



City of Colorado Springs

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

Meeting Minutes - Final Planning Commission

Thursday, October 20, 2016

8:30 AM

Council Chambers

1. Call to Order

Present: 9 - Sherrie Gibson, Rhonda McDonald, Chairperson Eric Phillips, Robert Shonkwiler, Jeff Markewich, Ray Walkowski, Carl Smith, Reggie Graham and Vice Chair John Henninger

2. Approval of the Record of Decision (minutes) for the September 15, 2016 City Planning Commission Meeting.

Motion by Markewich, seconded by Shonkwiler, for approval of the September 15, 2016 City Planning Commission Meeting.. The motion passed by a vote of 9:0

Aye: 9 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith, Graham and Henninger

3. Communications

[CPC-038](#) Chairperson Eric Phillips

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

4. CONSENT CALENDAR

Motion by Smith, seconded by Walkowski, that the be accepted 4. CONSENT CALENDAR. The motion passed by a vote of

Aye: 9 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith, Graham and Henninger

4.A. [CPC CU](#) [16-00120](#) Conditional Use to allow a kennel in a C-5 (Intermediate Business) zone district located at 856 Arcturus Drive.

(Quasi-Judicial)

Presenter:
Lonna Thelen, Principal Planner, Planning & Community Development

Motion by Smith, seconded by Walkowski, 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

4.B.1 [CPC ZC](#) [16-00039](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 4.592 acres located south of Harrison High

School on Janitell Road from R (Estate Single-Family Residential) to C-6/cr (General Business with conditions of record).

(Quasi-Judicial)

Related File: CPC CP 16-00040

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

This Planning Case was adopted and forward to City Council on the Consent Calendar.

4.B.2 [CPC CP 16-00040](#)

Harrison Subdivision Concept Plan to allow an automotive storage yard for outdoor storage of recreational vehicles, located south of Harrison High School on Janitell Road.

(Quasi-Judicial)

Related File: CPC ZC 16-00039

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

This Planning Case was adopted and forward to City Council on the Consent Calendar.

4.C. [CPC CM1 16-00100](#)

A Conditional Use for a 50-foot monopole cellular tower Commercial Mobile Radio Service (CMRS) at 424 North Chelton Road.

(Quasi-Judicial)

Presenter:
Rachel Teixeira, Planner II, Planning and Community Development

This Planning Case was finally passed on the Consent Calendar.

Approval of the Consent Agenda

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

- 5.A. [CPC CA 16-00008](#) An Ordinance repealing and reordaining Section 906 (Appeals) of Part 9 (Notice, Hearings and Appeals) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to appeals.

(Legislative)

Presenter:

Peter Wysocki, Planning and Community Development Director
Carl Schueler, Comprehensive Planning Manager, Planning & Development Department

Proposed Motion:

Recommend approval to City Council of an ordinance repealing and reordaining Section 906 (Appeals) of Part 9 (Notice, Hearings and Appeals) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to appeals, as recommended by the Planning Commission, with the modification to make the appeals timeline twelve (12) days throughout. (No Vote) New ammendment recommended by Commissioner Shonkwiler.

STAFF PRESENTATION:

Mr. Carl Schuler, Comprehensive Planning Manager, gave an update to what has happen since the item was asked to be taken back to the Code Scrub committee.

What is presented has been endorsed by the entire Code Scrub. Some significant changes are the automatic bump being removed for all parties; the body that is hearing the appeal is the one that determines standing; 10-days is to be the time frame to file an appeal. Mr. Schueler referenced a typo where it should say 10-days and it says 12-days, it should be 10-days. Renee Congdon, City Attorney's Office said another significant change is the parties of interest of who can bring forth the appeal. Ms. Congdon stated it would be someone who provides written comments to an administrative decision, but also have to have a legally protected interest under the City Code to file the appeal. This will be the same on an appeal for a hearing based decision it would be those who provided written comments, attended the hearing, provided comment, and also have a legally protected interest under the City Code in order to bring an appeal. This was done to ensure that anyone who is bringing an appeal actually has something at stake.

Questions

Commissioner Markewich asked how should the motion worded for the 10-days.

Commissioner McDonald said 12-days are listed on other pages. Ms. Congdon said it is supposed to say 10-days throughout. Commissioner McDonald asked about version B. Ms. Congdon said they weren't voting on version B.

In support:

None

Opposition

Councilman Knight was appearing in his public role as a Councilman and also as City Counselor from District 1. What was present hasn't been agreed to by Council's side. The changes the Code Scrub committee looked at have not addressed all of Council's concerns and have not been brought back to Council. The changes being discussed he's hearing for the first time so there will be a lengthy discussion when it comes to Council. He was there to address the 10 versus the 12 versus the 14-day time frame and gave a history of the item and time frames. He stated the arguments haven't changed during this time. This is an area between him and representing his District who have been hurt by the 10-days and the development community that has their impacts. At 12-days there is zero impact. He was there to ask the Commissioners to stick with their original votes of 12-days

Rebuttal

Commissioner Walkowski asked why it went back from the 12-days to the 10-days. Mr. Schueler said the Code Scrub Committee discussed this at length and recommended the 10-days as acceptable. The neighborhood advocates agree with the 10-dyas because of the other changes that were included as well. City Staff and CONO want to ensure the communication process clear and really try and pay attention to it. They have consensus of staff and everyone on the Code Scrub Committee that 10-days is acceptable. Commissioner Markewich discussed the 10-days end on a Sunday therefore in actuality they are giving people until Monday, which is the 11th day. Mr. Schueler said for Planning Commission yes, but this applies to all hearing bodies and they have different days items are heard. Commissioner Markewich said what's frustrating was the Commission has voted twice to go with the 12-days, but it got kicked back to the Code Scrub Committee and now it's back to 10-days. Mr. Schueler said it's the discretion of the Planning Commission if they want to put it at 12-days but everyone's recommendation is 10-days.

Ms. Congdon provided details of how they got to this point from when it went to Council the last time. Council said to take the ordinance back to the Code Scrub Committee and get their recommendation, then bring it to Planning Commission, get your recommendation then take it back to City Council. That's what was done. There were two meetings of the Code Scrub Committee where they discussed the ordinance and went item by item in the two versions. One was the versions recommended by Planning Commission and the other was what was recommended by Councilmen Knight. They went through what was different between the two and as they did that, other items came up. Members of the committee said since it was sent back to them to address certain items why not look at everything. That's what was done and that is how other items came up that needed to be corrected. Every single provision was discussed in the ordinance, they received comments from the members and on each of them a vote was taken and there was consensus on

each item. The committee wanted to give the Planning Commission a recommendation they were all behind, but you have the authority to change that. Because what City Council is hoping for is a recommendation from you.

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich said adding the extra day didn't seem to make a difference when they discussed it before and so they voted to go to 12-days. He liked the changes of standing but still supports the 12-day time frame. He doesn't believe giving citizens an extra day is going to overburden staff or developers.

Commissioner Walkowski said he felt citizens are not going to naturally know how to appeal an item and felt those extra two days are important. He doesn't believe it will overburden staff or developers as so he is also leaning for the 12-days.

Commissioner McDonald said when this was discussed before 12-days made a difference in the calendar for when something went to Council. She felt like the Code Scrub Committee reconsidered this thoroughly and the recommendation of 10-days is what they made so she supports keeping it at 10-days as written.

Commissioner Graham was inclined to agree with Commissioner Markewich. When this was discussed before there was a unanimous decision for 12-days and giving those extra two days to the citizens is valuable to them. He recommends 12-days.

Commissioner Smith this is going to Council and this has been worked on for months and whatever they decide to do he felt it should be done unanimously.

Commissioner Gibson said she was firm on the 12-days when it was discussed before but she willing to accept it at 10-days.

Commissioner Henninger said he is supportive of the way it's written and staying at 10-days and that it's incumbent upon the city to help the citizens when they come to file an appeal. He thinks 10-days is sufficient.

Commissioner Shonkwiler said there were solid reasons why the Code Scrub Committee selected the 10-days and was a unanimous decision by the Committee. The neighborhood organizations agreed with the 10-days, those most affected by this are also in support of the 10-days. He was in favor of the 10-days as part of the Code Scrub Committee. We need to trust in the process. He will vote for the recommendation as presented. City Council has the ability to change that decision if they want to. The Code Scrub Committee has been tasked with cleaning up areas in the code and this is one of them and there is a bit of a risk to not go with the system that has been set up. This ordinance is a much improved version from what they had seen previously. So he respects the process and his peers on the Code Scrub Committee and what they've come up with.

Commissioner Smith said he agrees with Commissioner Shonkwiler. They've gone through the process and if Council doesn't like it they can change it. He still felt whatever the recommendation it should be unanimous.

Motion Commissioner Markewich, seconded by Commissioner Graham to recommend approval to City Council of an ordinance repealing and reordaining Section 906 (Appeals) of Part 9 (Notice, Hearings and Appeals) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to appeals, and changing all references of 10-days to 12-days calendar days.

Commissioner Shonkwiler motions to amend the motion, seconded by Commissioner Smith to have it be 10-days.
 Commissioner Phillips says to vote on the first motion. Commissioner Markewich clarified his motion is to remove all references of 10-days and change them all to 12-days.
 Commissioner Phillips directs Commissioner Shonkwiler to clarify his amendment which was to amend the motion which requires a separate vote to change it to back to 10-days rather than 12-days.
 City Attorney Marc Smith stated that amended motion includes the correction of the typo to be changed from 12-days to the 10; Commissioner Shonkwiler said yes. City Attorney Marc Smith said this is a vote to amend the number of days to 10-days not to take action on the number of days. If that passes they will have to have another motion and vote.
 Aye: Phillips, Henninger, Shonkwiler, Smith, McDonald, Gibson,

No: Markewich, Walkowski, Graham Passed: 6-3

City Attorney Marc Smith stated since that passed the motion has been amended to include 10-days throughout the ordinance and a vote needs to be taken on that.
 Commissioner Markewich asked if needed to withdraw his previous motion. Mr. Marc Smith and Mr. Wysocki, Planning Director said no that wasn't needed.
 Mr. Marc Smith said the motion on the table is recommending approval of the ordinance as written with the correction of the typo where it said 12-days to be 10-days. Commissioner Markewich stated since he voted against the amendment he stated he wanted to withdraw his motion so he is not moving the original motion. Mr. Marc Smith said no that motion has already been amended, voted on and passed so that can't be undone.
 Commissioner Phillips asks for another motion, Mr. Marc Smith says the motion is already there, and seconded to approve the amendment.

Motion by Shonkwiler, seconded by McDonald, that the Planning Case be approved as amended Proposed Motion:

Recommend approval to City Council of an ordinance repealing and reordaining Section 906 (Appeals) of Part 9 (Notice, Hearings and Appeals) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to appeals, as recommended by the Planning Commission. And amending all references pertaining to appeal deadlines to ten (10) calendar days..

The motion passed by a vote of 6:3

Aye: 6 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Smith and Henninger

No: 3 - Markewich, Walkowski and Graham

City Attorney Marc Smith stated since that passed the motion has been amended to include 10-days throughout the ordinance and a vote needs to be taken on that.

Commissioner Markewich asked if needed to withdraw his previous motion.

Mr. Marc Smith and Mr. Wysocki, Planning Director said no that wasn't needed.

Mr. Marc Smith said the motion on the table is recommending approval of the ordinance as written with the correction of the typo where it said 12-days to be 10-days. Commissioner Markewich stated since he voted against the amendment he stated he wanted to withdraw his motion so he is not moving the original motion. Mr. Marc Smith said no that motion has already been amended, voted on and passed so that can't be undone.

Commissioner Phillips asks for another motion, Mr. Marc Smith says the motion is already there, and seconded to approve the amendment.

Motion by Shonkwiler, seconded by McDonald, that the Planning Case be accepted Proposed Motion:

Recommend approval to City Council of an ordinance repealing and reordaining Section 906 (Appeals) of Part 9 (Notice, Hearings and Appeals) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to appeals, as recommended by the Planning Commission, with ten (10) calendar days to appeal... The motion passed by a vote of 8:1

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

No: 1 - Walkowski

6. NEW BUSINESS CALENDAR

6.A.1 [CPC MP 07-00061-A4 MJ16](#) A Major Amendment to the Briargate Master Plan changing 116.82 acres from Residential Very Low (R-VL 0-1.99 dwelling units per acre) to Residential Low (R-L 2.0-3.49 dwelling units per acre).

(Legislative)

Related Files: CPC PUZ 16-00102, CPC PUP 16-00103, CPC PUD 16-00104

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Director Planning and Community Development

Commission McDonald recused herself.

STAFF PRESENTATION:

Katie Carleo, Principal Planner gave a Power Point presentation.

APPLICANT PRESENTATION:

Cody Humphrey, Director of Planning for LaPlata Communities gave an in-depth Power Point Presentation of the project.

Questions:

Commissioner Markewich asked for clarification about the extension of Cordera Crest. Mr. Humphrey indicated the part Commissioner Markewich referred to is expected to be completed late 2017 or early 2018.

Commissioner Markewich said the connection should be completed as soon as it's possible to ease traffic flow.

Commissioner Smith asked about maintenance of the buffer, the type of grasses and if there'd be irrigation. Mr. Humphrey said there would be some irrigation at start up and native grasses but, not a manicured landscape and the native grasses would be mowed twice a year. Trash maintenance will be part of the HOA responsibility but they will do it until the HOA takes over.

Commissioner Smith asked about what type of intersection is planned for the extension of Union to Old Ranch Road. Mr. Humphrey said it would be signalized.

Citizens in Support:

None

Citizens in Opposition:

Terry Stoka, Chairman of the Black Forest Preservation Committee and Treasurer of the Black Forest Preservation Plan, was present representing both groups. Mr. Stoka stated the Black Forest Preservation Plan requires transition from five acre lots to smaller lots as they approach the urban areas and vice versa from the city to Black Forest. Mr. Stoka discussed the density and that it wasn't a transition, the 100 foot buffer wasn't enough and there is increased traffic. He recommended keeping the very-low density designation, increase the buffer to 200-feet and the Milan/Union connection done at the beginning of development.

John Church lives ¼ mile north of the Old Ranch Rd and Milan intersection. There needed to be a better transition into Black Forest. Density is the problem along that corridor. He suggested a compromise in the density to have a better transition. He liked the buffer and would like completion of the roads to be done sooner rather than later.

Gail Mack lives on Old Ranch Road. She discussed what was said at the neighborhood meeting; the buffer along her property is only 75 feet but was told it would be 100-feet feet at a minimum. She concerned about drainage along her property and felt the neighborhood meeting was unfair to the public. She wants the lower density to remain.

Questions of Staff:

None

Rebuttal:

The applicant discussed the density and stated they worked to find a compromise and feel the buffer helps with this and the trail system also helps with the transition. The drainage throughout Cordera was discussed and what was done to mitigate issues.

Commissioner Markewich asked about drainage close to Filing 5 and where it's channeled. The applicant said this would be an open flow situation and discussed how it would be routed southwest away from Old Ranch Road. Commissioner Markewich asked about Old Ranch Road becoming a

four-lane road and if the widening would cut into the buffer. Commissioner Markewich confirms the right of way to the buffer is 100 feet. The applicant explained the boundary line is from the edge of Old Ranch Road back 100 feet. Kathleen Krager, City Transportation Manager said there were no plans to widen Old Ranch Road.

Commissioner Graham asked if there would be changes to the drainage plan. The applicant said there were natural drainage areas that would be maintained and were current with the newest drainage criteria.

Commissioner Graham asked about the height of the remnant walls; proposed at 3 to 4 feet; what is the height of the pine trees - they will be 8 feet at a minimum.

Commissioner Henninger asked about the average size of the lots - 5500 sq. ft.

Commissioner Shonkwiler clarified how the drainage flows. Mr. Humphrey said it flows from the north to the south.

Commissioner Walkowski said the citizens were afraid it would be piped and the pipe would get clogged. The applicant confirmed it will be open flow and be some swale to guide them to the open drainage.

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich said any often controversies regarding new developments are about transitions and density close to the county line as in this area. We have to consider if a project is economically viable. We are encouraging more density. The developer has done a good job of the buffering and landscaping with this development to mitigate the transition. He said an increase in lot size would mean larger home with a larger footprint and he doesn't think that is what the residents of Black Forest want. Based on the review criteria of all areas the project complies with what they need to consider. He encouraged the roads to be done sooner rather than later. Commissioner Phillips said it was not their job to make sure that something was economically viable.

Commissioner Smith agreed with what Commissioner Phillips said about projects being economically viable but agreed with the rest of what Commissioner Markewich said. The buffer isn't something the applicant had to do, but the buffer is a good thing and was glad the applicant did it. There was going to be development in this location. The increase in density isn't that significant from the previous density. He's supportive of approving the application

Commissioner Henninger said development review criteria discusses if the project will be harmonious with the surrounding area; it will be consistent with the rest of Cordera. Another of the review criteria talks about being compatible with surrounding area and it was stated the development does adversely affect the school district so that concerned him. He's concerned about the school district, the taxes, the way we take care of our children and having the school match the density of the area. So looking at the review criteria the harmonious is in question and impact is a little in question. Would be nice if they melted into the Black Forest density a little bit easier than with what is trying to be done with this. So he has some concern with that.

Commissioner Markewich clarified his statement about economic viability, that it isn't the Planning Commission's requirement, but that the developer is responsible to make sure it's economically viable for their company. He agreed it's not the job of the Planning Commission to determine economic

viability.

Mr. Wysocki clarified what Commissioner Henninger stated about the impacts to the school district, as stated in the staff report the school district stated it would **not** have adverse effects. Commissioner Henninger said in one place it says it will and the developer stated it would, Commissioner Henninger also cited page 104, paragraph # 2; but it could be a typo. But it's just an area he concerned about.

Mr. Wysocki discussed how density from a residential area next to the county has changed over time and what is needed to be look at today and how that has been managed in other areas of development around Colorado Springs.

**Motion by Smith, seconded by Gibson, that the Planning Case be accepted
Proposed Motion: CPC MPA 007-00061-A4MJ16 Recommend approval to City Council the major master plan amendment to the Briargate Master Plan, based upon the finding that the amendment meets the review criteria for granting a master plan amendment as set forth in City Code Section 7.5.408.. The motion passed by a vote of 8:0**

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

Recused: 1 - McDonald

6.A.2 [CPC PUZ 16-00102](#)

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 116.82 acres located south of Old Ranch Road and north of Cordera Crest Avenue from A (Agriculture) to PUD (Planned Unit Development; single-family detached residential, 2.63 dwelling units per acre, 36-foot maximum building height).

(Quasi-Judicial)

Related Files: CPC MPA 007-00061-A4MJ16, CPC PUP 16-00103, CPC PUD 16-00104

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Director Planning and Community Development

**Motion by Smith, seconded by Graham, that the Planning Case be accepted
Proposed Motion:
CPC PUZ 16-00102 - CHANGE OF ZONING TO PUD
Recommend approval to City Council the zone change from A (Agriculture) to PUD (Planned Unit Development; single-family detached residential, 2.63 dwelling units per acres, 36-foot maximum building height), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 and the development of a PUD zone as set forth in City Code Section 7.3.603.. The motion passed by a vote of 7:1**

Aye: 7 - Gibson, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith and Graham

No: 1 - Henninger

Recused: 1 - McDonald

6.A.3 [CPC PUP 16-00103](#) Cordera 4 & 5 Concept Plan illustrating conceptual layout for a 116.82 acre site to be developed as single-family detached residential subdivision, located south of Old Ranch Road and north of Cordera Crest Avenue.

(Quasi-Judicial)

Related Files: CPC MPA 007-00061-A4MJ16, CPC PUZ 16-00102, CPC PUD 16-00104

Presenter:
 Katie Carleo, Principal Planner, Planning & Community Development
 Peter Wysocki, Director Planning and Community Development

A motion was made by Smith, seconded by Gibson, that this Planning Case be referred. to the City Council for approval. The motion carried by the following vote: 8:0

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

Recused: 1 - McDonald

6.A.4 [CPC PUD 16-00104](#) Cordera 4 PUD Development Plan to develop 29.51 acres with 53 single-family residential lots, located south of Old Ranch Road and north of Cordera Crest Avenue.

(Quasi-Judicial)

Related Files: CPC MPA 007-00061-A4MJ16, CPC PUZ 16-00102, CPC PUP 16-00103

Presenter:
 Katie Carleo, Principal Planner, Planning & Community Development
 Peter Wysocki, Director Planning and Community Development

Motion by Smith, seconded by Gibson, that the Planning Case be referred to City Council. Proposed Motion: CPC PUD 16-00104 - PUD DEVELOPMENT PLAN Recommend approval to City Council the PUD development plan for the Cordera 4 project, based upon the findings that the PUD development plan meets the review criteria for granting a PUD development plan as set forth in City Code Section 7.3.606 and meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E).. The motion passed by a vote of 7:1

Aye: 7 - Gibson, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith and Graham

No: 1 - Henninger

Recused: 1 - McDonald

6.B.1 [CPC PUZ 16-00094](#)

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 12.73 acres located near the intersection of Grand Cordera Parkway and Argentine Pass Trail from PBC/AO (Planned Business Center with Airport Overlay) and PUD/AO (Planned Unit Development; mixed residential, including assisted senior living, 50-foot 7-inch maximum building height, 24.99 dwelling units per acre with Airport Overlay) to PUD/AO (Planned Unit Development; multi-family residential, 45-foot maximum building height, 22 dwelling units per acre with Airport Overlay)

(Quasi-Judicial)

Related File: CPC PUD 16-00095

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development
 Peter Wysocki, Director Planning and Community Development

STAFF PRESENTATION:

Katie Carleo gave a Power Point presentation

APPLICANT PRESENTATION:

Tim Siebert with NES gave a Power Point presentation regarding the project.

Questions:None

Citizens in Support: None

Citizens in Opposition: None

Questions of Staff:

Commissioner Henninger asked Kathleen Krager about increasing traffic on the parkway verses a business venture in this location. Ms. Krager said that was correct. Ms. Krager said the roadway system was planned to have this level of traffic. An apartment complex generates less traffic per unit than single-family homes. They are close to having a signal at Briargate and Cordera Crest or Grand Cortera - possibly a 2-year time frame.

Commissioner Henninger asked about Cordera Crest and Research. Ms. Krager said this is also planned for a signal and discussed this with Nor'wood, it is planned to be completed later than the other signal. Right turns do not warrant signals, only left turns do and this is the type of intersection there. They are following and watching the area. Commissioner Henninger said in a NES letter signed by Katie Whitford it mentioned the Research Powers interchange. Ms. Krager said the city has begun working with the state to get a good cost estimate for that interchange and look at fund raising they do for development of this interchange. To help in this area they've opened a dual left turn lane. They are also addressing the heavy pedestrian traffic in this

area.

Rebuttal: None

DISCUSSION AND DECISION OF THE PLANNING COMMISSION: None

Motion by Walkowski, seconded by Smith, that the Planning Case be referred to City Council.

Proposed Motion: CPC PUZ 16-00094

Recommend approval to City Council the zone change from PBC/AO (Planned Business Center with Airport Overlay) and PUD/AO (Planned Unit Development; mixed residential, including assisted senior living, 50-foot 7-inch maximum building height, 24.99 dwelling units per acre with Airport Overlay) to PUD/AO (Planned Unit Development; multi-family residential, 45-foot maximum building height, 22 dwelling units per acre with Airport Overlay), based upon the findings that the change of zoning request complies with the criteria for granting of zone changes as set forth in City Code Section 7.5.603, and complies with the criteria of establishing a PUD zone as set forth in City Code Section 7.3.603.. The motion passed by a vote of

Aye: 9 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith, Graham and Henninger

6.B.2 [CPC PUD 16-00095](#)

Crown at Briargate PUD Development Plan for the development of a 276-unit apartment complex on 12.73 acres located near the intersection of Grand Cordera Parkway and Argentine Pass Trail.

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Director Planning and Community Development

Motion by Walkowski, seconded by McDonald, that the Planning case be referred to City Council.

Proposed Motion: CPC PUD 16-00095 Recommend approval to City Council the Crowne at Briargate Development Plan, based upon the findings that the development plan meets the review criteria for PUD development plan as set forth in City Code Section 7.3.606 and meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E).. The motion passed by a vote of 9:0

Aye: 9 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith, Graham and Henninger

6.C. CPC CA 16-00115

An Ordinance Amending Section 201 (Definitions Enumerated) of Part 2 (Definitions of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications); Section 1205 (Nonconforming Lots) of Part 12 (Nonconforming Development) of Article 5 (Administration and Procedures), and Multiple Sections of Article 7 (Subdivision Regulations) All within Chapter 7 (Planning, Development and Building of the Code of The City of Colorado Springs 2001, as Amended, Pertaining to Waiver of Replat.

(Legislative)

Presenter:

Meggan Herington, LUR/DRE Planning Manager, Planning and Community Development

STAFF PRESENTATION:

Meggan Herington gave a Power Point Presentation on the proposed changes to the Waiver of Replat and minor administrative subdivision procedures.

The intent of the change is to look at ways to make it easier to redevelopment in older areas of the City. This pertains to residential alterations as well as new residential and commercial development. This amendment is being brought forward with a unanimous recommendation by the Code Scrub Committee.

Ms. Herington explained what Waiver of Replat and Building Permit to Unplatted Land involve from a definition and processing standpoint. These are minor administrative procedures that allow a property owner to bypass the full subdivision platting process. It's a lengthy process to survey and plat land. We'd like a way in certain circumstances to allow properties to not have to go through that entire subdivision platting process. That is what the Waiver of Replat does. There were lots that were previously platted in some capacity that we don't want to have to have them replatted to recognize their current legal description. The Building Permit to Unplatted Land deals with allowing building permits to be issued on ground that is unplatted. Everything hinges on proving your land is a lot of record.

The primary change is to change the definition of a Lot of Record which is "A parcel of land in the City, the deed of which was recorded in the public records of El Paso County, Colorado on or before February 13, 1951." Whereas before is said January 18, 1904. The February 13, 1951, date is easier to find. The 1951 date is the date the city adopted the first zoning ordinance that established lot size per city code. The 1904 date was the first subdivision plats were recorded within the city. Subdivision and platting were not required were not required in unincorporated El Paso County until September 1, 1972. If you were legally exempted from platting requirements in the county prior to 1972 and annexed into the city later we will not require you to plat your property.

Ms. Herington explained what general language updates they want in the code and how is needed to be consistent throughout. Change the length of time for the turnaround and change it to allow these applications to be completed over the counter.

Ms. Herington discussed what would change in the City Code Section 7.7.505: Waiver of Replat. They will delete references to Issuance of Building Permit to Previously Platted Land, update the purpose (add the 1951 date), remove restrictions to the limits on waivers, update the language on approval with conditions - tie it to certificate of occupancy.

Ms. Herington discussed what would change in the City Code Section 7.7.506: Issuance of Building Permits Prior to Platting - remove this

section from the code. There's no reason to issues permits prior to platting.

Ms. Herington discussed what would change in the City Code Section 7.7.1402: Compliance Not Required - which currently says: addition of an accessory structure no larger than 120 square feet in area or the addition of a deck(s) or patio/porch cover(s) or both and expand it to include: Addition to the principle structure is no larger than 50% of the principle structure gross floor area; or the addition of a detached accessory structure(s) no larger than 100% of the principle structure.

Questions:

Commissioner Shonkwiler said this will allow older areas of the City to encourage redevelopment and make it easier to do so.

Commissioner McDonald asked for clarification if someone asked for two lots to become one lot, then later they want to change it back to the two lots. Ms. Herington said that triggers a subdivision. So if they put the lots together via a waiver and in the future want to divide the lots in any configuration a subdivision plat would be required.. Commissioner McDonald questioned if something like that could be done. Ms. Herington said it could.

Commissioner Henninger asked if there was any situation where you couldn't find the lot of record before 1951 and then later someone else did find it and it was different, is there any legal situation that's been thought about might arise? Ms. Herington said she didn't think so. If a property owner can't find that deed or the lot wasn't created prior to 1951 then the waiver process would not apply. She couldn't think of any situation where the date would change anything.

Commissioner Smith clarified some parts in the language and make sure it's cleaned up. Commissioner Smith asked if two lots were put together if there are still setback requirements. Ms. Herington said yes. Commissioner Smith clarified language in the addition part of City Code Section 7.7.1402 and how it would be done and all the standards that would be looked at.

Citizens in Support: None

Citizens in Opposition: None

DISCUSSION AND DECISION OF THE PLANNING COMMISSION: None

Motion by Shonkwiler, seconded by Walkowski, that the Planning Case be referred to City Council.

Proposed Motion: CPC CA 16-00115 Recommend adoption to City Council of an ordinance amending Section 201 (Definitions Enumerated) of Part 2 (Definitions of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications); Section 1205 (Nonconforming Lots) of Part 12 (Nonconforming Development) of Article 5 (Administration and Procedures), and Multiple Sections

of Article 7 (Subdivision Regulations) All within Chapter 7 (Planning, Development and Building of the Code of The City of Colorado Springs 2001, as Amended.. The motion passed by a vote of 9:0

Aye: 9 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith, Graham and Henninger

**6.D. CPC CA
16-00116**

An ordinance amending Part 2 (Off-Street Parking Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to parking.

(Legislative)

Presenter:

Meggan Herington, LUR/DRE Planning Manager, Planning and Community Development

STAFF PRESENTATION:

Meggan Herington gave a Power Point Presentation

This amendment proposes changes to City Code by adding a new Section 7.4.204; Alternative Parking allowances related to on-street credit and on-site reduction. It will also update City Code Section 7.4.205 - Accessible Parking which updates parking for the disabled by editing existing Code sections.

The Infill Committee recommended updates to the City Code Section 7.4.201 - 207 (Off Street Parking Requirements) to adopt new infill-supportive standards including allowing credit for on-street and off-site parking in some cases.

The Code Scrub Committee is supporting this ordinance unanimously and recommends Planning Commission and City Council support the proposal.

The Independence Center reviewed the accessible parking changes of the Code and is in support.

Alternative Parking Options in City Code Section 7.4.204:

On-Street Parking Credit: A project can count on-street spaces as part of the minimum parking requirement if the property fronts a street that allows on-street parking and the minimum lot width is 30-feet. Scope and scale of the request would not generate significant off-site impacts upon neighboring properties, spaces cannot be used for storage, and spaces cannot be for private use or reserved. Metered parking would not be affected.

Reduction in Minimum Parking Spaces: conditions for a reduction include - 400-foot direct pedestrian access to, 1) Public transit stop; 2) Designated bike route or City trails; 3) City or privately-owned parking lot. Shared Parking, 1) shared parking agreement recorded; 2) Location of shared parking no further than 400-feet from the site.

Regarding the reductions there could be the following: 5% reduction in required spaces for each proximity, up to a 20% reduction for utilization of shared parking and a total of up to 35% reduction in on-site parking minimums.

Additional requirements would be to add bicycle parking, add motorcycle or moped parking and/or improvements to public right-of-way depending on the scenario.

The request for alternative parking would be submitted with a new or amended development plan . The submittal would include a project statement, parking plan/evaluation and justification. The request is then reviewed by staff utilizing the standard review process. This would include notification to surrounding property owners.

Other cities along the Front Range have either alternative parking plans, parking reductions or both.

The language related to parking for the disabled is clean up in the existing Code language to more closely mirror Federal standards. There will be addition of diagrams, specific number of van accessible spaces, specific percentages for certain types of human service and medical office uses, what residential uses allow for requirements, clarify language on the distribution of accessible spaces on-site and marking and identifying of accessible spaces. Nothing new; just some clarification and clean up.

Questions: None

Citizens in Support: None

Citizens in Opposition: None

DISCUSSION AND DECISION OF THE PLANNING COMMISSION: None

Motion by Markewich, seconded by Vice Chair Henninger, that the Planning Case be referred to City Council.

Proposed Motion: CPC CA 16-00116 Recommend adoption to City Council of an ordinance amending Part 2 (Off-Street Parking Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to parking.. The motion passed by a vote of 9:0

Aye: 9 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith, Graham and Henninger

**6.E.1 CPC A
16-00109**

The Bowen Addition Annexation consisting of less than one acre located at 5085 Silver Drive within the Park Vista Estates enclave of unincorporated El Paso County.

(Legislative)

Presenter:

Mike Schultz, Principal Planner, Planning & Community Development

FILE NO.: CPC A 16-00109, CPC ZC 16-00110; CPC A 16-00107, CPC ZC 16-00108

PROJECT: Bowen Addition & Hartsuiker Addition Annexations

STAFF: Mike Schultz

STAFF PRESENTATION:

Mike Schultz, Principal Planner gave a Power Point presentation as to the reasons for the Annexation into the City along with the zone change.

Questions:

Commissioner Markewich asked how streets are serviced. Mr. Schultz said the county. Commissioner Markewich asked about police and fire. Mr. Schultz said the Sheriff Office responds for 911 calls and City Fire responds to calls for emergency.

Commissioner Shonkwiler asked why they weren't annexing the portion of Copper Drive. Mr. Schultz said because of contiguity to Austin Bluffs and no contiguity on Copper Drive.

Commissioner Henninger asked if they will have to tap into the city water. Commissioner Henninger asked if sewer connection was anticipated along with water connection. It was indicated that CSU is allowing septic systems to remain at this time, so no immediate sewer connections. Mr. Schultz said they have water immediately adjacent to the street.

Commissioner Henninger said the zoning suggested is R-2 but why was R-2 chosen. Mr. Schultz said they discussed several different zoning and R-2 seems to be a more transition choice for the area. There was also a discussion whether large lots were appropriate within the city and other the R-Estate the R1-9000 has most of the homes centered in the lots and could prohibit subdivision of those lots because of their location within the lot and wouldn't allow for the 9000 square feet. Residents with the R-2 zoning have the potential for an accessory dwelling structure to be built and we do not allow the building of an accessory structure to be built in single-family zoning districts thus the R-2 was thought to be a better choice.

APPLICANT PRESENTATION:

Dave Hostelter with Land Development Consulting said they were asked for the annexation and approve of the zoning designation of R-2 because they felt they met the criteria for that.

Citizens in Support:

None

Citizens in Opposition:

Mr. Corey Wilson lives two doors down from the one on Silver Drive. He is 100% in support of the annexation as they are in a desperate need for water. His objection is to the R-2 zoning. He does not believe the R-2 zoning meets the intent or the letter of the city zoning ordinances. He said this to the planner and the planner's response was, "what ordinance".

Mr. Wilson said Ordinance 72102 where it states "is the intent of the zoning is to protect property values, to preserve neighborhoods and protect private property." His believes the R-2 designation would lessen the neighborhood. Park Vista Estates is about 98% single-family detached homes on lots that are over 25,000 square feet in size. The city zone district for this size is R-Estate. This zoning accommodates large lots primarily low-density single-family residential uses.

R-2 is for small or medium lots for single-family or two-family residential dwelling uses. Mr. Wilson believes a 40,000 square foot lot stretches the definition of a medium size lot.

R-2 is almost unheard of in this part of town. There are only two R-2 zone districts within five miles. The closest R-2 districts he found is at Templeton Gap and Fillmore, nowhere close to this area and it opens the door for subdivision and if that's the city's intent then say so but that will harden the remaining members of the enclave to join the City. There is insufficient waste water removal for the R-2 designation.

The Hartsuiker property has a 1500 gallon septic tank and per the El Paso County Health Standards that's sufficient for 3-bedrooms, so they can't build another bedroom and have adequate facilities. There are no plans now nor are there plans to connect to the city sewer system as part of this application process. It seems inappropriate to zone this for multi-family residential without access to sanitary services. Lastly, Mr. Wilson believes this area should be part of the Hillside Overlay District. There is a Hillside Overlay on surrounding properties. There is significant slope in the area and people experience extensive runoff and flooding.

They don't object to them joining the city, but doesn't believe the R-2 zoning meets the standard of the law and it will adversely affect their property values moving forward. There is other R-Estate zoning just west of the Park Vista Estates enclave.

Commissioner Markewich said the zone district is the concern and is it because you don't think accessory structures should be built there, and because waste water won't support it or are you more concerned about those lots being subdivided.

Mr. Wilson said those were his two concerns and subdivision would be their long term issue. Although no subdivision is proposed right now it should be only when that subdivision is proposed that the R-2 designation should happen. There is a difference with the R-2's that were done on the southwest side as the model for why they selected the R-2 zoning designation. Both of those applicants stated at that time of annexation they planned to build duplexes. The current applicants do not want to subdivide nor do they have any plans to build any other structures. The R-2 value only provides something for a subsequent future owner.

Questions of Staff:

Mr. Schultz addresses the questions of the different of zone districts. There is R1-6000 west of the enclave. There is a small pocket or rural residential to the east. All the area Mr. Schultz reference was R1-6000.

Mr. Schultz said concerning the waste water connection CSU said as long as the uses remained single-family they can continue using their septic systems. Only when they add that accessory dwelling unit would they have to connect to sanitary sewer service. So that will be placed in the annexation agreement and that would only apply to these two properties and that would only happen at the time of subdivision.

Regarding the Hillside Overlay, there are properties to the east and north of this that have that overlay and most of these lots are already developed and that overlay would be an extra burden that would be unnecessary. Regarding flooding - if these properties were to subdivide they could consider if there was the need for curb, gutter and sidewalk. If there is flooding currently what is the county doing about that.

As far as R-2 designation this zoning does not require any development plan or concept plan. So they could come in with a preliminary and final plat if they wanted to subdivide or if they wanted an accessory dwelling unit that is a use

by right.

Commissioner Shonkwiler asked if there is sanitary sewer immediately available to these sites. Mr. Schultz said he would probably have to defer to CSU but there isn't immediate availability. Commissioner Shonkwiler said if someone wanted to develop this as an R-2 density or subdivide they would have to have a plan for sanitary sewer. Mr. Schultz said yes.

Commissioner Markewich asked about R-Estate designation as opposed to the R-2 which was pointed out is for small to medium sized lots. These are large sized lots. Why not the R-Estate? Is it because the R-Estate doesn't allow the subdivision, or the accessory dwelling unit? Mr. Schultz said it was a combination of both. The R-2 is seen as a potential transition and a more efficient land use within a very large lot element.

Commissioner Markewich asked if the R-2 is being asked for because there is the intention to subdivide or build accessory structures. Mr. Schultz said there was no immediate plan for either of those.

Rebuttal:

Mr. Hostelter said R-2 is an allowable zone due to the transitional nature. Regarding the Hillside for the Bowen property; the trees were planted by the applicant and the slope isn't severe nor is the topography. Regarding Mr. Wilson's thought of having 3-5 lots - they only want the primary residence and one extra accessory unit on the property for a caretaker house sometime in the very far future and there are no plans to subdivide. Right now Ms. Bowen just needs water. The Hartsuiker's are the same - have the primary residence with the possibility of an accessory structure sometime in the future.

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

Commissioner Henninger said you could look at just these two lots or the enclave as a whole. Right now for the best of the whole it would be better to go to the R-Estate zoning to keep it as is and give the two properties access to water. He is thinking he'd be willing to change the motion for the R-Estate zoning instead of R-2.

Commissioner Markewich said he agrees with the R-Estate designation. For continuity for the neighbors he would go with the R-Estate and then at the time you're ready to build the accessory structure or subdivide and change to the R-2 zoning designation. So he'd say approve the annexation since that meets the review criteria and have the zoning be R-Estate or something that would be able to be subdivided.

Commissioner Shonkwiler asked the City Attorney Marc Smith and the Mr. Wysocki, Planning Director because of suggestions to changing the zoning district, is that allowed? Mr. Marc Smith said he'd never seen Planning Commission attempt to change a zone district. Without having some time to do some research he couldn't tell them. These would be new recommendations to City Council but he didn't know what impact changing the zone district would have on the overall plan.

Commissioner Shonkwiler asked if it is possible to go ahead and annex and then defer the rezoning to 90-days. Renee Congdon, City Attorney said under the Municipal Annexation Act of 1965 you have to set the zone within 90-days of the annexation.

Ms. Congdon said annexation is an agreement with the property owner and the city and if the property owner thinks they are going to get a specific zone and it's not recommended by Planning Commission they may decide they

don't want to annex. This is slightly different for an annexation because it's for the need for water. So this may open a discussion between the property owners and the city if you recommend a different zone than what has been presented by staff.

Commissioner Shonkwiler said this is a legislative item he would be uncomfortable approving an annexation without approving the zoning along with it. But he'd like to hear what the applicant has to say.

Mr. Hostelter said the primary reason for this annexation is to get water. The R-2 zone with a condition of record that says only the existing single-family dwelling and one accessory building be allowed for that zone as a condition of use.

If sewer existed they would tap into it but the Bowen's don't have sewer nearby. The Hartsuiker's is a different situation - the utility main hasn't been extended by the church and any increase in density for the Hartsuiker's might require them to extend the rest of the way in front of their property. Right now all they want is have their current homes and the chance for an accessory building with no subdivision and ownership would stay the same. They just have to have the water.

Commissioner Shonkwiler said he felt they should go with the recommendation of the planning department.

Commissioner McDonald asked Mr. Schultz about a map that showed most of these properties were zoned R1-6000. Mr. Schultz clarified where the R1-6000 zones were located. Commissioner McDonald said this was submitted with the R-2 and people are just trying to get water. If they need an accessory building built for someone to come in and care for them and she believes that is why it needs to be zoned R-2. So she will vote for this the way it's written.

Commissioner Smith said if they have an accessory structure they will have to have sanitary sewer from the City and because a 1500 gallon tank may not be adequate to handle whatever addition or accessory structure would be put in. He's okay with approving this as R-2 with an amendment saying it would only allow an accessory structure or addition.

Commissioner Markewich said since the applicant is willing to accept the R-2 with a condition of record stating it would only be an accessory structure, and no subdivisions in the future could they build a three unit duplex as that accessory? Mr. Wysocki said it would be one ADU per lot. They could split the larger lot into two. The zoning would run with the land.

Commissioner Markewich asked if the condition said there could be no subdivision, then what. Mr. Wysocki said he doesn't feel comfortable with a condition of record of zoning to not allow parceling of property. Restricting uses is one thing but restricting future parceling in another.

Commissioner Markewich asked if they could allow an R-Estate with a condition of record for an accessory structure. Meggan Herington, Land Use Review Manager, said the basic zone governs and you wouldn't add uses to a zone that aren't already permitted in the zone. The R-Estate doesn't allow an ADU where the R-2 does. Start with the more intense zone and limit rather than starting with the less intense zone and add. So it would be single-family residential with an accessory dwelling unit. Mr. Wysocki said Ms. Herington was correct. When you add uses you are in fact approving a Use Variance. Mr. Wysocki said a condition of record on zoning that says one accessory dwelling unit is permitted. If they decided to subdivide later into two lots you

could have a primary home on either of the two lots and zoning would say you could have one ADU per lot if that's what was wanted.

Commissioner Markewich said couldn't they say R-2 with one ADU and no subdivisions. Mr. Wysocki said his preference would be to not prohibit the ability to subdivide.

Commissioner Gibson said they were trying to get some protection for the neighbors and the enclave so it doesn't turn into something more than what is anticipated and make sure water is available. She is in favor of the annexation and then the R-2 zoning with the conditions that we can try and limit the best they can without saying no subdividing.

Commissioner Shonkwiler said he thought if you're within 400-feet of city sewer you would have to hook into it if you made any major additions. If the Board wants to proceed with the annexation and the R-2 with the condition of record that for each lot you'd be able to have an ADU as a condition of record then he'd be willing to go along with that. He wouldn't want to prohibit them from subdividing. So give them the water with the possibility for an ADU.

Commissioner Markewich said it doesn't make sense that if you have an R-2 zone and by right they have the ability to have an accessory dwelling unit so you don't need the condition of record. The neighbors are concerned the property being subdivided and having duplex or other type of buildings that would be out of character with the neighborhood. Is there a way to put in the zoning is R-2 and somehow limit the subdivision. You would only need to have that condition of record if you had R-Estate and added the condition of record to allow an accessory dwelling unit.

Ms. Herington said if it's zoned R-2 they don't have to subdivide to put an accessory dwelling unit or town homes or duplexes. They could put all those uses there and they could be rentals so adding the subdivision condition isn't going to get you anywhere because they couldn't build those. Where you are going is a condition of record prohibiting certain uses like duplexes.

Mr. Schultz said they can't use townhomes because that is three or more units whereas duplexes are allowed as an attached dwelling, two units attached or a single-family with a detached accessory dwelling unit; two units on one lot at 7,000 square feet.

Commissioner Phillips clarified if they heard in the applicant's presentation there were any plans to subdivide or are they just assuming this could happen. Are we trying to limit something so that does not come to fruition? Commissioner Markewich said if staff had an idea of how to accomplish this and give us language how to word this then we're probably in agreement.

Commissioner Phillips said he wasn't in agreement to limiting on an assumption. What might happen, we don't know. What they are trying to do is get water. The neighbors say they don't want subdividing but no one knows that is that will be done, so he wasn't for putting that limit in.

Commissioner Shonkwiler said to the applicant that if this was annexed and zoned R-2 with a condition of record limiting it to a single-family home and an accessory dwelling unit you'd be willing to accept that for both properties. Mr. Hostelter said that was correct and the properties as a whole, not subdivided. If it was subdivided he thought they'd have to come back for that type of approval and they are not going to sell any time in the immediate future.

Motion by Shonkwiler, seconded by Smith, that the Planning Case be referred to City Council. Proposed Motion: CPC A 16-00109 Recommend approval to City

Council the Bowen Addition Annexation, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 with the following conditions of approval:

1. Letter of Assent approval from Southeastern Colorado Water Conservancy District must be received prior to scheduling the City Council Hearing.
2. The Owner must provide an inventory of well permits and water rights with documentation from the Colorado Division of Water Resources (or other source) identifying all of the Owner's known water rights or deeds associated with the property to be annexed (Property).;

If the Owner does not have any water rights, then the Owner must provide a letter stating such.. The motion passed by a vote of 9:0

Aye: 9 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith, Graham and Henninger

**6.E.2 CPC ZC
16-00110**

Establishment of the R-2/AO (Two-Family Residential with Airport Overlay) zone district for the property located at 5085 Silver Drive consisting of less than one acre.

(Quasi-Judicial)

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

Motion by Shonkwiler, seconded by Walkowski, that the Planning Case be referred to City Council.
Proposed Motion: CPC ZC 16-00110 Recommend approval to City Council the establishment of the R-2/AO (Two-Family Residential with Airport Overlay) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). With the uses being limited to one single family unit and one accessory dwelling unit.. The motion passed by a vote of 8:1

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

No: 1 - Chairperson Phillips

**6.F.1 CPC A
16-00107**

The Hartsuiker Addition Annexation of 1.134 acres addressed as 5135 Copper Drive and located within Park Vista Estates.

(Legislative)

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

Motion by Shonkwiler, seconded by Markewich, that the Planning Case be referred to City Council
Proposed Motion: CPC A 16-00107 Recommend approval to City Council the Hartsuiker Addition Annexation, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City

Code Section 7.6.203 with the following conditions of approval:

1. Letter of Assent approval from Southeastern Colorado Water Conservancy District must be received prior to scheduling the City Council Hearing. The Owner must provide an inventory of well permits and water rights with documentation from the Colorado Division of Water Resources (or other source) identifying all of the Owner's known water rights or deeds associated with the property to be annexed (Property).

If the Owner does not have any water rights, then the Owner must provide a letter stating such.

3. Currently, the extension of the southerly line west of the easterly line has the same width as the rest of the boundary. Revise this to be the same width as the other offsite property lines.. The motion passed by a vote of 9:0

Aye: 9 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith, Graham and Henninger

**6.F.2 CPC ZC
16-00108**

Establishment of the R-2/AO (Two-Family Residential with Airport Overlay) zone district for the property addressed at 5135 Copper Drive consisting of one-half acre.

(Quasi-Judicial)

Presenter:

Mike Schultz, Principal Planner, Planning & Community Development

Motion by Shonkwiler, seconded by Vice Chair Henninger, that the Planning Case be referred to City Council.

Proposed Motion: CPC ZC 16-00108 Recommend approval to City Council the establishment of the R-2/AO (Two-Family Residential with Airport Overlay) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). With the uses being limited to one single family unit and one accessory dwelling unit.. The motion passed by a vote of 8:1

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

No: 1 - Chairperson Phillips

**6.G. [CPC MP
09-00027-A1
MJ16](#)**

Experience Downtown Land Use Master Plan

Related File: CPC MP 09-00027-A1MJ16R

Presenter:

Ryan Tefertiller, Urban Planning Manager
Peter Wysocki, Planning and Community Development Director
Sarah Humbargar, Downtown Partnership of Colorado Springs

STAFF: Ryan Tefertiller & Sarah Humbargar

STAFF PRESENTATION:

Peter Wysocki, Planning and Community Development Manager thanked

Mr. Tefertiller for all of his work in the downtown and the DDA for their work on this project and funding the project.

Ryan Tefertiller, Urban Planning Manager gave a Power Point Presentation about the process and the formal review criteria. Sarah will present the plan's specifics and priorities.

This has been a 16 month process with the DDA, City Staff in numerous areas of the City who've worked on the project. This current plan is a more strategic than the Imagine Downtown Master Plan. This is two plans in one. Volume 1 is the plan of development for the DDA that is a state statute required document that guides the use of the DDA mil levies and tax increment financing that was approved in 2007 when the DDA was created. Volume 2 is the Land Use Master Plan which is the document that guides planning, zoning, entitlements, and projects that affect public space and public right-of-way, transportation, transit, parks, etc. The primary focus is on one square mile of DDA and addresses some issues within the context of the 10 mile long Legacy Loop. There is emphasis in the urban residential neighborhood and how those affect downtown and how to help serve those near neighborhoods.

The stakeholders did a lot of analysis of other city plans and there reviewed and incorporated into this plan. There has been significant public input.

This has gone through our normal buckslip process to the normal routing departments. There have been several public hearings, ATAC, CTAB, DRB, Park and Rec Advisory Board and now Planning Commission. We hope to go to City Council in November.

The key element today for the Planning Commission is analysis of the master plan review criteria in City Code Section 7.5.408 there are six sets of review criteria covering broad topics. Each of the categories has underlying issues that also have to be addressed. In the staff report each of those items are detailed along with analysis. Staff feels all the review criteria are met recommend the plan is approved. There are some typographical changes that will be resolved administratively before going into the public record.

Sarah Humbargar gave a Power Point presentation.

This plan takes the DDA and the Land Use Plan and puts them together under one vision. There are Eight Primary Goal and 36 tactical action steps. The action steps are meant to be tactical in their approach. Ms. Humbargar discusses each of the eight primary goals and what is needed to achieve each of those eight primary goals. The plan is market based for today and the future.

We have guiding principles that are separate from the eight primary goals that give a different emphasis on our land use. Those guiding principles help prioritize economic development, placemaking and who you are culturally, branding and development of Downtown as its own neighborhood.

The plan is broken down into five downtown districts and seven gateways. The plan also identifies 16 catalytic sites and five influence sites. This helps prioritize areas for development. Areas such as the Olympic Museum and the Downtown YMCA; one area of change within the plan is around the City Auditorium and parking lot. As this area develops we want it to be a very cohesive area of development with the entire block. The five influence sites are outside of the formal study area boundary but are areas that have major influence for the downtown area.

We looked at parks and making sure we continue to invest in them. One of the primary focuses is the Legacy Loop. To connect into the other neighborhoods the Legacy Loop has to be completed.

We looked at waterways. One of the bigger pieces of the plan is mobility. We've taken a detailed look at this. We've looked at signature streets, pedestrian extension streets, downtown alleyways used by pedestrians. We looked at our urban greenway, green streets and using the Legacy Loop. This is primarily bike lanes. We have transportation streets that provide movement of automobile traffic and transit routes and then there is the conversion of one-way Bijou and Kiowa streets into two-way streets.

We worked with Mountain Metro and the Parking Enterprise and some ideas how to creatively do this. They're looking at the relocation of the transit terminal and making sure it's done strategically in a way that catalyzes new development and is transit oriented. We also need to look at our regional connectivity.

We've looked at our streetscape model but outside of the downtown what would this look like and how you would know the change of where you're located in the different areas.

Questions:

Commissioner Shonkwiler asked about the Bijou and Kiowa to become a two-way and is there a proposed timetable. Kathleen Krager, Transportation Manager said they've done some preliminary work to make sure they can maintain capacity especially intersection capacity. They'll hire a firm to complete a more in-depth study in early 2017. Once that is done they'll work with the Downtown Partnership to see when would be a good time launch this and how much funding will need to be put into it.

Commissioner Shonkwiler asked about entrance to the downtown from the east using Pikes Peak Ave. Kathleen discussed what they've thought about doing and how to do it effectively and not tear up what has been done previously; we can make improvements along Pikes Peak. They are looking at putting diagonal parking down the middle of Pikes Peak similar to what's along Pikes Peak between Nevada and Cascade and parallel parking down the sides of Pikes Peak, adding an on-street bike lane to Pikes Peak, then at the intersection of Pikes Peak and Corona cul-de-sac and put in a half of a roundabout.

Commissioner Graham asked Mr. Tefertiller about the relocation of the transit center. Mr. Tefertiller said Metro has been looking for a number of years to

relocate the transit center. They've hired a consultant to help look for appropriate sites. They've narrowed it their top three sites and are taking public comment on those sites. One of the sites is the southwest corner of Colorado and Sawatch; another is the CSHP site directly east of the Pioneer Museum; the third site it reusing/repurposing public-right-of-way of Pueblo Ave. The concept would be to remove all the on-street parking and repurpose it for a transit station.

Commissioner Graham asked about the market plan. Ms. Humbargar said they worked with two independent consultants and did a market plan that was published in late 2015 or Jan 2016. It covered what our residential market looks like, our office market looks like, what our retail market looks like and not just an assessment of where we are but how that compares to other markets and how we can move forward utilizing better land use.

Commissioner Phillips asked if this would go to the Comprehensive Plan Steering Committee. Mr. Wysocki said he didn't know if a presentation needed to go before them but the consultants are aware of the plan and it's been discussed with them. Mr. Wysocki said they could discuss it more in-depth as the Steering Committee as an FYI and ask them if they'd like to see it.

Commissioner Markewich asked if it's necessary to put the minor amendment in the motion. Mr. Tefertiller said he didn't think so his recommended motion has the language for the minor technical and typographical corrections. What Ms. Humbargar mentioned was the catalytic site of the entire City Auditorium block instead of ¾'s of the block and the area of Sahwatch and identifying that as a transportation street. Those are graphic map changes otherwise its grammatical changes.

Commissioner Walkowski thanked both Mr. Tefertiller and Ms. Humbargar for the work they have done on this. It's been a very big item. He was impressed with the consultant that they didn't push ideas but developed something that fit Colorado Springs. He looks forward to supporting it.

DISCUSSION AND DECISION OF THE PLANNING COMMISSION: None

Motion by Shonkwiler, seconded by Walkowski, that the Planning Case be referred to City Council.

Proposed Motion: Recommend approval to the City Council of the proposed master plan based on the findings that the plan complies with the criteria found in Section 7.5.408 of City Code, subject to minor technical and typographical corrections.. The motion passed by a vote of 9:0

Aye: 9 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith, Graham and Henninger

7. Adjourn