools are overcrowded
 - Neighbors with children who attend these schools express concerns that their class sizes of twenty-eight or more students meeting in portables are crowded and not conducive to learning.
- Keep the current zoning
 - The zoned uses for this parcel remain valid.
 - The City has honored the Briargate Master Plan and commitment to residents to allow only low profile professional and medical offices in earth tones.
 - Business traffic does not compete with neighborhood traffic during rush hour, nor at the start/end of school.
 - Office park zoning provides quiet time in the evenings and on weekends. Local businesses do not impact neighborhood privacy nor gather in Lulu Pollard Park.
- Suggested numerous alternatives to reduce the negative impact
 - Smaller buildings
 - Reduce heights
 - Provide single-family homes, townhomes, or condos
 - Patio homes for fifty-five plus community

Daniel de Jesus

- Not consistent with the goals and policies of the comprehensive plan
- Detrimental to the public interest, health, safety, convenience, or general welfare

- Summerfield is already an established suburban neighborhood
- These neighborhoods have a high value in maintaining the privacy of homes and safe streets for families. New development should focus on safe connections into and within these neighborhoods
- This is spot zoning to infill with high density apartments
- Negative impacts of rezoning
 - **Traffic Congestion** - Ingress and Egress via Dynamic Drive will be affected with approximately 375 more vehicles!
 - **Pedestrian and Child Safety** - Likelihood of vehicles cutting through Wimbledon Court, endangering children, and others, not to mention traffic danger at Mountain Ridge Middle School by Lexington and Dynamic
 - **Noise Pollution** - High density development in concentrated area will lead to noise and light pollution with additional impacts such as overuse of trail and greenspace
 - **Loss of privacy** - Reduced quality of life
- Quality of life
 - Proposal reduces the existing level of quality of life for residents of Summerfield
 - Proposal only brings benefits to Titan Development Corp. and the City of Colorado Springs (Spot Zoning)
 - Market trends should not be used to change the makeup of already established vibrant neighborhoods
- Not the right fit
 - Multitude of valid concerns from the community an indicator that rezoning initiative from the COS Planning Committee needs further evaluation
- Rezoning will negatively impact the community
 - Not consistent with PlanCOS
 - Detrimental to quality of life and public interest

Dave Shiller

- High density is not consistent with this neighborhood
- Summerfield is a classic established suburban neighborhood
- Developer states this is a transition between more intensive uses, but it is not
- Proposed high density apartments are the most intensive use
- The complex is out of place for this location
- Summerfield is happy with PIP-1 zoning, as it is appropriate

James Keuning

- Transition already exists and there is no need nor desire for more transition development
- Quantum change in population density is a concern with this development
- From the neighborhood view, this request is an ill conceived concept that does not benefit the city, the neighborhood, or the commercial entities in place, it only benefits the request

Susan Sallee

- The neighborhood has not been heard
- It has been ineffective for the neighborhood to attend two online developer's presentations with limited or no time to speak or log on or ask questions
- This is not compatible to our surroundings and does not contribute to our vibrant neighborhood
- The approved Briargate master plan followed a legislative approval process that set parameters for creating a harmonious neighborhood and nothing has changed
- What speaks loudly, honoring the Briargate Master Plan and city code or approving rezoning for a development complex to enrich an out of state developer

Bill Hobart, 24-year Summerfield resident

- One of the main motivations for PlanCOS is to leverage existing infrastructure over capacity and to avoid additional road miles that would be maintained by the City
- How do these apply to the proposed rezoning
 - The infrastructure for the Summerfield neighborhood was designed for 647 households
 - There are no different businesses nor vacant houses in the Summerfield neighborhood that would have freed up any of this infrastructure capacity
 - While there is likely some excess infrastructure for unbuilt offices in the planned industrial park, it would seem highly unlikely that this excess capacity could support 251 households in a high density apartment complex
- Road Capacity
 - By 2042, Titan's own traffic study predicts it will be over capacity
 - We could expect backups to grow continually during rush hour at the intersection of Chapel Hills Drive and Research Parkway
 - These backups could first block Research Parkway access for the proposed apartment complex
 - Possibility that the lines of cars and the three lanes could back up sufficiently to block egress from Fire Station 19 and greatly hinder its response to emergencies
 - Some apartment traffic would likely cut through the Summerfield neighborhood
- Titan proposed to pay a fee in lieu of parkland, which may enrich the Parks department, but it does little to provide open space for these 251 additional households
 - The existing Lulu Pollard Park was sized in the Briargate Master Plan for the 647 households in the Summerfield neighborhood not 898 households
 - That leaves no open space for the 251 households in the apartment complex
- The lack of provision for these 251 households degrades their quality of

life and it is detrimental to the Summerfield neighborhood's general welfare

Maria Keller, Engineer, and resident of Summerfield neighborhood

- High density apartment will be right next to an established suburban neighborhood with lots of children
- Dynamic Drive runs adjacent to the school track, a baseball field, and a park
- Developer's traffic study said there is no apartment traffic expected in the neighborhood
- Developer's revised traffic study included a 20% contingency factor in lieu of additional study
 - One point in time will yield accurate data
 - The developers traffic study suggests eastbound traffic will exit from Dynamic and drive west to Chapel Hills to continue on to Briargate or Research Parkway, however
 - PowerPoint shows the shortest and often fastest route from the Dynamic exit is through the neighborhood and that even avoids traffic lights. So there is no doubt we will see a good majority of the eastbound traffic racing up our streets
 - Troubling the developer cannot understand our concerns
 - A solution that could significantly reduce apartment traffic into the neighborhood is to move Access Point A and essentially block the Dynamic exit except as needed for emergency egress. There is an existing driveway between T-Mobile and the Kum & Go where vehicle traffic exits and enters directly from Chapel Hills.
 - Anything short of keeping apartment traffic out of the neighborhood violates the public interest, safety, and convenience aspects of rezoning criteria one while destroying our neighborhood.

Rob Hollinger, Neighborhood Watch block captain for Clapton Drive

- Mr. Hollinger said he, nor his neighbors were notified of this development
- Analysts hired by our City Reps reportedly proved increased crime projections for a similar proposed high density Garden of the Gods apartment project. The project was rejected
- To date, all emails and official documentation regarding this project make no mention of crime and our requests for any data have been ignored by the developer and our City reps
- This appears unfair and conflicts with rezoning criteria "public interest, health, safety, and general welfare...and...safe, livable, and desirable..."
- Rental properties reduce the number of neighbors expected to remain and therefore lowers social capital, cooperation and trust and leads to increased crime
- City planning contacts have downplayed our opposition against this and recommend a zone change that will nearly double our neighborhood's current population and allow for increased 24/7 foot traffic via our currently quiet and unlit (for wildlife) skyline trail system that will route

renters behind and around our homes

- Police response without weapons involved take over 1-2 hours during a known police shortage

Beth Breyer-Mbise, lives on Wimbledon Court

- Rezoning increases fire evacuation threats to existing residents and tenants of Titan Development, which is in violation of the criteria for rezoning
- Summerfield is not immune to wildfires
- Dynamic Drive will be choked with evacuees
- Titan's proposal fails to meet rezoning criteria! It would negatively impact the public's interest, health, safety, & convenience, while doing nothing to improve the general welfare of the neighborhood
- Titan's proposal violates the Briargate Master Plan for low-profile office buildings on these lots, upon which neighbors relied when purchasing our homes
- This proposal disrupts PlanCOS's vision to protect "the quality, diversity, and safety of our neighborhoods." Rezoning detracts from safety & increases vulnerability
- Imposing hundreds of apartments despite the unsuitability of local roads during a fire evacuation puts lives at risk. Life should take precedence over profit

Cathleen O'Brien, Edgefield Drive

- Does not meet the criteria in City Code Section 7.5.603
- Rezoning can only be recommended if it is not detrimental to the public interest, health, safety, convenience, or general welfare
- Shared experience of the Waldo Canyon Fire
- An apartment complex with twenty-six times greater population density than the current neighborhood built at the western end of the main street running through the neighborhood does not meet the criteria of public interest, safety, or general welfare
- Dynamic Drive is a one lane each way with no turn lanes and has no room to expand its width
- The proposed connection of the property to Research Parkway has very high possibility of interfering with safe operation of the fire station
- Residential areas are as vulnerable as other areas to wildfire
- Winds in the Summerfield area are routinely more extreme than in other parts of the City

Christine Callender, lives on Heathrow

- Ms. Callender summarized notes from the land use attorney representing the Summerfield neighborhood
 - The proposed project should not be in front of the commission today as its application is incomplete
 - Proposal fails to include a major amendment to the master plan
 - The commission ought to deny the project for failure to consider the impacts of the project on the current master plan

- The current zone district is PIP-1, which does not allow multifamily
- Residential apartments were never contemplated, and the existing master plan is low density residential
- This should have been a major master plan amendment per City Code 7.5.403.C that says it may become necessary to amend a master plan as conditions change. Major amendment is required where a requested change potentially may have a significant impact upon the transportation system, utility infrastructure, and public facilities such as parks and schools
- The impact of multiple developments that are happening at the same time in the same area are not being taken into account
- The proposal fails to include a major amendment to the master plan and should be denied
- If housing were to be build in this area, it should offer low density residential and more opportunities for home ownership versus corporate landlords' desire for lifetime renters due to extremely low housing inventory

Craig Whitehill, lives on Edgefield Drive

- Alternative proposal for Titan Development
 - Propose a senior living development option utilizing ranch-style or patio home conducive to 55+years independent living
- The proposed development property has always been zoned PIP-1. The residents never thought there was a chance it would be rezoned to OC for apartments
- A senior development would allow residents to age in place within the existing neighborhood

Huldah Keuning

- Will whoever if the property is sold request to be added to the GID since it is not included
- Will adequate green space be provided for the renters
- The greenspaces Allaso is offering are not proportionate to the people that are living there
- Summerfield residents do not want them coming into "our" new GID areas, do not want water for their dogs, do not want their dogs in our common areas
- Summerfield common areas are in trouble already and would like them to remain part of the GID

Joseph Woyte

- Concerned with schools and school safety
 - The school district might be saying they welcome additional students but what they are not saying is what they are going to do with all of those students
 - The schools use portables, which is basically a euphemism for trailers, where the trailers are next to the school and the kids have to walk out. They have to leave the safety of the school to

go across to a portable to take their class.

- Portables are drafty, hot in the warm months, cold in the winter months
- Teachers do not like to teach in them
- Kids do not like to go out to them
- Bringing an additional 250 families into this small neighborhood is only going to force more portables to be used
- Concerned with traffic
 - Traffic is dangerous already
 - There have been two accidents until finally a stop sign was put on Dynamic after the second child was hit leaving Mountain Ridge
 - The City did not listen to the neighborhood after one child was already hit, it took a second accident for a stop sign
 - Additional traffic from having two apartment buildings feeding directly onto Dynamic is going to cause more accidents, and it is not safe for the kids

John Traxler, Helmsdale Dr

- Titan has not coordinated much at this point with the community
- Most of the neighborhood were unaware of the first meeting they had and the second one was scheduled at a very inconvenient time for most of the people in the neighborhood
- Adding a multitude of lights along the Skyline Trail will probably disrupt the normally pleasant evening walks
- Recommend the developers take the time to converse with the residents

Burl Stewart, resident of Summerfield

- Concerned for the safety of his wife because she is light sensitive and cannot see well
- With traffic being rerouted from the apartment complex, traffic is already bad
- People on their crotch rockets going up and down the street too fast
- Older people in the community walk slower crossing the road and added traffic would be a disservice

George Sontheimer, Heathrow Drive

- Developer tried to assert the residents of the apartment complex will just walk to everything as if the location is a downtown urban location, which is simply not true
- City made a mistake by installing bike lanes on Research that did not even last six months and we need to ensure more mistakes like this do not happen again
- Having accurate data to begin with is very important
- Mr. Sontheimer gave some stats he researched from Realtor Property Resource
 - Walkability - 2.1 out of 5 based off the neighborhood or zip code
 - Broke down how people get to work with the majority of people

using vehicles

- Less than 1% will walk to and from everything
- This is not a walkability community
- Disagreed with fees in lieu of parks

Carlos Perez, resident of Briargate

- Population growth is affecting quality of life
- Opposed the rezoning request on the grounds that the City has abused their discretion by omitting material facts from their approval letter to accept fees in lieu of park land
 - Referred to the existence of the Briargate GID that was omitted from the application
 - City has abused its discretion by misclassifying parks dedication as exclusively neighborhood or community parks and by ignoring the alternative compliance section of the PLDO criteria manual that allows for a broad category of parks land to be added to the existing special districts
 - The GID owned 70 irrigated acres of land and maintains one of the largest urban trails networks in the City
 - Allaso project lies within the boundaries of the GID
 - Nice landscaping is not a substitute for parks
 - The decision to accept fees in lieu of park land appears to be arbitrary
 - There is no rational basis for the City to undermine an entity that has benefited Briargate for nearly four decades
 - The planning commission has not been provided with a complete and true picture to make an informed decision

Steve O'Brien, Edgefield Drive

- Traffic study was completed during COVID and the supplemental one was completed when there was major construction and rebuilding of the sidewalks and streets
- Addition of four vehicles driving eastward on Dynamic is absurd
- Many people will take Dynamic instead of going to other intersections
- Developer cherry picked the highest elevation home for its view demonstration as far as what views would be blocked
- The idea of senior living is a good idea
- Why cannot there be two-story townhomes, as they would be owner occupied units
- People have a greater investment into the community and neighborhood with owner occupied, and two-story townhomes would not be as intrusive
- With climate change, it is going to increase fire risk and the WUI is outdated

Shea Kautz, Wimbledon Court

- It appears that staff and the developer are conspiring to create legal fiction and violating the entire intent of the code
- We need less intensive housing like townhomes or homes for fifty-five

and up, which would be more suited to the community

- Disagreed with the elevation graphic which only showed the highest house and cut off the stream of houses close by
- Those houses will only see the apartment complex
- It will steal the views
- There are children, families, joggers, bicycles, everything, and asked the commission to walk the trail to see before deciding because you are stealing all of that

Karen Chui, Heathrow Drive

- Ms. Chui is a data analyst with background in research design with an emphasis on objective non bias studies.
- The so called studies and evidence that the Titan Development Group has presented to us would not be considered valid by any legitimate professional body
- Developers continue to highlight the walkability and accessibility of the proposed project. Ms. Chui said she did an in person survey of job openings at businesses within a one mile radius of the proposed project site. She visited eight out of the eighty-two businesses, which were Walgreens, Circle K, Kira Japanese restaurant, Payless Wine and Spirits, Subway, Postal annex, Briargate Taekwondo and Safeway.
- Of the eight businesses, only six of them are looking to hire about one to two part time employees. None are looking for full time employees.
- o using the data that I collected we can extrapolate about job openings in the nearby eighty-two businesses. If only 75% of them are hiring there would only be 60 to 125 job openings and most if not all would be part time positions. Tenants of the proposed project will be forced to look for jobs elsewhere. That would require them to use personal vehicles.
- That is increasing vehicle load and traffic through our neighborhood and on our streets. This contradicts developer claims that tenants will walk to work, much less pay \$3000.00 a month for a luxury Class A apartment while working a part time job at Safeway or Taco Bell

Michael Carlyle, Wimbledon Court

- Think about even if you only had one car for each apartment, which is 251 cars and look at how they are going to get in and out of that area
- To go to Powers, towards the high school, towards the Walgreens, or towards the Safeway you have to go through the neighborhood basically, so you are going to send all those 251 plus cars through our neighborhoods

Tony Breeden,

- Mr. Breeden is absolutely opposed to the project
- Focused on the danger created by the proposed rezoning to add nearly 375 extra vehicles to the neighborhood streets that serve local families and school children and violation of contemporary best practices for traffic known as NACTO (National Association of City Transportation Officials) practices.
- The proposed apartment complex would use Dynamic Drive as its main

entrance even though this street leads directly to Mountain Ridge Middle School and Lulu Pollard Park, which are frequented by hundreds of kids

- Dynamic drive allows drivers to take shortcuts through the neighborhood, making it dangerous for kids to play in their own front yards and ride bikes in the neighborhood
- NACTO urges cities to establish the requisites for child friendly streets, stating when designing streets for children improved an independent mobility and quality public space should be the fundamental goals and outcomes
- The rezoning violates NACTO practices, which stress, "Streets along school entrances should aim for zero vehicle/pedestrian conflicts, be spaces for pausing, waiting, socializing, and playing, and extend the area for children into the street. The design of adjacent streets can support these goals by limiting vehicular access to school streets."
- While Dynamic will never be car free during school hours, it is certainly not in anyone 's interest to accommodate 375 additional vehicles less than a half a mile from a school or park.
- Summerfield is unique and special because it is safe quiet and family oriented

Sarah Hobart, resident of Briargate

- Heard Todd Frisbee speak at the recent parents sounding board at District 20
- Asked about the traffic study, and Mr. Frisbie reminded me that it was just a traffic study and that a safety study would be a completely different kind of category and study
- As a mother of two children, she has great concerns and is second guessing allowing them to walk to school alone
- People from the apartments would go onto Dynamic through the neighborhood speeding
- The neighborhood does not believe the developer is giving the complete truth on everything

Bobbi Wells, Heathrow Drive

- Concerned that Dynamic would serve as an overflow parking for these apartments on the street of dynamic that is completely unacceptable. Since this is barely a 2 Lane Road roadway. And if you saw the pictures of the cars parked along that roadway and would need a secondary parking for the apartments
- This would cause a critical safety concern
- Would like to hear from the city planners a positive response to the neighborhood concerns as Colorado Springs citizens and taxpayers
- The out of state developer has no vested interest in the community's lifestyle and their interest is primarily in purchasing land to fulfill their investment opportunities

Ronald Chertier, Dynamic Drive

- There is a lot of land east of Colorado Springs that they could build their apartment and that is all I have to say

Rebuttal:**Peter Wysocki, Director of Planning and Community Development**

Mr. Wysocki addressed the comment that the City and the developer were conspiring together on this project with the enforcement of the Briargate Master Plan. Mr. Wysocki clarified there is no conspiracy, and to please not allude to conspiracy. There may be disagreements on issues, but the city is not conspiring or breaking the law.

Mr. Wysocki further explained that City Code Section 7.5.402.B distinguishes between levels of master plans. There are two levels of the master plan with one being the implemented master plan and one being the operative master plan. An implemented master plan is a master plan that 85% or more of the area has been developed. The Briargate Master Plan is 96% developed. Section 7.5.603.B, which is the zone change criteria, states that a master plan does not need to be amended for a zone change if the master plan is considered implemented. So, the city is not skipping a step and not breaking code. The city is simply following the code and that is the Briargate Master Plan is implemented.

There was a slide presented during the presentations today, that even under the Office Industrial land use classification of the master plan, multifamily residential was listed as a permissible use. What that means is when a private landowner seeks a zone change to implement the master plan, they followed the master plan. So, a multifamily development in this particular area of Briargate is a land use that was permitted or at least planned for when Briargate Master Plan was originally approved.

Katelynn Wintz, City Planner

Concerns about parks and indications those fees were not adequate to satisfy PLDO:

- Per the Parkland Dedication Ordinance, the Parks Department is entitled on a case by case basis to determine whether land dedication or fees is appropriate for the individual site and development
- In this case, both the Trails coordinator for the City and the Parks Department have reviewed this application and deemed that all trail improvements are completed as required by the City, and additionally that fees in lieu of land dedication would satisfy the requirements of the ordinance

Wildland Urban Interface

- This property is not in the Wildland Urban Interface
- Fire Marshall Lacey was present to address any specific questions surrounding emergency evacuations

Traffic Report

- Our Traffic Engineering Department has reviewed the traffic report and has accepted the findings
- Todd Frisbie, Traffic Engineering, was available to answer any questions

Rebuttal Continued under Item 7.E. (CPC CP 22-00009)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to

recommend approval to the City Council the zone change from PIP1/cr (General Industrial with conditions of record) (PIP1/cr) to OC/cr (Office Complex with conditions of record) based on the findings that the request meets the review criteria as set forth in City Code Section 7.5.603. The motion passed by a vote of 7:0:2:0

Aye: 7 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 2 - Commissioner Raughton and Commissioner Graham

7.E. [CPC CP 22-00009](#) A concept plan for Allaso Briargate illustrating the development framework for 10.4-acres for multi-family residential located at 2505 Dynamic Drive.

This item will be heard at 1:00 PM.

(Quasi-Judicial)

Related Files: CPC ZC 22-00008

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [CC Allaso Briargate CP-Plan](#)

[CPC Concept Plan](#)

[7.5.501.E Concept Plans](#)

Continued from Item 7.D. (CPC ZC 22-00008)

Rebuttal Continued:

Andrea Barlow, N.E.S

- There was some suggestion that this was not in the spirit of the master plan or what the original intent of the developers were
 - This site is within the Briargate Business Campus and is not within Summerfield neighborhood
 - Any development within the Briargate Business Campus has to get approval of the Briargate Business Campus Owners Association
 - The Briargate Business Campus Owners Association are very specific with their requirements and have a very high standard of architecture and landscaping that they require, but initially, they have to give general approval to the proposed use
 - Excerpt from letter from Briargate Business Campus
 - As an organization, we have supported growth and development in the Briargate community for over 34 -years. Our mission is to make Briargate the safest,

- cleanest, and most attractive place for businesses, residents, and visitors alike. We believe the proposed development supports that goal. Titan Development's proposal would create an attractive buffer of low intensity uses between the business campus and existing single-family housing to the east and north. (Please see attachments for the rest of the letter.)
- This has come from a completely independent source and the group that are tasked with monitoring and ensuring quality development and appropriate development with Briargate Business Campus
 - This is still at a concept plan level, and when we have a whole development plan we will have:
 - Detailed elevations
 - Photometric plan that shows the lighting and that it is not emanating beyond the boundary of the property
 - There will be amenities for the residents
 - 55+ years community
 - There is nothing to prevent a 55+ couple, who are empty nesters, moving into this community and they will be equally welcome, same as a young professional
 - The height limit at this site is 45-feet, but Titan has voluntarily brought it down to 38-feet
 - Traffic
 - There was a lot of reference to the amount of traffic that will go through the neighborhood
 - There is already traffic going through the neighborhood and speeding is an existing condition, which this project is not responsible for
 - There are no homes on the portion of Dynamic Drive to Lexington that actually have driveway access onto Dynamic Drive. It is all back of homes and the school
 - As for walkability and pedestrian use, this community is heavily reliant on people using their own cars, but the traffic impact study was not discounted in any way to assume people walking. It was assuming that they will be using their vehicle
 - As this property is within the GID, all residents will be paying taxes into the GID, just as all the other residents

Ian Robertson, Director of Development for Titan Development

- Addressed comments about how we see our residents and how we see our communities
 - Titan residents see themselves as members of the communities in which they live
 - Mr. Robertson advised that he lives in one of these communities
 - Residents see their apartments as their home, just like many of the people that live in the homes in Summerfield
 - Operationally, Titan can do things to make sure that the residents are respectful of the communities they live in
 - Titan works closely with the operators to ensure that residents

are respectful neighbors

- Titan has tried to reduce height and increase setbacks
- Titan has promised landscaping and pocket parks, along with numerous other things that will really minimize the impact of this community
- There will be a manager available 24/7
- Parking issues
 - Titan knows that parking is a huge problem for communities and as a result, Titan does not offer apartments to residents who have more cars than parking spaces available
 - Titan does not expect residents to park on the street and do not allow it

Brian Patterson, Titan Development

- Titan is proposing 251 units and based on city criteria, it is an average of 1.5 or 1.6 spaces per unit
- Titan has seen in their communities a very similar average of 1.2 to 1.25 as the actual need
- In this development, Titan is actually building more parking than is needed and there will be no overflow on Dynamic Drive
- Not planning on doing any sort of children related amenities on the property because that would only be catering to about 5% of the units
- A pocket Park is something Titan loves to do
- At one of the neighborhood meetings, there were comments about noise pollution and light pollution, as a result of that
 - The buildings with the pools have changed orientation and face west away from the neighborhood

Questions:

Commissioner Almy asked for Mr. Todd Frisbie, City Traffic Engineering, to address the traffic study and the citizen comments concerning most of the traffic issues seemed to exist now, and this development would only exacerbate them. Commissioner Almy asked Mr. Frisbie to reflect on where we are today and where we are going with traffic flow patterns and load for the immediate future.

Mr. Frisbie said City Traffic Engineering asked for a traffic study and we look at intersection capacities and flow. From an intersection operations point of view or big picture, the roadways and intersections handle the existing traffic just fine. They are operating level service Bs and Cs, so we do not really see any capacity concerns.

Looking to the future, the developer was asked to look at the projected growth of traffic along these roads. A lot of these roads are six lanes and have a lot of capacity, as the uses were more intense as originally thought in the master plan. As it has developed, it has developed less than what was originally thought in the master plan, and that is why the roads are so big. Traffic Engineering feels that in this part of the city, the roads have the capacity to handle additional traffic as new development enters the area and that was shown in the traffic study. They did project traffic out 20 years and still had

sufficient capacity at the intersection.

There were a lot of comments regarding Dynamic Drive, and those comments were relating to existing issues. Dynamic is a collector road and is meant to provide access to the arterials and provide access to the neighborhood. That is why there are no homes or driveways fronted on Dynamic. In 2018, somebody reached out to Traffic Engineering about speeding on Dynamic. Traffic Engineering conducted a study and saw that speeds were approaching our threshold, which would trigger us to do traffic calming. As an initial measure, the City placed an all way stop at Summerhill to address some of the traffic concerns. In 2021, the City was contacted again about speeding on Dynamic but did not find that it met the threshold to do any traffic calming. The City did send out a letter to the residents in the area reminding them that Dynamic is their road, a collector road, and to please drive accordingly. In that analysis, the City did not see a lot of cut through traffic on Dynamic based on the volumes that we see today on that road.

With the issue of school traffic where there is a 15 to 30 minute crunch that happens, most noticeably in the afternoon. That becomes a scenario of traffic management. The City works with the school districts, and the school districts manage their traffic at their curb on their site. On the City's side, we do our best to manage that traffic along the public streets. City Traffic Engineering has worked a lot with Mountain Ridge school to put in measures to improve safety for students walking to and from that school. The City is always looking at ways to improve safety, especially around schools, and there is a dedicated staff member in traffic engineering that solely deals with school safety. Based on the comments today, we will probably take another look at Dynamic to see if there is any additional work that should happen on this street to improve safety.

Commissioner Almy said it was described earlier that the City does traffic studies, but not safety studies. Mr. Frisbee said that was no true, and when it comes to new development, the City asks for a traffic impact study, which is in code, and has certain requirements and certain analysis. The traffic study looks at a future condition like what is the impact, and then makes the assessment of whether there is a significant impact and then what the mitigation measures should be. The safety study looks at existing conditions, which is done on an ongoing basis. Sometimes a citizen initiates it because there is a concern about speeding or something. Traffic Engineering will take a look to see if there is something that can be done about it. Sometimes it is City staff initiated where there is a particular area. The safety study looks at the volume of traffic, speeds, and the crash history. We walk the area to see if there is any potential conflicts or site distance issues that we would want to address. Then an assessment is made on what we should do. If something shows up in the data, we figure out how to implement measures by seeing if there is funding. There are several different factors that staff must consider.

Commissioner Slattery mentioned that views are not protected in City Code, and that is what commissioners look at, the code. Living in Colorado Springs, we are accustomed to pockets of open space within our communities, but we have to realize that the owner of a privately held developable land has a right to build on it whether we like it or not.

People spoke about low profile office or industrial uses. Was a specification on what low profile means, and then confirm that this was a three story apartment structure and what is the height difference because a nonresidential use is going to have a higher foot plate floor to floor. With all that understanding, what is low profile, was there a definition, and how does that correlate to the proposed development presenting today?

Ms. Andrea Barlow said based on her experience of developing and working on multiple projects within the Briargate area and Briargate Business Campus in particular, that she did not think there was ever any specific requirement that buildings would be low profile. It just happens to be how they have developed as one or two story buildings. There are a number of other buildings that have recently been approved and completed for an assisted living development, which is three stories by Focus on the Family. There are proposals for three story plus office buildings in Highlands of Briargate, which have all been approved several years ago. There is no actual requirement other than how it is controlled by the zone in which consistently, it is all either commercially zoned, PBC, office zoned OC, PIP1, and they all consistently have a height limit of forty-five feet. So, that is the allowable height limit for most of this area irrespective of how they have developed. There is nothing to say that an existing site could not redevelop or more intensively develop with a higher height.

As for the story to story, floor to floor distance, an office building is usually somewhere of 10 to 12 feet versus usually around 9-ish feet on a multistory. So, a 3-story multifamily residential development is going to be at a lower level than a 3-story office development. A 2-story office would probably be around 35-feet versus the 38-feet being proposed today. The appearance varies depending on if it is a flat roof or pitched.

Mr. Wysocki explained current PIP1 zoning rig is a Planned Industrial Park. It allows a number of industrial park uses and that basically allows office buildings and allows warehousing light corporate headquarters type uses. The code is very clear with the height requirements of 45 feet. Office commercial is slightly more restrictive because it does restrict the uses to primarily office uses, so there is less probability of having a warehousing use or a hotel/motel type use, albeit it does allow multifamily.

There was some suggestion of why not senior housing or some other sort of lower density product, but that would also require multifamily zoning. When these senior housing project comes in, and we have a number of these throughout our city and many of them on Powers, They are zoned either planned unit development (PUD) or multifamily. PUD is a site specific zoning district that is basically a site specific project specific zoning district where the developer or the applicant can request specific height, setbacks, or density that are outside the parameters of a particular zoning district. So, the change of zoning from PIP to OC, the development standards are very similar. There is a concept plan that is specific to a multifamily project at 251 units and 38-feet in height.

What the concept plan does is subject a developer to the concept plan parameters, whether that is Titan, or if they sell property or somebody else decides to build the apartment complex. They will be subject to the concept plan that if approved through the Planning Commission and subsequently City Council. The concept plan sort of regulates the ultimate development beyond what is allowed in city code so. The maximum height under current zoning or proposed zoning is 45-feet.

Mr. Wysocki touched briefly on view sheds which was discussed a lot. There was some discussion whether or not the city should adopt view protection regulations on private land. A decision was made that whether it is a context of a nonresidential project being constructed next to single family residential neighborhood, or a two story home being built behind your backyard fence and blocking your views on your single-family residential lot, and there are a number of cases like that, there are simply not any view protection requirements currently in city code. This issue comes up often. It is not unique to this circumstance, but it is not part of our evaluation criteria.

PLDO was brought up several times and City is not waiving city code. The city does have a Parkland dedication Ordinance. It has been in effect since the early 1970s², and the requirement is to dedicate land based on density of a project and there is a calculation that goes in, it is discretionary, but in instances where a meaningful amount of land cannot be dedicated to the city, the code does allow payment of in lieu fees. Those fees are determined based on the value of the amount of land that would be dedicated. So based on 251 units, I do not know what that PLDO calculation is for actual dedication of land but let us say it is a half an acre park, the City cannot continue to or cannot maintain little pocket parks. Per code, the City is allowed to accept a payment of in lieu fees. The City determines what the value of that land is and that is all built in into the City's fee structure, and that money is collected. Those fees go into two buckets of funding. One is for a community park funding bucket, and one is for a neighborhood park funding bucket. Funding is divided into eight different park benefit districts, so the money collected for a neighborhood park from this development would go for improving the capacity or purchasing land within the district in which the fee is collected. Community Park portion of the fee can be then used to buy land or improve capacity of existing community parks, so that is like Venezia Park. The local neighborhood park would be classified as a neighborhood park. So, there is on fee that is collected, but it goes into two separate funding sources. The City is not waiving requirement to build parks, the City is simply taking the money in lieu of the land, so we can do something more meaningful. as we read the city.

Commissioner McMurray said he would be interested to just hear from the city and applicant side to address some of the questions that came up about the general improvement districts. Those were not in any of the written materials, and he wanted clarity on that. The second question is that one of the comments raised the idea of the third access point that would kind of cut through and would like someone to speak on that.

Ms. Barlow said she did comment on the General Improvement District (GID) and did not know if the city has anything further to add. Ms. Barlow did talk about the recent ballot measure. The whole purpose of that was because only some of the areas of Briargate were included within that, and City Council member Helms actually took the initiative of expanding that to the entire Briargate neighborhood making sure for equitable purposes it was spread across the entire area, so all residents were paying. The map was checked, and it does include this site. As far as Ms. Barlow was aware, that means they would have to pay the GID additional fee tax fee.

Regarding the third access point, Mr. Patterson with Titan said that was something that could be evaluated. We definitely could explore that. Obviously from a fire safety standpoint, we need two access points to serve this property. Mr. Patterson noted with Dynamic, the way that the approved traffic study and the trip generation table was done that 5% of the trips are going to go up east and towards the neighborhood and that is where the four trips per hour reference that is just in one hour timeline. Obviously, during different periods of the time of the day, it is less. That is one trip every 15 minutes. It is an existing situation out there. We want to work and fix the situation. Even though we might have only twelve residents that might have kids that go to that middle school, we want to be part of this community and want to be part of those discussions with the city on how to fix this and to help as far as that access point. We definitely can look at it, obviously no promises. There are two legal access point now, and between now and City Council, we can see if it is a possibility.

Commissioner McMurray said he would not necessarily want to place a disproportionate burden on a very marginal difference. But if it is an easy fix it might just be an opportunity.

Mr. Patterson said it is very important to reiterate about community. We build communities. We are not building an apartment complex. This is a community with the neighbors that are behind us. We want to be a part of their community simple as that. If that means we can find a solution, and if it takes maybe ten vehicles off Dynamic, we will figure out a solution. We are committed to doing that through the process.

Commissioner McMurray said as someone who lives in a I live in a single family residential neighborhood close by to this area and on a on a collector, 4-way intersection, he understood what that dynamic felt like, and he thought they were looking at that.

Chair Hente asked Fire Marshal Lacey if there were any concerns as the development abuts a major fire station. Fire Marshal Lacey said they worked closely with Mr. Frisbie and his staff, and they have no problems with this. Fire Marshall Lacey said this is no different than many other parts of town and the community generally does a good job of yielding for us.

Chair Hente asked if this area was always zoned PIP1. Ms. Wintz said she did not know the history of the zoning. But as of 1998, which is when the conditions of record were zoned onto the property, it has been zoned PIP1.

Commissioner Hente commented that he heard many residents get up and make their comments saying they have lived there for twenty plus years. If I

were going to move into the neighborhood, one of the first questions I would ask is what is going to go there. I would not have been told that multifamily was going to go there because it is not allowed under PIP1. For the buyer who does due diligence, they would have asked what was going to go in there. They were not told that it was going to be multifamily. Is that correct?

Mr. Wysocki explained the Briargate Master Plan was adopted in the 1980s, and the City did not adopt land use classifications to be adopted in land use master plans until after that date. When master plans were adopted back in the day, they were kind of defining their own land uses. In the 90s or early 2000s, there was an effort to better define and categorize consistent names for land uses. Bottom line is the Briargate Master Plan does not use the classifications that are current in city code.

The current city code has like industrial, commercial, low density, medium density, and so on, those terminologies or classifications were not part of the Briargate Master Plan. If the properties on PIP1, then it is on PIP1. When you buy a home, there is a bunch of papers you sign and there is typically a sheet that shows adjoining zoning. If you are not the first buyer of a brand new home, you typically do not get the master plan.

Chair Hente said the zoning code protects buyers. In other words, if I move into a single family R1 residential and there is a vacant lot next to me, I can be confident that there is not going to be a nightclub that is going to get built there. It is going to be another single family residential. I trust the city to adhere to their code and what is in there. If I bought knowing that, and then somebody came in wanting to change the zoning to put a nightclub next to my house, I would be upset because I relied on the city. So, I am concerned that these people bought, and some of them said they were the original owners, that they bought thinking what was going to be there. Now I will tell you that this is a dual edged sword because sometimes you have to be careful what you wish for because you get it. If this project is not approved, it could be something worse that would go in there under the current zone.

Mr. Wysocki said he agreed with Chair Hente about 50%. The other 50% is that the property owner of the land that is zoned PIP1 is also allowed by code to request a zone change and go through a public hearing process, just like now.

Mr. Barlow said she was going to say what Mr. Wysocki said in that through city code, they are entitled to ask for rezone under the three criteria to do that, and one of them is consistency with the comprehensive plan, and one of them is consistency with the master plan. The master plan does not need to be amended because the project is consistent with the master plan. PIP1 zone allows a 45 foot tall building and what is being proposed today voluntarily is adding a restriction to thirty-eight feet, which is less of an impact.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Rickett said normally when it comes to a zoning change, he backs the neighbors as much as he can. In this case the master plan was clear that it could be multifamily.

Commissioner Almy said this is pretty cut and dried with some hard lines involved with it.

He thanked the Summerfield community for coming in and giving very detailed comments and input to this process, and everything that was said to us was well envisioned and well thought out. However, there is a Summerfield community, and there is the Briargate Business Campus. Those are two different entities with a hard line drawn between them. We have the in place PIP1 zoning already with a 45-foot height restriction, as we have discussed, and the master plan is in concurrence with that generally. But that 45-foot will make the 38-foot worse? If nothing gets done and that stays PIP1, some other purpose can go in there that may not be nearly as attractive as a residential usage, which has been voluntarily restricted to 38 feet. There was a lot of discussion about wildfire, and I am highly sympathetic toward wildfire considerations. But this area is at lower risk than a lot of the places that we have discussed, and I have been a very big proponent on evacuation capabilities. Based on that, I will vote in favor of the project.

Commissioner Rickett thanked Commissioner Almy, as his comments were spot on with what he was thinking. Commissioner Rickett said he felt this was in line with the Briargate Master Plan, otherwise, he would be voting against it. The Briargate Master Plan was pretty clear that this could be multifamily. It was laid out that way, therefore, he will be voting in favor of the project.

Commissioner Eubanks said for the first item, I do not oppose a zone change. I think a move away from light industrial would be beneficial for the area and in line with the plan. My bigger concern is with the concept plan and whether high density residential is an appropriate buffer between this community and the development to the west. There are a lot of very valid and thoughtful points from the residents who came today. Particularly, about the increased density in the traffic. Looking at the PlanCOS characteristics, there seem to be some contradiction. On the one hand, it states that for an established suburban neighborhood that is not being actively developed and there is not an anticipated high level of land use changes, which this I think would be, but on the counterpart, there is a support for redevelopment of underperforming properties, which I think this parking lot is as well. There is a lot of multifaceted characteristics occurring here that complicates this and that is what will be considered when I make my vote.

Commissioner McMurray said we have heard from the applicant that this would be a reduction in intensity. We have heard from the neighbors that this would be an increase in intensity. As someone who has practiced land use and development for two decades, I am confident in my own read of this that this is intensity neutral. The current zoning allows uses that would be equally intensive, and frankly based on the various development criteria that are allowed by right that would not bring anybody to this room, it could be a lot worse. Multifamily housing, though not expressly permitted by the zoning, has been anticipated for many, many years in the master plan as a potential use. We know that providing housing in our community is a major priority here, there, and everywhere given the level of growth that we are experiencing and the unmet need that we have for housing in our community. I think that improving housing choice in the Briargate area is a good thing. I think that the applicant has shown

willingness and made steps to do things within the context of the site to limit the impacts, and I hope that we will see additional efforts made in that regard. As Chair Hente pointed out, it could be a lot worse; it can cut both ways. I think that overall, we are seeing that effort made. As an aside, I just want to also thank staff and the applicant for providing us a detailed concept plan here. This is sort of outside of the parameters of this project, as the code does not require this level of detail necessarily for a concept plan but having that obviously really helps us make an informed decision and helps all of us in evaluating that. Based on all of that, as well as the fact that if you look at the actual criteria for Vibrant Neighborhoods in the City's Comprehensive Plan, which will be trending four of the five metrics in a positive direction, and the fifth is neutral. N regards to addressing homelessness, maybe you could make a loose case for that, but regardless, four of the five we positively influenced when we talk about PlanCOS metrics for Vibrant Neighborhoods. Commissioner McMurray said he would be voting in support of the project.

Chair Hente said when we get these big items like this, a lot of times I asked myself how am I going to vote and yesterday I was reviewing all the material, and then even as late as 10 minutes ago, I am still asking myself how I was going to vote. What I have learned is my colleagues up here are oftentimes a lot smarter than me, and so I listened to their comments. I do not know if this was your intent, Allison, but you made me think about something. That is, I really think if it were devoid of this project, the zone change works to the benefit of the neighborhood because, as I have mentioned to you before, under the current zoning you could have something a lot worse. So, the zone change works to your benefit, and I am going to support the zone change. However, I am not convinced the concept plan, as we have seen, benefits the neighborhood, and I am going to use the same report, PlanCOS. The one thing about PlanCOS is it is subject to interpretation. I look at the very first criteria, and it calls vibrant neighborhoods, and the strength of a neighborhoods identity values and positive attributes extend beyond traditional residential areas, benefiting the overall character of the city. I do not believe that this strengthens that neighborhood. I will vote for the zone change, but I am going to vote against the concept.

Commissioner Wilson said that she does believe that this plan meets code criteria and will be voting yes to approve this project.

Commissioner Slattery said, I know change is hard and being here over 20 years, I am sure you have seen a lot of things change. Colorado Springs is a desirable place, we do have a shortage of housing, and I think that sometimes fear can breed us to think that change will be detrimental when really the reality that comes along with it is not as bad perhaps as we had feared. I am in support of the zone change. I think it will be a benefit to the community, and in turn, I am also kind of siding, given the timelines and intensities on the master plan side, that multifamily use is compatible. It is not in the middle of the neighborhood. It is on the outside of the boundary. I will be in favor of both.

Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend approval to the City Council the Allaso at Briargate concept plan based upon the findings the proposal meets the review criteria for concept

plans as set forth in City Code Section 7.5.501(E) with the following technical modification:

* Show and label the full spectrum detention facility prior to approval of the plans.

The motion passed by a vote of 5:2:2:0

Aye: 5 - Vice Chair McMurray, Commissioner Wilson, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

No: 2 - Chair Hente and Commissioner Eubanks

Absent: 2 - Commissioner Raughton and Commissioner Graham

8. PRESENTATIONS/UPDATES - None

9. Adjourn