



# City of Colorado Springs

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## Meeting Minutes - Draft Planning Commission

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Wednesday, September 14, 2022

9:00 AM Regional Building Department - 2880 International Circle

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### 1. Call to Order and Roll Call

- Present:** 11 - Commissioner Raughton, Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler, Commissioner Foos, Commissioner Briggs, Alternate Griggs and Alternate Cecil
- Excused:** 1 - Alternate Morgan

### 2.A. Approval of the Minutes

**2.A.A. [CPC 22-608](#)** Minutes for the June 16, 2022, City Planning Commission meeting.

Presenter:

Scott Hente, Chair of the City Planning Commission

**Motion by Commissioner Rickett, seconded by Commissioner Raughton, to approve the minutes for the June 16, 2022, City Planning Commission hearing. The motion passed by a vote of 5:0:4:0**

- Aye:** 5 - Commissioner Raughton, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy
- Abstain:** 4 - Vice Chair McMurray, Commissioner Hensler, Commissioner Foos and Commissioner Briggs

**2.A.B. [CPC 22-538](#)** Minutes for the July 13, 2022, City Planning Commission meeting.

Presenter:

Scott Hente, Chair of the City Planning Commission

**Motion by Commissioner Rickett, seconded by Commissioner Raughton, to approve the minutes for the July 13, 2022, City Planning Commission hearing. The motion passed by a vote of 4:0:5:0. There were only five commissioners at the July meeting, therefore these minutes passed with a majority vote with five members abstaining.**

- Aye:** 4 - Commissioner Raughton, Vice Chair McMurray, Commissioner Slattery and Commissioner Rickett
- Abstain:** 5 - Chair Hente, Commissioner Almy, Commissioner Hensler, Commissioner Foos and Commissioner Briggs

**2.A.C. [CPC 22-607](#)** Minutes for the August 10, 2022, City Planning Commission meeting.

Presenter:

Chair of the City Planning Commission

**Motion by Commissioner Rickett, seconded by Commissioner Slattery, to approve the minutes for the August 10, 2022, City Planning Commission hearing. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Commissioner Raughton, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

**Abstain:** 2 - Vice Chair McMurray and Commissioner Foes

**2.B. Changes to Agenda/Postponements**

**Amara Annexations**

**2.B.A. [CPC A](#)  
[21-00197](#)**

Postpone Amara Addition No. 1 Annexation located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road consisting of 1.193 acres.  
(Legislative)

Presenter:

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

**Motion by Commissioner Raughton, seconded by Commissioner Almy, to postpone Items 2.B.A - 2.B.N., the Amara Additions Nos. 1-11, to the October 12, 2022, City Planning Commission meeting per the applicant's request. The motion passed by a vote of 9:0:0:0**

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

**2.B.B. [CPC A](#)  
[21-00198](#)**

Postpone Amara Addition No. 2 Annexation located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road consisting of 4.160 acres.  
(Legislative)

Presenter:

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

**Motion by Commissioner Raughton, seconded by Commissioner Almy, to postpone Items 2.B.A - 2.B.N., the Amara Additions Nos. 1-11, to the October 12, 2022, City Planning Commission meeting per the applicant's request. The motion passed by a vote of 9:0:0:0**

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

**2.B.C. [CPC A](#)  
[21-00199](#)**

Postpone Amara Addition No. 3 Annexation located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road consisting of 8.633 acres.

(Legislative)

Presenter:

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

**Motion by Commissioner Raughton, seconded by Commissioner Almy, to postpone Items 2.B.A - 2.B.N., the Amara Additions Nos. 1-11, to the October 12, 2022, City Planning Commission meeting per the applicant's request. The motion passed by a vote of 9:0:0**

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

**2.B.D.** [CPC A](#)  
[21-00200](#)

Postpone Amara Addition No. 4 Annexation located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road consisting of 24.430 acres.  
(Legislative)

Presenter:

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

**Motion by Commissioner Raughton, seconded by Commissioner Almy, to postpone Items 2.B.A - 2.B.N., the Amara Additions Nos. 1-11, to the October 12, 2022, City Planning Commission meeting per the applicant's request. The motion passed by a vote of 9:0:0**

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

**2.B.E.** [CPC A](#)  
[21-00201](#)

Postpone Amara Addition No. 5 Annexation located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road consisting of 124.759 acres.  
(Legislative)

Presenter:

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

**Motion by Commissioner Raughton, seconded by Commissioner Almy, to postpone Items 2.B.A - 2.B.N., the Amara Additions Nos. 1-11, to the October 12, 2022, City Planning Commission meeting per the applicant's request. The motion passed by a vote of 9:0:0**

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

**2.B.F.** [CPC A](#)  
[21-00202](#)

Postpone Amara Addition No. 6 Annexation located near the northeast corner of Squirrel Creek Road and Link Road, south of

Bradley Road consisting of 218.046 acres.  
(Legislative)

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

**Motion by Commissioner Raughton, seconded by Commissioner Almy, to postpone Items 2.B.A - 2.B.N., the Amara Additions Nos. 1-11, to the October 12, 2022, City Planning Commission meeting per the applicant's request. The motion passed by a vote of 9:0:0**

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

**2.B.G.** [CPC A 21-00203](#)

Postpone Amara Addition No. 7A Annexation located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road consisting of 95.566 acres.  
(Legislative)

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

**Motion by Commissioner Raughton, seconded by Commissioner Almy, to postpone Items 2.B.A - 2.B.N., the Amara Additions Nos. 1-11, to the October 12, 2022, City Planning Commission meeting per the applicant's request. The motion passed by a vote of 9:0:0**

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

**2.B.H.** [CPC A 22-00108](#)

Postpone Amara Addition No. 7B Annexation located near the northeast corner of Squirrel Creek Road and Link Road consisting of 254.149 acres.  
(Legislative)

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

**Motion by Commissioner Raughton, seconded by Commissioner Almy, to postpone Items 2.B.A - 2.B.N., the Amara Additions Nos. 1-11, to the October 12, 2022, City Planning Commission meeting per the applicant's request. The motion passed by a vote of 9:0:0**

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

**2.B.I.** [CPC A](#)  
[21-00204](#) Postpone Amara Addition No. 8 Annexation located near the northeast corner of Squirrel Creek Road and Link Road consisting of 400.348 acres.  
(Legislative)

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

**Motion by Commissioner Raughton, seconded by Commissioner Almy, to postpone Items 2.B.A - 2.B.N., the Amara Additions Nos. 1-11, to the October 12, 2022, City Planning Commission meeting per the applicant's request. The motion passed by a vote of 9:0:0**

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

**2.B.J.** [CPC A](#)  
[21-00205](#) Postpone Amara Addition No. 9 Annexation located near the northeast corner of Squirrel Creek Road and Link Road consisting of 515.841 acres.  
(Legislative)

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

**Motion by Commissioner Raughton, seconded by Commissioner Almy, to postpone Items 2.B.A - 2.B.N., the Amara Additions Nos. 1-11, to the October 12, 2022, City Planning Commission meeting per the applicant's request. The motion passed by a vote of 9:0:0**

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

**2.B.K.** [CPC A](#)  
[21-00206](#) Postpone Amara Addition No. 10 Annexation located near the northeast corner of Squirrel Creek Road and Link Road consisting of 719.719 acres.  
(Legislative)

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

**Motion by Commissioner Raughton, seconded by Commissioner Almy, to postpone Items 2.B.A - 2.B.N., the Amara Additions Nos. 1-11, to the October 12, 2022, City Planning Commission meeting per the applicant's request. The motion passed by a vote of 9:0:0**

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

**2.B.L.** [CPC A](#)  
[21-00207](#) Postpone Amara Addition No. 11 Annexation located near the northeast corner of Squirrel Creek Road and Link Road consisting of 858.642 acres.  
(Legislative)

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

**Motion by Commissioner Raughton, seconded by Commissioner Almy, to postpone Items 2.B.A - 2.B.N., the Amara Additions Nos. 1-11, to the October 12, 2022, City Planning Commission meeting per the applicant's request. The motion passed by a vote of 9:0:0**

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

**2.B.M.** [CPC MP](#)  
[21-00208](#) Postpone establishment of the Amara Master Plan for proposed commercial, industrial, civic, single-family residential, multi-family residential, parks 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, Land Use Review Planning Manager, Planning & Community Development

**Motion by Commissioner Raughton, seconded by Commissioner Almy, to postpone Items 2.B.A - 2.B.N., the Amara Additions Nos. 1-11, to the October 12, 2022, City Planning Commission meeting per the applicant's request. The motion passed by a vote of 9:0:0**

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

**2.B.N.** [CPC ZC](#)  
[21-00209](#) Postpone establishment of an A (Agriculture) zone district, in association with the Amara Annexations, located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road, consisting of 3172.796 acres.  
(Legislative)

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

**Motion by Commissioner Raughton, seconded by Commissioner Almy, to postpone Items 2.B.A - 2.B.N., the Amara Additions Nos. 1-11, to the October**

12, 2022, City Planning Commission meeting per the applicant's request. The motion passed by a vote of 9:0:0

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

**3. Communications**

Peter Wysocki - Director of Planning & Community Development

Next Thursday, 9/22/22, will be the 1st public hearing on Retool where we will take public comments.

An item heard by the Commission last month that was on Cascade was appealed to City Council. Council heard that item and overturned your decision to deny the nonuse variance and conditions of approval and approved the project as it was proposed.

The project that was on Spectrum Loop the applicant also appeal that to City Council but requested their one time postponement. It will be heard on the 9/23/22 Council meeting.

Mr. Wysocki thanked the City IT and County IT Departments and our Communications Department staff in rectifying our previous issues.

**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.)

**Carrier West - 950 Vapor Trail**

- 4.A. [CPC CU 22-00115](#) A conditional use development plan for automotive sales and service in the PIP-2/CR AO (Planned Industrial Park 2 with Conditions of Record and Airport Overlay), located at 930 N Newport.

(Quasi-Judicial)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

**This Planning Case was approved on the Consent Calendar**

**Centennial North**

- 4.B. CPC MPA 00-00103-A4 MN22** A minor amendment to the Mesa Springs Community Plan for a reduction in density from Medium-High Density Residential (12-16 dwelling units per acre) to Medium Density Residential (6-12 dwelling units per acre).

(Quasi-Judicial)

Related Files: CPC PUZ 21-00143, CPC PUD 21-00144

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

**This Planning Case was recommended for approval on the Consent Calendar to the City Council.**

- 4.C. CPC PUZ 21-00143** An ordinance amending the zoning map of the City of Colorado Springs relating to 5.814 acres located approximately 420 feet northeast of the Centennial Boulevard and Mesa Valley Road intersection from PUD/HS (Planned Unit Development with Hillside Overlay) to PUD/HS (Planned Unit Development: Multi-Family Residential, 9 maximum dwelling units per acre, and 50 foot maximum building height with Hillside Overlay) zone

(Quasi-Judicial)

Related Files: CPC MPA 00-00103-A4MN22, CPC PUD 21-00144

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

**This Ordinance was recommended for approval on the Consent Calendar to the City Council**

- 4.D. CPC PUD 21-00144** A Planned Unit Development for Centennial North allowing 47-townhome units on a 5.8-acre site, located approximately 420 feet north of the Centennial Blvd and Mesa Valley Road intersection

(Quasi-Judicial)



Related Files: CPC MPA 00-00103-A4MN22, CPC PUZ 21-00143

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

**This Planning Case was recommended for approval on the Consent Calendar to the City Council**

**Cheyenne View Apartments**

- 4.E. [CPC CP 20-00041-A1 MN21](#) An amendment to the Fountain & Union Concept Plan for 21.05 acres located southeast of East Fountain Boulevard and Union Boulevard intersection.

(Quasi-Judicial)

Presenter:

Gabe Sevigny, Principal Planner, Planning & Community Development

**This Planning Case was approved on the Consent Calendar**

- 4.F. [CPC CU 21-00148](#) A conditional use development plan for Cheyenne View Apartments to allow for 341 multi-family units located southeast of East Fountain and Union Boulevard intersection

(Quasi-Judicial)

Presenter:

Gabe Sevigny, Principal Planner, Planning & Community Development

**This Planning Case was approved on the Consent Calendar**

**Parkside 32 Multi-family**

- 4.G. **CPC ZC 22-00087** An ordinance amending the zoning map of the City of Colorado Springs relating to 0.734 acres located on the southeast corner of North Parkside Drive and East Bijou Street from OC/R-1 6000 (Office Complex/Single-Family Residential) to OC (Office Complex)

(Quasi-Judicial)

Related File: CPC DP 22-00088

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development  
Peter Wysocki, Planning Director, Planning and Community Development

**This Ordinance was recommended for approval on the Consent Calendar to the City Council**

**4.H. CPC DP  
22-00088**

A development plan for Parkside 32 converting the existing commercial building into a multi-family residential development consisting of 32 apartments on 0.734 acres located at 125 North Parkside Drive.

(Quasi-Judicial)

Related Files: CPC ZC 22-00087 & CPC DP 22-00088

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development  
Peter Wysocki, Planning Director, Planning and Community Development

**This Planning Case was recommended for approval on the Consent Calendar to the City Council**

**Pikes Peak United Way**

**4.J. [CPC UV](#)  
[22-00132](#)**

A use variance development plan for Pikes Peak United Way for Personal Improvement Services, Proprietary School, and a Social Service Center located at 1520 Verde Drive.

(Quasi-Judicial)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning & Community Development

**This Planning Case was approved on the Consent Calendar**

**Retreat at Mountainside**

**4.K. [CPC CU](#)  
[22-00067](#)**

A conditional use development plan for the Retreat at Mountainside for a 284-unit multi-family development with ancillary site improvements located at the southwest corner of Briargate Parkway and Grand Cordera Parkway.

(Quasi-judicial)

Presenter:

Daniel Besinaiz, Senior Planner, Planning & Community Development

**This Planning Case was approved on the Consent Calendar**

- 4.L. [CPC R 22-00137](#) An administrative relief request allowing a building height of 50-feet 1½ -inches where the required maximum building height is 45-feet, located at the southwest corner of Briargate Parkway and Grand Cordera Parkway.

(Quasi-judicial)

Presenter:  
Daniel Besinaiz, Senior Planner, Planning & Community Development

**This Planning Case was approved on the Consent Calendar**

**Stone Mesa Flats**

- 4.M. **CPC MP 01-00147-A7 MJ22** A Resolution approving a major master plan amendment to the Greenbriar/Powerwood Master Plan changing land use designations from Industrial to Multifamily Residential (25+ dwelling units per acre) use consisting of 5.6 acres located at 7044 Tutt Boulevard.

(Legislative)

Related files: CPC CU 22-00113 and CPC R 22-00138

Presenter:  
Daniel Besinaiz, Senior Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**This major master plan amendment for Greenbriar/Powerwood Master Plan was recommended for approval on the Consent Calendar to the City Council**

- 4.N. **CPC CU 22-00113** A conditional use development plan for Stone Mesa Flats allowing a 158-unit multi-family development with ancillary site improvements in the M-1/AO (Light Industrial with Airport Overlay) zone district located at 7044 Tutt Boulevard.

Related Files: CPC MP 01-00147-A7MJ22, CPC R 22-00138

Presenter:  
Daniel Besinaiz, Senior Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

This Planning Case was recommended for approval on the Consent Calendar to the City Council

**4.O. CPC R  
22-00138**

An administrative relief to increase the maximum building height allowed for multi-family residential developments in the M-1 zoning district from 45 feet to 51 feet, 9 inches for a proposed 158-unit multi-family residential development located at 7044 Tutt Boulevard.

(Quasi-judicial)

Related files: CPC MP 01-00147-A7MJ22 and CPC CU 22-00113

Presenter:

Daniel Besinaiz, Senior Planner, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

This Planning Case was recommended for approval on the Consent Calendar to the City Council

**Winters Doggie Daycare (Kennel)**

**4.P. [CPC CU](#)  
[22-00112](#)**

A conditional use development plan for an indoor/outdoor kennel. The site is zoned M-1/NNA (Light Industrial with North Nevada Avenue Overlay) is 0.55 acres in size and located at 155 Winters Drive.

(Quasi-Judicial)

Presenter:

William Gray, Senior Planner, Planning and Community Development

This Planning Case was approved on the Consent Calendar

**Woodmen and Powers**

**4.Q. CPC ZC  
22-00126**

An ordinance amending Ordinance 10-1 (An ordinance amending the zoning map of the City of Colorado Springs relating to 50.2 acres located southwest of North Powers Boulevard and East Woodmen Road) to delete condition of record No. 6 related to specific sign regulations on parcels 6312115009, 6312100021, 6312100023, 6312115001, 6312115007, 6312115008, and 6312116004 consisting of 21.38 acres

Related File: CP 05-00100-6MN22

Presenter:

Tamara Baxter, Senior Planner with Central Team, Planning & Community Development  
Peter Wysocki, Director of Planning and Community Development

**This Ordinance was recommended for approval on the Consent Calendar to the City Council**

- 4.R. CPC CP 05-00100-A6 MN22** A minor amendment to the Woodmen and Powers Crossing concept plan located at the southwest corner of East Woodmen Road and North Powers Boulevard to amend site-specific signage restrictions

Related File: CPC ZC 22-00126

Presenter:  
Tamara Baxter, Senior Planner with Central Team, Planning & Community Development  
Peter Wysocki, Director of Planning and Community Development

**This Planning Case was recommended for approval on the Consent Calendar to the City Council**

### Approval of the Consent Agenda

**Motion by Commissioner Raughton, seconded by Commissioner Rickett, 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 9:0:0:0**

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

## 5. ITEMS CALLED OFF CONSENT

### Peak Innovations Data Center

- 4.I. [UVAR-22-0002](#)** A use variance to allow the Data Center use in an Airport Planned Development (APD) zone on an approximate 100-acre site within the Peak Innovation Center located on Peak Innovation Parkway approximately 775 feet north of Milton E Proby Parkway.

Presenter:  
Gabe Sevigny, Planning Supervisor, Planning and Community Development Department

**Staff presentation:**

Gabe Sevigny, Planning Supervisor South Team, planner for the project.

Chair Hente stated he didn't want Mr. Sevigny to give a full presentation. He had a question last week at Informal regarding the FAA regulations

concerning buildings or building envelope being a certain distance from the end of a runway. There was a development plan that was off the north end of the East Runway and he thought he voted against because he thought there was consideration with regard to the traffic leaving the runway. About forty years ago there was a significant Air Force airplane crash with several fatalities, two of which were as a result of the buildings being too close to the runway. When the airplane broke apart one of the individuals was thrown under a building and died while the building burned on top of him. The investigation completed by the Air Force it was determined the building violated every Air Force and FAA rule possible and being too close to a runway. So he wanted to know how this will be done prior to development plan because it concerns him when buildings are close to the runway.

Peter Wysocki, Planning and Community Development Director stated Airport staff was at the meeting and they could answer those questions.

Commissioner Hente said they may be fine; he just didn't know that since it wasn't in the staff report.

Greg Phillips with the Colorado Springs Airport stated for this particular use they've had a significant conversations with the FAA. They also require from the FAA a written release before they can develop the property. This site is already zone APD (Airport Planned Development) and they're asking for the variance that would allow this specific use, the Data Center, just for this particular parcel. They've done profile reviews and submitted them to the FAA and it's high on their own list to ensure the safety of occupants and travelers as well as aircraft at the airport.

Commissioner Hente thanked Mr. Phillips for the update and asked if they'd see the information from the FAA. Mr. Phillips stated they would get a formal letter ruling and they will not move forward without that letter.

**Motion by Commissioner Slattery, seconded by Vice Chair McMurray, to approve a use variance to allow the Data Center use in the Airport Planned Development zoning district, based upon the finding that development plan complies with the use variance and development plan review criteria in City Code Section 7.5.803.B and 7.5.501.E. The motion passed by a vote of 9:0:0**

## **6. UNFINISHED BUSINESS - None**

## **7. NEW BUSINESS CALENDAR**

**STR Appeal**

- 7.A. [CPC AP 22-00121](#) An appeal of the administrative denial of the Short Term Rental permit application for 4643 Poleplant Drive due to a single-family zoning designation, pursuant to City Code Sections 7.5.1704.D.

(Quasi-Judicial)

Presenter:

Carli Hiben, Program Coordinator, Planning and Community Development

**Staff Presentation:**

Carli Hiben, Coordinator, gave a PowerPoint presentation discussing the history of the STR application and the reason for the STR denial.

**Highlights:**

- Site is zone PUD (Planned Unit Development ) for single family residential
- Denial based on City Code 7.5.1704(D), this section of code prohibits non-owner occupied short term rental that were submitted after December 26, 2019, to be location in single-family zoned districts or single-family PUD zoning districts
- Property had a Code Enforcement case for operating a STR without a permit in March 2019
- Permit was issued 2019
- Permit renew May 2020 & May 2021
- This STR did not submit as a non-owner occupied STR application prior to December 26, 2019.
- Property is not eligible for a new non-owner occupied STR since this property is located in a single-family residential district.
- May 23, 2022, a 2 page renewal application was submitted along with a non-owner occupied affidavit.
- In 2021 an affidavit was not required due to COVID restrictions
- Communication was by phone calls and emails with the applicant May 2022 - July 2022
- Permit officially denied on July 14, 2022
- Code Enforcement case opened for operation a non-owner occupied STR with a permit in July 15, 2022.

**Questions of Staff:**

Commissioner Slattery asked if the permit was ever approved as a non-owner occupied short term rental or were they all own occupied. Ms. Hiben stated they were only aware of an owner occupied short term rental. Commissioner Slattery confirmed the May 23, 2022, it shifted to a non-owner occupied short term rental at which point it was denied. Ms. Hiben stated that was correct.

**Appellant:**

Julie Thompson-Volk gave a presentation stating the reasons for her appeal.

**Highlights:**

- Referenced a car accident that happened where she suffered a concussion with a TBI (Traumatic Brain Injury).
- Not fully recover from the TBI
- TBI affects her memory and her concentration
- Due to TBI she's no longer able to live at the Poleplant Drive residence.
- When applying for her STR renewal in 2022 she thought she originally had a non-owner occupied permit. She stated it was only logical to have that if she were to ever move out of the home.
- It took two months to receive a denial
- Referenced previously appealed STRs
- Reference her issues are medical
- If she hadn't had her TBI she would have kept her owner occupied STR
- Ordinance has changed since first established
- Stated her STR was granted in 2019 when non-owner occupied STRs were allowable
- Ordinances do not outline that you can change owner occupied to non-owner occupied

**Questions of the Appellant:**

Commissioner Rickett asked for the accident timeline regarding the permits. Ms. Thompson-Volk stated the accident was in February 2021, she filed a permit in May of 2021, and she was still living on Poleplant Drive so it was owner occupied. In May of 2022 it was no longer an owner occupied STR. Commissioner Rickett stated she referenced that she thought she had changed her permit in 2019 to a non-owner occupied permit. She stated yes.

Commissioner Slattery stated along that same line as part of her presentation Ms. Thompson-Volk stated some things that seemed incongruent. You thought you filed a non-owner occupied permit, but it was an owner occupied permit in 2019 as well as in 2020 and 2021. Then stated if the accident hadn't happened you'd still be living there. So Commissioner Slattery was slightly confused on what were the intentions of what type of application you were filing for. Ms. Thompson-Volk stated it was her intention to have it be owner occupied but in hindsight she wished she would have just filed it as non-owner occupied, and the ordinance doesn't say she couldn't have a non-owner occupied even when the owner is living there. Commissioner Slattery stated the R1 designation is the



problem. Ms. Thompson-Volk state it was.

Commissioner Slattery asked about the Code Violations. Ms. Thompson-Volk stated she didn't remember the first one.

Commissioner Briggs asked the status of the property right now. Ms. Thompson-Volk said it is for sale and under contract, but underwriting came back stating the property is overvalued so she doesn't know if the closing will happen. It's either going to need to be an STR or she'll have to sell because she doesn't think she can be a landlord. Commissioner Briggs stated that's what she wanted them to allow to be. Ms. Thompson-Volk stated not a landlord.

Commissioner McMurray clarified she moved from the residence in 2021. Ms. Thompson-Volk said yes.

**Public Hearing:**

**Support:**

No one on the phone or in the audience in support of the appellant

**Opposed:**

No one on the phone or in the audience in support of the appellant

**Clarifications from City Staff:**

Ms. Hiben clarified it did not take staff two months to come up with a denial. Through emails we advised we could not renew the permit and throughout the 2 months there was continual communication back and forth explaining the code and how it's written and non-owner occupied short term rentals are not permitted in single-family zone districts.

Chair Hente asked for clarification about the statement that was made that while she was an owner occupied she could have just applied as a non-owner occupied and continued living in the house since there's nothing in the ordinance to prevent her from doing that. If she filed as a non-owner occupied while living there, that's falsifying that application. Ms. Hiben stated owner occupied is anyone who lives on the property for 185 days or more and if she did live 185 days or more she'd be signing and affidavit that was untrue.

Ms. Lisa O'Boyle, City Attorney, state Chair Hente was correct. Ms. O'Boyle further stated that non-owner occupied is not permitted in the R1 zone district thus if an application came in as a non-owner occupied it would have been denied.

Commissioner Rickett said along those same lines the code has changed

over time so was there a period when non-owner occupied was allowed in an R1 district. Ms. Hiben stated yes, prior to December 26, 2019. Commissioner Rickett confirmed there could've been a non-owner occupied STR then. Ms. Hiben stated yes. Commissioner Rickett confirmed original permit began in May 2019. Commissioner Rickett reiterated at that time there was no affidavit required, and no timeline required. Ms. Hiben stated on page 1 of the application there are boxes to be checked that stated if they live on the property or not and her application said she lived on the property.

Commissioner Briggs stated if it's 2019 and you have an owner occupied and then in 2020 when the application would've been submitted as non-owner occupied it would've been denied. Ms. Hiben said yes.

Commissioner Rickett asked she would've been grandfather in 2019. Ms. Hiben stated only if the STR had been non-owner occupied.

Commissioner McMurray stated the appellant raised previous STR appeals that the Commission heard and those were almost all owner to an LLC transfer. Ms. Hiben stated that was correct.

Commissioner Rickett state none were for a change from owner occupied to non-owners occupied. Ms. Hiben said yes

Commissioner Raughton stated what the Planning Commission did was inform City Council about the complexity of the ordinance and over time those were corrected. We weren't being in consistent we were perfecting a brand new ordinance.

Commissioner McMurray polled the other Commissioners he's voted consistently with the appellants regarding the LLC transfers based on the appeal criteria which was the intent and the reasonableness aspect. He saw it as the intent was to limit intrusion of faceless, unknown, cloud based landlords managing STRs in neighborhoods and the transfer to an LLC was a tripwire that was unreasonable. However, with this one, the landlord is still fairly local. So, he wanted to see what they thought of the intent in this case.

Commissioner Rickett stated he was thinking similarly. What changes from an owner occupied to a non-owner occupied is they have to be in the house, or it can't be rented for 185 days. However, they don't have to be in the home to rent the home they have to live in the home just over six months. So, the code process for him is the timeline. They don't live in the home when the house is rented.

Commissioner Slattery stated she'd follow up regarding Commissioner Ricketts statement because it's not necessarily the case. You can live main level upstairs and rent your basement or a room. Her struggle is with the intent of the code non-owner occupied within the R1 was not grandfathered in. It was set up as an owner occupied. If Ms. Thompson-Volk had applied as a non-owner occupied it would've been erroneous. She followed the rules mostly with the March 2019 code enforcement issue is unknown at this time on how this was operating. It was done correctly in the beginning, circumstances changed and her interpretation of the code and how it's written you can't switch from the type of permit due to those circumstances and we can't just switch the permit because of those circumstances. We'd change the permit type to something that is not permissible by code.

Commissioner Almy stated the discussion about owner occupancy even if it's not a full year. Still keep the owner linked to the community.

Commissioner Rickett stated is she'd originally pulled a non-owner occupied permit would that have been grandfathered in. Ms. Hiben said yes.

Commissioner Briggs stated if the application was filled out stating it was non-owner occupied and they actually were that would be permissible. Ms Hiben stated they're signing the document asserting they're telling the truth, so we believe them. They have to show residency even for non-owner occupied to prove they do not live on the property. Commissioner Briggs stated even prior to the ordinance you had to show occupancy somewhere else. Commissioner Raughton stated this is complicated because of the 185 day rule. Ms. Hiben stated in 2018 those were not required. Ms. O'Boyle said 185 days was selected because you could only be a resident for one place for 185 days, you can't have two legal residences.

Chair Hente stated that if someone falsified an application with the City the City would be reluctant to grant that application going forward and to Ms. Thompson-Volk she didn't but he didn't think the City would look favorable to her if she had.

Commissioner Rickett clarified that it wasn't required as part of the original application.

Chair Hente stated the previous appeals were for something different from hers, so it wasn't an apples to apples comparison.

Commissioner Rickett stated they'd gone over owner occupied and 185 days and clarified they don't have to be on the property at the time of rental, correct. Ms. Hiben said no.

**DISCUSSION, MOTION, VOTE AND DECISION:**

Commissioner Raughton stated as part of the evolution of this ordinance he believed that part of the original concern was the integrity of an R1 district. We did not want the installation of commercial uses in those R1 districts and to some degree STRs are a commercial use. We were trying to build in some protections for those R1 districts.

Commissioner Rickett stated this one was hard because he goes back to the intent of the code. For him this is right on the edge of the intent of the code. The timing is pre code and post code conditions. We've taken different circumstances for different people but this one is hard for him and he's not sure how he'll vote.

Commissioner McMurray stated he's going to deny the appeal because this is not really clear cut. First of all, he's personally indifferent to the R1 standard of precluding STRs in these neighborhoods. Ultimately that is the code; in other words that is the intent of the code therefore it is reasonable. He's sympathetic to Ms. Thompson-Volk's situation and as he said he didn't have any strong feelings about preserving the sanctity of the neighborhood in this situation a single STR isn't going to upend the neighborhood. So despite he is sympathetic to the appeal that it is the intent of the code and it is not unreasonable. He will be voting to deny the appeal.

Commissioner Almy stated he too has been a part of the evolution of this ordinance, and he's voted early on to basically go by the letter of the law in it and was convinced over time we determined we needed further explanation of the code especially in the case of LLC's and more straightforward things like divorces and changes in names. Frankly with this one it's really pretty clear-cut as far as the code goes. The intent was to not have unencumbered STRs in R1 districts and we're here to speak to the code. He will vote against the appeal even though he's fully compassionate to the appellant's situation, but he didn't see how that fits with the code.

Commissioner Raughton stated he's empathetic to the applicant he understands her situation since his wife has had a double brain bleed so he completely empathetic to the situation, but he also remembers the discussion about the R1 districts. He distinctly remembered a woman who was in support of STRs in R1 districts. She was the wife of an active duty husband in the military and was supplementing their income by renting a room in their home as a short term rental. But because she was a resident and a part of the neighborhood he could support a short term rental in an R1 district. Despite all this he's not going to vote for it.

Chair Hente stated he's in agreement with the majority of his colleagues. He's sympathetic to this but he thinks the circumstances are different. The code in this case is pretty clear-cut. He will also vote to deny the appeal.

After the vote Commissioner Rickett explained his reasons for his no vote. He voted no said was because in the past we'd military as a reason and it possibly wasn't the ultimate reason and because we have used that he thought medical was the same thing and the appeal criteria says it's against the expressed intent of the zoning ordinance. The zoning ordinance allows for a non-owner occupied rental in an R1 for less than 185 days. In this case it wouldn't change that much but he also understands if we start using military and medical we need to caution ourselves in the future not to use those things and stay directly with the code.

**Motion by Commissioner Slattery, seconded by Commissioner Hensler, to Deny the appeal and affirm the administrative denial of the Short Term Rental renewal application, based on City Code Section 7.5.1704.D., and that the appellant has not 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 8:1:0:0**

**Aye:** 8 - Commissioner Raughton, Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Almy, Commissioner Hensler, Commissioner Foos and Commissioner Briggs

**No:** 1 - Commissioner Rickett

**Park Vista Addition No. 5B Annexation**

7.B. [CPC A 17-00127](#) Park Vista Addition No. 5B Annexation located at 1122 Orchid Street and consisting of 0.579 acres.

(Legislative)

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

**Park Vista Addition No. 5B Annexation**

**Staff presentation:**

Daniel Sexton, Planning Supervisor Central Team, gave a PowerPoint presentation giving the history of the site and the scope and intent of the annexation.

Disclosure by Chair Hente that he's been involved with annexations in this area but doesn't have anything to do with this project and didn't think his

prior experiences would influence him

**Highlights:**

- Annexation is for a little more than a half an acre.
- Zone establishment for the R5 (Multi-Family Residential) zone district.
- Area is part of an unincorporated enclaves
- Site is vacant land
- Annexation is taking in the private parcel as well as more of the public right-of-way which was an agreement between the City, the County and the applicant.
- The zone establishment is just for the parcel
- Modest grading on the site
- No additional relief for the site
- Additional curb and gutter to improve the street
- There is a known issue with flooding in this area
- Bringing in the site with the additional right-of-way will help address the flooding issues
- We're bring the enclaves in within this area to help with the current flooding issues
- South of the site the City and County are looking at a much larger stormwater solution for this area.

**Public Notice:**

- 261 property owners were notified on two occasions. One for internal review and one for Planning Commission
- Site was posted both times
- Staff received one written comment in opposition based on recent flooding issues

**Applicant presentation:**

David Hostetler, Land Development Consulting, representing the owner stated he didn't have a presentation. Mr. Hostetler stated they are mostly downstream from the complainant's lot. All their drainage is to the southwest on this site

**Questions of Staff:**

None

**Questions of the Applicant:**

None

**Public Hearing:**

Support:

No one in the audience or on the phone

Opposed:

No one in the audience or on the phone

**DISCUSSION, MOTION, VOTE AND DECISION:**

Commissioner Raughton will support the project because in the comprehensive plan which he served on and one of the stated objectives was to close enclaves within the City.

**Motion by Commissioner Rickett, seconded by Vice Chair McMurray, to recommend approval to City Council the annexation of 0.579-acre as the Park Vista Addition No. 5B Annexation, based upon the findings that the annexation complies with the Conditions for Annexation criteria, as set forth in City Code Section 7.6.203. The motion passed by a vote of 9:0:0**

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

- 7.C. [CPC ZC 20-00037](#) Park Vista Addition No. 5B zone change for 0.165-acres establishing R-5 (Multi-Family Residential) located at 1122 Orchid Street.

(Legislative)

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

See 7.B CPC A 17-00127

**Motion by Commissioner Rickett, seconded by Vice Chair McMurray, that this Ordinance be accepted Recommend approval to City Council the establishment of 0.165-acre as R-5 (Multi-family Residential) zone district, based upon the findings that the proposal meets the criteria for establishing a zone, as set forth in City Code Section 7.5.603(B). The motion passed by a vote of**

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

- 7.D. **CPC PFP 20-00038** Park Vista Addition No. 5B Subdivision Preliminary and Final Plat for 0.165-acres located at 1122 Orchid Street.

(Quasi-Judicial)

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

See 7.B CPC A 17-00127

**Motion by Commissioner Rickett, seconded by Vice Chair McMurray, that this Planning Case be accepted Recommend approval to City Council the Park Vista Addition No. 5B Preliminary/Final Plat, based upon the findings the proposal meets the review criteria for a final subdivision plat, as set forth in City Code Section 7.7.102; a preliminary plat, as set forth in City Code Section 7.7.204; and a final subdivision plat, as set forth in City Code Section 7.7.303. The motion passed by a vote of**

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

**Extol Park Vista Addition No. 1 Annexation**

7.E. [CPC A](#) Extol Park Vista Addition No. 1 Annexation located at 4417 and  
[21-00100](#) 4421 Siferd Boulevard and consisting of 0.942 acres.

(Legislative)

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

**Staff presentation:**

Daniel Sexton, Planning Supervisor Central Team, gave a PowerPoint presentation giving the history of the site and the scope and intent of the annexation.

**Highlights:**

- Annexation of 0.942 acres
- Zone establishment of the R-5/AO (Multi-Family Residential with Airport Overlay)
- Pulling in more public right-of-way with the annexation
- Within the Airport Overlay
- Single-family attached is a permitted use within the overlay
- Site slopes towards the Date and Siferd intersection
- Frontage a bit different the parcels, both will exit onto the intersection
- Both private drives will have significant improvements within the right-of-way but will curve away from the intersection to provide adequate site lines.
- There will be sidewalks and pedestrian crossing
- Project is in conformance with Comprehensive Plan
- Project will help to channelize stormwater

**Public Notice:**

- **126 property owners on two occasions one for internal review and one for Planning Commission**



➤ **Site was posted both times**

**Applicant presentation:**

David Hostetler, Land Development Consulting, representing the owner stated he didn't have anything to add.

**Questions:**

Commissioner Briggs asked if there was anything with the zone establishment that needs to be addressed for something like a school activity. Mr. Sexton state there wasn't and next to schools or churches residential is a preferred land use. The church in this case would not need to do anything additional nor would the applicant.

**Public Hearing:**

Support:

No one in the audience or on the phone

Opposed:

No one in the audience or on the phone

**DISCUSSION, MOTION, VOTE AND DECISION:**

**No discussion**

**Motion by Commissioner Rickett, seconded by Commissioner Briggs, to recommend approval to City Council the annexation of 0.942-acre as the Extol Park Vista Addition No. 1 Annexation, based upon the findings that the annexation complies with the Conditions for Annexation criteria, as set forth in City Code Section 7.6.203. The motion passed by a vote of 9:0:0**

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

7.F. [CPC ZC 22-00017](#)

Extol Park Vista Addition No. 1 zone change for a 0.331-acres establishing the R-5/AO (Multi-Family Residential with Airport Overlay) located at 4417 and 4421 Siferd Boulevard.

(Legislative)

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

See 7.E - CPC A 21-00100

**Motion by Commissioner Rickett, seconded by Commissioner Briggs, to recommend approval to City Council the establishment of an R-5/AO (Multi-family Residential with Airport Overlay) zone district for 0.331-acres, based upon the findings that the proposal meets the criteria for establishing a**

zone, as set forth in City Code Section 7.5.603(B). The motion passed by a vote of 9:0:0

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

**7.G. CPC PFP 22-00018** Extol Park Vista Subdivision No. 1 Preliminary/Final Plat for 0.331-acres located at 4417 and 4421 Siferd Boulevard.

(Quasi-Judicial)

**Presenter:**  
Daniel Sexton, Planning Supervisor, Planning & Community Development

See 7B. - CPC A 21-00100

**Motion by Commissioner Rickett, seconded by Commissioner Briggs, to recommend approval to City Council the Extol Park Vista Addition Subdivision No.1 Preliminary/Final Plat, based upon the findings the proposal meets the review criteria for a final subdivision plat, as set forth in City Code Section 7.7.102; a preliminary plat, as set forth in City Code Section 7.7.204; and a final subdivision plat, as set forth in City Code Section 7.7.303. The motion passed by a vote of 9:0:0**

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

**West Colorado Avenue Addition No. 1 Annexation**

**7.H. [CPC A 22-00127](#)** West Colorado Avenue Addition No. 1 Annexation located along West Colorado Avenue west of South 31st Street consisting of 5.65 acres.  
(Legislative)

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

**Staff presentation:**  
Katie Carleo, Land Use Review Manager, gave a PowerPoint presentation discussing the history of the site and the scope and intent of the annexation

- Highlights:**
- Area known as no man’s land
  - Cleaning up the area to be all part of the City
  - Public Works working with the County Public Works Department for

this area

- All roadways have been deeded to the City and we are the owner of the land
- Better way to manage infrastructure
- Voluntary Annexation
- No annexation agreement since we are the owners
- Annexation will bring all of West Colorado Ave into the City Limits
- State statute regulates any annexation have a one-sixth contiguity with the current city boundary
- Two parcels are adjacent to the annexation
  - One parcel is 0.561 acres and proposed zone is PK (Park)
    - No changes to the site
  - Second parcel is 2.009 acres with the proposed zone of PF (Public Facility) due to an existing water quality & detention already maintained by City SWENT
  - Southern parcel contains portions of Fountain Creek
    - This will have future channel stabilization to support infrastructure needs

#### **Questions:**

Commissioner Slattery asked if 31st Ave between Colorado and HWY 24 was City property. Ms. Carleo stated both City Public Works and County Public Works were very involved with this. There were extensive roadway surveys done before the deeds were transferred. The reason this is being annexed this way is due to CDOT right-of-way just south of this annexation on 31st Street. So technically 31st Street as it goes into HWY 24 is CDOT property. Public Works and Traffic recognizes there is further helps that is needed in some of these areas and that is work that will be done now between the City and CDOT.

Commissioner Rickett asked if this cleans up the property piece, it only cleans up the roadway piece because there properties still in this area that are in the County. Ms. Carleo said yes. The City will work with these property owners to see if they want to annex into the City.

Commissioner Raughton commended City Staff because this has been a long standing area for the homeless and it's taking this area and have it be one jurisdiction.

Chair Hente stated the City, County, and Manitou Springs have been dealing with this issue for years. He echoes what Commissioner Raughton stated, this is long overdue.

Ms. Carleo stated the Manitou Planning Department, and she thought their City Council was briefed, look at everything and are supportive of the

project.

Commissioner Slattery confirmed this was the area that had all the extensive sidewalk and roadway that was already City owned and was built to City standards. Ms. Carleo stated that was correct.

**Public Hearing:**

Support:

No one in the audience or on the phone

Opposed:

No one in the audience or on the phone

**DISCUSSION, MOTION, VOTE AND DECISION:**

No discussion

**Motion by Commissioner Rickett, seconded by Commissioner Raughton, that this Ordinance be accepted Recommend approval to City Council the annexation of 5.65 acres as the West Colorado Avenue Addition No. 1 Annexation, based upon the findings that the annexation complies with all the Conditions for Annexation as set forth in City Code Section 7.6.203. The motion passed by a vote of**

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

**7.I.** [CPC A 22-00128](#)

West Colorado Avenue Addition No. 2 Annexation located along West Colorado Avenue west of South 31st Street consisting of 0.65 acres.  
(Legislative)

**Presenter:**

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

Peter Wysocki, Planning Director, Planning & Community Development

See 7.H - CPC A 22-00127

**Motion by Commissioner Rickett, seconded by Commissioner Raughton, to recommend approval to City Council the annexation of 0.65 acres as the West Colorado Addition No. 2 Annexation, based upon the findings that the annexation complies with all the Conditions for Annexation as set forth in City Code Section 7.6.203. The motion passed by a vote of 9:0:0**

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

- 7.J. [CPC A 22-00129](#) West Colorado Avenue Addition No. 3 Annexation located along West Colorado Avenue west of South 31st Street consisting of 0.91 acres.  
(Legislative)

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

See 7.H - CPC A 22-00127

**Motion by Commissioner Rickett, seconded by Commissioner Raughton, to recommend approval to City Council the annexation of 0.91 acres as the West Colorado Avenue Addition No. 3 Annexation, based upon the findings that the annexation complies with all the Conditions for Annexation as set forth in City Code Section 7.6.203. The motion passed by a vote of 9:0:0**

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

- 7.K. [CPC ZC 22-00130](#) West Colorado Avenue zone change to establish PK (Park) zone district located at 3703 West Colorado Avenue consisting of 0.561 acres.

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

See 7.H - CPC A 22-00127

**Motion by Commissioner Rickett, seconded by Commissioner Raughton, to recommend approval to City Council the establishment of a PK (Park) zone district for 0.561 acres, based upon the findings that the change of zone request complies with the criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). The motion passed by a vote of 9:0:0**

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

- 7.L. [CPC ZC 22-00131](#) West Colorado Avenue zone change to establish PF (Public Facility) zone district located southeast of West Colorado Avenue and South Ridge Road consisting of 2.009 acres.

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

Peter Wysocki, Planning Director, Planning & Community Development

See 7.H - CPC A 22-00127

**Motion by Commissioner Rickett, seconded by Commissioner Raughton, to recommend approval to City Council the establishment of a PF (Public Facility) zone district for 2.009 acres, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). The motion passed by a vote of 9:0:0:0**

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

## **8. Election of Chair and Vice Chair**

**8.A.** [CPC 22-611](#) Elections of the Chair and Vice Chair of the City Planning Commission

Presenter:

N/A

**Motion by Commissioner Rickett, seconded by Commissioner Almy, to elect Scott Hente to serve as Chair of the City Planning Commission. The motion passed by a vote of 9:0:0:0**

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

**Motion by Commissioner Rickett, seconded by Commissioner Almy, to elect James McMurray to serve as Vice Chair of the City Planning Commission. The motion passed by a vote of 9:0:0:0**

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

## **9. Adjourn**