



Action Summary - Final
Planning Commission

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Phone: +1 720-617-3426
Conference ID:

Thursday, April 30, 2020

8:30 AM

Council Chambers

1. Call to Order

Present: 8 - Vice Chair Scott Hente, Commissioner James McMurray, Chair Reggie Graham,
Commissioner Rhonda McDonald, Commissioner Alison Eubanks, Commissioner
John Almy, Commissioner Marty Rickett and Commissioner Natalie Wilson

Excused: 1 - Commissioner Jim Raughton

2. Approval of the Minutes

2.A. CPC 20-123 Minutes for the February 20, 2020 City Planning Commission Meeting

Presenter:
Reggie Graham, Chair

Motion by Commissioner Rickett, seconded by Vice Chair Hente, to approve the
February 20, 2020 City Planning Commission Minutes. The motion passed by a
vote of 8:0:1:0

Aye: 8 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner
McDonald, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett
and Commissioner Wilson

Absent: 1 - Commissioner Raughton

3. Communications

Peter Wysocki - Director of Planning and Community Development

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.)

4. CONSENT CALENDAR

**Family Pet Crematory**

- 4.C. [CPC CU 19-00174](#) Conditional Use Development Plan for a pet crematory in the C-5 (Intermediate Business) zone district located within an existing building addressed as 1721 West Uintah Street.

(Quasi-Judicial)

Presenter:  
Tasha Brackin, Senior Planner, Planning and Community Development

**This Planning Case was approved on the Consent Calendar.**

**Briargate KinderCare**

- 4.D. [AR DP 19-00518](#) A development plan for a daycare facility on 1.37 acres generally located southwest of Grand Cordera Parkway and Briargate Parkway and zoned PBC/CR (Planned Business Center with a Condition of Record).

(Quasi-Judicial)

Presenter:  
Hannah Van Nimwegen, Senior Planner, Planning & Community Development

**This Planning Case was approved on the Consent Calendar.**

**Pilate Connection**

- 4.E. [CPC UV 20-00043](#) A use variance development plan establishing a personal improvement service use with ancillary site improvements located at 1375 East Fillmore Street.

(Quasi-Judicial)

Presenter:  
Daniel Sexton, Principal Planner, Planning & Community Development

**This Planning Case was approved on the Consent Calendar.**

**The Edison at Chapel Hills**

- 4.F. [CPC ZC  
19-00175](#) A zone change pertaining to 6.8 acres generally located at 1265 Kelly Johnson Boulevard from PIP-1 (Planned Industrial Park) to PBC (Planned Business Center).

(Quasi-Judicial)

Presenter:  
Hannah Van Nimwegen, Senior Planner, Planning & Community Development

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

- 4.G. [CPC CU  
19-00176](#) A Conditional Use Development Plan for 171 multi-family residential units on 6.8 acres located at 1265 Kelly Johnson Boulevard.

(Quasi-Judicial)

Presenter:  
Hannah Van Nimwegen, Senior Planner, Planning & Community Development

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

### Sands Industrial

- 4.I. [CPC CP  
20-00064](#) A concept plan for the Sands Industrial project establishing the land use pattern and lot configuration for the 15-acre site located west of Capital Drive.

(Quasi-Judicial)

Presenter:  
Daniel Sexton, Principal Planner, Planning & Community Development

**This Planning Case was approved on the Consent Calendar.**

- 4.J. [CPC CU  
20-00065](#) A conditional use development plan for Lot 6 of the Sands Industrial project establishing an equipment storage use on 4 acres located west of Capital Drive.

(Quasi-Judicial)

Presenter:  
Daniel Sexton, Principal Planner, Planning & Community Development

**This Planning Case was approved on the Consent Calendar.**

**Driscoll Manufacturing**

- 4.K. [CPC UV](#) [20-00007](#) A use variance development plan for the Driscoll Manufacturing project establishing an automotive sales use in the PIP-1 (Planned Industrial) zone district located at 485 Elkton Drive.

(Quasi-Judicial)

Presenter:  
Katelynn Wintz, Senior Planner, Planning & Community Development.

**This Planning Case was approved on the Consent Calendar.**

**Ascent by Watermark**

- 4.L. [CPC CU](#) [19-00165](#) The Ascent by Watermark conditional use development plan for a 360-unit multi-family complex in the PBC (Planned Business Center) zone district located southeast of the intersection of Woodmen Road and Tutt Boulevard and west of Templeton Gap Road.

(Quasi-Judicial)

Presenter:  
Meggan Herington, Assistant Director, Planning & Community Development

**This Planning Case was approved on the Consent Calendar.**

**Briargate Crossing East No. 6**

- 4.M. [CPC ZC](#) [20-00017](#) A zone change of 14.93 acres from A (Agriculture) to PBC (Planned Business Center) located northwest of the intersection of Briargate Parkway and Grand Cordera Parkway.

(Quasi-Judicial)

Presenter:  
Katie Carleo, Principal Planner, Planning & Community Development

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

- 4.N. [CPC CP](#) [20-00018](#) The Briargate Crossing East Filing No. 6 Concept Plan establishing a mixed commercial, retail and office center located northwest of the intersection of Briargate Parkway and Grand Cordera Parkway.

(Quasi-Judicial)

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development

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

**Timberview Vet Clinic**

**4.O.** [CPC UV  
20-00042](#)

A use variance to allow a small animal clinic in a PIP-1 (Planned Industrial Park) zone district located southeast of the intersection of Voyager Parkway and Ridgeline Drive.

(Quasi-Judicial)

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development

**This Planning Case was approved on the Consent Calendar.**

**Approval of the Consent Agenda**

**Motion by Vice Chair Hente, seconded by Commissioner Rickett, 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 8:0:1:0**

**Aye:** 8 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

**Absent:** 1 - Commissioner Raughton

**ITEMS PULLED FROM CONSENT**

**Pub Dog**

**4.A.** [CPC ZC  
19-00178](#)

Rezoning of 0.62-acre from R2 (Two-Family Residential) and C5 (Intermediate Business) to C5, located at 2207 and 2217 Bott Avenue.

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development

**Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend approval to City Council the rezone of 0.62-acre from R2 (Two-Family Residential) and C5 (Intermediate Business) to C5 (Intermediate**

Business), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). The motion passed by a vote of 8:0:1:0

- 4.B. [AR DP](#)      The Pub Dog Development Plan for a restaurant with an attached dog play structure located at 2207 and 2217 Bott Avenue.  
[15-00139-A1](#)  
[MJ19](#)  
  
(Quasi-Judicial)

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

Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend approval to the City Council the development plan for a restaurant with an attached dog play structure based upon the findings that the development plan meets the review criteria as set forth in City Code Section 7.5.502(E). The motion passed by a vote of 8:0:1:0

**Faxon Court Daycare**

- 4.H. [CPC CU](#)      A conditional use development plan for a large daycare home accommodating up to 12 children at 5975 Faxon Court.  
[20-00016](#)  
  
(Quasi-Judicial)

Presenter:  
Gaby Serrano, Planner II, Planning & Community Development

Motion by Vice Chair Hente, seconded by Commissioner McMurray, to approve the conditional use development plan for 5975 Faxon Court, based upon the findings that the request meets the review criteria for granting the conditional use as set forth in City Code Section 7.5.704, and a development plan as set forth in City Code Section 7.5.502 (E). The motion passed by a vote of 7:1:1:0

**5. UNFINISHED BUSINESS**

**6. NEW BUSINESS CALENDAR**

**Flying W Ranch Temporary Use Appeal**

Commissioner Hente asked to be recused from this item because his personal residence is in close proximity to the Flying W Ranch.

- 6.A. [CPC AP](#)      Postpone an appeal of the administrative 2-year extension of the temporary use permit for the Flying W Ranch office at 2870 Chuckwagon Road.  
[20-00061](#)  
  
(Quasi-Judicial)

Presenter:

Meggan Herington, Assistant Director, Planning & Community Development

**Motion by Commissioner Rickett, seconded by Commissioner McMurray, to postpone the appeal until the July 16, 2020 Planning Commission Meeting in the hopes that we will have in person meetings by that time, per the request of the applicant. The motion passed by a vote of 7:0:1:1**

**Aye:** 7 - Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

**Absent:** 1 - Commissioner Raughton

**Recused:** 1 - Vice Chair Hente

**Kettle Creek North**

**6.B.** [CPC PUZ 19-00090](#) A zone change pertaining to 61.71 acres generally located south and east of the Powers Boulevard and Highway 83 intersection from A (Agriculture) to PUD (Planned Unit Development: 36-foot maximum height, single-family detached units, 3-4 dwelling units per acre).

(Quasi-Judicial)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development

**Motion by Commissioner Rickett, seconded by Vice Chair Hente, to recommend approval to City Council the rezone of 61.71 acres from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, maximum density of 4.0 dwelling units per acre), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B), as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603. The motion passed by a vote of 7:1:1:0**

**Aye:** 7 - Vice Chair Hente, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

**No:** 1 - Commissioner McMurray

**Absent:** 1 - Commissioner Raughton

**6.C.** [CPC PUP 19-00091](#) The Kettle Creek North Concept Plan for a 61.71-acre site intended for the development of single-family detached residential units generally located south and east of the Powers Boulevard and Highway 83 intersection.

(Quasi-Judicial)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development

**Motion by Commissioner Rickett, seconded by Vice Chair Hente, to recommend approval to City Council the concept plan for Kettle Creek North based upon the findings that the concept plan complies with the review criteria for concept plans as set forth in City Code Section 7.5.501(E) and criteria for PUD concept plans set forth in City Code Section 7.3.605. The motion passed by a vote of 7:1:1:0**

**Aye:** 7 - Vice Chair Hente, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

**No:** 1 - Commissioner McMurray

**Absent:** 1 - Commissioner Raughton

**Palermo Filings 3, 4, & 5**

- 6.D. [CPC PUZ 19-00095](#) A zone change pertaining to 59.52 acres generally located north and east of the Voyager Parkway and Ridgeline Drive intersection from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, 2-3.5 dwelling units per acre).

(Quasi-Judicial)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development

**Motion by Vice Chair Hente, seconded by Commissioner Rickett, to recommend approval to City Council the rezone of 59.52 acres from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, 2-3.5 dwelling units per acre), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B), as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603. The motion passed by a vote of 8:0:1:0**

**Aye:** 8 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

**Absent:** 1 - Commissioner Raughton

- 6.E. [CPC PUD 19-00096](#) The Flying Horse Palermo Filings 3, 4, and 5 Development Plan for 59.52 acres developed for 151 single-family detached residential units generally located north and east of the Voyager Parkway and



Ridgeline Drive intersection.

(Quasi-Judicial)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development

**Motion by Vice Chair Hente, seconded by Commissioner Almy, to recommend approval to the City Council the development plan for 151 single-family detached residential units based upon the findings proposal meets the review criteria for development plans as set forth in City Code Section 7.5.502(E) and criteria for PUD development plans set forth in City Code Section 7.3.606. The motion passed by a vote of 8:0:1:0**

**Aye:** 8 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

**Absent:** 1 - Commissioner Raughton

**Accessory Dwelling Units**

6.F. [CPC CA 20-00006](#)

Ordinances amending Chapter 7, Planning, Development and Building, of City Code defining and establishing standards for Accessory Dwelling Units, Accessory Family Suites, and an Accessory Dwelling Unit Overlay Zone.

(Legislative)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development Department  
Peter Wysocki, Planning & Community Development Director

**Motion by Commissioner Rickett, seconded by Commissioner McDonald, to recommend to the City Council adoption of ordinances amending Chapter 7 (Planning, Development and Building) City Code defining and establishing standards for accessory dwelling units, accessory family suites, and an accessory dwelling unit overlay zone. The motion passed by a vote of 8:0:1:0**

**Aye:** 8 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

**Absent:** 1 - Commissioner Raughton

**Pony Park Subdivision Plat Appeal**

**Note**

Commissioner Rickett left the meeting at this time as he had a prior

engagement.

## Note

Ben Bolinger, City Attorney's Office, explained this was an atypical situation with this matter. This item is an appeal of a plat, and our code contains criteria for what constitutes an effected/affected appeal. Section 7.5.906(A)(4) of City Code requires a written notice of an appeal, and in the written notice, the appellant must substantiate and identify an explicit ordinance provision, which is in dispute. Planning staff and the attorney's office reviewed the appeal and there was a question of whether this written appeal successfully identified an explicit ordinance provision that is in dispute.

Mr. Bolinger recommended that the appellant be allowed three minutes to show cause why we should hold a hearing and why the written appeal successfully satisfies these criteria.

Mr. Lebel thanked the City Attorney for all the work that was done on this item and said Mr. Bolinger was correct in there was no specific provision to point to that had been violated, other than an argument that has to do with:

7.7.303(C)(29)

Districts And Associations: Recordation information (reception number, etc.) shall be given on the plat for any maintenance district, metropolitan district, owners' association, etc., that is referenced on the plat as a body for any ownership and/or maintenance responsibility per the plat

Mr. Lebel said that Springs Ranch Community Association was not the association for this particular parcel, but Mr. Lebel believed the reason the plat has a requirement to list an association does pertain because of unusual circumstances.

Mr. Lebel went on to discuss covenants, and Mr. Bolinger reiterated that Mr. Lebel had a few minutes to address why the written appeal addresses code provisions and not to argue the covenants that are not within the jurisdiction of the Planning Commission.

Mr. Lebel said this problem was never supposed to exist because the association was supposed to take care of the parking problems but it couldn't in this particular area and since the COVID-19, no public meetings were allowed. The association felt this was the only way to address the problem.

Chair Graham asked for the commissioners input and Commissioner Hente said this would open up the City to the accusation of interfering with covenants and this matter is not a City Code issue but a covenant issue.

Commissioner McDonald agreed with Commissioner Hente, and Commissioner Hente proposed a motion to dismiss this item because it is not within the Planning Commissions purview.

6.G. [AR FP](#)  
[19-00023](#) An appeal of the Pony Park subdivision plat pertaining to 4 acres located southwest corner of Peterson Road and Pony Tracks Drive.

(Quasi-Judicial)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development

**Motion by Vice Chair Hente, seconded by Commissioner McDonald, to dismiss this item because no explicit City Code was identified with this being a covenant issue which is not under the purview of the Planning Commission. The motion passed by a vote of 7:0.2:0**

**Aye:** 7 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy and Commissioner Wilson

**Absent:** 2 - Commissioner Raughton and Commissioner Rickett

**Sorpresa East Addition No. 1 Annexation**

**Note**

Commission Hente said he does not have any financial interest in this development or annexation, however, he has a long history in the area and has dealt with many of the participants who might be speaking . Commissioner Hente said to remove any perceived bias on his part, and upon the advice of the City Attorney's office, he would recuse himself.

6.H. [CPC A](#)  
[19-00068](#) Sorpresa East Addition No. 1 Annexation located southeast of Sorpresa Lane and Gilpin Peak Drive consisting of 8.83 acres.

(Legislative)

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development

**Motion by Commissioner Almy, seconded by Commissioner McDonald, to recommend approval to City Council the annexation of 8.83 acres as Sorpresa East Addition No.1 Annexation, based upon the findings that the annexation complies with the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203. The motion passed by a vote of 5:1:2:1**

**Aye:** 5 - Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks and Commissioner Almy

**No:** 1 - Commissioner Wilson

**Absent:** 2 - Commissioner Raughton and Commissioner Rickett

**Recused:** 1 - Vice Chair Hente

**6.I.**     [CPC PUZ](#)     Establishment of the PUD/AO (Planned Unit Development; single-family residential, 8 DU/AC, 35 foot maximum building height with Airport Overlay) zone district for 8.83 acres located southeast of Sorpresa Lane and Gilpin Peak Drive.

[19-00138](#)

(Legislative)

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development

**Motion by Commissioner McDonald, seconded by Commissioner Almy, to recommend approval to City Council the establishment of 8.83 acres as PUD/AO (Planned Unit Development; Single-family Residential, maximum residential density 8 DU/AC, 35-foot maximum building height with Airport Overlay) zone district, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603. The motion passed by a vote of 5:1:2:1**

**Aye:** 5 - Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks and Commissioner Almy

**No:** 1 - Commissioner Wilson

**Absent:** 2 - Commissioner Raughton and Commissioner Rickett

**Recused:** 1 - Vice Chair Hente

**6.J.**     [CPC PUP](#)     Sorpresa East PUD Concept Plan for 8.83 acres of residential development located southeast of Sorpresa Lane and Gilpin Peak Drive.

[19-00139](#)

(Quasi-Judicial)

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development

Commissioner Almy said he agreed with Commissioner Wilson in that he thought the entrance and egress plan portrayed is really complex. Commissioner Almy said he is not sure that that could be simplified with a little ingenuity.

**Motion by Commissioner McDonald, seconded by Commissioner Almy, to recommend approval to City Council the Sorpresa East PUD Concept Plan, based upon the findings the proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E) and criteria for PUD concept plans set forth in City Code Section 7.3.605. The motion passed by a vote of 5:1:2:1**

**Aye:** 5 - Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks and Commissioner Almy

**No:** 1 - Commissioner Wilson

**Absent:** 2 - Commissioner Raughton and Commissioner Rickett

Recused: 1 - Vice Chair Hente

**Prospect Park Master Plan Amendment**

6.K. [CPC MP 81-16-A2MJ2 0](#) The Prospect Park major master plan amendment changing the land use from commercial to commercial and residential located at the southeast intersection of East Fountain Boulevard and South Union Boulevard.

(Legislative)

Presenter:

Rachel Teixeira, Planner II, Planning & Community Development

**Motion by Vice Chair Hente, seconded by Commissioner McDonald, to approve the Prospect Park Master Plan amendment from Commercial to Commercial and Residential, based on the findings that the master plan amendment request complies with the review criteria for master plans as set forth in City Code Section 7.5.408. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy and Commissioner Wilson

**Absent:** 2 - Commissioner Raughton and Commissioner Rickett

6.L. [CPC CP 20-00041](#) The Fountain and Union Concept Plan for commercial and residential in the PBC (Planned Business Center) zone district located at the southeast intersection of East Fountain Boulevard and South Union Boulevard.

(Quasi-Judicial)

Presenter:

Rachel Teixeira, Planner II, Planning & Community Development

**Motion by Vice Chair Hente, seconded by Commissioner McDonald, to recommend approval the concept plan for the Fountain and Union for commercial and residential, based upon the findings proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E). The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy and Commissioner Wilson

**Absent:** 2 - Commissioner Raughton and Commissioner Rickett

**7. PRESENTATIONS/UPDATES**

**8. Adjourn**

