



# City of Colorado Springs

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

## Meeting Minutes - Final Planning Commission

Thursday, September 15, 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

#### Roll Call

### 2. Approval of the Record of Decision (minutes) for the August 18, 2016 City Planning Commission Meeting.

**Motion by Markewich, seconded by Walkowski, that the be accepted 2. Approval of the Record of Decision (minutes) for the August 18, 2016 City Planning Commission Meeting.. The motion passed by a vote of**

**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

### CONSENT CALENDAR

**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.)**

### 4. CONSENT CALENDAR

**4.A.1** [CPC PUZ 16-00089](#) Ordinance No. 16-111 amending the zoning map of the City of Colorado Springs pertaining to 15.169 acres located southwest of Woodruff Drive and Wattle Creek Road from A (Agriculture) to PUD (Planned Unit Development; single-family detached residential, 3.49 dwelling units per acre, 35-foot maximum building height).

(Quasi-Judicial)

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 adopted and forward to City Council . The motion passed 9:0**

**4.A.2** [CPC PUD 16-00090](#)

Flying Horse Number 4 Torino PUD Development Plan to develop 53 single-family residential lots on 15.169 acres, located southwest of Woodruff Drive and Wattle Creek Road. (Quasi-Judicial)

(Quasi-Judicial)

Related File: CPC PUD 16-00089

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 adopted and forward to City Council . The motion passed 9:0**

**4.B.1** [CPC PUZ 16-00084](#)

Ordinance No. 16-106 amending the zoning map of the City of Colorado Springs pertaining to 10.34 acres located east of Old North Gate Road at the extension of Pride Mountain Drive from A (Agriculture) to PUD (Planned Unit Development; single-family detached residential, .86 dwelling units per acre, 35-foot maximum building height).

(Quasi-Judicial)

Related File: CPC PUD 16-00085

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 adopted and forward to City Council . The motion passed 9:0**

**4.B.2** [CPC PUD 16-00085](#)

Flying Horse No. 16 Madonie Development Plan to develop 12 new single-family residential lots, located east of Old North Gate Road as the extension of Pride Mountain Drive.

(Quasi-Judicial)

Related File: CPC PUZ 16-00084

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 adopted and forward to City Council . The motion passed 9:0**

- 4.C. [CPC CU 16-00088](#) A Conditional Use to allow outdoor sports and recreation (Resnik Soccer Fields) in a PIP-2 (Planned Industrial Park) zone district located at 2865 Resnik Drive.

(Quasi-Judicial)

Presenter:  
Michael Turisk, Planner II, Planning and Community Development

**Motion by Smith, seconded by Gibson, that the Planning Case be approved . The motion passed 9:0**

- 4.E. [CPC CU 16-00105](#) A Conditional Use to allow a large daycare home for seven (7) to twelve (12) children at 2115 North Seventh Street.

(Quasi-Judicial)

Presenter:  
Conrad Olmedo, Planner I, Planning and Community Development

**Motion by Smith, seconded by Gibson, that the Planning Case be approved . The motion passed 9:0**

- 4.F. [CPC CU 16-00106](#) A conditional use to allow the K through 12 Thomas MacLaren Charter School in the PIP-1 (Planned Industrial Park) zone district located at 1615 West Garden of the Gods Road.

(Quasi-Judicial)

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

**Motion by Smith, seconded by Gibson, that the Planning Case be approved . The motion passed 9:0**

**4. CONSENT CALENDAR**

**Motion by Smith, seconded by Gibson, that all matters on the Consent Calendar be passed, adopted, approved and/or referred to City Council by unanimous consent of the members present. The motion passed by a vote of 9:0**

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

**5. UNFINISHED BUSINESS**

- 4.D. [CPC CM1  
16-00070](#) A Conditional Use for a 60-foot freestanding stealth cellular bell tower  
Commercial Mobile Radio Service (CMRS) at 2520 Arlington Drive.

(Quasi-Judicial)

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development

**STAFF PRESENTATION:** Rachel Teixeira, Planner II gave a Power Point presentation

**APPLICANT PRESENTATION:** Brandon St. Mitchell with Powder River Development discussed the project, addressed health concerns, and provided information about standards for cell towers per the FCC regulations. They've done everything to make it aesthetically pleasing by screening the cell tower and making it fit into the surrounding area that will match the church.

**Questions:**

Commissioner Walkowski asked why this location was chosen.

Commissioner Markewich asked about moving the cell tower closer to Circle Drive. Mr. St. Mitchell said they did, but to provide the best coverage it was moved closer to the church and screened.

Commissioner Markewich if there would be regular audible signals from the tower? Mr. St. Mitchell said no.

**Citizens in Support:** None

**Citizens in Opposition:** Marilee Powlee is directly across from the church. Cell towers don't need to be in a residential neighborhood, it takes away the view, there are health concerns, property values will decline; they don't want it.

Carol Gower represents of the two churches that use the facility and they want to buy it but knew nothing about the cell towers. Why this location; there's a school will be right next to the tower; what about the health concerns. Commission Markewich asked if the property was listed for sale. Ms. Gower said yes. Commission Markewich asked if the property is sold what is the status from a commission stand point. Attorney Marc Smith said you analyze based on the review criteria. Commissioner Markewich asked if ownership changed can the new owner do something. Mr. Wysocki, Planning Department Director, said the approval runs with the land regardless of the owner.

Commission Gibson asked what if the cell tower was moved across the street. Ms. Gower said she'd like to get it away from the church because of the children but doesn't want it across the street either.

Loretta Lujan said her home is right behind the church and are

concerned about their health and she doesn't want a tower out her back door.

Teddy Lazario said aside from health and property values he doesn't want to look every day. There are already three other cell towers in this area another one is completely unnecessary.

Bethany rents in the apartment complex right across the way and wasn't notified. She has health concerns and residual effects for kids who play at Storyline Church.

Mary Preston questioned why no Geohazard report; if they're insured for fire or collapse. Does she have to disclose to a buyer about the cell tower; are the towers monitored for radiation emissions?

**Questions of Staff:**

Commissioner Markewich said if the planning commission grants a conditional use is there a way for it to be unencumbered. Attorney Marc Smith said unencumbered isn't the correct terminology, you're doing is granting a right to do something you're not encumbering a property; this is simply a land use approval. Commissioner Markewich asked if there a process to reverse the conditional use. Attorney Marc Smith said none he's aware of. Mr. Wysocki discussed options for a zoning violation and when a conditional use stops being valid, a property owner can't say "I don't want it, city take it away."

Commissioner Phillips asked about the notification process. Ms. Teixeira said she used a 500 foot buffer notifying 271 property owners. Renters aren't notified because we don't have that information thus the reason for the posters. Commissioner Phillips asked how long they are left up. Ms. Teixeira said 12 calendar days.

Commissioner Phillips asked if a Geohazard report was needed. Ms. Teixeira said no.

Commissioner Smith asked if a decision was already made. Ms. Teixeira said she no, she made a recommendation to approve it.

**Rebuttal:**

Mr. St. Mitchell confirmed they do a Geotechnical soil report, environmental assessments to ensure all proper steps are taken when installing a tower. The assessments are very thorough.

Commissioner Smith asked about insurance and health issues. Mr. St. Mitchell said there is a million dollar general liability policy; it's a requirement of the lease agreement. Regarding health concerns-the main signal projects upward not downward and not into anyone's home. T-Mobile is .1% of the FCC allowable limit and the antenna transmission is less than 50 watts.

Commissioner Walkowski asked if they looked at other sites in the area. Mr. St. Mitchell said yes. Commissioner Walkowski asked if they encourage co-location and did they look at those cell towers? Mr. St. Mitchell said yes all towers and rooftop were analyzed. The first choice was the rooftop of the church, but with trees and different buildings that wouldn't give them what they were looking for. Regarding screening-that's why T-Mobile is spending extra money for the bell

tower to blend into the church; most people won't even know it's a cell tower.

Commissioner Phillips asked about property values and cell towers. Mr. St. Mitchell said a cell tower by itself show the impact going down at first then they return to their previous values.

**DISCUSSION AND DECISION OF THE PLANNING COMMISSION:**

Commissioner Henninger said this cell tower is well matched with the church, the design is a plus and most won't know it's there; he doesn't see a great impact to the neighborhood. When people buy homes they want to make sure their cell phones has good signal. He's in support.

Commissioner Markewich said based on review criteria the site complies with the criteria but he's concerned about the inability to remove a conditional use if a new owner doesn't want it. He's not sure that's a flaw in the system but he thinks the city should consider that. But at this point he will be supporting the application.

Commissioner Gibson said she shares the concerns of health risks. But she's impressed with the design and thinks it is acceptable. Regarding placing a cell tower in an area because of a social economic situation concerns her because other residents in places like Black Forest have similar concerns. It's not just placed in this neighborhood because of certain type of social economic situation for the residents. It meets review criteria and she'll be supporting the project.

Commissioner Smith said we have to look at the review criteria. Views are not in the criteria, we can't assess home values, the power density is well under the FCC requirements, and he doesn't believe we can consider anything about the purchase or sale of the property, the screening is a unique and how it will look with the church. He is in support of the application

Commissioner Shonkwiler said he reviewed the requirements under 7.4.607 under site location and under co-location and one of the primary advantages to this could be more than one on the site so that means there would be two less towers to put up. Coverage is important and helps to improve values marketability to be able to work in today society. He will be in support

**A motion was made by Smith, seconded by Graham, to Approve the conditional use for the CMRS at 2520 Arlington Drive Conditional Use Development Plan, based upon the findings that the CMRS conditional use development plan meets the review criteria for granting a conditional use as set forth in City Code Section 7.5.704 and the CMRS location and design criteria as set forth in City Code Sections 7.4.607 and 7.4.608. The motion carried by the following vote: 9:0**

**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)

Presenters:

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

**A motion was made by Markewich, seconded by Walkowski, that this Planning Case be postponed to a date certain to the Planning Commission, due back on 10/13/2016. The motion carried by the following vote: 9:0**

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

**6. NEW BUSINESS CALENDAR**

**6.A.1** [CPC CP 09-00107-A1 MN16](#) An amendment to the North Powers II Concept Plan changing 6 acres from retail to multi-family located southwest from the intersection of Tutt Boulevard and Snowy River Drive.

(Quasi-Judicial)

Related File: CPC CU 16-00091

Presenter:

Conrad Olmedo, Planner II, Planning & Community Development

**A motion was made by Markewich, seconded by Walkowski, to Approve the amendment to the Stetson Hills Phase II Concept Plan, based upon the findings that the amendment meets the review criteria for concept plan amendments as set forth in City Code Section 7.5.501(E). The motion carried by the following vote: 9:0**

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

**6.A.2** [CPC CU 16-00091](#) A Conditional Use to allow multi-family residential in the PBC (Planned Business Center) zone district located southwest from the intersection of Tutt Boulevard and Snowy River Drive.

(Quasi-Judicial)

Related File: CPC CP 09-00107-A1MN16

Presenter:

Conrad Olmedo, Planner II, Planning and Community Development

**A motion was made by Markewich, seconded by Walkowski, to Approve the Traditions at Colorado Springs conditional use development plan based upon the findings that the conditional use development plan complies with the review**

criteria as set forth in City Code Sections 7.5.704 and 7.5.502, subject to the following technical and/or informational plan modifications:

1. Under "General Notes", include a note that refers to the Escrow amount of \$75,000 as indicated by City Traffic Engineering: "The developer is required to escrow the amount of \$75,000 for the future anticipated traffic signal at the intersection of Tutt Boulevard and Snowy River Drive."
2. Revise the driveway width under the porte cochère to reflect current two-way vehicular standards or make per one-way vehicular standards.
3. Provide sidewalk connectivity between the parking island located in front of the building on the easterly side and the parking bulb directly north of the parking island.
4. Correct building roof pitch, or other, to accommodate a maximum building height of 45 feet as measured from the average building elevation to 5 feet below the highest roof ridge.
5. Provide building elevation sheets that include all text call-out text.

The motion carried by the following vote: 9:0

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

- 6.B.1** [CPC MPA 06-00206-A8 MN16](#) An amendment to the Woodmen Heights Master Plan changing the land use designation for 38.22 acres of land from Office Industrial Park/Research & Development to Residential (3.5-7.99 Dwelling Units per Acre).

(Quasi-Judicial)

Related Files: CPC PUZ 16-00092, CPC PUP 16-00093

Presenter:

Daniel Sexton, Senior Planner, Planning and Community Development

Peter Wysocki, Planning and Community Development Director

**A motion was made by Walkowski, seconded by Graham, to Recommend approval to City Council the minor master plan amendment to the Woodmen Heights 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 carried by the following vote: 9:0

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

- 6.B.2** [CPC PUZ 16-00092](#) Ordinance No. 16-110 amending the zoning map of the City of Colorado Springs pertaining to 38.22 acres located to the east of Black Forest Road between Forest Meadow Avenue and Woodmen Road from PUD/AO-CAD (Planned Unit Development with Airport Overlay - Commercial Airport District) to PUD/AO (Planned Unit Development with Airport Overlay: Townhouse and Two-Family



Attached Dwellings, 7.99 dwelling units per acre, and 30-foot height maximum).

(Quasi-Judicial)

Related Files: CPC MPA 06-00206-A8MN16

Presenter:  
 Daniel Sexton, Senior Planner, Planning and Community Development  
 Peter Wysocki, Planning and Community Development Director

**A motion was made by Walkowski, seconded by McDonald, to Recommend approval to City Council the zone change from PUD/AO-CAD (Planning Unit Development with Airport Overlay - Commercial Airport District) to PUD/AO (Planning Unit Development with Airport Overlay: Townhouse and Two-Family Attached Dwellings, 7.99 dwelling units per acre, and 30-foot height maximum), 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.. to the City Council, due back on 10/25/2016. The motion carried by the following vote: 9:0**

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

**6.B.3** [CPC PUP 16-00093](#)

Forest Meadows South Concept Plan for a residential development including approximately 24 acres of land with a maximum of 305 units within townhouses and two-family attached dwellings, and approximately 14 acres of land preserved as open space, located to the east of Black Forest Road between Forest Meadow Avenue and Woodmen Road.

(Quasi-Judicial)

Related Files: CPC MPA 06-00206-A8MN16, CPC PUZ 16-00092

Presenter:  
 Daniel Sexton, Senior Planner, Planning and Community Development  
 Peter Wysocki, Planning and Community Development Director

**A motion was made by Walkowski, seconded by Vice Chair Henninger, to Recommend approval to City Council the PUD concept plan for the Forest Meadows South project, based upon the findings that the PUD concept plan meets the review criteria for granting a PUD concept plan as set forth in City Code Section 7.3.605 and meets the eight (8) review criteria for granting a concept plan as set forth in City Code Section 7.5.501(E) to the City Council, due back on 10/25/2016. The motion carried by the following vote: 0:0**

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

**7. Adjourn**