



City of Colorado Springs

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

Meeting Minutes - Draft Planning Commission

Thursday, January 17, 2019

8:30 AM

Council Chambers

USAFA Annexation

**6.B. CPC A
18-00124**

An ordinance annexing to the City of Colorado Springs that area known as USAFA Addition No.1 Annexation consisting of 85.23

(Legislative Items)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:

Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Before the presentation began, Commissioner Hente publicly announced that he graduated from the United States Air Force Academy, he is a volunteer at the Academy and he is a contributor to various organization on the Academy. Commissioner Hente explained he is not in a decision making position for any of the organizations, nor does he have any financial interest in any of the projects being presented. Commissioner Hente gave full disclosure of his association with the Air Force Academy, and explained he would not be recusing himself.

Staff presentation:

Ms. Carleo presented a PowerPoint detailing the scope and intent of the project.

Key Points:

- This is a serial annexation, which means the overall portion did not meet contiguity, so it was broken up into two pieces, Filing No. 1 (85.23 acres) and Filing No. 2 (97.90 acres)
- Proposed zoning is Planned Unit Development, which allows Commercial, Office, Retail,, Institutional, Hospitality and Open Space
- The Master Plan outlines the developable area consisting of 57 acres
- 125 acres is dedicated open space
- The Preble's meadow jumping mouse is not located within the developable 57 acres
- Santa Fe Trail will remain and is under the jurisdiction of El Paso County; a proposal to relocate the trailhead to the USAFA Visitor Center which would provide additional parking with possible amenities

- Staff evaluated the annexation on the current Comprehensive Plan, as well as the oncoming PlanCOS

Applicant Presentation:

Dan Schnepf, Matrix Design Group and Blue & Silver Development Partners, LLC, presented a PowerPoint detailing the land plans, development components, environmental components, and scheduling.

Questions:

Commissioner Hente pointed out this is a unique property in that it will be located within the City but owned by the government. Commissioner Hente asked Ms. Carleo to talk about the response for police and fire who would be responding to emergencies.

Ms. Carleo stated City police and fire will respond. The police for the USAFA will also respond, but it will be the responsibility of the City since the property will be within the City. Commissioner Hente asked if the same applied for fire, and Ms. Carleo confirmed that it would apply.

Supporters:

Tim Mitros - Mr. Mitros manages the Copper Ridge Metro District, which is across the street from the USAFA Annexation. Mr. Mitros is in support of this project and said it would bring a lot of synergy to the area especially with the office complex provided. Mr. Mitros expressed they are excited about the project. Mr. Mitros also referred to an easement that needs to be expanded and is looking forward to working with the Air Force Academy.

Russ Laney - Mr. Laney shared that he is a 1976 Air Force Academy graduate. Mr. Laney said this projects plays right in to PlanCOS and can be an incredible resource. The project will make North Gate a gateway to Colorado Springs.

Opponents:

Fran Silva-Blaynney - Ms. Silva-Blaynney requested an extension on the public comment period for the annexation, the zone change and the master plan. The public comment period was only 10 days and Ms. Silva-Blaynney said it is only fair for all the materials to be available in order to make comments. Ms. Silva-Blaynney said to date, there has not been a completed environmental assessment, the biological assessment has not been completed, and there is no determination by US Fish and Wildlife as to the wetland permit being needed. Ms. Silva-Blaynney requested public comment period to be extended until after all environmental assessments have been completed.

Judith Rice-Jones - Ms. Rice-Jones shared she has been a 40-year resident and a lifelong Air Force dependent. Ms. Rice-Jones commented on the open

space at the Air Force Academy and would like to keep that open space the way it is because it provides beautiful scenery. Ms. Rice-Jones was concerned the project would just become a tacky development along Interstate 25 and would not be an asset to the City.

Matt Oliver - Mr. Oliver is a cadet with the Air Force Academy. Mr. Oliver stated he was against the annexation due to the Academy being one of the few large preserves remaining in this area. He shared he has seen herds of elk, deer, bears, and coyotes. Mr. Oliver spoke about what construction would do to Monument Creek. He gave an example of how on the Academy, the water is clear, and then turns brown and odorous further along the Santa Fe Trail due to construction. Mr. Oliver also said the open space is used for educational purposes for the cadets and does not want to lose that.

Juliet Parker - Ms. Parker stated it would be ridiculous to expect the public to make an appropriate decision, opinion or comment without all of the information. She mentioned concerns about Monument Creek and how development will affect it, as well as the wildlife on the Academy. She requested no decision be made until all the reports come in with how the environment will be impacted. Ms. Parker also wanted to know about gun carriers coming to the hotel, since it is owned by the government, it is illegal to have guns on the property. Ms. Parker also wanted to know how taxes work. Will people staying at the hotel pay taxes or will it be tax free. Ms. Parker said all of those things should be addressed before going through with this.

Bill Sulzman - Mr. Sulzman mentioned how North Gate Road would remain a private road leading into City property. Mr. Sulzman questioned how the taxes will be paid. Mr. Sulzman said he does not understand how things add up since North Gate Road would remain private.

Rebuttal:

Mr. Schnepf wanted to convey that the property that was selected for this project was selected by the Air Force. Mr. Schnepf reiterated that the developers have no stake or the ability to change the property and that they are only meeting the development requirements in the RFQ.

Mr. Schnepf said great care was taken with the selection of this property to lessen any impacts to the ecology, the Preble's jumping mouse, and Monument Creek, which is outside of the 100 year flood plain. This project also includes greater connectivity to the Santa Fe Trail with an interpretive area for both recreation and to be an entrance to the Santa Fe Trail.

Questions of Staff:

Commissioner Raughton asked Mr. Schnepf about the Tax Increment Financing

(TIF) and how it benefits the City and City for Champions.

Mr. Schnepf explained the property currently is not being taxed by the government and the City receives no benefit. After the development occurs, that will no longer be the case. There will be tax increment from the lease hold improvements, the land, and also the physical improvements that are made. Without the TIF, this project wouldn't work.

Mr. Wysocki clarified that the property will not be owned by the City. The property is being annexed into the City limits, but the ownership will remain with the Air Force Academy. Through the enhanced use lease that is being negotiated, private businesses will pay City property taxes, sales taxes, including the lodging tax. The required fiscal impact analysis ensures that any land annexed into the corporate City limits will pay for itself and/or does not create an additional burden onto the existing tax payers.

Mr. Wysocki asked Katie Carleo to speak about the public notice process and that this process actually started months ago. He also explained this is not the last opportunity the City or any concerned will have an opportunity to comment on. Even projects that are reviewed administratively require public notification and notice. Mr. Wysocki further explained that with this annexation there is a master plan and a concept plan, but it is conceptual. The details come later when the developers prepare the final development plans where we can have specific delineations where buildings will be located, drainage facilities, traffic and so on.

Ms. Carleo explained the annexation petition was first heard at City Council on October 23, 2018, and there was a notice for that petition to be heard. After that, the land use items were submitted to the City. Standard City Code was followed by posting on the property as well as postcards being mailed, which was completed on October 29, 2018. From that time, the project has been out in the community with opportunity for anyone to reach out and provide comments. The Mining Museum responded and there was a conversation with them, and since that time, the public hearing moved forward with the posting of the property and mailing to the buffered property owners. Ms. Carleo explained that as this moves forward, any development plan or final plat that show all of the details for the specific development would again go through the same City process for publicly noticing the neighbors and posting the site.

Commissioner McMurray asked when the detailed information is submitted, would the Planning Commission be involved in that process. Ms. Carleo stated the development plans and plats will not be seen by this body and will be approved administratively. It will follow the same public notice process so the public can comment to staff and be part of the process.

Commissioner McMurray said he was interested to know more about the collaboration that's taking place between the developer, the City, and the County on the Santa Fe Trail integration. Mr. Schnepf answered that it is still in the conceptual phase but they are looking at a 2400 square foot area at the trailhead to be improved with some athletic activity, and also having that connectivity from the north to the south. There are also historic elements that will be protected and earmarked, as well as vegetation and landscaping. The parking is also being accommodated in the parking plan for the entire property.

Ms. Carleo also explained the partnership with the Santa Fe Trail has to do with the physicality of the trail. The majority of the trail is in El Paso County, a piece of it will be within City limits with the annexation, and the trailhead will be at the Visitor Center.

Commissioner McMurray asked why this project was before them without the Environmental Assessment. Ms. Carleo explained that an EA is not required at an annexation or master plan level. When this project goes to the development stage, the EA will be required at that level.

Commissioner Almy asked what the risk was to the City if one of the environmentals comes back requiring a major rework or revisualization of the whole project. Ms. Carleo explained that any of the environmentals that are happening now will have mitigation measures. Those mitigation measure would need to be completed prior to the development plan. There may not be a risk to the City, but potentially, the developer and the developable area. Ms. Carleo shared that the City has seen information on the EA as it sits right now, with preliminary input from Fish and Wildlife, Army Corp of Engineers, and others. With that information, the City felt comfortable moving forward.

Mr. Schnepf added that the EA is quite advanced and he had someone present to answer any specific questions. Mr. Schnepf also said that it is a requirement of the Air Force contract enhanced use lease to complete the EA.

Mr. Wysocki said that the environmental assessment is actually a requirement of USAFA for the lease. Mr. Wysocki explained the City annexes land frequently and an environmental assessment is not required. In this case, the environmental assessment is part of the negotiation between the private party and the federal government. Mr. Wysocki clarified to the commissioners that their role in the annexation is to recommend to City Council whether or not the annexation meets the City's Comprehensive Plan. This annexation is virtually the same as with any private developer wanting to annex land into the City. They are subject to police and fire fees, drainage fees, and are subject to meet all the applicable City development standards.

Commissioner Graham asked if the trailhead parking was part of the parking for the Visitor’s Center or if it had its own parking.

Ms. Carleo said this is still conceptual, but in general, the trailhead would be located near the Visitor’s Center and have the resource of the parking that will be there. Mr. Schnepf explained that all of the parking analysis and traffic studies have included parking for the trailhead at the Visitor’s Center.

Commissioner Graham asked how much of the 181 acres is left as open space, and Mr. Schnepf said about 125 acres.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Hente said he was prepared to make motions and said this project is long overdue. There have been security concerns since on the Air Force Academy since 9/11, but it is an aggravation to get onto the Academy’s grounds even under the best of terms. This project would alleviate the security concerns and the traffic in and out of the gates. Commissioner Hente also said this project is not without precedence. The United States Naval Academy is in a unique position as it is shoehorned into the City of Annapolis. He explained their visitor center is located right inside of the pedestrian gate for the entrance into the Naval Academy and the visitor center at West Point is located outside of the gate so visitors can enjoy the center without having to go through the security concerns that are present there. This project will allow basically what the other academies are doing and enhancing the visitor experience.

Motion by Hente, seconded by Raughton, to recommend approval to City Council the annexation of the USAFA Addition No.1 Annexation based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.

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

Aye: 8 - Hente, Raughton, McMurray, Vice Chair Graham, Chairperson McDonald, Eubanks, Almy and Smith

Absent: 1 - Satchell-Smith

- 6.C. CPC A** An ordinance annexing to the City of Colorado Springs that area known as USAFA Addition No.2 Annexation consisting of 97.90 acres.
- 18-00125**

(Legislative Items)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:
Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

See Item 6.B.

Motion by Hente, seconded by Raughton, to recommend approval to City Council the annexation of the USAFA Addition No.2 Annexation based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.

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

Aye: 8 - Hente, Raughton, McMurray, Vice Chair Graham, Chairperson McDonald, Eubanks, Almy and Smith

Absent: 1 - Satchell-Smith

6.D. CPC MP 18-00138 A resolution for the True North Commons Master Plan illustrating future development of 57.84 acres and 125.30 acres open space located southwest of North Gate Boulevard and Interstate 25.

(Legislative Items)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:
Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

See Item 6.B.

Motion by Hente, seconded by Smith, that this Resolution be referred to the Council Work Session. The motion passed by a vote of

Aye: 8 - Hente, Raughton, McMurray, Vice Chair Graham, Chairperson McDonald, Eubanks, Almy and Smith

Absent: 1 - Satchell-Smith

6.E. CPC PUZ 18-00137 An ordinance amending the zoning map of the City of Colorado Springs pertaining to 183.14 acres located southwest of North Gate Boulevard and Interstate 25 establishing the PUD (Planned Unit Development; Commercial, Office, Retail, Institutional, Hospitality, Open Space) zone district

(Legislative Items)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:
Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

See Item 6.B.

Motion by Hente, seconded by Smith, to recommend approval to City Council the establishment of the PUD (Planned Unit Development; Commercial, Office, Retail, Institutional, Hospitality, Open Space) zone district, 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

Aye: 8 - Hente, Raughton, McMurray, Vice Chair Graham, Chairperson McDonald, Eubanks, Almy and Smith

Absent: 1 - Satchell-Smith

6.F. CPC PUP 18-00177 The True North Commons Concept Plan illustrating future development of 57.84 acres of commercial, office, retail, institutional, and hospitality located southwest of North Gate Boulevard and Interstate 25

(Legislative Items)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:
Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

See Item 6.B.

Motion by Hente, seconded by Smith, to recommend approval to City Council the True North Commons PUD Concept Plan, based upon the findings that 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 8:0:1

Aye: 8 - Hente, Raughton, McMurray, Vice Chair Graham, Chairperson McDonald, Eubanks, Almy and Smith

Absent: 1 - Satchell-Smith