



City of Colorado Springs

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

Meeting Minutes - Final Planning Commission

Thursday, April 20, 2017

8:30 AM

Council Chambers

1. Call to Order

Present: 8 - Rhonda McDonald, Jeff Markewich, Vice Chair John Henninger, Chairperson Eric Phillips, Robert Shonkwiler, Ray Walkowski, Sherrie Gibson and Carl Smith

Absent: 1 - Reggie Graham

2. Approval of the Minutes

[CPC 237](#) Minutes for the March 16, 2017, City Planning Commission Meeting

Presenter:

Eric Phillips, Chair, City Planning Commission

A motion was made by Markewich, seconded by Vice Chair Henninger, that the Minutes for March 16, 2017 be approved. The minutes finally passed.. The motion carried by the following vote: 8:0:1

Aye: 8 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski, Gibson and Smith

Absent: 1 - Graham

3. Communications

2.A. [CPC-038](#) Chair Eric Phillips

2.B. [CPC-002](#) Director Updates, Peter Wysocki

4. CONSENT CALENDAR

Motion by Markewich, seconded by Walkowski, to accept the Consent Calendar with the exception of 4.B, which was pulled off consent by Commissioner McDonald.. The motion passed by a vote of 8:0:1

Aye: 8 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski, Gibson and Smith

Absent: 1 - Graham

4.A.1 [CPC ZC 17-00015](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 2.8 acres located at 917 East Moreno Avenue from R2 (Two-Family Residential) to PBC/CR (Planned Business Center with Conditions of Record).

(Quasi-Judicial)

Related File: CPC DP 17-00016

Presenter:

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

A motion was made by Markewich, seconded by Walkowski, to recommend approval to City Council the zone change of 2.8 acres from R2 (Two-Family Residential) to PBC/cr (Planned Business Center with conditions of record), 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 with the following conditions of record:

Conditions of Record:

The following uses are permitted:

1. Multi-family dwelling
2. Financial Services
3. General Offices
4. Medical Offices
5. Business Office Support Services
6. Business Park
7. Commercial Center
8. Communication Services
9. Consumer Repair Service
10. General Food Services
11. Specialty Food Sales
12. Mixes Commercial-Residential
13. Mixed Office-Residential
14. Personal Improvement Services
15. Indoor Entertainment
16. Indoor Sports and Recreation
17. Quick Serve Restaurant
18. Retail General
19. Neighborhood Serving Retail
20. Community Gardens
21. Cultural Services
22. Daycare Services
23. Public Assembly
24. Religions Institution
25. Semipublic Community Recreation
26. Commercial Greenhouse

4.A.2 [CPC DP 17-00016](#)

Helen Hunt Community Center development plan illustrating a two phase project for the renovation of the existing structures onsite and installation of a new parking lot, located at 917 East Moreno Avenue.

(Quasi-Judicial)

Related File: CPC ZC 17-00015

Presenter:

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

This Planning Case was referred to the City Council due back on 5/23/2017. Recommend approval to City Council the development plan for Helen Hunt Community Center, based upon the finding that the development plan complies with the review criteria in City Code Section 7.5.502.E.

**4.B. [CPC CU
17-00022](#)**

Conditional Use to establish a hemp cannabidiol (hemp oil) extraction and hemp oil product manufacturing facility on a 16-acre property zoned PIP-1 with AO (Planned Industrial Park with Airport Overlay) and addressed as 615 Wooten Drive

(Quasi-Judicial)

Presenter:

Michael Turisk, Planner II, Planning & Community Development

Staff Presentation:

Mr. Mike Turisk gives a PowerPoint presentation describing the project.

Applicant Presentation:

PowerPoint presentation given by the applicant who is the Chief Scientific Officer for Folium Bioscience.

The applicant showed a sample of the product the facility produces. It is soft gel capsule of Cannabidiol (hemp oil) that doesn't contain any THC. Hemp oil is good for addressing epilepsy, insomnia, anxiety, and PTSD as well as Cancer, Parkinson's disease, and Multiple Sclerosis. The operation facility is currently in La Juanta, Colorado, but needs to move to Colorado Springs to a larger facility to meet the demand for this product. Using Folium Biosciences technology it removed the THC out of the hemp oil and the result is a non-psychoactive product. They are not able to keep up with supply and demand, thus the reason to move to the facility at 615 Wooten. It is 50,000 square feet building and the product would be processed there and shipped to all 50 states and around the world. They will abide by all federal and state laws to produce the product and are licensed by the State of Colorado.

The applicant discussed what Folium Biosciences provides as a company, where the hemp farm is located and gave some history of the company. THC is not in the Folium Hemp products. They've taken it out of their product. The hemp oil is organic. Their end product contains no solvents, no heavy metals, no pesticides and zero THC.

The product will have a Microemulsion-Based Platform which allows the hemp oil to be a water soluble formula allowing it to be absorbed five times the rate of regular hemp oil. This results in a higher demand for their product as opposed to a product that is just the oil. There is significant gap between their supply and demand, therefore the need for the larger facility. They will

provide jobs that are both skilled and semi-skilled. There hope is to create 50 different products to help combat several different maladies. Animals can also benefit from their products when formulated at a dose appropriate for them.

They are the largest company in the United States for this product, their farm is in La Juanta but they are centered in Colorado Springs. They hope to double productivity and employment within the next year.

Questions:

Commissioner Phillips asked if the hemp oil is extracted from marijuana. The applicant said it was not and explained the difference between the two in specific detail. The DNA is the same but the hemp plant has been evolved to be more fibrous and containing very little cannabinoids.

Commissioner Smith asked if is this a prescribed medicine or over-the-counter. The applicant said it was not prescribe because they do not go through FDA approval process. They work under the state sponsorship. The FDA will not grant a license that would lead to the approval of a drug. They are sold as supplements but make no claims since they are not approved by the FDA. Commissioner Smith asked if they're connected with any physicians' group. The applicant said they are connected with all known and famous neurologists and immunologists in Colorado and are working with medical groups in California. These doctors are connected with thousands of other doctors where they provide product information to their patients. Those doctors either recommend or encourage using cannabinal in its different forms for patients who suffer from different maladies. They use data from these patients that will help them improve and design new products.

Commissioner Gibson asked about the extraction process because 90% recycle rate is extraordinary so what happens to the 10%. The applicant stated the 10% is lost in the process but no waste is created. The applicant describes the process of extraction. Any remaining by-product will be incinerated once they have the proper licensing.

Commissioner McDonald discussed the manufacturing plant in Colorado Springs and asked what the non-skilled workers would do. The applicant the number and type of employees the plant would employ - 13 scientists, 10 chemical engineers, 5-6 supervisors and 10-15 operators. Commissioner McDonald asked what would the operators do and how would the entire process work. The applicant explained what the operators would do since the process is not automated. Commissioner McDonald said Ethanol is hazardous and would operators be exposed to fumes? The applicant said the distillation process is the only area that may have some escape but it is enclosed in massive hoods and the process is continuous. Ethanol is the least hazardous solvent and most friendly for the extraction process. The cost to them is more but safer for humans and was the better choice of all the solvents to use. The people doing this process will wear hazmad suits and respirators and they will take the proper precautions to maintain safety.

Commissioner Smith verified they were under Department of Agriculture and

asked if they come down and make periodic visits to their facilities. They applicant said they did. They came to the facilities and to their fields and they test and check for compliance in all areas. They are very strict which they appreciate and want that strictness for their product.

Supporters: None

Opponents: None

Questions of Staff: None

Rebuttal: None

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Markewich stated he appreciated the applicant's commitment to Colorado Springs. This operation would be great from an economic observation. He's heard good things about the non-THC uses for medicinal purposes. He's supportive of their product in general. This application meets our review criteria in 7.5.704 for the Conditional Use review criteria and felt all three criteria are met and he's in support of application

Commissioner McDonald stated she appreciated the applicant coming to the meeting and educating them on the process since it is new to some of them. She appreciated all the detail information provided because it helps her to know what will be done in this space. She felt it meets the Conditional Use criteria

Commissioner Walkowski stated he felt it was an interesting business model. He appreciated the methodology use by staff and felt it conforms to the Conditional Use criteria

Motion by Walkowski, seconded by Vice Chair Henninger, that the Planning Case be approved . The motion passed by a vote of 8:0:1

Aye: 8 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski, Gibson and Smith

Absent: 1 - Graham

These items will be acted upon as a whole, unless a specific item is called for discussion by a Commissioner or a citizen wishing to address the Planning Commission. (Any items called up for separate consideration shall be acted upon following the Consent Vote.)

5. UNFINISHED BUSINESS

6. NEW BUSINESS CALENDAR

- 6.A.1** [CPC MPA](#) Minor amendment to the Hill Properties Master Plan adding 27.79
[04-00043-A3](#) acres designated as hospital, office, medical office, commercial and
[MN17](#) private open space.

(Quasi-Judicial)

Related Files: CPC PUZ 17-00030, CPC PUP 15-00052-A1MJ17

Presenter:

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

Recused: Commissioner Walkowski

Staff Presentation:

Mr. Schultz gives a PowerPoint presentation.

- A. Prior zoning action involving Penrose Hospital at this location.
- B. Proposed changes for the site with the movement of batch plant site.
- C. Discussed when the item originally went before City Council and the condition of record for any development plans for building 65-feet or higher to be reviewed by Planning Commission was not included in the ordinance.
- D. Recommended that the same condition of record be included in the motion for this item if Commission wanted to retain this requirement.
- E. Discussed results of neighborhood meetings.
 - a. Results from neighborhood meetings.
 - i. A formal working committee formed to work more directly with the hospital
 1. Existing issues dealt with the building height, character of the Mesa, traffic on Fillmore and Centennial, drainage, geologic issues, light and noise pollution and relevance of Chapter 6 of the Comprehensive Plan.
- F. Inclusion of the batch plant property as part of new PUD zone district.
- G. Hill Properties Master Plan amendment would include additional property (batch plant).
- H. Previously approved concept plan emphasized a 500-foot buffer on the east property line for geologic hazard concerns; buffer would be maintained.
- I. Newly proposed Concept Plan site plan includes 500-foot buffer and includes area to the southern property line (to Fillmore Street right-of-way).
- J. The hospital building envelope will be extended to the south.
 - a. Potential site constraints:
 - i. An existing utility line dissecting the property
 1. Cost to relocate the service line.
 - ii. Keeping the utility line may cause different building variables.
 1. Possibly constructing two separate buildings with a possible connecting sky bridge.
 - iii. Addition of a medical/office building/commercial along Fillmore
 1. This area would be the only access along Fillmore to the site

- iv. Relocation of future medical/office/commercial would change to the hard corner of Fillmore and Centennial.
- K. Traffic impact analysis.
 - a. Improvements along the northerly access to allow full movement.
 - b. Construction of right turn lane on (westbound) Fillmore for proposed access (access aligns with the existing VA access).
 - c. Addition of turn signal at Grand Market Place.
- L. Geologic hazard
 - a. Submittal included revisions to previous study.
 - b. Report indicated debris and undocumented fill on the property.
 - c. Recommendation that the materials free from debris could be reused or stockpiled and removed from the site. CGS approved that process for the undocumented fill.

Staff recommends the amendment to the master plan, the PUD zone change with the recommendation to shorten the building height to a maximum of 165-foot height, and increase in the gross floor area and approval of the new PUD Concept plan.

Applicant Presentation:

Margaret Sabin, CEO of Penrose Hospital, stated if they could remain at their current site they would; however the site cannot support further growth. The [Fillmore] site was selected but somewhat compromised by the existing batch plant, but moving the plant was key. She stated that she has helped other medical centers be built in two other communities that share a love for the beauty of the community. After being built those communities were recognized with architectural and aesthetic awards. The building committee and the community will be very involved moving forward with this project so they can achieve what she's committed.

Mr. Lonnie Cramer, Chief Operating Officer for Penrose Hospital and the lead executive for this project, spoke about the neighborhood process. He and the consultant met with the 19 HOAs on the Mesa; with the assistance of CONO, elected the Mesa Neighborhood Working Committee [to represent the surrounding neighborhoods]; the group met three times. As a group they developed a statement of intent that expresses what the mission and vision would be and committed to a working relationship of cooperation so the design and construction is aesthetically-pleasing, a world class campus and minimize the impact to the character of the Mesa. This statement of intent is what their goal is and what the goal of the committee would be moving forward.

Mr. Kevin Gould, RTA Architects, discussed the currently approved Concept Plan. He showed the newly revised Concept Plan which showed an expanded hospital area, a reduced height of 165-feet [from 200 feet]. The landscape area is expanded to the south with the hope possibility connecting pedestrian paths and integrating into city trail system. Working with the neighborhoods helped us to relocate some of the access points into the site.

Supporters:

Richard Serby stated he worked with the Mesa Committee Working Group that worked with the Penrose St. Frances committee. Mr. Serby stated the meetings have been very informative, productive and cordial and they speak in support. Continued concerns are paying attention to Chapter 6 of the Comprehensive Plan, the 165-foot height, the height isn't compatible with the natural setting of the area. Another project on the other side of Fillmore was proposed they worked with architects regarding the height of an assisted living complex and the buildings were changed in a creative way to fit into the area. They feel good about the relationship the Mesa Committee has representing the various stakeholders in this process and they look forward to the next stage in the process. As President of the Friendship Crescent Neighborhood Association, located across from Holmes Middle School, lives here because of the views but a 165-foot high building is a concern along with helicopters, ambulances and related traffic that may impact their neighborhood. Traffic difficulties already exist for the schools in the area.

George Maentz stated he is also on the Mesa Community Working Committee. He thanked Mr. Kramer for engaging the neighborhood and being given the opportunity to have input in the process. He thanked Dave Munger, Sara Poe and CONO who helped facilitate the conversation. The committee supports the concept plan. They look forward to working with the hospital on the issues so that it serves the community, honors the site, respects Chapter 6 of the Comprehensive Plan and integrates with the neighborhood. Those are both challenges and opportunities and they look forward to working with the hospital.

Samatha Klingenburg is speaking on behalf of those who in the Old North End had a group that worked with Penrose Hospital. They started out as a contentious group but over time they've been responsive to the concerns of the neighborhood and understand and agreeable to concerns they've had. She feels they will do the same with this new facility and will work with the neighborhood. They are responsive to the neighborhood and willing to work as they design the buildings. They learned from working with our group to start early which they've shown they're doing. They understand the issues on the Mesa. They want to be a part of the community and they've done that in the Old North End so she's sure they will do the same thing on the Mesa.

Opponents:

Gary Bradley spoke in opposition of the 165-foot building and stated this was not in the spirit of Chapter 6 [the City Comprehensive Plan]. The notification for the project wasn't enough. He voiced concern of the red lights that would be atop the building and windows being lit up night and day. He has a major concern about traffic. Forty percent of their community has not been built out. The traffic engineer needs to reexamine the traffic conditions. They need double left turns and deceleration lanes that are longer and possibly another access to the hospital. Surrounding intersections perform adequately but they will not with the extra traffic. A 120-foot building is tall enough, wants a new traffic study and more access points to take pressure off the main intersection going into the hospital site.

Rosanne Ost, lives in Holland Park, voiced concern about the building height; concerned it will block views of Pikes Peak for close neighbors and those living out east. Living in Holland Park and she'd never heard about this [meetings] so a 2,000 foot notification isn't enough. She's concerned about increase to traffic in the neighborhood, adding the hospital will impact and cause more traffic congestion.

Barbara Novey, Mesa Working Committee, admitted that there has been great communication with the group and the committee. She felt area for notification [distance] was too small. She is concerned about the ambulance and Flight for Life [helicopter noise]. She's concerned about the building height. The VA Center sits behind a hillside and you don't see that facility. She understands infill but it needs to fit into the area and a 165-foot height building will not blend in.

Questions of Staff:

Mr. Schultz clarified the neighborhood notification, besides the 2,000 foot buffer distance to property owners, notification was also sent to the 13 to 15 HOAs in the area, hoping the HOAs would also notify property owners of the application and neighborhood meeting.

Commissioner Markewich stated they were provided a letter from the Colorado Geological Survey (CGS). It discussed several items specifically the area northeast of the property that seems to be a landslide area; will that area be public space and no construction? What about parking and asphalt that will be reaching the north side of the property? He noted concerns about drainage and the mitigation that will be necessary to protect those neighbors. Mr. Schultz stated the concept plan doesn't get into that range of detail. Several properties on the northeast corner were purchased by the city due to prior landslide issues, adding that the consultant and CGS are aware of these issues and will need to determine if impacts to existing Camel Back Apartments to the north. Those issues will be reevaluated once a formal development plan is submitted. Commissioner Markewich noted that the letter indicates more investigation will be necessary [at time of development plan]. Commissioner Markewich asked the current height of Penrose Hospital? The applicant stated 163-feet. Commissioner Markewich stated so the height is comparable to the hospital on Cascade [Avenue] right now and even though 165-feet is what is listed in the application that doesn't mean that will be the final height.

Commissioner Markewich asked Ms. Kathleen Krager, Traffic Manager, to address traffic concerns. Ms. Krager stated she understands increase of traffic associated with this type of project that will be at the corner of two arterial streets. The site will have three full movement access points - two on Centennial, one on Fillmore which could be signalized if demand warrants it. The site will be easy to get in and out of. There will be more access with the Centennial expansion and with changes for Colorado Ave and the Cimarron interchange will also help with traffic. Future forecasts at Fillmore and Centennial at the main entrance at King Soopers intersection shows the intersection functioning at a level C but more likely at D or below. Commissioner Markewich asked Ms. Krager to address winter traffic for the

intersection on Fillmore, east of Centennial, due to its slope. Ms. Krager stated the intersection is a flatter than it seems and other for a long line of traffic during peak hours most will not be on the hill and signal times will be coordinated with Fillmore. Commissioner Markewich asked if there would be additional lanes on Fillmore to the east. Ms. Krager stated no.

Commissioner Smith stated Centennial is being improved and the main intersection to the shopping site and the hospital will be very busy. What will the designed improvements be? Ms. Krager said they could modify the entrance into King Soopers and there could be more modifications when the intersection designs are completed. Any delays presently are due to leaving King Soopers. Commissioner Smith said the site won't be built until around 2020 but with the current work on Centennial will be completed before that; if there are changes due to this project he felt the changes should be made when Centennial is repaved. Ms. Krager stated that would be ideal but the hospital isn't that far along so ultimately when the hospital is built some repaving will have to be completed.

Commissioner Smith discussed the extension of Centennial and if the design is complete. Ms. Krager said yes except for a few minor areas.

Commissioner Shonkwiler discussed the extension of Centennial relieving traffic on Fillmore to the amount of 40%. Ms. Krager said when Centennial is extended and hooks up with Fontanero you will see a marked improvement approximately 8,000 out of 23,000 cars. Commissioner Shonkwiler asked about the Fontanero exit on I-25 and if changes would be made to that exit. Ms. Krager said they will make significant modifications to that exit.

Rebuttal:

Mr. Cramer stated their current submittal would accommodate their hospital, staff, and patients as designed but the additional acreage will eliminate a lot of trucks and 18-wheelers that were used with the batch plant.

Commissioner Smith asked RTA Architects about helicopters, even at the concept stage, if flight plans were determined. Mr. Cramer stated he's met with major ambulance company prior to selecting this site and how ambulance will need to consider the neighborhood and not use sirens in neighborhoods unless they are trying to move traffic. Regarding Flight for Life flight paths, the Fillmore Corridor is already an East / West corridor flight path as well as the interstate. Regarding red lights on atop the building and windows being lit up all night, Mr. Kevin Gould, RTA Architects, stated [rooftop] lights are required for flight patterns and landing pads. Regarding windows lit up constantly Mr. Gould said that would be driven by patients in those rooms; window blinds will likely be provided the same as [most] buildings.

Commissioner Smith asked what the current hospital design in general is as far as tower design and different uses in the hospital. Mr. Gould gave a description of what may be on floors as the typical design of the hospital and its design for ease of patient access. They went down from a 200-foot tall building to a 165-foot tall building and will work with the neighborhood to widen the building footprint; it is not the intent that the entire building envelope will

consist of the 165-foot building height. They will look at the site and try to make the building fit into the site; ultimately will fit try to minimize the impact the best they can.

DISCUSSION AND DECISION OF PLANNING COMMISSION

Commissioner Shonkwiler stated this has been before them [the Commission] a couple of times and he felt the hospital has gone to great lengths to try and work with the neighborhood which is extremely positive. He worries by restricting height, particularly for the demand for the area and having the entire hospital working cohesively, putting a height cap may be premature. Having a close in [geographically] hospital is critical to the neighborhoods around it. This will be a tremendous addition to the west side of town and for the north side too.

Commissioner Smith thanked Mesa Committee and Penrose Hospital for working together to look at the project; it's something [the Commission] doesn't see enough of where applicants and neighbors work together. He thought this was a tremendous asset for the community and for this area. He understands the issues of height and concurs with Commissioner Shonkwiler about the design required for a hospital and understands and has also read the Chapter 6 of the Comprehensive Plan stated he could look at any sentence and interpret it one way and my neighbor sees it another way. They are subjective criteria and for the most part this project deserves to be approved. Thus for those reasons he will vote to approve the project.

Commissioner Gibson thanked everyone who attended the meeting and spoke in favor and against the project. She will be voting in support of the project. She is in favor of having a hospital on this side of town and believes this will be a benefit.

A motion was made by Shonkwiler, seconded by Markewich, that this Planning Case was referred to the City Council, due back on 5/23/2017. The motion carried by the following vote: 7:0:1:1

Aye: 7 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Gibson and Smith

Absent: 1 - Graham

Recused: 1 - Walkowski

6.A.2 [CPC PUZ 17-00030](#)

An ordinance for Penrose-St. Francis zone change of 78.84 acres from PUD (Planned Unit Development) and R (Residential Estate) to PUD (Planned Unit Development; hospital, office, medical office, general commercial, 1,850,000 gross floor area, 165-foot maximum building height, located at the northeast corner of Centennial Boulevard and Fillmore Street.

(Quasi-Judicial)

Related Files: CPC MPA 04-00043-A3MN17, CPC PUP 15-00052-A1MJ17

Presenter:

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

A motion was made by Shonkwiler, seconded by Markewich, that this Planning Case was referred to the City Council, due back on 5/23/2017. The motion carried by the following vote: 8:0:1:1

Aye: 7 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Gibson and Smith

Absent: 1 - Graham

Recused: 1 - Walkowski

6.A.3 [CPC PUP 15-00052-A1 MJ17](#)

A major amendment to the Penrose-St. Francis New Campus concept plan adding 27.79 acres for a total concept area of 78.84 acres for hospital, office and commercial uses located at the located at the northeast corner of Centennial Boulevard and Fillmore Street.

(Quasi-Judicial)

Related Files: CPC MPA 04-00043-A3MN17, CPC PUZ 17-00030

Presenter:

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

Motion by Markewich, seconded by Smith, that the Planning Case be amended Proposed Motion: Amend the proposed motion for CPC PUP 15-00052-A1MJ17 requiring development plans with building heights over 65-feet be presented to the Planning Commission for review.. The motion passed by a vote of 4:3:1:1

Aye: 4 - Markewich, Henninger, Chairperson Phillips and Smith

No: 3 - McDonald, Shonkwiler and Gibson

Absent: 1 - Graham

Recused: 1 - Walkowski

Motion by Shonkwiler, seconded by Markewich, that the Planning Case be approved as amended Proposed Motion: Recommend approval to City Council the Penrose Hospital Campus PUD Concept Plan, based upon the findings that the plan complies with the review criteria within City Code Section 7.3.605 and meets the review criteria for granting a concept plan as set forth in City Code

Section 7.5.501(E,) to include the approved amendment requiring development plans with building heights over 65-feet be presented to the Planning Commission for review.. The motion passed by a vote of 7:0:1:1

Aye: 7 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Gibson and Smith

Absent: 1 - Graham

Recused: 1 - Walkowski

6.B.1 CPC PUZ 16-00096 Fillmore Apartments rezone of 5.012 acres from R/HS (Residential Estate with Hillside Overlay) to PUD (Planned Unit Development; multi-family residential, 18.12 dwelling units per acre, maximum building height 55 feet) located at the southeast corner of West Fillmore Street and Grand Vista Circle

(Quasi-Judicial)

Presenter:
Michael Schultz, Principal Planner, Planning and Community Development

Staff Presentation:

Mr. Mike Schultz gives a power point presentation.

- A. Zoning of the project.
- B. Surrounding zones and land uses.
- C. Notification area
 - a. Neighborhood meeting
 - i. Concerns brought up at meeting
 - 1. Building height of 55-feet
 - 2. Impacts to the Mesa, Fillmore Corridor
 - 3. Views restricted
 - 4. Chapter 6 of the Comprehensive Plan
 - 5. Proximity to the street
 - a. Building placement was changed
 - 6. Geological issues
 - a. Building placement changed to do geologic issues with previous configuration.
 - 7. Traffic
 - 8. Drainage
 - b. Second Neighborhood meeting
 - i. Applicant tried to address remaining concerns for neighborhood
 - c. Discussed placement of building
 - d. Discussed access to the site
 - e. No building area to the easterly and southern area on the site due to slope stability issues. This area will remain open space.
 - f. Due to slope stability issue building location was changed.
 - g. Conceptual designs of buildings but changeable at development

plan stage.

- h. Compared building heights to close to the site and approved projects within this same area.
- i. Discussed the slope stability.
- j. Discussed what master plans in this area allow for building height.

Staff recommends approval of the PUD Zone Change and the PUD Concept Plan

Applicant Presentation:

Bryan Kniep, Director of Challenger Commercial Group, gave a PowerPoint presentation. He thanked the neighborhood for their input for the site.

- A. Discussed the timeline of the project.
- B. What was liked about the area of the site were the views.
- C. Comments from CGS and the engineering team re-evaluated building location.
- D. New location of buildings
 - a. One along Fillmore
 - b. One along Grand Vista Circle
- E. Preliminary grading was done to understand floor elevations and building heights.
- F. Compared buildings to across from the street [Oasis Apartments].
- G. Taller building along Fillmore due to existing grade and making drainage work, building would actually sit lower than the road.
 - a. Exact location of the building could be flexible.
- H. Discussed neighborhood meeting:
 - a. Asked for a working group out of the neighborhood meeting group.
 - b. Working group meeting held.
 - i. Discussed architectural design options including:
 - 1. Flatter pitched roofs;
 - 2. Positioning building closer to the ridge (however geo-hazard issues);
 - 3. Increasing building foot print for same number of units but with lower building heights;
 - 4. Discussed CGS recommendations at meeting;
 - 5. Project moved forward to establish building heights determined by Planning Commission
 - 6. Discussions with neighbors will continue at development plan stage.
 - c. Pitched roof versus a partial flat roof
 - i. Problems with a flat roof:
 - 1. Requirement of stairwell access to the top;
 - 2. Main roof part may be lower building height remained the same;
 - 3. Final building height determination not finalized.
 - d. Provided photo simulations of project from various viewpoints.
 - e. Site has drainage issues, location of detention pond needs to be on north side of site due to geo-hazard issues on the south side of site.
 - f. Discussed the character of the project using Chapter 6 of the Comprehensive Plan:

- i. Reviewed the following:
 1. Height
 2. Scale
 3. Bulk
 4. Mass
 5. Roof Forms
 6. Signage
 7. Overall site design
 8. Pedestrian access
 9. Relationship to public right-of-way
 10. Compatible with the Surround Area.

Questions:

Commissioner Walkowski asked about height. The finished floor elevation would be 5-feet below the grade of the intersection of Fillmore and Grand Vista. Mr. Kniep confirmed and explained that drainage needs to drain back towards Fillmore; have to hold that grade where the hill slopes off, are not allowed to build on top of that. Commissioner Walkowski said since the development plan (and final grading plan) and floor elevations aren't finished but wanted to ensure the 55-foot height is below grade and isn't changed to at grade with Fillmore. Mr. Kniep said that's why they had the civil engineer conduct preliminary grading studies to see how drainage would work.

Commissioner Walkowski asked about the type of screening along Fillmore. Mr. Kniep said they looked at a combination of a stucco wall or open fencing, but open to other options because they haven't gotten into final details. The fence on east side could be less opaque to open up the views to the south. It could easily be a combination of railing and opaque.

Commissioner McDonald asked about the height of the buildings. The one along Fillmore is four-stories and the one along Grand Vista Circle is three-stories; why is that? Mr. Kniep said the finished floor elevation along Grand Vista Circle would actually be higher, due to final grades, so they wanted placed the four-story along the lowest portion of the site.

Supporters:None

Opponents:

George Maentz, 1815 Mesa Road, stated he's appreciated the outreach to the neighborhood. Both Dave Munger and Sara Poe were instrumental in making the conversation happen. He stated he has a foot in both camps being for and against the project. But he has a couple of concerns that need more attention. One is the site itself and the use of PUD zoning and that the site is in the hillside [overlay] zone. There are several city documents that recognize the hillside in both the ordinance and the Comprehensive Plan. Both of these speak of the community values in these areas. The City commissioned a report of what those values are. This area comes out with values that are visually significant with a distinctive land form with foreground sensitivity. He believes there can be development on this property but it needs to be sensitive to the ridge line. Asked why the R-5 zone isn't used for multi-family, the PUD zone speaks about innovative design solutions and preserving unique natural

and scenic features. Positioning a four-story building adjacent to Fillmore isn't that creative design solution. Lowering height and keeping using R-5 [zone] would provide a more expansive view to the public. Don't abandon the notion of R-5 [zone] but keep it at 45-feet. He understands we're at concept phase but it doesn't show innovative design. We have a planning process for site to site and each area wants to accomplish the goals for those sites; this seems opposite from base planning. This area is distinctive and to just allow a building or structures that masks from the public. He'd like to support the project but would with use of R-5 zone.

Gary Bradley, resident, stated he's opposed to this project. This is clearly an R-5 project. What we will have is a wall of building along Fillmore. If the project moves forward as a PUD he would like it to be capped at 45-foot building height. This is an intense use for the site and it doesn't fit in with other buildings in the area.

Questions of Staff:

Mr. Peter Wysocki, Planning Director said he wanted to recognize, Mr. Schultz, Challenger Homes and Penrose Hospital on the previous project and the neighborhood associations for participating in the project. Mr. Wysocki stated infill is happening in the city so there are options afforded to us. There are different ways to design buildings and in different locations. But how do we redevelop within existing urban corridors. As we redevelop and mature as a city the land values are going up, we want more transit, more buses and if we want more of that we probably need higher density and intensity development. These projects are on major arterial roads not far from the interstate. He appreciates and respects the view corridors which make this city one of the best places to enjoy natural beauty. But we need to balance that within the urban context or try something different than what's been done over the last 10 years.

Commissioner Walkowski asked if the development plan will come to the Planning Commissioner. Mr. Schultz stated it would be done administratively. Commissioner Walkowski stated even though the applicant and neighborhood are still trying to work out their differences? Mr. Schultz stated Challenger Homes will still continue working with the neighborhood about design aspects, height, architecture, landscaping and other details. Commissioner Walkowski asked how the 55-feet [height maximum] and the finished floor grade will actually be 5-feet below the grade at Fillmore. Mr. Schultz said they would confirm at development plan when the preliminary grading plan would part of the analysis. Commissioner Walkowski stated his concern is he wants to make sure it's [building] 5-feet below grade. Mr. Schultz said it was mentioned that the Hillside overlay is not included on this site because there are issues that will cause them to conduct significant grading to push drainage back toward Fillmore; the hillside overlay frowns upon significant grading. Mr. Schultz didn't want to place conditions on the zoning. If you want to place some type of condition or comments on the concept plan because what if it's four feet instead of five feet. The applicant's intent is on the final grading plan because they have to direct draining away from that slope which forces them to lower it. Once they get to final design they'll make that determination. Mr. Schultz stated the office building directly to the north of this site sits 3-5-feet above

Fillmore and once you factor in the roof the height [from the street] is close to 55-60-feet.

Commissioner Walkowski said it's compatible to the Oasis next door if you drop it down below grade. But those are his concerns. Mr. Schultz said he could make a note to be sure it's 5-feet below grade.

City Attorney Mark Smith stated even though the development plan is being reviewed administratively it could still come to Planning Commission if it's appealed.

Rebuttal:

Commissioner Shonkwiler as to what is the target market. Would it be for people who could be at the shopping center or the hospital or jobs in the areas around this neighborhood and could walk to work? Mr. Kniep said they considered that and thought that was a key component. It would be market rate apartments for people who may work at the hospitals and doctors' offices around the area. When having residential in urban areas makes the community a good mixture for people to live.

Mr. Kniep said they have done several infill projects where there was opposition at first which has now progressed to a community feel with people stopping by to say hello.

Commissioner Shonkwiler stated by pushing the buildings closer to Fillmore and Grand View Circle you are getting away from the ridge and the edge of the mesa which also helps with geological issues. Mr. Kniep confirmed that.

Mr. Kniep said comments regarding the PUD verses the R-5 he'd rather have staff answer that. Honoring the ridge line and mesa and pushing those buildings back made more sense for the site.

Motion by Markewich, seconded by Shonkwiler, that the Planning Case be accepted Proposed Motion: Recommend approval to City Council the rezoning of 5.012 acres from R/HS (Residential Estate with Hillside Overlay) to PUD (Planned Unit Development; multi-family residential, 18.12 dwelling units per acre, maximum building height 55 feet), based upon the findings that the zoning request complies with the review criteria set forth in City Code Section 7.3.603 regarding establishment of PUD zones along with City Code Section 7.5.603.B regarding the findings for change of zone district boundaries.. The motion passed by a vote of 8:0:1

Aye: 8 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski, Gibson and Smith

Absent: 1 - Graham

**6.B.2 CPC PUP
16-00097**

PUD concept plan for the Fillmore Apartments identifying two apartment buildings and one office/clubhouse building on 5.012 acres located at the southeast corner of West Fillmore Street and Grand Vista Circle

(Quasi-Judicial)

Presenter:
Michael Schultz, Principal Planner, Planning & Community Development

Motion by Markewich, seconded by Shonkwiler, that the Planning Case be accepted
Proposed Motion: Recommend approval to City Council the Fillmore Apartments PUD Concept Plan based upon the findings that the plan complies with the review criteria within City Code Section 7.3.605 and meets the review criteria for granting a concept plan as set forth in City Code Section 7.5.501(E).. The motion passed by a vote of 8:0:1

Aye: 8 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski, Gibson and Smith

Absent: 1 - Graham

6.C.1 [CPC A 16-00133-1](#) Kum & Go Store 689 Annexation Number 1 located at the northeast corner of Austin Bluffs Parkway and Park Vista Boulevard consisting of .773 acres.

(Legislative)

Presenter:
Michael Schultz, Principal Planner, Land Use Review Department

Motion by Markewich, seconded by Walkowski, that the Planning Case be postponed to a date certain Proposed Motion: CPC A 16-00133-1 - ANNEXATION Move to postpone until May 18th Regular Planning commission meeting.. The motion passed by a vote of 8:0:1

Aye: 8 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski, Gibson and Smith

Absent: 1 - Graham

6.C.2 [CPC A 16-00133-2](#) Kum & Go Store 689 Annexation Number 2 located at the northeast corner of Park Vista Boulevard and Pearl Drive consisting of .814 acres

(Legislative)

Presenter:
Michael Schultz, Principal Planner, Planning and Community Development

Motion by Markewich, seconded by Vice Chair Henninger, that the Planning Case be postponed to a date certain Proposed Motion: Move to postpone until May 18th Regular Planning commission meeting.. The motion passed by a vote of 8:0:1

Aye: 8 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski, Gibson and Smith

Absent: 1 - Graham

6.C.3 [CPC V](#) Vacation of Pearl Drive right-of-way between Park Vista Boulevard
[16-00147](#) and Cobalt Drive consisting of 9,096 square feet

(Legislative)

Presenter:

Michael Schultz, Principal Planner, Planning and Community Development

Motion by Markewich, seconded by Vice Chair Henninger, that the Planning Case be postponed to a date certain Proposed Motion: Move to postpone until May 18th Regular Planning commission meeting.. The motion passed by a vote of 8:0:1

Aye: 8 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski, Gibson and Smith

Absent: 1 - Graham

6.C.4 [CPC ZC](#) The establishment of a PBC/AO (Planned Business Center with
[16-00146](#) Airport Overlay) zone district for 1.539 acres located at the northeast corner of Park Vista Boulevard and Pearl Drive

(Legislative)

Presenter:

Michael Schultz, Principal Planner, Planning and Community Development

Motion by Markewich, seconded by Vice Chair Henninger, that the Planning Case be postponed to a date certain Proposed Motion: Move to postpone until May 18th Regular Planning commission meeting. The motion passed by a vote of 8:0:1

Aye: 8 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski, Gibson and Smith

Absent: 1 - Graham

6.C.5 [CPC DP](#) A Development Plan illustrating a 6,210 square foot convenience
[16-00148](#) store and 6 fueling pumps on 1.539 acres located at the northeast corner of Austin Bluffs Parkway and Park Vista Boulevard

(Quasi-Judicial)

Presenter:

Michael Schultz, Principal Planner, Planning and Community Development

Motion by Markewich, seconded by Vice Chair Henninger, that the Planning Case be postponed to a date certain Proposed Motion: Move to postpone until May 18th Regular Planning commission meeting.. The motion passed by a vote of 8:0:1

Aye: 8 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski, Gibson and Smith

Absent: 1 - Graham

6.C.6 [CPC NV 16-00149](#)

A Non-use Variance to allow a 9-foot front yard building setback where a 25-foot front yard setback is required along Cobalt Drive

(Quasi-Judicial)

Presenter:

Michael Schultz, Principal Planner, Planning and Community Development

Motion by Markewich, seconded by Vice Chair Henninger, that the Planning Case be postponed to a date certain Proposed Motion: Move to postpone until May 18th Regular Planning commission meeting.. The motion passed by a vote of 8:0:1

Aye: 8 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski, Gibson and Smith

Absent: 1 - Graham

7. Adjourn