



City of Colorado Springs

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

Meeting Minutes - Final Planning Commission

Thursday, March 15, 2018

8:30 AM

Council Chambers

1. Call to Order

Present: 8 - John Henninger, Samantha Satchell-Smith, Reggie Graham, Vice Chair Carl Smith, Jeff Markewich, Ray Walkowski and Jamie Fletcher

Absent: 2 - Chairperson Rhonda McDonald and Jim Raughton

2. Approval of the Minutes

[CPC 460](#) Meeting Minutes for February 15, 2018 Planning Commission

Presenter:

Rhonda McDonald, Chair, City Planning Commission

Motion by Henninger, seconded by Satchell-Smith, to approve the February 15, 2018 City Planning Commission Minutes. The motion passed by a vote of 7:0:2

Aye: 7 - Henninger, Satchell-Smith, Graham, Smith, Markewich, Walkowski and Fletcher

Absent: 2 - Chairperson McDonald and Raughton

3. Communications

Peter Wysocki - Director, Planning and Community Development

4. CONSENT CALENDAR

Flying Horse No 4 Palermo - Katie Carleo

- 4.A. [CPC PUZ 17-00122](#) Ordinance No. 18-39 amending the zoning map of the City of Colorado Springs relating to 62.5 acres from A (Agriculture) to PUD (Planned Unit Development; single-family residential, 2.45 DU/AC, 35-foot maximum building height), located southwest of Hawkstone Drive and Walnut Creek Drive.

(Quasi-Judicial)

Related Files: CPC PUZ 17-00122, CPC ZC 17-00123, CPC PUD 17-00124

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

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

- 4.B. [CPC ZC 17-00123](#) Ordinance No. 18-40 amending the zoning map of the City of Colorado Springs relating to 10.2 acres from A (Agriculture) to PK (Public Parks), located southwest of Hawkstone Drive and Walnut Creek Drive.

(Quasi-Judicial)

Related Files: CPC PUZ 17-00122, CPC ZC 17-00123, CPC PUD 17-00124

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

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

- 4.C. [CPC PUD 17-00124](#) The Flying Horse Number 4 Palermo Development Plan for development of 62.5 acres into 178 single-family residential lots and 10.2 acres of Public Park located southwest of Hawkstone Drive and Walnut Creek Drive.

(Quasi-Judicial)

Related Files: CPC PUZ 17-00122, CPC ZC 17-00123, CPC PUD 17-00124

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

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

Code Amendment CSU Payments - Mike Schultz

- 4.D. [CPC CA 18-00020](#) Ordinance No. 18-38 amending Section 1102 (Specific Requirements Prior to Building Permit Issuance) of Part 11 (Assurances and Guaranties for Public Improvements) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the

Code of the City of Colorado Springs 2001, as amended, pertaining to Utilities Charges.

(Legislative)

Presenter:
Peter Wysocki, Director of Planning and Community Development
Meggan Herington, Assistant Planning Director
Mike Schultz, Principal Planner

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

Approval of the Consent Agenda

Approval of the Consent Agenda

Motion by Markewich, seconded by Henninger, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of

Aye: 7 - Henninger, Satchell-Smith, Graham, Smith, Markewich, Walkowski and Fletcher

Absent: 2 - Chairperson McDonald and Raughton

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

5. UNFINISHED BUSINESS

6. NEW BUSINESS CALENDAR

Code Amendment Pertaining to Screening & Fencing - Meggan Herington

6.A. [CPC CA 18-00014](#) Ordinance No. 18-37 amending Section 102 (General Standards) of Part 1 (General 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 Screening and Fencing.

(Legislative)

Presenter:
Peter Wysocki, Director of Planning and Community Development
Meggan Herington, Assistant Planning Director

Staff presentation:

Ms. Herington gave a PowerPoint Presentation discussing the scope of

the Ordinance

Questions:

Commissioner Markewich asked what the process for enforcement was. Mitch Hammes, Code Enforcement Manager stated it's treated like every complaint. They approach the complaint with the idea of an educational approach first, they try to bring the area in compliance without going through the judicial process. There are times when people say they don't want to comply and we go through the judicial process. There can be fines of \$100 up to even probation they don't set the fine the court does but the ultimate goal is voluntary compliance.

Commissioner Graham asked if this applied to screening from the street or from a back yard or how was it interpreted. Mitch Hammes said it was done more to address an area that doesn't look good.

Supporters:

Harry Salzmann stated this was an important ordinance and this will help the neighborhoods and will improve the neighborhoods because it can be an eyesore. The way it's written is a positive way.

Opponents:

None

DISCUSSION AND DECISION OF PLANNING COMMISSION:

No Discussion.

Motion by Markewich, seconded by Fletcher, to recommend adoption of an Ordinance Amending Section 102 (General Standards) of Part 1 (General 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 Screening and Fencing, based on the finding that it complies with City Code Sections 7.5.602 and 7.5.603.. The motion passed by a vote of 7:0:2

Aye: 7 - Henninger, Satchell-Smith, Graham, Smith, Markewich, Walkowski and Fletcher

Absent: 2 - Chairperson McDonald and Raughton

**Code Amendment Pertaining to Cultivation of Marijuana/MMJ
Mattie Albert Gullixson**

6.B. [CPC CA 18-00033](#)

Ordinance No. 18-51 amending Section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the cultivation of marijuana and medical marijuana in

violation of the Zoning Code and providing remedies for the violation thereof (Legislative)

Presenter:

Mattie Albert Gullixson, Senior Regulatory Compliance Analyst

Staff presentation:

Ms. Gullixson gave a PowerPoint presentation discussing the scope and intent of the Ordinance

Questions:

None

Supporters:

None

Opponents:

None

DISCUSSION AND DECISION OF PLANNING COMMISSION:

No discussion

Motion by Fletcher, seconded by Satchell-Smith, to recommend adoption of an ordinance to the City Council amending Section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to the Cultivation of Marijuana and Medical Marijuana in Violation of the Zoning Code and Providing Remedies for the Violation Thereof, based on the finding that it complies with City Code Sections 7.5.602 and 7.5.603.. The motion passed by a vote of 7:0:2

Aye: 7 - Henninger, Satchell-Smith, Graham, Smith, Markewich, Walkowski and Fletcher

Absent: 2 - Chairperson McDonald and Raughton

7. General Discussions and Presentations

Water Resources Engineering - Drainage Review Process Update
Steve Rossoll

Drainage Review Process

Water Resource Engineering Steve Rossoll discussed the drainage review process. He discussed what dictates their processes some are very specific about what is done. Every development is required to have detention and water quality unless there's less than an acre of disturbance.

Detention and water quality can be done different ways. Some ponds are made public ponds so the city owns and maintains those ponds. It would

be a stretch to claim a pond as open space. There are ponds that are multi use ponds with two stages of ponding. There are ponds that are larger and could be open space.

There are several different types of drainage studies. The biggest type is a Drainage Basis Planning Study (DBPS). That means we look at it from the entire drainage basin. Ultimately any water drainage will ultimately go to a common place. This is not a very detailed study. The next level is the Master Development Drainage Plan (MDDP). This plan looks at a more specific area and provides more detail than a DBPS. The next level down and rarely used is a Preliminary Drainage Report that is more site specific but isn't really much more detailed than the MDDP. It's still fairly generic and not the final document. It's at the time of final plat that the final drainage report is required. This is where the detailed very specific information is documented.

The City is moving away from the term Historic because it's loosely defined. Instead they've adopted the term pre-developed or when the buffalo were here. Every site has to calculate pre-developed flow and engineers are required to hold all the pre-developed flow back. So they release it slower than when things come in so that it matches the pre-developed run off rates. Then there is the run off rates and volume of water. We cannot restrict the volume and hold it back forever. It is a water rights violation in Colorado to withhold water from your downstream neighbor. We require holding back of the flow. You calculate the pre-developed flow rate which is cubic feet per second the developed flow has to match that.

Commissioner Markewich asked if the drainage criteria manual is unique to Colorado Springs and if it's updated. Mr. Rossoll stated it's fairly new 2014. It's married to the Urban Drainage Manual used by Castle Rock and Denver Metro. It was adopted in 2014 as a state standard. Drainage Criteria Manuals are too hard to come up to a uniform Drainage Criteria Manual because rain is different everywhere. Ours it is specific to Colorado Springs.

Commissioner Markewich asked if rain barrels are encouraged and rooftop retention. Mr. Rossoll stated rain barrel are encouraged. Roof top rain isn't done here because we don't get that large amount of rainfall.

Commissioner Walkowski asked who maintains the full spectrum detention pond. With a full spectrum pond there is probably filtering and such to make it efficient so who has that to take care of the maintenance. Mr. Rossoll stated if it's a master planned area that is residential that is a

larger area of development that will more than likely become a public pond that we would own and maintain. Anything smaller or is a commercial area is privately owned and maintained. We'd maintain any functionality of a pond. We'd clean out the sediment and trash rack and the HOA would maintain the aesthetics. Commissioner Walkowski said that means there has to be a responsible party for landscaping and maintenance. Mr. Rossoll state that was correct. The HOA will maintain the entire site. The City will only maintain the mowing once a year and only at the entrance. Mr. Rossoll said if the site is small enough the City would own or maintain them. Someone has to own that so Mr. Rossoll didn't think they couldn't go without having an HOA and they can't get an approval of the construction drawings without a maintenance agreement that runs with the land. Commissioner Walkowski confirmed there is some type of maintenance agreement signed ahead of time. Mr. Rossoll said that was correct.

Commissioner Henninger asked which was more important the water flow or the water quality. Mr. Rossoll stated they're not integrated. It's flow rate. This is what Pueblo is complaining about, that we've increased the flow rate in Fountain Creek because of not requiring detention in developments. Water quality is the State's issue with us because we weren't requiring water quality on developments. Commissioner Henninger asked what had affected water quality. Mr. Rossoll stated increase in runoff.

Commissioner Graham discussed development to the east and there's an area upstream that undeveloped does the developer has to account for the flow from the undeveloped area that comes through their development? Mr. Rossoll stated that was a difficult question to answer. A year ago his answer would've been no but as of now the detention pond has to be sized for all tributaries. In your scenario would either have to put in a separate pipe system around their pond so that the upstream offsite site was not a tributary to their pond or make the pond big enough to treat the upstream tributary area? So they would have to account in some way for that upstream flow into their development. You have to account for that and size your pond accordingly.

Affordable Housing - Peter Wysocki

7. General discussion items

Mr. Wysocki mentioned the joint meeting between Planning Commission and City Council and the topic of affordable housing. It's a high priority of the administration to deal with barriers or perceived barriers to affordable housing. We work closely with Community Development the utilize block grants for affordable housing projects with local and out of town developers.

Council Woman Gaebler has given us direction to look more closely at the ADU ordinance to see where we can it expand, where they can be located and be a small part of the solution for affordable housing.

Many things contribute to the cost of housing and it isn't something simple. Many projects are coming forward that have smaller lots. Just because the lots are smaller doesn't mean the prices are more affordable. If you can put more homes in an area to spread costs but that's not the only solution. There are market demands today for larger lots and larger homes yet family sizes is going down. Affordable doesn't mean quality is bad. There are areas to densify the city and areas not to.

Commission Markewich stated we're not looking to discourage to develop a particular property. We want to encourage people to get creative about ways to use the land efficiently.

Mr. Wysocki stated that was correct. We want to have a good mix type of density within the same areas of development. We're looking at housing affordability across the spectrum. Apartment costs are going up. We need to partner with our groups like Greccio and other groups to remove barriers. Parking is an issue as well and people need to have that. There's also concerns by Councilman Geislinger about how easy it is to appeal projects that are approved administratively and are a use by right.

For the future Mr. Wysocki would like to include in the code the definition of permanent supportive housing and we don't have that definition as of yet. Greenway Flats is a project like this that has other services for the homeless in that same building. We made this project work under our current zoning. But we need to make that definition more clear within the code to show it's a more of a mixed use product.

We have to have a location, the land, etc. The City is not an affordable housing builder or operator; we are a resource and funding partner.

Commissioner Markewich stated barriers can be brought down. Throughout the country there are Tiny Homes, Modular homes that are pre-constructed and it's less expensive but look like a regular home. He hopes PlanCOS is discussing much of this. Mr. Wysocki stated there are many factors that go into the costs such as land costs, construction, permitting, tap fees, building permit fees, land dedication fees for park and other fees that all add up. In income restricted housing, you have to keep the rents low. How does someone who has this type of development still make a return on investment? That's how the City can help. Affordability is measured by family size and the median income. It's not

just income levels there are other factors set by HUD.

Commissioner Fletcher the phrase affordable housing is misinterpreted. These are changes coming to the city that need to be dealt with. Affordable allows for home ownership to a broader group of people. Examining regulatory costs can help, we need to give incentives and update code and master plan for the city.

Commissioner Henninger discussed how Regional Building will be raising costs as well as construction costs. He's lived in areas where homes were torn down and a much larger mansion was built so entire families' could live together to afford housing. He's also lived in a very small town where housing costs are very inexpensive. Housing costs are driven by the market and what people want. We need to define what affordable housing is. There is an affordable housing areas in Colorado Springs that are modular homes and patio homes. Townhomes would be good in this area but legislation for this type of home product gets in the way and makes it harder to make homes affordable. This is a problem nationwide but we have an opportunity to make something happen.

Commissioner Satchell-Smith stated clarifying the code and fixed costs. If you haven't started these things do you have a timeline for them to begin? Mr. Wysocki stated working on ADU's language will be worked on soon. Permanent Supportive Housing definition will be done more easily. The small subdivision regulation design handbook can be changed but it's possible we'll rewrite the code after adoption of the comprehensive plan. We could possibly add additional zoning for a small lot subdivision but doesn't have to be a PUD (Planned Unit Development). We're working with a lot of different priorities but items will come forward as quickly as we can get them done and evaluated thoroughly. Economic Development is working on incentive packages for opportunity zones. Housing is needed in all areas. We're continuing to work with CSU on connection fees to defer some of the costs and the Tiny Home discussion will happen.

Commissioner Smith stated there is a difference between the privately developed housing for a profit but to make it affordable. The question is what is affordable housing. If an individual is paying over 30% of their income for housing it's considered to be cost burden which means they are paying more than what they can actually afford. Greccio Housing used to by old apartments, they had a lot of HUD assistance and government assistance provided. But the cost per door for renovations were \$30-\$40,000 and now the renovation costs are double and triple that. Greccio has been working with owners of vacant buildings to be reutilized. There are ways non-profits to work with other groups to make affordable housing work. There are preconceived ideas that any affordable housing

with government financing will have people living there that have undesirable characteristics. This community has to come to the realization that that is not what nonprofits are providing. It has nothing to do with criminals or drug addicts. It's disgraceful what is being said in this area and it's completely wrong. It's good to see that progress is being made.

Mr. Wysocki stated the homelessness is a high priority of the Mayor's Office. Andy Phelps works as the Homeless Outreach Coordinator. As a City we've adopted the Housing First Principal to help cure homelessness. But that really isn't an attainable goal what is the key is providing shelter and services. There are concerns that most of these services are downtown resulting in a high concentration of the homeless in the downtown. Those are valid concerns. There's the idea that homeless services should be more spread out. Which is challenging in our city because we don't have a strong transportation system. We do our best to support low barrier shelters and other shelters. The other questions is what should we do with the camping issue? The HOT Team issues a notice to remove the camp by 24-hr time frame; if not removed the quality of life team removes the belongings. It's very cyclical when you don't have affordable housing for someone who loses their job and becomes homeless because there isn't somewhere affordable for them to live.

We have to remain competitive. If we don't have attainable housing here in the city, people will move to those outliers outside of the city. Which is already happening. People will work in Denver but live here because home prices are lower.

8. Adjourn