



# City of Colorado Springs

Plaza of the Rockies  
South Tower, 5th Floor  
Blue River Board Room  
121 S Tejon St, Colorado  
Springs, CO 80901

## Meeting Minutes - Final Planning Commission

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Thursday, September 16, 2021

8:30 AM

Hybrid Meeting - Open to Public  
Call 720-617-3426 Conf ID: 815 137 01#

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### 1. Call to Order

#### Rollcall

**Present:** 8 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Commissioner Slattery, Commissioner Almy, Commissioner Eubanks and Alternate Griggs

**Excused:** 2 - Chair Graham and Commissioner Rickett

### 2. Approval of the Minutes

2.A. [CPC 21-538](#) Minutes for the July 15, 2021 Planning Commission hearing.

Presenter:

Reggie Graham, Chair

**Motion by Commissioner Raughton, seconded by Commissioner McMurray, to approve the July 15, 2021 Planning Commission minutes. The motion passed by a vote of 6:0:2:1**

**Aye:** 6 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Commissioner Slattery and Commissioner Eubanks

**Absent:** 2 - Chair Graham and Commissioner Rickett

**Abstain:** 1 - Commissioner Almy

### 3. Communications

Peter Wysocki - Director Planning & Community Development

### 4. CONSENT CALENDAR

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

#### Voyager Parkway Multi-Family

4.A. [CPC CU 21-00099](#) A conditional use development plan for a 117-unit multi-family housing complex changing the use from a motel to multi-family

residential, located at 8280 Voyager Parkway.

(Quasi-Judicial)

Presenter:

Andrew Bowen, Senior Planner, Planning & Community Development

This Planning Case was approved on the Consent Calendar.

**Approval of the Consent Agenda**

**Motion by Commissioner Slattery, seconded by Commissioner Almy, 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 7:0:2:0**

**Aye:** 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Chair Graham and Commissioner Rickett

**ITEMS CALLED OFF CONSENT**

**5. UNFINISHED BUSINESS**

**5.A.**    [CPC PUD 20-00109](#)    A PUD development plan for the Creekside at Rockrimmon project illustrating a 43-lot single-family residential development on 17.47 acres with ancillary public and private improvements. Located at 252 Heavy Stone View Boulevard.

(Quasi-judicial)

Presenter:

Kerri Schott, Planner II, Planning & Community Development

**Motion by Commissioner Raughton, seconded by Commissioner Almy, to postpone the Creekside at Rockrimmon PUD development plan to the October 21, 2021 City Planning Commission Hearing in order to gather information from Army Corp of Engineers regarding jurisdictional wetland assessment. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Chair Graham and Commissioner Rickett

**5.B.**    [CPC AP 21-00064](#)    An appeal of a Notice and Order to Abate Zoning Violation for the property located at 1830 Palmer Park Boulevard for failure to maintain off street park and maneuvering areas.

(Quasi-Judicial)

Presenter:

Kurt Arnoldussen, Senior Code Enforcement Officer, Planning and Community Development

**Motion by Commissioner McMurray, seconded by Commissioner Raughton, to postpone the appeal to the October 21, 2021 City Planning Commission Hearing. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Chair Graham and Commissioner Rickett

**6. NEW BUSINESS CALENDAR**

**Park Vista Addition No. 9 Annex/Lighthouse Baptist Church**

**6.A.** [CPC A](#) Park Vista Addition No. 9 Annexation located southeast of Hopeful Drive and Siferd Boulevard consisting 1.29-acres.  
[20-00102](#)

(Legislative)

Presenter:

Katie Carleo, Planning Supervisor, Planning & Community Development

**Staff presentation:**

Katie Carleo, City Planning, presented a PowerPoint with the scope and intent of this project.

**CURRENTLY UNINCORPORATED EL PASO COUNTY**

- RM-30 (Residential Multi-family)
- Existing vacant land

**ENCLAVE**

- Meets contiguous boundary requirement
- City Annexation Plan supports elimination of enclaves

Close boundary and gap to services

**PROPOSED APPLICATIONS**

Annexation: Voluntary Annexation by property owner

Zone Change: establishing a R1-6000 for future development

**ANNEXATION**

Proposed 1.29 acre annexation

- Includes the annexation of portion of Hopeful Drive
- Standard Police and Fire Fee
- Parks fee for PLDO

**ZONE CHANGE**

Establishing R1-6000

- Accommodates existing residential (associated with the church)

- Allow for future expansion of religious institution use
- Conditional Use required

**CONCEPT STATEMENT**

- Existing church within City
- City Code Section 7.5.501.C.1
- Future religious institution use

**Questions:**

N/A

**Supporters:**

N/A

**Opponents:**

N/A

**Questions of Staff:**

N/A

**Rebuttal:**

N/A

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

N/A

**Motion by Commissioner McMurray, seconded by Commissioner Eubanks, to recommend approval to City Council the annexation of 1.29-acres as the Park Vista Addition No. 9 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. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Chair Graham and Commissioner Rickett

**6.B.** [CPC ZC 21-00011](#) Lighthouse Baptist Church zone change establishing the R1-6000 (Residential) zone district located southeast of Hopeful Drive and Siferd Boulevard consisting 1.16-acres.

(Legislative)

Presenter:

Katie Carleo, Planning Supervisor, Planning & Community Development

See Item 6.A. (CPC A 21-00011)

**Motion by Commissioner McMurray, seconded by Commissioner Eubanks, to recommend approval to City Council the establishment of 1.16-acres as**

**R1-6000 (Residential) zone district, based upon the findings the request complies with the criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Chair Graham and Commissioner Rickett

**1823 N Wahsatch Accessory Dwelling Unit**

**6.C.** [CPC CU 21-00078](#) A conditional use development plan for an integrated accessory dwelling unit in an R1-6000 (Single-Family Residential) zone district located at 1823 North Wahsatch Avenue.

(Quasi-Judicial)

Presenter:

Ann Odom, Planner II, Planning and Community Development.

**Motion by Commissioner Eubanks, seconded by Commissioner Almy, to postpone a conditional use development plan for an integrated accessory dwelling unit to the October 21, 2021 City Planning Commission hearing for staff to consider additional applications for relief. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Chair Graham and Commissioner Rickett

**6.D.** [CPC NV 21-00079](#) A non-use variance for the 1823 North Wahsatch integrated accessory dwelling unit allowing a 2.8-foot setback where 5-feet is required per City Code Section 7.3.104(A).

(Quasi-Judicial)

Presenter:

Ann Odom, Planner II, Planning and Community Development.

**Motion by Commissioner Eubanks, seconded by Commissioner Almy, to postpone a non-use variance for the 1823 North Wahsatch integrated accessory dwelling unit to the October 21, 2021 City Planning Commission hearing for staff to consider additional applications for relief. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Chair Graham and Commissioner Rickett

**1046 E Monroe Short Term Rental Appeal**

- 6.E. [CPC AP 21-00124](#) An appeal of the administrative denial of the Short Term Rental permit for 1046 E Monroe Street for an ownership change, pursuant to City Code Sections 7.5.1702.B and 7.5.1704.D.

(Quasi-Judicial)

Presenter:  
Carli Hiben, Program Coordinator, Planning and Community Development

**Motion by Commissioner Eubanks, seconded by Commissioner Almy, to postpone the appeal for the Short Term Rental renewal permit until the November 18, 2021 Planning Commission hearing. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Chair Graham and Commissioner Rickett

**Creekwalk North Commercial**

- 6.F. [CPC MP 93-176-A5M N21](#) Minor Amendment to the Ivywild Master Plan to add multiple properties between E. Ramona Ave. and E. St. Elmo Ave. to the area recognized as part of the Creekwalk Commercial project.

(Quasi-Judicial)

Related Files: CPC ZC 21-00112, CPC V 21-00113, and CPC CP 18-00097-A2MJ21

Presenter:  
Ryan Tefertiller, Planning Manager, Planning and Community Development  
Peter Wysocki, Director, Planning and Community Development

**Staff presentation:**

Ryan Tefertiller, City Planning, presented a PowerPoint with the scope and intent of this project.

- Site located on west of S. Nevada Ave. btw E. Cheyenne Rd. and E. Ramona Ave
- Roughly 15-acre site
- Zoned C5, C5/SS, and one parcel of R5
- Mix of commercial and residential uses

- Currently being developed

#### Approval History

- South Nevada URA (2015)
- Initial Creekwalk Concept Plan (2018)
- Creekwalk South DP and FP (2019)
- Minor Amendment to Creekwalk South DP (2021)

#### Proposal

- Update plans to expand northern portion of the project
- Revise building size and placement
- Revise access and circulation

#### Applications

- **Minor Amendment** to Ivywild Master Plan
- **Zone Change** for single parcel from R5 to C5
- **ROW Vacations** for remaining Metzler Ave. and Creekwalk Ct.
- **Major Amendment** to Creekwalk Concept Plan

#### Master Plan Amendment

- Update Plan to include new project scope
- Affects 6 pages of the Plan
  - 4 maps
  - 2 pages of tables and text

#### Zone Change

- One 0.3-acre parcel currently zoned R5
- Proposed C5 zone to match the rest of the project area

#### ROW Vacation

- Previous vacations approved by Council
- Request to vacate remaining Metzler Ave. and Creekwalk Ct.
- Reserve public utility and access easements

#### Concept Plan

- Update Plan to include new project scope
- Larger buildings shown along E. Ramona Ave.
- Improved access and circulation
- Administrative DPs to follow

#### Stakeholder Notice

- Formal Public notice at:
  - Application Submittal
  - Prior to Planning Commission
- Notices sent to over 320 properties
- **No** written public comments received
- All standard City Agencies have reviewed and support the application

#### Analysis

- Project falls within the S. Nevada Urban Renewal Area - goals to cure blight and create economic growth
- Applications triggered due to additional property assemblage / expanded

scope

- Project replaces three small commercial buildings with two larger buildings
  - One planned for grocery user
- All four applications evaluated using required criteria
- Staff finds that required criteria are met
- Retaining easements for vacations
- Technical modifications for the Master Plan Amendment and the Concept Plan Amendment

#### Recommendation

- Recommend approval of all four applications based on the findings that the requests meet the required criteria.
  - Technical Modifications for master plan and concept plan

#### **Applicant Presentation:**

Jim Houk with Kimley-Horn and Danny Mientka, owner, presented a PowerPoint with the scope and intent of this project.

#### **Questions:**

Commissioner McMurray said it appeared like the store frontages are not facing the street but facing internal to the parking lot. Mr. Houk confirmed that was correct the front doors are internal not facing the street and that the parking is enclosed with the buildings.

Mr. Danny Mientka said they purposely brought the buildings to the street so they could bring the creek to the public. Cheyenne Creek has become the anchor and people will come and park, shop and be able to enjoy this amenity. It's exciting to bring a restoration of the creek back to the community.

Commissioner Raughton said he was delighted with the product and commended the developers for renewing a neighborhood, dealing with the floodplain issues, and develop a vital part of the city bringing in more development.

Commissioner McMurray asked how the pedestrian connection would be made from the Ivywild School to Tejon and Nevada area. Mr. Mientka said eliminating cut through traffic on Saint Elmo will transform the traffic patterns to use Cascade and Cheyenne Road. The roundabout has been a resounding success and is very efficient. Cheyenne Boulevard would be the transportation connection to the southwest coming through the roundabout and using Ramona Avenue to get to Nevada and to this particular project. It will be more efficient than what is there today, and there are hopes and plans to get better connections on the east side of Nevada. This plan eliminates four curb cuts on Nevada Avenue.

Mr. Houk added the improvements on all the east-west corridors will be street improvements and sidewalks that are not there today.

#### **Supporters:**

N/A

**Opponents:**

One letter was received and distributed to the commissioners for review.

**Questions of Staff:**

Commissioner Almy asked if anyone knew who/what the Protect Colorado Springs Group was, and no one had heard of them before.

**Rebuttal:**

Mr. Houk responded to the letter that was received concerning Creekwalk North Commercial development:

- Had several outreach meetings with the neighborhood and worked through several talking points and stayed true to those conversations today providing the right transitions and bring things up to speed
  - Mix of residential and commercial will still be part of the plan
- Made several public improvements to include
  - Larger streetscapes - corridor of Cheyenne Road and Nevada Avenue making it more multi-modal with larger pedestrian ways and landscape buffers provided along there to improve the environment for pedestrians
  - Improved some connections by reducing some of the traffic through the neighborhood
  - Created pedestrian ways in each direction
  - Creek restoration
- City and stakeholders completed a master plan for the creek corridor from Cheyenne Road to Brookside, which provides the framework for improvement and stabilization
- Managing stormwater on site with subsurface drainage

Commissioner McMurray said this is right in line with the big picture and there is a lot to like with this project. Commissioner McMurray, however, expressed his concern regarding the following:

- The commercial properties south of Saint Elmo having the frontage facing away from the street
- Asked applicant if they would consider reversing the street frontage
- There is a need to have some frontages facing the parking, but would like consideration to have frontages facing the street as well

Mr. Houk said he believed he already responded to that and reiterated that the Cheyenne Creek was the amenity with the landscape opened up to Cheyenne Road and Cascade. The idea was to bring people in through that side of the property and bring them to the amenities inside the shopping center. As you come into the shopping center, the pedestrian walkways do reach towards the neighborhood towards the creek.

Commissioner McMurray said that there is a need to figure out a way to open that frontage onto Saint Elmo. Mr. Houk said with the floodplain, all those buildings needed to be raised six feet above the above the finished grade to make those facilities work within the criteria. Through the pedestrian methods

and means, that will bring people up to the front door on the inside versus the outside.

Mr. Mientka added that the two buildings Commissioner McMurray referenced have to have ramps to get service to the back doors because of having to elevate the buildings for the floodplain, so it would have been a real challenge to try to have a pedestrian enter on that elevation.

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

See above.

**Motion by Commissioner Eubanks, seconded by Commissioner Raughton, to recommend approval to City Council the minor amendment to the Ivywild Master Plan, based upon the finding that the amendment complies with the review criteria in City Code Section 7.5.408, subject to compliance with the following technical and/or informational plan modifications:**

- 1. Add the correct file number to the bottom corner of each sheet of the amendment as well as relevant plan labels.**

**The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Chair Graham and Commissioner Rickett

**6.G.** [CPC V 21-0011321-516](#) Ordinance No. 21-89 vacating portions of a public right-of-way known as Metzler Avenue and Creekwalk Court consisting of 0.528-acres.

(Legislative)

Related Files: CPC MP 93-176-A5MN21, CPC ZC 21-00112, and CPC CP 18-00097-A2MJ21

Presenter:

Ryan Tefertiller, Planning Manager, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

See Item 6.F (CPC MP 93-176-A5MN21)

**Motion by Commissioner Eubanks, seconded by Commissioner Almy, to recommend approval to City Council the vacation of Metzler Ave and Creekwalk Ct, retaining public utility and public access easements, based upon the finding that the application complies with the review criteria in City Code Section 7.7.402.C. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Chair Graham and Commissioner Rickett

**6.H.** [CPC ZC 21-00112](#) Ordinance No. 21-90 amending the zoning map of the City of Colorado Springs relating to 0.308-acres located at 130 Metzler St. from R5 (Multi-Family Residential) to C5 (Intermediate Business).

(Quasi-Judicial)

Related Files: CPC MP 93-176-A5MN21, CPC V 21-00113, and CPC CP 18-00097-A2MJ21

Presenter:

Ryan Tefertiller, Planning Manager, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

See Item 6.F (CPC MP 93-176-A5MN21)

**Motion by Commissioner Eubanks, seconded by Commissioner Raughton, to recommend approval to City Council the zone change from R5 (Multi-Family Residential) to C5 (Intermediate Business), based upon the finding that the application complies with the review criteria in City Code Section 7.5.603.B. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Chair Graham and Commissioner Rickett

**6.I.** [CPC CP 18-00097-A2 MJ21](#) Creekwalk North Concept Plan Amendment to expand the scope of the previously approved Creekwalk Commercial Concept Plan consisting of a total of 14.74-acres.

(Quasi-Judicial)

Related Files: CPC MP 93-176-A5MN21, CPC ZC 21-00112, CPC V 21-00113

Presenter:

Ryan Tefertiller, Planning Manager, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

See Item 6.F (CPC MP 93-176-A5MN21)

**Motion by Commissioner Eubanks, seconded by Commissioner Raughton, to recommend approval to City Council the major amendment to the Creekwalk Concept Plan, based upon the finding that the application complies with the review criteria in City Code Section 7.5.501.E, subject to compliance with the following technical and/or informational plan modifications:**

1. Finalize completion of the required drainage report.
2. Add the file number to the bottom corner of all plan sheets.
3. Add access easements, both new and retained, to the concept plan to document access needs for parcel 6430209071.
4. Update the utility and grading sheets to show the stormwater pipe in E. Ramona extending all the way to the creek.

The motion passed by a vote of 7:0:2:0

**Aye:** 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Chair Graham and Commissioner Rickett

**Solace at Black Forest**

- 6.J. [CPC CP 06-00146-A3 MJ21](#) A Major Concept Plan Amendment for the Solace at Black Forest project, illustrating a new lot configuration with seven (7) lots and two (2) tracts, private access drives and a land use mix of commercial and residential uses, located at the southeast corner of East Woodmen Road and North Marksheffel Road.

(Quasi-Judicial)

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

**Staff presentation:**

Daniel Sexton, City Planning, presented a PowerPoint with the scope and intent of this project.

General Information:

**Site Details:**

- 36 acres
- Zoned PBC/AO (Planned Business Center with Airport Overlay)
- The project site is part of the Woodmen Heights master planned area, which is implemented
- The project site is vacant and slopes down to the south

**Public Notification and Involvement:**

- Public notice was mailed to 223 property owners, on three occasions: internal review, prior to a neighborhood meeting held on July 1, 2021, and prior to the Planning Commission hearing
- The site was also posted on three occasions
- Numerous written correspondences were received from interested residents inquiring about the project and others objecting to the proposal

**Major Concept Plan Amendment**

- **Current Land Use:** Vacant

- **Proposed Land Use:** Commercial and Multi-Family Residential
- **Bldg. Setbacks:** 25' (Development periphery with is a unified development approach)
- **Bldg. Height:** Max. Allowed: 45'

**Conditional Use Development Plan**

**Land Use:** Multi-Family Residential

**Bldg. Setbacks:** 25' (Only property lines on the periphery; unified development)

**Bldg. Height:** Max. Allowed: 45'

**Parking:**

- Required: 625 spaces
- Proposed: 625 spaces
- Proposed HC Spaces: 20

**Public Comments**

- **A Traffic**
  - Congestion on Marksheffel Road and Woodmen Road
- **Land Use Compatibility/Need**
  - More neighborhood commercial is needed as opposed to multi-family residential
- **Proximity to Single-Family Homes (south)**
  - Land use transition is not appropriate - only 300-foot separation
- **Views/Screening**
  - More landscaping or fencing is needed to buffer the proposed use

**Traffic - Technical Modifications**

Move the full-movement intersection on Marksheffel Road to the south in a location approved of by the City's Traffic Engineer.

Mr. Todd Frisbie, City Traffic Engineer representing Public Works

- Previous concept plan approved an access south of proposed new access
- Applicant (east side developer) approached Traffic Engineering in December of 2020 asking if they could move the access a few hundred feet to the north
  - At that time, Traffic Engineering said it would be approved on two conditions
    - Traffic study that shows location can work - which was met
    - Agreement with west side developer on location - this was not met, as the applicant on the west side said it would not work for them and needed the access from the prior approved plans from 2005
  - This caused Traffic Engineering to decide to approve the access at the southerly location
    - It provides additional spacing from the Woodmen intersection
    - Provides more turn lanes and less friction in the traffic

flow

- The right-in/right-out was approved for the development on the west side for a Quick-Quack under the assumption that the signalized full movement access would be at the southern location

**Applicant Presentation:**

Virgil Sanchez, M&S Civil Consultants  
Jeb Boshart, Forge Partners  
Bob Walter, Forge Partners

The applicants presented a PowerPoint with the scope and intent of this project.

Northerly full movement access:

- Believes the northern full movement access is better
  - Is in the middle or central of the site
  - Full movement is better at center of development, not the south end
  - Makes more sense for marketing reasons and for traffic reasons
  - Moving it north moves it further from the residential in Banning Lewis Ranch
  - Full movement not within curve of Marksheffel Road
  - Full movement not within CSU easement to the south
- Per City Code, a concept plan expires after 6 (six) years and is no longer valid
- Developer on the west submitted a partial concept plan for Quick-Quack car wash but only included that area on the northern side of the site
- Was not able to negotiate a compromise with the developer on the west

**Questions:**

Commissioner Almy asked if the north access is not approved would this be a no go? Mr. Boshart said it would significantly affect their development.

Commissioner McMurray asked about the CSU easement and screening for the parking area. Mr. Boshart said they plan on placing landscaping and buffering that area to the south. Mr. Sanchez added the access road is purely for maintenance of the detention ponds. Other than that, the roads could be used for pedestrians walk.

**Supporters:**

N/A

**Opponents:**

Chris Lieber, N.E.S, on behalf of John Gatto with Crestone Development (Owner of the parcel on the west side), presented a PowerPoint with reasonings of opposition to the access location change

- Supportive of the Solace development
- Opposes the access location change
  - 2006 plans strategically place accesses

- Several users who are working with the development on the west side have site designs based on the current signalized configuration

Rich Gallegos,

- Keep the intersection on the southern location for efficiency
- Active construction, sewer lines, and water lines have already been approved for the west side development
- Moving the location to the north will disrupt the development on the west side, which has already been started, which is the same argument of the east side development

Bruce Wright, Attorney for John Gatto

- As part of Mr. Gatto's acquisition of the property it made the Marksheffel realignment possible
- Corresponded with the developers on the east letting them know that the relocation for the full movement intersection would not work with them, but offered to work together with the existing design
- They never heard back from Solace

**Questions of Staff:**

Commissioner Hente asked Mr. Frisbie if there were competing traffic studies. Mr. Frisbie there are not competing traffic studies. He explained they asked for a traffic study for the Quick-Quack due to having access to Woodmen Road that was not envisioned prior, as well as showing stacking at the car wash could be contained on the site. So, the traffic study was focused on the Quick-Quack development.

Commissioner Raughton asked if one traffic study was preferable to the other? Mr. Frisbie said they would also go with the traffic study that provides the most spacing, which is the existing approved intersection.

**Rebuttal:**

Mr. Sanchez said Mr. Gatto does not have approved development plans other than the Quick-Quack development plan and has continued with designs at his own risk with no other approved development plans.

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

Commissioner Almy said he was unsure if this concept plan could be approved today since there was no resolution to the access location.

Commissioner Raughton said he liked the project on both sides of Woodmen and said he trusted the City's Traffic Engineer to make the decision of where the full-movement intersection should be on Marksheffel. He added the developer on the west side did make way for the Marksheffel realignment and that should be considered as well.

Mr. Sexton clarified that the technical modification allows the City's Traffic Engineer to make the best decision for the City.

Commissioner Hente reminded everyone that the project being reviewed today is what is under discussion, not the concept plan that hasn't been approved yet on the west side. Commissioner Hente said he was not in favor of approving a concept plan that the applicant doesn't approve of and could appeal. Commissioner Almy agreed with that statement.

Commissioner Hente said he would love to see both projects going forward, they both have great potential for that location, and he wished they had come to an agreement. Commissioner Hente added that he is not in favor of approving a concept plan for the applicant if the applicant was not in agreement to where the access location would be.

Mr. Sexton said he would like for the commissioners to ask the applicant if they would support the technical modification.

Mr. Sanchez said the applicants have agreed not to appeal the decision if the Planning Commission approves the plan with the technical modification. Mr. Boshart said if the location is moved further south than what the westside has proposed, it would be better for them.

Mr. Sexton said if the plan is approved with the technical modification, it would require further review by other agencies who have already commented on this project, but from Staff's perspective, we are not concerned about doing that outside of the public hearing process as a technical modification. Mr. Sexton said it would require modifications to both applications, but he was confident that could be approved administratively.

Commissioner Almy said with the change of heart, he could support this with the technical modification.

**Motion by Commissioner McMurray, seconded by Commissioner Raughton, that this Planning Case be accepted Recommend approval to City Council a Concept Plan for the Solace at Black Forest project, based upon the findings that the plan meets the review criteria for establishing a concept plan, as set forth in City Code Section 7.5.501(E), subject to the following technical modification:**

**- Prior to approval, the project plans shall be revised so the proposed full-movement intersection on Marksheffel Road is moved to the south in a location approved of by the City's Traffic Engineer. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Commissioner Slattery, Commissioner Almy, Commissioner Eubanks and Alternate Griggs

**Excused:** 2 - Chair Graham and Commissioner Rickett

**6.K.** [CPC CU 21-00050](#) A Conditional Use Development Plan for the Solace at Black Forest project, illustrating a 374-unit multi-family residential apartment complex with ancillary improvements.

(Quasi-Judicial)

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

See Item 6.J. (CPC CP 06-00146-A3MJ21)

**Motion by Commissioner McMurray, seconded by Commissioner Raughton, to approve the conditional use development for the Solace at Black Forest project, based upon the findings that the request meets the review criteria for establishing a development plan, as set forth in City Code Section 7.5.502(E), and the findings for authorizing a conditional use, as set forth in City Code Section 7.5.704, subject to the following technical modification:**

**- Prior to approval, the project plans shall be revised so the proposed full-movement intersection on Marksheffel Road is moved to the south in a location approved by the City's Traffic Engineer. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Chair Graham and Commissioner Rickett

**7. Election of Chair and Vice Chair**

**7.A. [CPC 21-542](#) Election of the Chair and Vice Chair**

Presenter:

Peter Wysocki, Director of Planning & Community Development

Commissioner Raughton nominated Commissioner Hente to be the Chair of the Planning Commission. There were no other nominations.

The motion passed with a unanimous vote of 7:0:2:0

**Motion by Commissioner Raughton, seconded by Commissioner McMurray, to elect Commissioner Hente as Chair of the Planning Commission. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Chair Graham and Commissioner Rickett

Commissioner Raughton nominated Commissioner McMurray to be Vice Chair. There were no other nominations.

**Motion by Commissioner Raughton, seconded by Commissioner Eubanks, to elect Commissioner McMurray as Vice Chair of the Planning Commission. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Chair Graham and Commissioner Rickett

**8. Adjourn**