

City of Colorado Springs

*Regional Development Center
2880 International Circle
Colorado Springs, CO 80910*



Meeting Minutes

Wednesday, November 9, 2022

9:00 AM

**Regional Development Center
(Hearing Room)
2880 International Circle
Planning Commission**

1. Call to Order and Roll Call

Present: 12 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett, Commissioner Slattery, Alternate Griggs, Alternate Cecil and Alternate Morgan

2A. Approval of the Minutes - None

2B. Changes to Agenda/Postponements

Mr. Peter Wysocki, Planning and Community Development Director. The applicant for all the Amara items on the Agenda are asking for a postponement until the January 11, 2023 Planning Commission Meeting. City Planning doesn't object to the postponement. City Council is scheduled to have a public hearing on this matter November 22, 2022, Public Hearing. The plan is for that meeting to still be held since it was a noticed hearing. There may be some discussion but there will be no action taken on the item as far approval or denial

Chair Hente confirmed Council will have the minutes from this meeting to show this item was postpone for this meeting. Mr. Wysocki said yest.

Chair Hente confirmed the Hancock Commons project is also being postponed.

- 2B.A.** [URA 22-728](#) A resolution making certain legislative findings and approving the Hancock Commons Urban Renewal Plan.

Related Files: 22-767

Presenter:

Jariah Walker, CSURA Executive Director

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to postpone the Hancock Commons Urban Renewal Area Plan to the December 14, 2022, City Planning Commission hearing. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

3. Communications

Peter Wysocki - Director of Planning and Community Development

Due to Amara being postponed we should break to allow all the neighbors and parties involved with the Amphitheater project to get here closer to 10:00AM or 10:30 AM

4. CONSENT CALENDAR

Commissioner Briggs requested City Gate URA (Item 4.D.) be pulled from the Consent Calendar.

A member of the public, **Jeff Norton**, requested Manning Way Home Daycare (Item 4.E.) be pulled from the 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.)

Allison Valley Master Plan

- 4.A. [22-715](#) A resolution of the City of Colorado Springs approving a change to the legislative status of Allison Valley Master Plan from operative to implemented.
(Legislative)

Presenter:

Daniel Besinaiz, Senior Comprehensive Planner, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

The Allison Valley Master Plan implementation was referred on the City Council on the Consent Calendar.

Concrete Coyote

- 4.B. [PUDZ-22-0004](#) Ordinance No. 22-98 amending the zoning map of the City of Colorado Springs relating to 5.664 acres located at 1100 S. Royer Street from M2/PUD/SS (Heavy Industrial and Planned Unit Development with the Streamside Overlay) to PUD/SS (Planned Unit Development with a maximum of 0.36 dwelling units per acre, maximum 10,000 square feet of non-residential structures, and maximum building height of 40 feet, with the Streamside Overlay)

(Quasi-Judicial)

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning & Community Development

Peter Wysocki, Planning Director, Planning and Community Development

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

- 4.C. [PUDD-22-0018](#) The Concrete Coyote PUD Development Plan showing the construction of a roughly 1,100 square foot structure and associated improvements located west of S. Royer St. and north E. Las Vegas St.

(Quasi-Judicial)

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning & Community Development

Peter Wysocki, Planning Director, Planning and Community Development

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

Mohawk Commercial Center

- 4.F. [MAPN-22-0005](#) A resolution approving a major amendment to the Mohawk Commercial Center Master Plan to reconfigure the identified land uses to add residential land use and maintain areas of commercial and recreational use consisting of 28.5 acres located at the southwest intersection of Mohawk Road and Woodmen Road (Legislative)

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

This Resolution was referred on the Consent Calendar to the City Council.

- 4.G. [COPN-22-0009](#) A major concept plan amendment to the Mohawk Commercial Center concept plan establishing a mix of residential, commercial, and recreational land use, located at the southwest intersection of Woodmen Road and Mohawk Road.

(Quasi-Judicial)

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

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

Church of the Front Range

- 4.H. [CUDP-22-0005](#) A conditional use development plan for the Church of the Front Range located at 2240, 2260 and 2380 West Montebello Drive.

(Quasi-Judicial)

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development

This Planning Case was approved on the Consent Calendar.

Outlaw Canyon

- 4.I. [CPC CM122-00080](#) A conditional use development plan to install a new antenna array on an 80-foot-high non-stealth monopole with associated ground-mounted equipment to be located at 4575 Galley Road.

(Quasi-Judicial)

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development

This Planning Case was approved on the Consent Calendar

Verde Commons

- 4.J. [PUDZ-22-0001](#) Ordinance No. 22-101 amending the zoning map of the City of Colorado Springs pertaining to 2.03-acres located on the southeast corner of Verde Drive and Zebulon Drive from R-5/AO (Multi-family Residential with Airport Overlay) to PUD/AO (Planned Unit Development: Residential, maximum of 12.81 dwelling units per acre, and maximum building height of 36 feet with Airport Overlay)

(Quasi-Judicial)

Presenter:

Austin Cooper, Planner II, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

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

- 4.K. [PUDD-22-0001](#) A planned unit development plan for Verde Commons residential project to build 13 duplexes for a total of 26 units at the southwest corner of Verde Drive and Zebulon Drive.

(Quasi-Judicial)

Presenter:

Austin Cooper, Planner II, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

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

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

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

5. ITEMS CALLED OFF CONSENT

City Gate Urban Renewal Area

- 4.D. [URA 22-716](#) A resolution making certain legislative findings and approving the City Gate 2.0 Urban Renewal Plan.

Related Files: URA 22-768, URA 23-092

Presenter:
Jariah Walker, CSURA Executive Director

Commissioner Briggs asked what the impact of the high density activity in the area would have on traffic?

Mr. Ryan Tefertiller stated the application from Planning Commission today is simply to find out whether the plan is consistent with the City's Comprehensive Plan. This is not a land use entitlement. It does not give the property owner any rights to vertical development or densification. It is a financial tool that the designation would allow the use of TIF dollars through the City. No traffic was done at this point, but later when entitlements come through for future vertical development, the City's Traffic Engineering staff will review the application and determine whether a traffic study is necessary for the area prior to any entitlements being approved.

Commissioner Briggs asked in a case like this was it normal to do a traffic study. Mr. Todd Frisbie, City Traffic Engineering, stated normally, traffic studies are not generally not completed in the downtown area because the system is relatively built out. The question then becomes what additional improvements are needed to address traffic in that area. If the project is big enough or significant enough, on a case by case basis, traffic engineering staff would make a decision on whether to require a traffic study for that particular development.

Commissioner Briggs asked staff to consider what impact high density might have on I-25, and the exchanges, as people commute to work. Commissioner

Briggs said he will be asking that in the future on projects as well.

Motion by Commissioner Rickett, seconded by Vice Chair McMurray, to recommend approval to City Council the City Gate Urban Renewal Area Plan based on the findings that the application conforms to the goals of the City of Colorado Springs' Comprehensive Plan. The motion passed by a vote of 9:0:0:0

Manning Way Home Daycare

- 4.E. [CUPD-22-0009](#) A conditional use development plan for a licensed large daycare home with a maximum attendance of twelve (12) children and infants located at 1935 Manning Way consisting of 9,750 square feet. (Quasi-Judicial)

Presenter:

Allison Stocker, Planner II, Planning & Community Development

Allison Stocker, Planner II for the Central Planning Team, gave a PowerPoint presentation discussing the history of the site and scope and intent of the project to expand the small home day care into a large home day care.

Applicant:

Aubrey Biondolilo applicant requesting the expansion for the family home daycare. She is currently licensed for 6 + 2 school age children and that number includes her own three children. The expansion would allow to have up to 12 children which still includes her own three children.

Commissioner Rickett asked about the State Statute and if it's clear as to whether it's specific to a small or large daycare? Ms. Stocker stated, the statute states, "the operation of a family childcare home as defined in section 26-6-10213 which defines a family childcare home as a facility for childcare in a place of residence of a family or person for the purpose of providing less than 24-hour care for children under the age of 18 who are not related to the head of the home." It does not into the specifics for the quantity of children, but I am not an expert in this area. The applicant may have more information. Ms. Biondolilo stated when she reviewed it, it specifically states that it included large family childcare homes.

Commissioner Raughton ask how long she'd operated a family childcare at that address. Ms. Biondolilo stated she'd done this for three years licensed with the State of Colorado and has 17 years of experience managing the Army Childcare Programs.

On the Phone:

Jeff Norton - he's on the Board of Directors of the Mountain Shadows Community Association. He pulled the item off the agenda for two reasons. The second notice went out the file number was a couple of letters different. This may have precluded other people from commenting on this.

Mr. Norton reiterated their association is not an HOA. They have no issue with childcare. It's about servicing the neighborhood. The real issue is the covenant compliance and the applicability of the community interest, common community definition in the law and specifically the Colorado Common Interest Ownership Act, which was invoked as part of the SB20-126 you referenced earlier. The association, specifically Subdivision 16 in terms of proper use, it specifically identifies no dwelling shall be erected, maintained within the subdivision, and shall be used to occupy for any other purposes than a single-family dwelling, no business, profession, or other activity conducted for game shall be carried on within any lot or building site. That's the covenants. The specifics here from the standpoint of the invocation of the Bill, SB2126 for the Colorado Common interest ownership. Kiowa say from the standpoint of its definition, it identified the community that are applicable under this law. The owners are obligated to pay for real estate taxes, insurance premiums, maintenance or improvement of other real estate i.e. Common use areas describe in the Declaration. We're not an HOA. Community Association doesn't apply in terms of this comment. Common interest, community definition. His argument is that this is covered under that law and specifically Kiowa is not appropriate for this for approval of this item. Since we're not an HOA this act does not apply to us. Out covenant should be the concern in terms of protecting the common interest of both Subdivision 16 and the rest of the Mountain Shadows Community.

Chair Hente asked the City Attorney to expand on the City and Covenants? Ms. Lisa O'Boyle, City Attorney stated. City's role is not to enforce private covenants and the existence and various interpretations of that State Bill does not impact that. The question before the Commission is whether the application meets the criteria for the Conditional Use application. A private covenant whether and HOA or otherwise is immaterial to the question before the Commission today. Chair Hente confirmed if there were an issues they could take that up as a civil action, correct? Ms. O'Boyle said yes.

Comments by the Commissioners:

Commissioner Slattery said as a working parent she's been fairly supportive on most cases for home daycares and she understands the need in our community, how essential it is. There is a lack of availability for childcare in our state and community and that is part of the reason we keep seeing these request to enlarge daycares. Commissioner Slattery thanked Ms. Biondolilo for providing this service to the community. Commissioner Slattery said to Mr. Norton that as our City Attorney stated we're not allowed to enforce private covenants. Also, she thought part of the comment you sent in about "no business shall be conducted on the site". She didn't imagine the covenants are enforcing the work from home model that's come into society as well. She's in support of the motion to approve the project.

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to approve the conditional use development plan for a licensed large daycare home located at 1935 Manning Way, based upon the finding that the request meets the review criteria for granting a conditional use as set forth in City Code Section 7.5.704 and a Development Plan, as set forth in City Code

Section 7.5.502(E). The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

6. UNFINISHED BUSINESS

Amara Annexation

6.A. [CPC A
21-00197](#) An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 1 Annexation consisting of 1.193 acres located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road.
(Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Motion by Commissioner Raughton, seconded by Commissioner Hensler, to postpone this item to the January 11, 2023, Planning Commission meeting per the applicants request. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

6.B. [CPC A
21-00198](#) An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 2 Annexation consisting of 4.160 acres located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road.
(Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Motion by Commissioner Raughton, seconded by Commissioner Hensler, to postpone this item to the January 11, 2023, Planning Commission hearing per the applicant's request. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

- 6.C. [CPC A](#)
[21-00199](#) An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 3 Annexation consisting of 8.633 acres located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road.
(Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Motion by Commissioner Raughton, seconded by Commissioner Hensler, to postpone this item to the January 11, 2023, Planning Commission hearing per the applicant's request. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

- 6.D. [CPC A](#)
[21-00200](#) An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 4 Annexation consisting of 24.430 acres located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road.
(Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Motion by Commissioner Raughton, seconded by Commissioner Hensler, to postpone this item to the January 11, 2023, Planning Commission hearing per the applicant's request. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

- 6.E. [CPC A](#)
[21-00201](#) An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 5 Annexation consisting of 124.759 acres located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road.
(Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning & Community Development

Peter Wysocki, Planning Director, Planning & Community Development

Motion by Commissioner Raughton, seconded by Commissioner Hensler, to postpone this item to the January 11, 2023, Planning Commission hearing per the applicant's request. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

6.F. [CPC A 21-00202](#)

An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 6 Annexation consisting of 218.046 acres located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road.
(Legislative)

Presenter:

Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Motion by Commissioner Raughton, seconded by Commissioner Hensler, to postpone this item to the January 11, 2023, Planning Commission hearing per the applicant's request. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

6.G. [CPC A 21-00203](#)

An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 7A Annexation consisting of 95.566 acres located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road.
(Legislative)

Presenter:

Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Motion by Commissioner Raughton, seconded by Commissioner Hensler, to postpone this item to the January 11, 2023, Planning Commission hearing per the applicant's request. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

6.H. [CPC A
22-00108](#) An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 7B Annexation consisting of 254.149 acres located near the northeast corner of Squirrel Creek Road and Link Road.
(Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Motion by Commissioner Raughton, seconded by Commissioner Hensler, to postpone this item to the January 11, 2023, Planning Commission hearing per the applicant's request. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

6.I. [CPC A
21-00204](#) An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 8 Annexation consisting of 400.348 acres located near the northeast corner of Squirrel Creek Road and Link Road.
(Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Motion by Commissioner Raughton, seconded by Commissioner Hensler, to postpone this item to the January 11, 2023, Planning Commission hearing per the applicant's request. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

6.J. [CPC A
21-00205](#) An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 9 Annexation consisting of 515.841 acres located near the northeast corner of Squirrel Creek Road and Link Road.
(Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Development

Motion by Commissioner Raughton, seconded by Commissioner Hensler, to postpone this item to the January 11, 2023, Planning Commission hearing per the applicant's request. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

- 6.K. [CPC A 21-00206](#) An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 10 Annexation consisting of 719.719 acres located near the northeast corner of Squirrel Creek Road and Link Road.
(Legislative)

Presenter:
 Katie Carleo, Land Use Planning Manager, Planning & Community Development
 Peter Wysocki, Planning Director, Planning & Community Development

Motion by Commissioner Raughton, seconded by Commissioner Hensler, to postpone this item to the January 11, 2023, Planning Commission hearing per the applicant's request. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

- 6.L. [CPC A 21-00207](#) An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 11 Annexation consisting of 858.642 acres located near the northeast corner of Squirrel Creek Road and Link Road.
(Legislative)

Presenter:
 Katie Carleo, Land Use Planning Manager, Planning & Community Development
 Peter Wysocki, Planning Director, Planning & Community Development

Motion by Commissioner Raughton, seconded by Commissioner Hensler, to postpone this item to the January 11, 2023, Planning Commission hearing per the applicant's request. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

- 6.M. [CPC MP 21-00208](#) Establishment of the Amara Master Plan for proposed commercial, industrial, civic, single-family residential, multi-family residential,

parcs and open spaces within the City of Colorado Springs. The property is located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road, and consists of 3172.796 acres.

(Legislative)

Presenter:

Katie Carleo, Planning Manager, Planning & Community Development

Peter Wysocki, Director of Planning and Community Development

Motion by Commissioner Raughton, seconded by Commissioner Hensler, to postpone this item to the January 11, 2023, Planning Commission hearing per the applicant's request. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

6.N. [CPC ZC 21-00209](#)

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 3172.796 acres located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road establishing the A (Agricultural) zone

(Legislative)

Presenter:

Katie Carleo, Land Use Planning Manager, Planning & Community Development

Peter Wysocki, Planning Director, Planning & Community Development

Motion by Commissioner Raughton, seconded by Commissioner Hensler, to postpone this item to the January 11, 2023, Planning Commission hearing per the applicant's request. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

7. NEW BUSINESS CALENDAR

Sunset Amphitheater

7.A. [AR PUD 22-00062](#)

An appeal of City Planning Commission's decision to approve a PUD Development Plan for Polaris Pointe South Filing No. 4, for an 8,000-seat outdoor entertainment amphitheater with ancillary site improvements on 18 acres in the PUD (Planned Unit Development) zone district located at the southeast corner of Voyager Parkway and Spectrum Loop intersection.

(Quasi-Judicial)

Related Files: AR NV 22-00480; AR NV 22-00481

Presenter:

Tamara Baxter, Senior Planner, Planning & Community Development Department

Peter Wysocki, Director, Planning and Community Development Department

Motion by Commissioner Briggs, seconded by Vice Chair McMurray, to continue this item to the next City Planning Commission hearing to be held on December 14, 2023, to allow commissioners the opportunity to review the sound impact study and provide the developer the opportunity to return with a maximum onsite parking plan, as well as a plan to include increased parking capacity on Spectrum Loop. The motion failed by a vote of 4:5:0:0

Aye: 4 - Commissioner Almy, Commissioner Briggs, Commissioner Foos and Vice Chair McMurray

No: 5 - Commissioner Hensler, Chair Hente, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

Motion by Commissioner Slattery, seconded by Commissioner Raughton, to approve the PUD Development Plan for the Polaris Pointe South Filing No. 4 project, based upon the findings that the request meets the review criteria for granting a PUD Development Plan as set forth in City Code Section 7.3.606, and the review criteria for granting a Development Plan, as set forth in City Code Section 7.5.502(E), with the following conditions of approval:

1. The LSC Transportation Consultants, Inc. Traffic Technical Memorandum dated October 14, 2022, shall be updated to include the traffic counts adjustments and split ratio; additional analysis for Powers off-ramp/Voyage Parkway intersection; and include the project queue analysis in Table 5 of the memorandum which shall be approved by City Traffic Engineering prior to the approval of the project.

2. An agreement between the venue operator and the City of Colorado Springs shall be executed prior to plan approval. The agreement will outline operational parameters, including but not limited to: parking, noise, traffic movement, and requirements for annual reporting. This agreement must be executed prior to the approval of the project. The motion passed by a vote of 6:3:0:0

Aye: 6 - Commissioner Almy, Commissioner Briggs, Commissioner Hensler, Chair Hente, Commissioner Raughton and Commissioner Slattery

No: 3 - Commissioner Foos, Vice Chair McMurray and Commissioner Rickett

7.B. [AR NV 22-00480](#)

An appeal of City Planning Commission’s decision to a nonuse variance to City Code Section 7.4.204(C)(1)(d)(2) for the Polaris Pointe South Filing No. 4 project to allow shared parking on properties within 2 miles where four hundred feet (400’) is the maximum distance and to increase the maximum reduction of the

minimum on-site parking requirements to eighty-five percent (85%) where thirty-five percent (35%) is allowed. The site is zoned PUD (Planned Unit Development) and is located at the southwest bend of Spectrum Loop, west of Voyager Parkway, consisting of 18-acres.

(Quasi-Judicial)

Related Files: AR PUD 22-00062; AR NV 22-00481

Presenter:

Tamara Baxter, Senior Planner, Planning & Community Development Department

Peter Wysocki, Director, Planning and Community Development Department

Motion by Commissioner Slattery, seconded by Commissioner Raughton, to approve the Nonuse Variance to City Code Section 7.4.204(C)(1)(d)(2) for the Polaris Pointe South Filing No. 4 project to allow shared parking on properties within 2 miles where 400' is the maximum distance and to increase the maximum reduction of the minimum on-site parking requirements to 85 percent (85%) where thirty-five percent (35%) is allowed, based upon the findings that the request meets the review criteria for granting a Nonuse Variance as set forth in City Code Section 7.5.802, with the following condition of approval:

1. An agreement between the venue operator and the City of Colorado Springs shall be executed prior to plan approval. The agreement will outline operational parameters, including but not limited to: parking, noise, traffic movement, and requirements for annual reporting. This agreement must be executed prior to the approval of the project.

Part of that agreement includes capacity based upon the parking agreements in place. The motion passed by a vote of 5:4:0:0

Aye: 5 - Commissioner Almy, Commissioner Hensler, Chair Hente, Commissioner Raughton and Commissioner Slattery

No: 4 - Commissioner Briggs, Commissioner Foes, Vice Chair McMurray and Commissioner Rickett

7.C. [AR NV 22-00481](#)

An appeal of City Planning Commission's decision to approve a nonuse variance to City Code Section 7.4.204(B) for the Polaris Pointe South Filing No. 4 project to increase the distance to allow on-street parking to half (1/2) mile of the subject property boundary. The site is zoned PUD (Planned Unit Development) and is located at the southwest bend of Spectrum Loop, west of Voyager Parkway, consisting of 18-acres.

(Quasi-Judicial)

Related Files: AR PUD 22-00062; AR NV 22-00480

Presenter:

Tamara Baxter, Senior Planner, Planning & Community Development Department

Peter Wysocki, Director, Planning and Community Development Department

Motion by Commissioner Slattery, seconded by Commissioner Raughton, that this Planning Case be approved Approve the Nonuse Variance to City Code Section 7.4.204(B) for the Polaris Pointe South Filing No. 4 project to increase the distance to allow on-street parking to half (1/2) mile of the subject property boundary, based upon the findings that the request meets the review criteria for granting a Nonuse Variance as set forth in City Code Section 7.5.802., with the following condition of approval:

1. An agreement between the venue operator and the City of Colorado Springs shall be executed prior to plan approval. The agreement will outline operational parameters, including but not limited to parking, noise, traffic movement, and requirements for annual reporting. This agreement must be executed prior to the approval of the project.

In addition, the agreement should include at least as many onsite parking as what was documented while the nuances of this agreement are being finalized and are amenable with the City and the developer. The motion passed by a vote of 5:4:0:0

Aye: 5 - Commissioner Almy, Commissioner Hensler, Chair Hente, Commissioner Raughton and Commissioner Slattery

No: 4 - Commissioner Briggs, Commissioner Foes, Vice Chair McMurray and Commissioner Rickett

8. PRESENTATIONS/UPDATES - None

9. Adjourn