

# ***City of Colorado Springs Planning Commission Minutes***

**THURSDAY, AUGUST 17, 2017**

**CITY HALL CHAMBERS, 107 N. NEVADA AVE  
COLORADO SPRINGS, COLORADO 80903**

## **PRESENT:**

Fletcher, Henninger, McDonald, Markewich, Satchell-Smith

## **ABSENT:**

Smith, Walkowski, Raughton, Graham

## **ALSO IN ATTENDANCE:**

Mr. Peter Wysocki, Planning Director

Mr. Marc Smith, City Senior Corporate Attorney

## **NEW BUSINESS CALENDAR**

**File #: CPC MP 87-00381-A16MJ17, CPC V 17-00049, CPC PUZ 17-00047, CPC PUP 17-00048**

**Project Name: Banning Lewis Ranch Village 3**

**Planner: Hannah Van Nimwegen**

## **Staff presentation:**

Hannah Van Nimwegen gave a PowerPoint presentation discussing the project, the history of the area and how development occurred.

## **Applicant presentation:**

Josh Rowland with LAI Design Group representing Oakwood Homes gave a PowerPoint presentation discussing the design and scope of the project.

**Support:** none

**Opposition:** none

## **Questions of staff:**

Commissioner Markewich discussed the age-restricted language and Ms. Van Nimwegen provided comment on how that would be achieved working with the City Attorney to make sure it's not violating any laws. City Attorney Smith wasn't aware of anything and couldn't respond. Commissioner Markewich referenced the language in the write up under the concept plan identifying age restrictive, active adult. He wants to ensure there's nothing in writing to get the City in trouble.

Mr. Wysocki said from land use perspective they'd strike any reference to age delineation on a concept plan. Attorney Smith said it'd be appropriate to allow applicant to comment regarding this.

Mr. Rowland stated the applicant is removing the language since it's a marketing thing and you have to allow for some inclusion and there are ways to restrict without restricting entirely. The School District wanted assurances that in 20 years covenants don't change allowing for a large influx of school age children. Commissioner Markewich stated covenants were different from a City approved document.

Commissioner Markewich stated they could recommend approving the project, add a technical modification striking all language for age-restriction and make sure the Planning Department agrees to that. Mr. Rowland said that was fine. Mr. Wysocki stated they agreed and marketing or project design for active adults is fine but not to be held accountable later for that type of enforcement for a note on and type of planning document.

Commissioner McDonald said she didn't see that note on Concept Plan. Mr. Rowland clarified they were working on a draft note and the appropriate time would be during the review of the Development Plan and plat. They're fine with language related to age restriction being struck. Commissioner McDonald said as long as it's not in the proposed motions.

Commissioner Fletcher liked the simplification of the zoning but why 40' height? Ms. Van Nimwegen stated the height was consistent with Village 2. Commissioner Fletcher also asked if the zone change reduced the possibility of affordable housing through disallowing multi-family units. Ms. Van Nimwegen indicated the Planning Department does not regulate the potential for affordable housing as part of a zone district. Commissioner Fletcher then asked why Village Three had less park space than the previous Villages within Banning Lewis Ranch. Ms. Van Nimwegen responded that the required parkland is based on overall density, and that Villages 1 and 2 over dedicated based on their densities. The Parks and Recreation Department are allowing the over-dedication be forwarded to Village 3. Ms. Van Nimwegen also stated there are private amenities within Village 3 west that won't count towards the credit.

Commissioner Fletcher asked where the nearest grocery store was located to Village 3? Mr. Rowland stated a grocery store is planned at Marksheffel and Woodmen within a mile once completed, but right now it's in Falcon or on the west side of Powers and Woodmen.

Commissioner Henninger asked about access to Dublin and timing of other streets and the parkway construction? Kathleen Krager, City Transportation Division Manager, stated Banning Lewis Parkway is planned for eastern edge of this filing but is on hold until a new annexation agreement with Banning Lewis Ranch is reached. The road system set up in 1988 was a very intense development with significant commercial property and to accommodate that intense traffic they planned for a freeway. That didn't happen so Banning Lewis Parkway will change to principal arterial with regular spaced signalized intersections.

Commissioner Henninger asked what the plan was for the area south of Stetson Hills. Ms. Krager said Stetson Hills has to go through other development in order to be extended, but there are no plans for Stetson Hills at this time. The traffic impact analysis for Village 3 studied the development entirely accessed by Dublin Boulevard.

Commissioner Henninger said with the building and expanding of Banning Lewis, it's starting to wrap around the County. Has there been discussion what will happen with County property? Ms. Van Nimwegen said not with this application. Mr. Wysocki indicated there have been discussions but nothing being considered at this time. Commissioner Henninger indicated blocking it in wouldn't make those people happy. Mr. Wysocki said there are challenges with regards to infrastructure, cost of service, at this point unless something changes with PlanCOS, current annexation plan is to leave it as is. Commissioner Henninger said okay.

**Rebuttal:** none

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

Commissioner Markewich said based on review criteria for all the items, the applicant has done a good job providing all the answers needed for the Master Plan Amendment, Right-of-Way Vacation, Zone Change, and Concept Plan. It fits all code criteria, comprehensive plan criteria. He'd like to make another technical modification on the concept plan that removes all notes regarding age restriction and active adult community.

Motion by Commissioner Markewich and seconded by Commissioner Satchell-Smith regarding **CPC MP 87-00381-A16MJ17 – MAJOR MASTER PLAN AMENDMENT** – Recommend approval to City Council the major amendment to the Banning Lewis Ranch Master Plan, based upon the finding that the amendment meets the review criteria for granting a master plan amendment as set forth in City Code Section 7.5.408.

**Aye:** Fletcher, Henninger, McDonald, Markewich, Satchell-Smith

**Absent:** Raughton, Smith, Graham, Walkowski

**No:** none     **Passed:** 5-0-4

Motion by Commissioner Markewich and seconded by Commissioner Fletcher regarding **CPC V 17-00049 – RIGHT-OF-WAY VACATION** – Recommend approval to City Council vacating City right-of-way along a portion Dublin Boulevard, Vista Del Tierra Drive from Dublin Boulevard to Stetson Hills Boulevard, Circulo Del Sol Loop, and a portion of Stetson Hills Boulevard based on the finding the request complies with the review criteria in City Code Section 7.7.402.C.

**Aye:** Fletcher, Henninger, McDonald, Markewich, Satchell-Smith

**Absent:** Raughton, Smith, Graham, Walkowski

**No:** none     **Passed:** 5-0-4

Motion by Commissioner Markewich and seconded by Satchell-Smith regarding **CPC PUZ 17-00047 – ZONE CHANGE** – to recommend approval to City Council the zone change from R-5/CR/AO/SS; R-5/CR/AO; R1-6000/AO/SS; PBC/CR/AO/SS to PUD/AO/SS (Planned Unit Development: single-family residential with a maximum building height of 40-feet and a gross density of 7.99 dwelling units per acre with Airport and Streamside Overlays) based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 and the development of a PUD zone as set forth in City Code Section 7.3.603.

**Aye:** Fletcher, Henninger, McDonald, Markewich, Satchell-Smith

**Absent:** Raughton, Smith, Graham, Walkowski

**No:** none     **Passed:** 5-0-4

Motion by Commissioner Markewich and seconded by Commissioner Fletcher Motion regarding **CPC PUP 17-00048 – CONCEPT PLAN** – to recommend approval to City Council the Banning Lewis Ranch Village Three Concept Plan based upon the findings that the concept plan meets the review criteria for granting approval of a concept plan as set forth in City Code Section 7.5.501.E and the PUD Concept Plan criteria as set forth in City Code Section 7.3.605 subject to the Technical Modification.

1. Remove all notes and references to age-restriction or active adult as recommended by the Planning Director

**Aye:** Fletcher, Henninger, McDonald, Markewich, Satchell-Smith

**Absent:** Raughton, Smith, Graham, Walkowski

**No:** none     **Passed:** 4-1-4