

CITY OF COLORADO SPRINGS PLANNING COMMISSION

MINUTES / RECORD-OF-DECISION

**THURSDAY, SEPTEMBER 15, 2016,
CITY HALL COUNCIL CHAMBERS
107 NORTH NEVADA AVENUE,
COLORADO SPRINGS, COLORADO 80903
CHAIRMAN PHILLIPS CALLED THE MEETING TO ORDER AT 8:36 A.M.
THE MEETING ADJOURNED AT 10: 50 A.M.**

PRESENT:

Phillips, Henninger, Markewich, Shonkwiler, Walkowski, Smith, McDonald, Gibson, Graham

ABSENT: NONE

ALSO IN ATTENDANCE:

Mr. Peter Wysocki, Planning and Development Director
Mr. Marc Smith, City Senior Corporate Attorney

RECORD OF DECISION:

A Motion by Commissioner Markewich, seconded by Commissioner Walkowski to approve the August 18, 2016, Meeting Minutes.

Aye: Phillips, Henninger, Markewich, Shonkwiler, Walkowski, Smith, McDonald, Gibson, Graham No: None Motion Passed

COMMUNICATIONS:

None

CONSENT CALENDAR

4.A.1 CPC PUZ 16-00089: Flying Horse No. 4 Torino zone change of 15.15 acres from A (Agriculture) to PUD (Planned Unit Development; single-family detached residential, 3.49 dwelling units per acre, 35-foot maximum building height), located southwest of Woodruff Drive and Wattle Creek Road.

4.A.2 CPC PUD 16-00090: Flying Horse No. 4 Torino Development Plan illustrating the layout for the 15.15 acre site to be developed as single-family detached residential, located southwest of Woodruff Drive and Wattle Creek Road. **PLANNER: KATIE CARLEO**

4.B.1 CPC PUZ 16-00084: Flying Horse No. 16 Madonie zone change of 10.34 acres from A (Agriculture) to PUD (Planned Unit Development; single-family detached residential, .86 dwelling units per acre, 35-foot maximum building height), located east of Old North Gate Road and Pride Mountain Drive.

4.B.1 CPC PUD 16-00085: Flying Horse No. 16 Madonie Development Plan illustrating conceptual layout for the 10.34 acre site to be developed as single-family detached residential, located east of Old North Gate Road and Pride Mountain Drive. **PLANNER: KATIE CARLEO**

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. **PLANNER: MICHAEL TURISK**

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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. **PLANNER: RACHEL TEIXEIRA – PULL OFF CONSENT CALENDAR**

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. **PLANNER: CONRAD OLMEDO**

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. **PLANNER: MIKE SCHULTZ**

These items will be acted upon as a whole, unless a specific item is called for any discussion by Commissioner, Staff, or citizen.

Motion by Commissioner Smith and seconded by Commissioner Gibson to approve the consent calendar.

Aye: Phillips, Henninger, Markewich, Shonkwiler, Walkowski, Smith, McDonald, Gibson, Graham
No: None
Motion Passed

ITEM PULL OFF CONSENT CALENDAR

DATE: September 15, 2016
ITEM: 4.D
FILE NO.: CPC CM1 16-00070
PROJECT: CMRS Cell Tower at 2520 Arlington Drive
STAFF: Rachel Teixeira, Planner II

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.

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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.

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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

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Motion by Commissioner Smith, seconded by Commissioner Graham to approve CPC CM1 16-00070-CMRS CONDITIONAL USE. Approve the conditional use for the Commercial Mobile Radio Service (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 for the in City Code Section 7.5.704 and the CMRS location and design criteria as set forth in City Code Section 7.4.607.

Aye: Graham, McDonald, Markewich, Henninger, Phillips, Shonkwiler, Gibson, Smith

NO: None Motion Passed.

UNFINISHED BUSINESS CALENDAR

DATE: September 15, 2016
ITEM: 5.A
FILE NO.: CPC CA 16-00008
PROJECT: Appeals
STAFF: Peter Wysocki, Planning and Community Development Director

Motion by Commissioner Markewich seconded by Commissioner Walkowski to postpone item 5.A CPC CA 16-00008 until October 20, 2016 CPC meeting.

Aye: Phillips, Henninger, Shonkwiler, Walkowski, Smith, Markewich, McDonald, Gibson, Graham No: None Motion Passed

NEW BUSINESS CALENDAR

DATE: September 15, 2016
ITEM: 6.A.1 – 6.A.2
FILE NO.: CPC CP 09-00107-A1MN16; CPC CU 16-00091
PROJECT: Traditions at Colorado Springs
STAFF: Conrad Olmedo

STAFF PRESENTATION:
Conrad Olmedo, Planner II gave a Power Point Presentation

APPLICANT PRESENTATION:
Keith James with Inland Group gave a Power Point presentation about the project. He discussed how some of the neighborhoods said there were no multi-family along the north Powers Corridor. Mr. James referenced five other planned multi-family communities along North Powers not counting theirs.

A traffic study was completed. The current concept plan is all commercial use which generates much more traffic than the proposed senior housing facility/multi-family use. They are also putting \$75,000 in escrow for signalization of Snowy River and Tutt Blvd for the future.

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Mr. James discussed this being an age restricted facility, a moderate income product. It's not assisted living facility, no commercial kitchen or dining facility but many other amenities. They are regular apartments and include washer / dryers in all the units but the apartments are not substandard. 5% of the bathrooms are ADA compliant.

Questions:

Commissioner Markewich commented about the entrance being off the private drive. Mr. James said he thought both entrances would probably be use. The Tutt entry to the south would be more of the front door to the facility; it's a covered entry drive. Commissioner Markewich verified the southeast entry is a right-in/ right-out. Mr. James said yes. Commissioner Markewich said he knew when the signal will be put in.

Citizens in Support: None

Citizens in Opposition: None

Questions of Staff:

Kathleen Krager said the intersection will get signalized when it meets warrants. She will be liberal with meeting those warrants but more than likely within a couple of years.

Commissioner Markewich asked about the warrant process that if more accidents happen how do you decide if you need to accelerate the process. Ms. Krager as of right now you can do it based on projected traffic being met within six months so she can look at the projections with this site and base it on that. There's an accident warrant they apply when volume warrants aren't met.

Commissioner Walkowski asked what triggers you to look at the warrant criteria. Ms. Krager said they have a list based on development, traffic counts are taken, complaints from citizens. Developers usually ask for a signal. But all of her staff drive in town and keep an eye on things.

Rebuttal: None

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich said based on review criteria for both – it fits within all the city codes and complies with the comprehensive plan and he will be support.

Commissioner Henninger said he will be in support. It meets all the criteria for the master plan and the comprehensive plan. Regarding traffic on Tutt – it shares a lot of the traffic with Powers so transportation concerns will be warranted in the future.

Commissioner Walkowski understands about a conditional use but a condition use development plan; he wasn't sure how they went together. Mr. Wysocki said they combine the conditional use and the standard development plan

Motion by Commissioner Markewich, seconded by Commissioner 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).

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Aye: Phillips, Henninger, Shonkwiler, Walkowski, Smith, Markewich, McDonald, Gibson, Graham No: None Motion Passed

Motion by Commissioner Markewich, seconded by Commissioner 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.

Aye: Phillips, Henninger, Shonkwiler, Walkowski, Smith, Markewich, McDonald, Gibson, Graham No: None Motion Passed

NEW BUSINESS CALENDAR

DATE: September 15, 2016

ITEM: 6.B.1 – 6.B.

FILE NO.: CPC MPA 06-00206-A8MN16; CPC PUZ 16-00092; CPC PUP 16-00093

PROJECT: Forest Meadows

STAFF: Dan Sexton

STAFF PRESENTATION:

Dan Sexton, Senior Planner gave a Power Point presentation

APPLICANT PRESENTATION:

Andrea Barlow with NES, INC gave a Power Point presentation. She gave the history of the zoning; what the Master Plan allowed and was approved along with what was approved by a previous concept plan. Ms. Barlow showed they approved type of uses for the area and the approved plating of the four lots.

The current proposal will have no access off Woodmen Rd, 24 acres of the 38 acres site will be developed with the remaining to be for open space with trail access that will be more a passive recreation area but will become more defined with the development plan; the wetlands will be preserved.

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Main concerns by the neighbors were this would be apartment, traffic issues; they wanted more parks, drainage in the area, traffic problems and the loss of taxes for the Metro District.

The developer addressed each of the neighbors' concerns by showing how each item will be mitigated and the reasoning behind each decision.

Questions:

Commissioner Shonkwiler asked about the maintenance of the 14 acres. Ms. Barlow said there were three options. They've moved away from the city taking it as part of the parks department but the hope is it will be transferred to metro district and the other option is it could be part of the HOA but it will be maintained on a minimal level.

Commissioner Walkowski asked he wanted to make sure there will connectivity between the neighborhoods to the north to this open space so as you work on the development plan interconnectivity will be important.

Commissioner Graham asked about the detention ponds. Ms. Barlow said the detention ponds are city detention ponds and this property is between the two existing ponds and the property drains to the south so it won't be able to drain into those two ponds. They will look how they detain the stormwater run-off. Commissioner Graham asked if they were going to install a water quality pond on the site. Ms. Barlow said yes. Commissioner Graham asked if that was the same as a detention pond. Water quality is to treat the water before it gets into the city system which is different from retaining the water to regulate the flow of the stormwater and even though slightly different they are often combined.

Citizens in Support: None

Citizens in Opposition: None

Questions of Staff:

Commissioner Walkowski asked if the development plan will be approved administratively. Mr. Sexton said yes. Commissioner Walkowski said much of what the criteria they have will be implemented at the development plan stage and he wanted to make sure all of the items are in compliance with what is done today.

Rebuttal: None

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich said the proposal seems better than what was previously suggested to be there. He's glad there is no access off Woodmen Road and fits the neighborhood much better. He will be in support based on the minor master plan amendment; the zone change and the concept plan meet all the review criteria for each one

Motion by Commissioner Walkowski, seconded by Commissioner 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.

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Aye: Phillips, Henninger, Shonkwiler, Walkowski, Smith, Markewich, McDonald, Gibson,
Graham No: None Motion Passed

Motion by Commissioner Walkowski, seconded by Commissioner 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.

Aye: Phillips, Henninger, Shonkwiler, Walkowski, Smith, Markewich, McDonald, Gibson,
Graham No: None Motion Passed

Motion by Commissioner Walkowski, seconded by Commissioner 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)

Aye: Phillips, Henninger, Shonkwiler, Walkowski, Smith, Markewich, McDonald, Gibson,
Graham No: None Motion Passed