



City of Colorado Springs

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

Meeting Minutes - Final Planning Commission

Thursday, July 20, 2017

8:30 AM

Council Chambers

1. Call to Order

Present: 9 - John Henninger, Samantha Satchell-Smith, Reggie Graham, Vice Chair Carl Smith, Chairperson Rhonda McDonald, Jeff Markewich, Jim Raughton, Ray Walkowski and Jamie Fletcher

2. Approval of the Minutes

2.A. [CPC 291](#) Minutes for May 18, 2017 City Planning Commission Meeting

Presenter:

Rhonda McDonald, Chair, Planning Commission

Approval of the May 2017 minutes were postponed to allow new Planning Commissioners time to review.

Motion by Markewich, seconded by Graham, to postpone to a date certain (August 17) the approval of the May 18, 2017 meeting minutes allowing Commissioners to review. The motion passed by a vote of 9:0:0

Aye: 9 - Fletcher, Graham, Henninger, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Satchell-Smith

2.B. [CPC 292](#) Minutes for the June 15, 2017 City Planning Commission meeting

Presenter:

Rhonda McDonald, Chair, Planning Commission

Approval of the June 15, 2017 minutes were postponed to allow new Planning Commissioners time to review.

Motion by Markewich, seconded by Graham, to postpone to a date certain (August 17) the approval of the June 15, 2017 meeting minutes allowing Commissioners to review. The motion passed by a vote of 9:0:0

Aye: 9 - Fletcher, Graham, Henninger, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Satchell-Smith

3. Communications

Chair Rhonda McDonald

Peter Wysocki, Director of Planning and Development

4. 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.A.1. [CPC ZC 17-00054](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 1.46 acres from PBC (Planned Business Center) and C-6 (General Business) to PBC (Planned Business Center) located at the southeast corner of North Academy Boulevard and North Carefree Circle

(Quasi-Judicial)

Presenter:

Peter Wysocki, Director Planning and Community Development
 Michael Schultz, Principal Planner, Planning and Community Development

This Planning Case was adopted and forward to City Council on the Consent Calendar.

- 4.A.2. [CPC DP 17-00055](#) A development plan for CVS Pharmacy Store Number 11001 consisting of 1.46 acres for the purpose of a 13,111 square foot pharmacy and retail store

(Quasi-Judicial)

Presenter:

Peter Wysocki, Director Planning and Community Development
 Michael Schultz, Principal Planner, Planning and Community Development

This Planning Case was adopted and forward to City Council on the Consent Calendar.

- 4.B. [CPC CM1 17-00032](#) A Conditional Use for a 60-foot clock tower telecommunications facility with an equipment compound Commercial Mobile Radio Service (CMRS) installation located at 3113 New Center Point Drive.

(Quasi-Judicial)

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development

This Planning Case was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Vice Chair Smith, seconded by Graham, 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 9:0:0

Aye: 9 - Fletcher, Graham, Henninger, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Satchell-Smith

5. UNFINISHED BUSINESS

- 5.A.1. [CPC SWP 16-00155](#)** A request to postpone an appeal of the City Planning Commission's approval of a subdivision waiver to allow primary legal access via a public alley and associated preliminary and final plat applications re-platting the subject property from three lots into six lots

(Quasi-Judicial)

Related File: CPC PFP 16-00155, AR NV 17-00141

Staff presentation:

Lonna Thelen gives a Power Point presentation

- I. Vicinity Map
- II. Zoning
- III. Type of applications
 - A. Subdivision Waiver
 - a. This is to provide access via a public alley
 - B. Preliminary and Final Plat
 - a. Creating six (6) lots for three (3) duplexes
 - C. Nonuse Variance
 - a. To allow a 49' + lot width where 50' is required
- IV. Neighborhood meetings
 - A. February 2, 2017
 - B. May 15, 2017
 - C. July 10, 2017
- V. Preliminary plat
 - A. Boulder Street to the south St. Vrain to the north
 - B. Alley along the east side of the property
 - C. Buildings will be oriented toward the alley
 - A. Western portion of site is in a preservation easement and not buildable
- VI. Final Plat
 - A. Lots configured in an east/west layout
- VII. Subdivision waiver
 - A. Without the waiver the Preliminary / Final Plat and nonuse variance cannot be granted
 - B. Site previously proposed for access off Chestnut Street
 - i. Chestnut Street too steep, thus access was vacated

- ii. West is too steep and access vacated
 - iii. Lots currently legally platted
 - iv. Two other lots use the alley for access
 - 1. 427 and 423 Robbin Place
 - C. Southern portion of Chestnut and Robins Place have been vacated and added to the site
- VIII. Areas of concern
- A. Drainage
 - i. Final Drainage Report approve by City Engineering
 - 1. Run-off routed around the houses and conveyed to South Boulder Street
 - 2. Runoff will be slightly higher than the 0.3 cfs and 0.6 cfs.
 - a. This will not adversely affect the surround properties
 - ii. Adding swales and retaining wall to direct flow
 - iii. Drainage will occur on the western side of the alley
 - B. Geological hazards
 - i. Report has been approved
 - ii. Major challenge was the slope on the western third of the property
 - 1. Western third is in the preservation easement
 - iii. Report requires
 - 1. Install 2 rows of caissons of 24" in diameter
 - 2. 35' minimum depth
 - 3. Structures on spread footing foundation with structural floors over excavated fill soils
 - C. Alley
 - i. Reconstructed from northern property line of the units south to Boulder St
 - ii. Repair from the northern property line of the units north to St. Vrain but not completely reconstruct
 - iii. Cross pan and sidewalk at the southern access point from Boulder St will be repaired to accommodate fire access on the southern access point
 - iv. Northern access point
 - 1. Concerns that a retaining wall is already bowing
 - 2. Fire concerned unable to access without majorly affecting existing wall
 - 3. Letter from professional engineer stating alley was structurally stable to accommodating fire access
 - 4. This portion of the alley will be repaired
- IX. Fire Access

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- A. Homes normally accessed from public right-of-way
 - B. Because the alley is the primary access important that fire could get to the homes
 - C. Alley will be a one-way
 - i. Alley 12-ft in width with 20-ft Right-of-Way
 - ii. Mitigation to allow the 12-width
 - 1. All dwellings must have fire sprinkler system
 - 2. Reconstruction of the cross pan entrance at Boulder and the alley
 - 3. Letter from professional engineer stating northern access point could support a fire truck
 - iii. Showed diagram of where alley an increase to the alley cross pan
 - iv. Asphalt mill and butt-joint on Boulder St
 - v. Lowering the sidewalks and connecting back to the existing sidewalk. Some existing sidewalks may need repaired
 - D. With changes it shows ½ foot of clearance allowing the fire access
 - i. Ensure fire has access
 - 1. Notified applicant prior to the first Certificate of Occupancy (CO) a fire truck will be taken to the site to see if it works
 - 2. If the fire truck cannot make the access the requirement will be to redo that area until it does work
 - X. Nonuse variance for lot width
 - A. Measurement
 - i. 49.82' along front lot line
 - ii. 49.96' along the west property line
 - iii. Requirement is 50'
 - B. Original survey completed 1898 with accuracy of nearest one foot
 - C. Accuracy today to the nearest one hundredth foot
 - D. Infill lot
 - i. Exterior survey line do not match record description
 - 1. Survey reports 150' for the north/south lines
 - 2. Actual distance 149.91 and 149.44
 - a. Less than the standard requires the nonuse variance
 - E. R-2 zone lot sizes
 - i. City Code 7.3.104.A allows 7,000 sq. ft. in R-2 zone district for duplexes
 - 1. Foot note 4 states: when platting individual duplex unit each lot must contain 3,500 sq. ft in R-2 zone

- a. R-4, R-5, SU zone districts allows 3,000 sq. ft.
2. This allows a 3,500 sq. ft. duplex lot to be subdivided as part of a larger 7,000 sq. ft. lot
3. Allows for separate ownership and lot line down the middle of the lot

Applicant Presentation:

Paul Rising, Tara Custom Homes gave a Power Point presentation

- I. Application is for principal access from the alley
 - A. Two neighbors who access primarily through the alley
- II. History of the previous application
- III. Number of units
- IV. Parking
- V. Benefit for the neighborhood
- VI. Once access is completed access will be better
- VII. Fire truck will be able to get in and handle his units and other homes
- VIII. Stabilizing the slope
- IX. Access units lower level
- X. Historical access from the alley
- XI. Showed examples of homes that use the access from the alley
- XII. Met all required criteria for preliminary and final plat approval
- XIII. Drainage survey and report approved
- XIV. Geohazard survey and report approved
- XV. Land survey approved
- XVI. Soils engineering and report approved
- XVII. Lot width determined just short
- XVIII. Challenges that have been overcome
- XIX. Infill project
- XX. Westside design is eclectic
- XXI. Alley improvements
 - A. Utilities will be underground
 - B. Rebuild alley with new material, paving, improved drainage
 - C. One-way design
 - D. Update Ingress and Egress requirements met
- XXII. Neighborhood meetings

Questions:

Commissioner Graham asked for more detail about the drainage, retaining wall, and the height of the retaining wall. Quentin Armijo with Tara Nova Engineering Inc. stated the runoff is down, to the swale behind the wall, routed to the south to another swale, and take the water to the alley. The rest of the drainage below the wall will be caught in swale in a horseshoe design, around the house down the site. The alley will be pitched to the west. The retaining wall height will be 4 feet.

Commissioner Markewich stated when before the Planning Commission previously he thought the entire alley would be rebuilt. Mr. Rising stated he recalled that and explained what they mean by rebuilt. From his northern property line south to West Boulder will be completely rebuilt and they asphalt the entire alley from West Boulder to St. Vrain. It's rebuilt from the north property line to West Boulder because water and sewer are coming from West Boulder. They will regrade and prep for new asphalt from the northern property line to St. Vrain.

Commissioner Markewich asked about the transition from the north part of the alley to the south part where the improvements will be tied into the swale and drainage on the west side. He wanted to make sure anything coming from the north will be captured and not diverted off the natural drainage toward the neighbors on the east side of the alley. Mr. Rising stated they're sloping the alley to the west towards his property and follow that design all the way through. Commissioner Markewich confirmed when repaved there will be a slight grade to the west for the entire alley way. Mr. Rising said yes. Commissioner Markewich stated that should improve the situation for the neighbors to the east.

Commissioner Markewich stated improvements on cross pan and the access on the St. Vrain side were discussed but it did not sound like that would be rebuilt like on the south side. Therefore, what improvements will be made on the north side at the exit of the one-way Mr. Rising stated whatever the city requires. Ms. Thelen stated the applicant can have City Engineering come out and evaluate that access point and let them know what improvements would be needed. Commissioner Markewich stated if the requirement is to get a fire truck in the alley you need to be able to get it out of the alley. Ms. Thelen stated the fire truck can currently access alley at the northern access point. It's not an issue getting in and out, its, is able to support it. Commissioner Markewich stated if fire had to access the alley they'd come from the north and go south and have no problems getting in and out as of right now. Ms. Thelen stated she'd defer to Steve Smith from Fire and explain what would happen today.

Commissioner Markewich said the utilities will be unground but it was mentioned at Informal gas would be coming from the west and down the slope. Mr. Rising confirmed it would come from upper Chestnut, under the retaining wall, down the 5-foot utility easement and then down the alley serving each unit. Commissioner Markewich confirmed CSU fine with all the utility access. Mr. Rising said, yes.

Commissioner Markewich said the wall in question on the north end of the alley, who's responsible for the wall? Mr. Rising said the owner of property owner because it's approximately 15-ft into his property. Mr. Rising said stated he did soils test for pounds per square foot to see if

the alley could sustain big rigs or fire trucks without affecting that wall. Commissioner Markewich said if the wall degrades that is responsible of the home owner. Mr. Rising said, he didn't know.

Commissioner Markewich said he didn't recall two residence having access only from the alley when the application was heard previously and he thought that was important. Homes other than these two have access off both their front street and the alley. But these two have only alley access. Mr. Rising said yes.

Commissioner Walkowski asked how the drainage ties into the street, how do they enter the street, does it overflow into the swale and then then curb and gutter because he's concerned if the water is being channeled to fast and it goes over the curb and gutter it'll go into the neighbors. Mr. Rising stated curb and gutter cut controls the flow around his development to West Boulder. Commissioner Walkowski asked if it was adequately sized and won't overflow that curb and gutter. Mr. Rising said yes.

Commissioner Walkowski asked about the Parking. Mr. Rising said two could park in the garage and two in the driveway. The driveway is 25-ft. Commissioner Walkowski asked is you could double park on the driveway. Mr. Rising said yes. Commissioner Walkowski said it takes one car to block the alley. Mr. Rising said with the length of the driveway you can double park and still have access to the alley. Commissioner Walkowski asked if there will be an HOA for these duplexes. Mr. Rising said no.

Commissioner Walkowski asked who will be in charge of the retaining wall in the back of the site and the maintenance. Mr. Rising said each homeowner. Commission Walkowski asked if there's slippage and bowing and all the homeowners would have to come together to repair it. Mr. Rising said he wasn't sure but they're designing things to last a long time and their engineer can discuss that in more detail. Commissioner Walkowski asked if each home owner will own a part of the preservation area. Mr. Rising said yes, the lot goes all the way to Chestnut. Commissioner Walkowski asked if there was any maintenance agreement for the preservation area. Mr. Rising said no but it's like all home owners have the responsibility to take care of their own property.

Austin Nasica with Entech Engineering gave a Power Point presentation

- I. Gave overview of their testing on the site
- II. Where they completed their test borings
- III. Type of soils found
- IV. Looked primarily the safety factors
- V. Improvements

- a. Xeriscaping
- b. Adding structural fill with an over excavation drain and perimeter drain in the foundation wall
- c. Adding drainage swales
- d. Caissons
- e. Reinforcing slope
- f. Not disturbing existing vegetation on the hillside above

Commissioner Smith asked where the caissons would be located, where the retaining wall would be located, if the retaining wall would not be built directly on the caissons, how drainage will occur in the back yard, if there will be a swale in the back yard, verified the drainage would be the same behind the retaining wall, verified if there would be a retaining wall at the south property line and if the water between the units would go into the alley. Mr. Nascia verified all the information and stated everything they were doing would not affect slope stability.

Commissioner Smith asked about the drainage tile under the structural fill, and if there was an outlet for any water there. Mr. Nascia said it would go to a sump pump. Commissioner Smith asked who responsible for maintenance and operation of the sump pump. Mr. Rising said yes each homeowner.

Commissioner Smith asked about the neighbor to the south and the difference in elevation, so how will they deal with that. Mr. Rising stated all drainage will be captured by the swale and controlled on their property. Mr. Rising said the swale will be built to existing grade and there will a curb and gutter along that area.

Peter Wysocki, Planning and Community Director, stated the application before them is in reference for them to retain access from the alley because code states primary access should be from a street. We need to focus the discussion for the review requirements for the subdivision waiver to access the lots from the alley. CGS reviewed and approved the Geohazard report, engineering approve the drainage plan.

Commissioner Roughton stated the state geologist stated there should be numerous hazard notes to be on the plat. Have they agreed to all of those notes and notifications for future owners that the hazards exist in this site including the ones they just received? Mr. Rising said yes.

Commissioner Roughton said regarding the drainage that any ponding behind the walls would be concern so is there a discharge from Chestnut and Skyline to this site? Mr. Rising said no there is a curb at the top of Chestnut that controls that. Commissioner Roughton asked to where it was diverted. Mr. Rising said down Chestnut. Commissioner Roughton asked when Chestnut was vacated if they retained any

easements for drainage. Mr. Rising said no, it's preservation and has to left alone but there is a utilities easement down the northern side of the property which is where they're bring in the gas.

Commissioner Roughton commended the staff and all involved to accommodate all the issues because it is a compromised site.

Commissioner Henninger asked of the alley has a name. Mr. Rising said it will be Chestnut. Robbins Place will become Chestnut, Robbins Place was vacated.

Supporters: None

Opponents:

Sara Poe is a resident in the neighborhood and the alley is behind her house. She's a member of CONO and Vice-Chair of the Organization of Westside Neighbors and has helped them organize and have their concerns addressed. She wanted to clarify the two homes that were brought up as only having alleyway access they have street access too. Their main concerns were the landslides, drainage, liability to the homeowners' downslope that live there, the safety of fire trucks access with the ingress and egress, and the harmoniousness with their single-family homes. They appreciate Mr. Rising looking at the neighborhood and meeting with them several times. The requirements have been met to a minimum. As a neighborhood they would recommend denial of the application. But if approved they'd like some technical modifications for the developer to meet for their quality of life. Simple things like trees for some privacy, improve the entire alleyway, lighting isn't so bright and up high that it shines into their back windows into bedroom. Biggest point for them though is to recommend denial for safety concerns and liability of current homeowners.

Commissioner McDonald thanked Ms. Poe and informed her that some of the things they ask for are not in their purview but appreciated the input

Commissioner Markewich asked if Ms. Poe was speaking as a neighbor or as a representative of CONO or OWN. Ms. Poe said as a neighbor on behalf of the neighborhood. She brought up those other titles so the Commission would have a perspective of where she's coming from as an individual and that public process is a very big thing and this public process has been very robust. She brought it up because they're trying to look at it holistically as westsiders and a community because they understand infill. They just want to be sure it's safe and makes sense. Commissioner Markewich asked if CONO or OWN had official opinion. CONO has a neutral position and encourages public process, OWN is

generally disliking this but have not made a vote as a Board.

Commissioner Markewich said regarding the alley, he believed it would be done the entire length. The only difference is the southern half will be dug up for utilities but the whole alley being improved from top to bottom will be done. It's good for the neighbors because they will slope towards the west side which will help they neighbors on the east.

Commissioner Roughton stated this was his concern because there's been contradictory testimony about the alley because he's not clear it's being improved its entire length. Mr. Rising said it is.

Mr. Hargrove stated he lives in the very southeast corner where the drainage comes out. According to Mr. Rising there's only two garages that use the alley. He stores his ATV in there and uses it for loading and unloading. He has raised the alley to keep the water from going in his garage because the land keeps coming down a little at a time. There's a lot vegetation up there and once it's gone it's come right down the alley. He has a problem with the slip off if you look at the pillar drawings they don't go into anything solid or the grey rock shale below. How the homes will be stabilized he doesn't know. The houses do not fit the criteria of the area. They don't have 3-story houses 35-ft in the air. One the south end of the alley you're going to build it for a fire truck but what will be done at the north end it's just as narrow at the north as it is at the south end. So all you do is a rough fill patch on the north end there is still no way to the fire trucks out the north end unless they back all the way down the alley to get out with their access.

John Osborn lives at 420 Cooper Ave and is directly east of the alley where this development will be. He recommends denial of the applications. Their main concern is safety for the residents now and any future residents. On March 14, 2017, the City Council voted to pass a landslide ordinance, which Mr. Osborn read. The slopes that are being discussed at this site are 55%. Even if they can be mitigated there are no guarantees. The letter from CGS stated this site is on a moderately steep slope with grades up to 55% and should be considered an area susceptible to future landslide activity. Mr. Rising chooses to build six houses on ½ acre lot with access only by an alley that is 12-ft wide. In May the fire ladder trucks couldn't make it into this alley they brought a smaller truck and it could make it. With a 35-ft structure you need a hook and ladder truck. If people were stuck on the roof they'd be stuck. This isn't an infill project this is life and death decision. Ladder trucks are in excess of 40-ft in length and when you have to put up outriggers that have to be put down to function the ladder they can exceed 15-ft in width. The number one thing in fire apparatus design public alleyway proposed for use by an apparatus must meet at a minimum 20-ft. unobstructed access, not 12.

Rebuttal

Mr. Rising stated they are voting on alley access. Everything that was discussed as far as drainage they are sloping the alley to the west to his property improving drainage to the east. The alley is being rebuilt completely north to south. It will improve access on both ends. It will be a better built neighborhood and a better built project and development. If fire can't access now they will when they're finished.

Commissioner Markewich stated Mr. Rising's previous testimony was you were not rebuilding the alley full length and now you stated you are rebuilding. As Commissioner Roughton has stated and I want to be sure what is being done? Could you take us the entire way of what's going to be done? Mr. Rising stated they will regrade completely from West Boulder, rebuild from West Boulder to the northern side of his property completely. So after all the utilities are brought into the foundation underground, they're bringing in structural material to fill those ditches, that will be packed and have engineers on site the entire time. They're rebuilding the entire entrance from West Boulder to accommodate a fire truck with ladder and hook to access the alley. From his northern property to St. Vrain they are regrading completed and sloping as they did from West Boulder to his northern side and they're doing from the northern property to St. Vrain and then paving the entire alley and then with the cross pan they'll do whatever the City is requiring at this time.

Questions of Staff:

Steve Smith (Smitty), Fire Marshall. Commissioner Markewich asked him to address the access, the fire department's official position is, the ladder truck can they get in there, can it be stabilized with the outriggers.

Smitty stated when the project first came in and he went to the site, there were concerns for apparatus access. He had Engine 3 and Truck 1 come out the site and do an access analysis. The engine was able to make the alley from Boulder without any issues and exit the alley without any issues. But the truck got hung up. The truck is longer than an engine and is what carries the aerial ladder and has the outriggers for stabilization. Because of that that truck being hung up their primary concern was that the intersection of Boulder and the alley were mitigated. Just this week the engineer provided a detail showing there was adequate clearance of about seven inches for the back end of the truck so right now they are comfortable with what is being proposed. As stated previously that if it doesn't work once it's designed and built, they will have them redesign it and build it until it does work.

Commissioner Markewich said Mr. Osborn testified the manual states you need to have 20-ft. in width for the stabilization of a ladder truck

could be done properly. If you only have a 12-wide alley you feel 100% comfortable that a ladder truck can be set up and you have enough room. Smitty said specifically for this project, Mr. Osborn is correct the minimum unobstructed width for a fire apparatus access road is 20-ft. That is what they originally requested but it was realized that wasn't available they had an offset to that would be the sprinklers of the building. Once you sprinker the building the hazard doesn't completely go away but it's significantly reduced. Assuming the sprinklers are properly maintained there shouldn't be a significant fire event in those buildings. So the truck can use that alley and the outriggers can use part of the driveways if need be. Commissioner McDonald confirmed that would be with 25-ft setback. Smitty said yes.

Commissioner Fletcher confirmed Smitty was comfortable with ingress and egress is that an official position. Smitty said yes assuming everything is designed and it built to meet their access they're comfortable with it. Commissioner Fletcher said if doesn't work out the project allows for later redesign and the duplexes are constructed. Smitty said, no. Mr. Rising has agreed to build the cross pan at Boulder at the south end of the alley and once built they'd go out and test it. If it doesn't work it will be readjusted for them until it works and before the CO. Commissioner Fletcher confirmed if the six or seven inches were ok with Smitty as a driver. Smitty said yes.

Commissioner Walkowski asked about clearance where you go in and the turn radius. Was Smitty comfortable with the turn radius? Smitty was ok and they were able to make the turn, but got hung up due to the slope of Boulder. Commissioner Walkowski said the pan limits you now but with reconstruction you're satisfied. Smitty said yes.

Commissioner Fletcher commended staff for looking into all the issues and commends the developer for good quality infill. Commissioner Fletcher asked Ms. Thelen if we have sign off from fire department for access. Ms. Thelen confirmed they did and one of the technical modifications is they must comply with fire access which will be included in the plat document. They will test it to make sure it works. If it doesn't work they will redo it again until it does work. They won't get their CO until city staff is positive it meets the conditions. Right now it works and the drawing shows it works all they're asked is they comply with what they've shown can be done. If they comply we can approve it. If they're drawing isn't accurate and it doesn't work they need to do it until it does work in real life.

Mr. Wysocki, Planning and Community Director, stated, the procedures for subdivisions complies with the infrastructure plans. The Public Works Department inspects the road work. They'll test it and if they don't work or isn't constructed as designed, the developer is required to fix it.

This is done prior to CO. The next step after this is all approved will be to have final construction drawings submitted to engineering, engineering will review it, issue a construction permit, the developer builds the infrastructure and once completed the city goes out and inspects it for the two-year warranty period.

Commissioner Fletcher said it would be basically a failed inspection. Mr. Wysocki said essentially yes.

Commissioner Fletcher said he's not sure about the alleyway and shares Commissioner Markewich's concerns. He's not sure what defines a completed reconstruction. Ms. Thelen clarified that the alley will not be 100% reconstruction. From the north property line to St. Vrain Street there will likely be a mill and overlay. There will be no new pan on the west side of the alley and no new re-compaction of the subgrade. It is different. Your purview would allow you to require reconstruction of the entire alley. From the northern property line south to Boulder Street, the alley will be completely rebuilt with a pan along the west side to take drainage to Boulder Street. At the Boulder entrance the alley pan will be completely redone and reconstructed. For the northern entrance at St Vrain, City Engineering will go out and inspect it and determine if there are additional requirements needed to repair that area but not complete reconstruction.

Commissioner Fletcher asked what is the rationale for the not approving complete reconstruction of the ally. Ms. Thelen stated the concern was fire having adequate access for the entire alley. For the St Vrain access point, the concern was that retaining wall next to the alley would be compromised if a fire truck used that access point. A letter from the professional engineer supporting the ability for the fire truck to come in at that access point was required and provided. For the Boulder access point, the applicant has shown the fire truck can get in and the applicant is willing to repair that portion of the alley as needed. The remainder of the alley has drainage issues we want to take care of because the drainage on the site affects that portion and from the northern property line south. That's why the alley is being completely reconstructed from the northern property line south to Boulder Street. They looked at the drainage and fire to see which areas really needed to be completely reconstructed.

Commissioner Fletcher stated the character of the neighborhood is important and can be a difficult balance to complete infill development that improves the neighborhood's substantially and keeping the neighborhoods character. So what was the rationale for approving the design of the building? Chairperson McDonald stated we don't get to decide the design of the building. Ms. Thelen the pictures shown have not been approved by staff or a regional building permit. We're looking for the subdivision platted to create lots and then they'll go through the

building permit process meeting our standard requirements for height, setback and lot coverage to get approval for their building permit.

Commissioner Walkowski asked for a tech modification for a one-way from Boulder to St. Vrain and if will it signage by the city. Ms. Thelen said the applicant will install signage. Commissioner Walkowski asked about parking in the alley and if it should be a no parking fire access only area. Ms. Thelen said 12-ft alley doesn't allow parking

Commissioner McDonald stated regarding reconstruction of the alleyway would she say from the northern property line to Boulder the reason for complete reconstruction is due to being dug up for utilities. Ms. Thelen said yes but they have to also work on the drainage component to ensure it drains to the west side of the alley.

Commissioner Markewich stated in the packet under the preliminary plat in item 4 it references the cross pan at Boulder Street but there's nothing else in the packet that has an assurance about the cross pan and the exit access on St. Vrain. Should there be a technical modification added that both cross pans schematically need to be approved. Ms. Thelen asked if he was talking about the northern portion. Commissioner Markewich said yes, the only thing in the packet was reference to the southern pan not the northern cross pan. Ms. Thelen stated if they want to propose a new note on the plat, you could propose that the note state upon City Engineering inspection requirements that need to be repair the northern alley access point would be completed by the developer.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Smith said as they've been instructed they're to consider a subdivision waiver for access from an alley and grant a reduced minimum lot width. They've been given significant information about so much more than that such as the development, the construction of the development, the geological survey, the information from the Geotech given what they have to approve. Given that the information it seems to be appropriate. They've asked numerous questions, given adequate answers and he'll be in favor of approving the application.

Commissioner Henninger said there are a couple of issues. One is the Fire access; the fire department says they're good with that. Another is the slope and the layout and the size of the lots. The city says it's ok and are recommending approval. Access in the alley, it will be a one-way, 12-ft wide and that's their recommendation. He has to trust the city because he's assuming some of the liability in the future as far as this lot. He's swayed to approve it by the fact the developer is trying to develop an empty lot and he hopes that the way it's engineered and designed will provide housing and facilities that will go into the

neighborhood. It's a unique neighborhood and with infill are you going to match the design of the neighborhood or advance the design of the neighborhood. This may start to advance the design of the neighborhood with changes as it goes into the future. However, there are too many questions to make it a great project, he'd prefer to deny the project but since the city recommends approval and all requirements are met he will be in support.

Mr. Wysocki provided some clarification. There are three motions and three requests. The first one is the subdivision waiver for access from an alley. If you vote yes on that you can make a motion on the other two items which are the nonuse for lot width and the third item is approval of the preliminary and final plat, which have specific review criteria. However, if you vote no on the first one there is no reason to vote on the other two because you're not granting that waiver. So you'd have to make a motion to deny on the other two applications. If you vote yes on the waiver, but deny the variance for lot width you'd make a motion to deny the preliminary and final plat.

Commissioner Markewich commended all involved. It's a tough site especially when looking at infill. The neighbors will be in an improved position with the alley sloping to the west, the drainage will be taken care and it will lessen drainage into their properties. It will improve the safety

Motion by Graham, seconded by Vice Chair Smith, that this Planning Case be accepted Proposed Motion: CPC SWP 16-00155 - SUBDIVISION WAIVER Approve the subdivision waiver of design standards for the property located at 543 Robbin Place, based on the finding the subdivision waiver complies with the review criteria in City Code Section 7.7.1302. The motion passed by a vote of 9:0:0

Aye: 9 - Fletcher, Graham, Henninger, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Satchell-Smith

5.A.2. [AR NV 17-00141](#)

A request to postpone an appeal of the City Planning Commission's approval of a nonuse variance for lot width and associated subdivision waiver to allow primary legal access via a public alley and preliminary and final plat applications re-platting the subject property from three lots into six lots

(Quasi-Judicial)

Related File: CPC SWP 16-00155, CPC PFP 16-00156

Motion by Markewich, seconded by Vice Chair Smith, that this Planning Case be accepted Proposed Motion: CPC NV 17-00141 Approve the non-use variance to allow a lot width of less than 50 feet as required per City Code Section 7.3.104.A, based upon the finding that the nonuse variance complies with the review criteria in City Code Section 7.5.802.B.. The motion passed by a vote of 9:0:0

Aye: 9 - Fletcher, Graham, Henninger, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Satchell-Smith

5.A.3. [CPC PFP 16-00156](#)

A request to postpone an appeal of the City Planning Commission’s approval of a preliminary and final plat and associated subdivision waiver to allow primary legal access via a public alley applications re-platting the subject property from three lots into six lots

(Quasi-Judicial)

Related File: CPC SWP 16-00155, AR NV 17-00141

Motion by Markewich, seconded by Vice Chair Smith, that this Planning Case be approved as amended Proposed Motion: CPC PFP 16-00156

Approve the preliminary/final plat for 543 Robbin Place based upon the finding that the preliminary and final plat complies with the review criteria in City Code Section 7.7.102, 7.7.204 and 7.7.303, subject to compliance with the following technical and/or informational plan modifications:

Technical Modifications:

Final Plat:

1. Copy the notes on the preliminary plat onto the final plat Notes 1-15.

Preliminary Plat:

1. Revise the note numbering on page 1, there are two note ones.
2. Correct Mat to May for the date in note number 5.
3. Change the words "preservation easement" to "preservation area" on the preliminary/final plat.
4. On sheet 3 update the label for the cross-pan at Boulder St from "MATCH EXISTING CONCRETE PAN." to "REMOVE AND REPLACE CROSS-PAN"
5. Clean up plan notes for water/wastewater service lines. Other notations are overwritten on top of them.
6. Ensure water and wastewater services are located 15' from any property line where gas/electric service lines will be installed. The wet utility services are in conflict with the gas and electric services.
7. Complete and submit the HGL Request form to CSU. Provide a copy of the HGL Response with resubmittal. Revise the Preliminary Utility sheet per the comments received.
8. Remove the existing contours on the Preliminary Utility and Public Facility Plan sheet.
9. Note that the alley will become one way going north.
10. Require City Engineering and Fire approve the egress from the alley to St. Vrain before a certificate of occupancy.

The motion passed by a vote of 8:1:0

Aye: 8 - Fletcher, Graham, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Satchell-Smith

No: 1 - Henninger

5.B. [CPC CU 17-00041](#)

A Conditional Use to allow for expansion of a licensed Medical Marijuana Off-Premises Cultivation (OPC) facility at 2211 East Boulder Street.

(Quasi-Judicial)

Presenter:

Michael Turisk, Planner II, Planning and Community Development

Staff presentation:

Last month there was a posting issue with the site and thus postpone for this month's meeting. The facility is an existing off-premise MMJ grow that wants to expand from 4,000 sq. ft. to 10,000 sq. ft. in the existing building. The item remained uncontested until Ms. Herington received email the morning of this meeting and that email has been entered into the record from Jennifer Nessler, Executive Director for the Feline Rescue Network an adjacent neighbor. She has concerns about air quality and parking. The site it parked per city code, the business is required to have scrubbers. They will let the applicant/owner know there's concerns about odors around the building.

Applicant Presentation:

No presentation but available for questions and will share the email regarding the concerns.

Supporters: None

Opponents: None

Questions of Staff:

Commissioner Henninger asked how many employees. Mr. Torrez with Way Architects stated there were four employees that will remain the same upon expansion.

Commissioner Walkowski asked if there were scrubbers installed now. Mr. Torrez said no but there is a design in the works for 10 scrubbers to be installed.

Commissioner Raughton asked if there was heavy equipment/ trucks that come and go from the site and is there a loading dock. Mr. Torrez stated there's an overhead door but not a loading dock and not a lot of trucks coming into the site. Commissioner Raughton asked if the product was taken away with a semi. Mr. Torrez said no.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

No Discussion

Motion by Walkowski, seconded by Graham, that this Planning Case be accepted

Proposed Motions:

CPC CU 17-00041

Approve the Conditional Use for the medical marijuana off-premise cultivation

based upon the findings that the Conditional Use request complies with the three review criteria for granting a conditional use as set forth in City Code Section 7.5.704, and the development plan review criteria in City Code Section 7.5.502.E. with the following conditions of approval:

1. Contact Colorado Springs Utilities' Field Engineer to discuss the increased electric load associated with the OPC expansion and the required upgrades.
2. Prior to Certificate of Occupancy, the applicant shall install an effective air filtration system and/or another method of adequately mitigating off-site odor generation.

The motion passed by a vote of 9:0:0

Aye: 9 - Fletcher, Graham, Henninger, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Satchell-Smith

6. NEW BUSINESS CALENDAR

- 6.A.1. [AR PFP 17-00122](#) An appeal of the Planning Commission decision to approve the Preliminary and Final Plats to subdivide one 38,460 square-foot lot into two single-family lots located at 28 Polo Drive.

(Quasi-Judicial)

Related Files: AR NV 17-00123, AR NV 17-00124

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development
 Peter Wysocki, Planning and Community Development Director

Staff presentation:

Ms. Lonna Thelen gives a Power Point presentation

- I. Vicinity Map
- II. Zone
- III. Appeal of the applications
- IV. Neighborhood meeting
- V. Proposed Plat
 - A. Existing home torn down
 - B. Lot be divided into 2 lots
 - C. Slope goes to the north
 - i. Preservation area in the north
 - D. Lot width
 - i. Must be met at the front and maintained to the rear setback
 - ii. Front is met
 - iii. Rear not met
- VI. Concerns
 - A. Neighborhood character
 - B. Drainage
 - C. Geologic Hazards
- VII. Neighborhood Character

- A. New lots not in character of existing neighborhood
 - B. Proposed lot size contributes to not matching character of existing neighborhood
- VIII. Variance for lot size
- A. Exceptional or extraordinary conditions
 - i. Lot shape
 - ii. Preservation area over the steepest slope in the north
 - iii. Limited lot coverage to 15%
 - B. No reasonable use
 - i. Reduction of lot size 3.85%
 - ii. Surrounding properties vary in size 11,000 to 31,000 sf
 - 1. 8 properties less than 20,000 sf
 - 2. Precedent set for lot sizes smaller than 20,000 sf
 - C. No adverse impact to health, safety or welfare of surrounding properties
- IX. Lot width
- A. Exceptional or extraordinary conditions
 - i. Front lot line meets the standard
 - ii. Rear portion of lot preservation area due to slope
 - iii. Limit cover lot coverage to 15%
 - B. No reasonable use
 - i. Without variance don't have as reasonable use as surrounding properties
 - C. No adverse impact
- X. Drainage
- A. Final report approved
 - B. No increase to flow rates
 - C. No significant change to existing drainage patterns
- XI. Geologic hazards
- A. Geologic report approved
 - B. Geologic hazard concerns
 - i. Expansive soils
 - ii. Downslope creep areas
 - iii. Potentially unstable slopes
 - iv. Seasonal shallow groundwater
 - v. Artificial Fill
 - C. Majority of concerns in the preservation area
 - D. Neighbors' concerns were groundwater
 - i. Groundwater not encountered at 20' boring depth
 - 1. Foundations not expected to be affected

Appellant presentation

Gary McLaughlin lives at 27 Polo Drive and his concern is setting a precedent being set that the developer will go into the neighborhood and

cut up lots. He's appealing for an aesthetic value. It will affect everyone in the neighborhood. They've experienced this developer living in the neighborhood previously. Once his development starts they do not stay the same size as originally proposed, they get much bigger pushing the property lines. He's hopeful that the developer could stay within the 15% of lot coverage and that the lot coverage would be enforced.

Commissioner Raughton asked if there were covenants in the neighborhood regarding lot size. Mr. McLaughlin said no.

Commissioner McDonald confirmed there were several lots within the neighborhood that are below the 20,000 sf requirement.

Applicant Presentation:

Bruce Fallhouse, Manager for 28 Polo, LLC discussed the reason for the appeal.

1. Requires variances for both lots
 - a. Asked if there was an advantage to dividing into an 18,000 sf lot and a 20,000 sf lot
 - i. No advantage
2. Assertion that 50% of the neighbors are against the subdivision.
 - a. At the first review 26 of 129 raised concerns about subdividing
 - b. Second review 9 of 129 raised concerns about subdividing
 - c. One appealed filed
 - d. A minority oppose the subdivision
3. The serious issues regarding the drainage and lot slippage have been raised
 - a. Entech Engineering completed the Geohazard report
 - i. Reviewed by the City and approved
 - b. Monument Valley completed the drainage report based on Polaris Surveying Information and Topography
 - i. Reviewed by the City and approved
4. By having two lots it doubles the potential for problems.
 - a. Approval letter stated there will be a preservation area on the steep slope of the property to protect the slope
 - b. Applicant limiting lot coverage to 15% to limit impact on surrounding properties
5. Dividing the lot will set a precedent
 - a. Subdivision is review on its own merit
 - b. If approved it wouldn't set a precedent

Commissioner Smith asked if the preservation area included in the 15%. Mr. Fallhouse said no and its memorialize on the plat.

Questions:

Ms. Thelen clarified that it's 15% of the lot size total. The total of the lot

is 19,230 sf. They would be allowed to cover 15 % of that with a structure. They can't put the structure in the preservation area.

Commissioner Smith said then the preservation area is included in the 15%. Ms. Thelen said yes, you just can't put a structure there. It's a total of lot coverage.

Supporters of the application: None

Opponents of the application :

Dennis Weber lives at 715 Bear Paw. They've lived there since 1982 and over 35 years there's been significant drainage problem on his and his neighbor's property. The city's been out several times regarding the drainage problem off the hill and they aren't sure what causes the problem. Streets flood in the summer, mold grows in the gutters along Bear Paw, freezing occurs during the winter because of runoff. They thought this was ground water but eventually the city determined there was some type of pipe that begins on Polo runs down the slope of the hillside into his property and then he pumps the water out into the street so that it doesn't stay in his yard or his neighbor's yard. His concern is regarding changes at the top will cause dramatic changes on the bottom and after a time it will become his problem. He wants to be on record that digging two additional foundations could affect the ground-water and change the entire hydraulics and will be his problem.

DiDi Dierterich she lives at 21 Polo Circle. She and all of her neighbors are against this application.

When she moved into the neighborhood they had the expectations that it would stay the same as it was. They'd have large lots and not subdivided into smaller lots. Why change the character of the neighborhood. There is no necessity to subdivide this lot. There will be adverse effect to the neighborhood. This isn't the type of neighborhood they want. Mr. McLaughlin is appealing on behalf of all the neighborhood.

Tom Perkins he lives on Bear Paw Lane which is below this property. His question is the process. You check everything before you buy it and if what you want to do with the property works you buy it. The applicant has done it the reverse way. He has a plan but, it doesn't fit into what planning has set up for the neighborhood, so he buys the property and wants the city to change to fit his plan. He doesn't think it meets the three requirements. There's no extraordinary condition and there is a house on the property. You're talking about knocking down a house, splitting the lot, and building two houses on it. Regarding no reasonable use, there is a reasonable use a house is already there. No adverse effect yet there is a petition with over 130 signatures against this. The integrity of the public process is in question. Why go through all this and

then do what the neighborhood doesn't want and what the zoning doesn't allow. Lot size is deceptive and there's not as much building area as you think. Why does one person have to do it one way and another do it another way because you'll get a different answer from a different planner. He has a history in the neighborhood of pressing the envelope and that's why the neighborhood doesn't want it. You will be setting the precedent. You could do something different than split the property and knock the house down.

Aaron Johnson lives at 23 Polo Drive and he'd ask how much of the area is taken up by the preservation area. If it's 15% lot coverage and you subtract the preservation area and the proposed development is over 15% total it's becomes less to build on. It's not within the character of the neighborhood. The precedent will be set for splitting a lot for two houses. That will be the precedent. Yes there are lots smaller than the 20,000 sf. On the original Polo plat there are all different sizes of lots. The homes are older in the neighborhood and that's what we like. There is a house there that is in bad shape but it could be improved. He doesn't think what is being proposed is the right way to go about it.

Miles Matthew spoke about property rights. He also made an important point for him about geological issues because there was a sink-hole that occurred in that street about four months ago. He's not sure what caused it and what was done to mitigate it. There's been concern mentioned of flooding onto Bear Paw and piping in the area that needs to be considered. There was only one bore hole done on the property to determine if it was geologically sound and he doesn't know if that's enough.

Paul O'Brien lives at 26 Polo. He has two items. One, no reasonable use for the property, there is one there's an existing house that could be a single family home which is a reasonable use. The second one is the lot shape. City staff stated it almost meets that 100-ft width. He feels that was a significant point. The applicant is asking for the variance to give him that extra space

Lisa Sacco she lives at 16 Polo Drive and has one of the smallest lots. She bought the house about one year ago and has been renovating it. She thinks the applicant could do the same to his property. She thinks the neighbors that are opposed to this because it will let the neighborhood slip away one lot at a time. There are so few neighborhoods in Colorado Springs that can be preserved and when she went around to the neighbors to ask about the project, she got over 130 signatures in opposition.

Susan Marquez lives at 14 Polo Drive. She thought a single home was a reasonable use it does doesn't need to be split. She agrees with much

of what has been already said. She doesn't want all the lots to be divided along the whole street. It will set precedent. The sink hole happened at the end of her driveway and they have no idea what caused it so that needs to be check into and if the area is geologically sound or what is going on in the area to cause that. She worries about neighbors and drainage. What happens when all the trees get cut down if the trees what is holding that soil. Slow down and take a careful look at it.

Appellant:

Mr. McLaughlin stated all the concerns have been voiced and he appreciated the opportunity to be heard and asked that Commissioners take them into consideration because the home owners will have to live with their decision for years.

Applicant:

Mr. Fallhouse stated there's confusion because the subdivision application was approved this is an appeal to that application. As part of the approval the drainage issue was addressed and approved so it's been brought to closure.

Commissioner Walkowski asked why subdivide. Mr. Fallhouse stated the original intent was to build a home for his wife and himself. The current structure was built in 1951 and they have looked at every option to try and preserve the structure or the foundation. He's a general contractor and it's not feasible in its current state. When it was bought through the foreclosure market there were 14 people that bid on it and some wanted to subdivide it into three lots. He wants to build really small home, he has completed an initial design, with all the building and a deck it will be approximately 2,000 sq. ft. It made sense to remove the existing structure, apply for the subdivision application it would give them a lot they may be able to use in the future for their family. So live in a smaller structure and possibly do same on the lot next to it.

Commissioner Walkowski said you could build the house you're talking about on the existing lot as is. Mr. Fallhouse said yes and he could build the house on one lot or build it on an even smaller lot.

Commissioner Walkowski said you're voluntarily coming to the City to replat, correct. Mr. Fallhouse said he made a subdivision application to the city that was approved, a preliminary and final plat that were approved, there was an appeal, and he's at the meeting with an affirmative defense to the appeal.

Questions of Staff

Commissioner Markewich about how the 15% lot coverage was

calculated. The coverage is on the all the structures on the lot. It doesn't include driveways. If decks are over 18-inches they are included in the lot coverage and potentially porches depending on the height.

Commissioner Markewich said from a drainage standpoint when the engineers did the drainage will the water coming off the structures go back onto Bear Paw or will it go onto Polo Drive. Ms. Thelen said she'd defer to Patrick Morris to answer that.

Patrick Morris with City Engineering Development Review stated according to the drainage report they are following the historic drainage on the lot which is towards the northwest and the proposed lots continue that same pattern. It's doesn't address downspouts or runoff from a roof.

Commissioner Markewich asked if Mr. Morris knew anything about the pipe mentioned by the neighbor. Mr. Morris said there was no mention of the pipe going from Polo Drive to Bear Paw. Commissioner Markewich confirmed City Engineering was fine with the drainage part of the application. Mr. Morris said yes.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Addressing a comment from neighbors regarding the lack of a formal process, Commissioner Markewich stated this is a part of formal process for reviewing items in different situations and circumstances. This lot is nearly twice the size of neighbors directly around the area who have less than 20,000 sq. ft. If we allow the division of this lot, the remaining two lots will be less than 4% off that required 20,000 sq. ft. The staff is typically allowed to adjust and make administrative allowances when a requirement is within a small percentage from our written code and this fits in with this. It's not a huge difference. Every time neighbors see something near their home we think in the worst case scenario. They may get lucky and end up with 2 new great neighbors instead of just one. He didn't believe it will degrade the neighborhood; we're not that far off from the letter of the code and based on that, and the professional staff, the engineers all have allowed it to go forward and looking at the review criteria and he believes it's a reasonable use. He's going to vote to deny the appeal.

Commissioner Raughton stated he had to take exception to some of the arguments by staff. In his experience precedent becomes policy. We can argue about lots split in the future if we approve a lot split. Is it an appropriate lot split? First of all it's a compromised site and from his language thus the reason for the preservation easement. The basis of zoning talks about adequate light, air and useable space. When you look at this site one-third of the site is compromised, less usable and one-half of the remaining lot is unusable in terms of that lot. That

concerns him in relative to this specific precedent. Commissioner Raughton stated he lives in an adjacent neighborhood, the Portales neighborhood, and they have covenants that prevent this but this neighborhood isn't protected in that way. He will not be voting in support.

Commissioner Walkowski stated he appreciated staff working with the applicant to try and make this work. As he looks at the review criteria and it says this appeal is reasonable, erroneous, against the expressed intent of the zoning ordinance. When he looked at the review criteria for use variances you have to prove reasonable use. The lot as is has reasonable use. But what's happened is the applicant has voluntarily requested additional lots when then makes it non-reasonable due to the various reasons the planner has come up with but reading the review criteria it says this explicitly: "the self- imposed conditions such as voluntarily platting does not constitute evidence of no reasonable use." His argument and thinking is that this does not meet the criteria for no reasonable use and he will not support it. In the past he's voted for a number of marginal projects based on the code. He looks at the code and uses his judgement it doesn't meet the code and that's the reason he's not in support.

Commissioner Henninger stated Commissioner Markewich brought up a point that we look at a lot of things uniquely because someone is asking for a variance or something is going to change. He looked at the lot and the basic concept for what is planned could be reasonable in some situations. He has to take in consideration the size of the lot in relationship to the easement applied to the lot and then apply the criteria. Understanding that a portion of this lot is unusable he has to back off and look at what would be built on the remaining section. He doesn't agree with the Planning Department as far as taking in the whole thing and including the square feet associated with the easement. As a result of that he cannot go ahead and support the application. He will support the appeal.

Motion by Markewich, seconded by Vice Chair Smith, that this Planning Case be accepted Proposed Motion: AR PFP 17-00122 - Deny the appeal and uphold the approval of the preliminary and final plat for 28 Polo, based upon the finding that the preliminary and final plat complies with the review criteria in City Code Section 7.5.906.A.4. The motion passed by a vote of 6:3.

Aye: 6 - Fletcher, Graham, Smith, Chairperson McDonald, Markewich and Satchell-Smith

No: 3 - Henninger, Raughton and Walkowski

6.A.2. [AR NV
17-00123](#)

An appeal of the Planning Commission decision to approve a nonuse variance to allow two 19,230 square foot lots where 20,000 square feet is required in the R zone district located at 28 Polo Drive.

(Quasi-Judicial)

Related Files: AR NV 17-00024, AR PFP 17-00122

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development
 Peter Wysocki, Planning and Community Development Director

Motion by Markewich, seconded by Vice Chair Smith, that this Planning Case be accepted Proposed Motion: AR NV 17-00123 - Deny the appeal and uphold the approval of the nonuse variance to allow two 19,230 square foot lots where 20,000 square feet is required, based upon the finding that the nonuse variance complies with the review criteria in City Code Section 7.5.906.A.4.. The motion passed by a vote of 6:3

Aye: 6 - Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich and Fletcher

No: 3 - Henninger, Raughton and Walkowski

6.A.3. [AR NV 17-00124](#)

An appeal of the Planning Commission decision to approve a nonuse variance to allow a 67-foot lot width at the rear setback line for Lot 1 and a 59-foot lot width at the rear setback line for Lot 2 where 100 feet of lot width is required at the front and rear setback line located at 28 Polo Drive.

(Quasi-Judicial)

Related Files: AR PFP 17-00122, AR NV 17-00123

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development
 Peter Wysocki, Planning and Community Development Director

Motion by Markewich, seconded by Vice Chair Smith, to Deny the appeal and uphold the approval of the nonuse variance to allow a 67 foot rear yard lot width for Lot 1 and a 59 foot rear yard lot width for Lot 2 where 100 feet is required, based upon the finding that the nonuse variance complies with the review criteria in City Code Section 7.5.906.A.4. The motion passed by a vote of 6:3

Aye: 6 - Fletcher, Graham, Smith, Chairperson McDonald, Markewich and Satchell-Smith

No: 3 - Henninger, Raughton and Walkowski

7. Adjourn