



City of Colorado Springs

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

Meeting Minutes - Final Planning Commission

Thursday, December 21, 2017

8:30 AM

Council Chambers

1. Call to Order

Roll Call

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

[17-1414](#) Minutes for November 16 City Planning Commission Meeting

Presenter:
Rhonda McDonald, Chair

Motion by Henninger, seconded by Satchell-Smith, that this Minutes be approved Proposed Motion
Minutes. The motion passed by a vote of

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

3. Communications

Rhonda McDonald - Chair

Peter Wysocki - Director of Planning & Development

Mr. Peter Wysocki, Planning Director - nothing since informal. The commissioners were emailed the PowerPoint presentation from the HBA affordable housing forum. If they have questions they can contact the HBA.

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. [CPC LUM 17-00143](#) An Ordinance amending the Comprehensive Plan 2020 Land Use Map reflecting changes from July 1, 2015 through June 30, 2017.

(Legislative)

Presenter:

Conrad Olmedo, Comprehensive Planner II, Planning and Community Development

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Motion by Walkowski, seconded by Vice Chair Smith, 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

ITEMS CALLED OFF CONSENT

4.B.1. [CPC ZC 17-00120](#)

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 5.1 acres located at 1330 and 1360 Kelly Johnson Boulevard from PIP-1 (Planned Industrial Park) to PBC (Planned Business Center).

(Quasi-Judicial)

Related file: CPC CU 17-00121

Presenter:

Peter Wysocki, Director Planning and Community Development

Catherine Carleo, Principal Planner, Planning and Community Development

STAFF PRESENTATION:

Ms. Carleo gave a PowerPoint Presentation discussing the proposed intent of the project

APPLICANT PRESENTATION:

Carl Stout with Garret Companies in Greenwood, Indiana and Drew Kitter Civil Engineer with Core Consultants in Littleton, Colorado gave a brief PowerPoint presentation regarding the scope of the project

QUESTIONS:

Commissioner Markewich asked how the property was marketed. Mr. Stout stated they had no particular demographic they market to.

Commissioner Fletcher asked about approving an administrative relief for the height request beyond the PBC zoning. Ms. Carleo stated code allows for 15% of any numeric value. They're allowed to apply for 15% of 45-ft. Staff commonly supports this and this commission has supported other multi-family units and projects that are similar.

Commissioner Fletcher asked what about those that goes beyond 15%. Ms.

Carleo said they'd become a variance. Commission Fletcher confirmed it would come before the board. Mr. Wysocki, Planning Director, stated a variance would not come before the board. It would be approved administratively. If packaged with a conditional use and a zone change you'd see it then.

Commissioner Fletcher said he's concern about increasing heights and preferred they go back to the PBC zoning and re-discuss it with Council rather than making exceptions until we get taller and taller. Chair McDonald suggested talking about that with Council at a later date but to move forward with this application. Commissioner Fletcher agreed but his decision is based on an increasing height issue.

Ms. Carleo stated the two applications before them are the zone change and the conditional use. The administrative relief is not before the board. Commissioner Fletcher asked if they were voting on that even though it's listed under the conditional use plan and amendments to the zoning code could be detrimental to the goals and policy of the Comprehensive Plan.

Commissioner Fletcher asked about the D20 school district concerns, the fees, and who'd pay those fees and if the concerns were resolved. Ms. Carleo stated D20 has a developer fee the developer pays towards the district. The emails from the D20 reviewer, Mr. Smith, mentioned although the applications may be supported by the Commission and staff he wanted to point out the property as a PIP-1 zone didn't account for students to be part of D20. In his email he recognized a multi-family complex of this size will not add a large number to the school district system. His email voiced the concerns as far as the property moving to PBC but recognizing the requirement would be met with the fees. Commissioner Fletcher clarified the developer will pay a fee and D20 is satisfied with that. Ms. Carleo said yes.

Commissioner Fletcher said concerns regarding the Air Force Academy and he'd guessed it has to do with security and boundary. Ms. Carleo said the concern from the Academy in this general area is the height of buildings. Some properties near the Academy have the High-Rise Overlay but this property is not one of those so as a general comment USAFA wants to ensure that height is kept as something they can review, which they did and they do not have a concern with the 45-ft or the 51'9" with the administrative relief. Their concerns are if the height is 125-ft or higher for their flight patterns.

Commissioner Fletcher said he didn't see this was in an airport overlay zone. Ms. Carleo said this isn't an airport overlay zone but the city has a 2-mile buffer from the Academy and allows USAFA to provide comment and their standard comment came back that they were just looking at the height and did not have a concern with the 45-ft height. Commissioner Fletcher confirmed the Academy didn't have a concern about the height. Ms. Carleo said that was correct.

Commissioner Fletcher asked City Attorney Marc Smith about the administrative relief and if he could base his decision on the request for

administrative relief based on height. City Attorney Smith asked if the administrative relief was reflected on the development plan. Ms. Carleo said yes. City Attorney Smith stated he could use that as part of his decision.

SUPPORTERS: None

OPPONENTS: None

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich stated he appreciated Commissioner Fletcher’s reading of the packet but he doesn’t have concerns about height. They aren’t increasing building upon height over and over again. It’s a general 15% administrative relief to give staff and developer a small amount of flexibility. It’s worth having a conversation and he imagines that is something in Plan PlanCOS process that’s being discussed. Regarding the school district he didn’t believe this will cause problems and but they’ll get the money from the developer and adjust as needed. He looked at the cite and the zone change request he felt it met the parameters of section 7.5.603 for a zone change and the conditional use development plan with the modifications listed and confident the project will meet city code. So he’s in support.

Commissioner Smith stated he echoed Commissioner Markewich’s comments and the items are very minor and won’t affect anything in his opinion. He’s supporting the application.

Motion by Markewich, seconded by Satchell-Smith, to Recommend approval to City Council the zone change from PIP-1 (Planned Industrial Park) to PBC (Planned Business Center), based upon the findings that the change of zoning request complies with the criteria for granting of zone changes as set forth in City Code Section 7.5.603 to the City Council. The motion passed by a vote of 9:0:0

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

4.B.2. [CPC CU 17-00121](#)

Caliber at Chapel Hills Conditional Use Development Plan for a multi-family apartment complex located at 1330 and 1360 Kelly Johnson Boulevard.

(Quasi-Judicial)

Related file: CPC CU 17-00121

Presenter:

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

Motion by Markewich, seconded by Raughton, to Recommend approval to City Council for the Caliber at Chapel Hills Conditional Use Development Plan, based

upon the findings that the development plan meets the review criteria for conditional use as set forth in City Code Section 7.5.704 and meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E) with the following technical modifications:

1. Update site data on cover sheet pertaining to ADA parking calculations.
2. Update administrative relief waiver requested table to show exact height calculations.
3. Include notes for easement to be vacated, and include all final easement locations.
4. Identify ownership and maintenance for commonly irrigated and maintained portions of the site.
5. Correct final location of hydrants. to the City Council.

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

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

5. UNFINISHED BUSINESS

- 5.A.1.** [CPC MP 87-00381-A2 0MJ17](#) Major amendment of the Banning Lewis Ranch Master Plan changing the land use of 162 acres from industrial park and retail to residential, office, industrial/research and development and neighborhood-scale commercial land uses located east of Marksheffel Boulevard, south of Space Village Avenue, and north and west of undeveloped property within the Banning Lewis Ranch.

(LEGISLATIVE)

Presenter:

Meggan Herington, Assistant Director, Planning and Community Development

Motion by Markewich, seconded by Graham, Recommend postponement to the January 18, 2018 City Planning Commission hearing and to the Planning Commission Informal, due back on 1/11/2018. The motion passed by a vote of 9:0:0

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

- 5.A.2.** [CPC ZC 16-00152](#) Reagan Ranch zone change of 162 acres from PIP-2/PBC/AO/APZ-1 (Planned Industrial Park/Planned Business Center with Airport Overlay and Accident Potential Zone-1) to PUD/AO/APZ-1 (Planned Unit Development with Airport Overlay and Accident Potential Zone-1) located east of Marksheffel Boulevard, south of Space Village Avenue, and north and west of undeveloped property within the Banning Lewis Ranch.

(QUASI-JUDICIAL)

Presenter:

Meggan Herington, Assistant Director, Planning and Community Development

Motion by Markewich, seconded by Graham, Recommend postponement to the January 18, 2018 City Planning Commission hearing and to the Planning Commission Informal, due back on 1/11/2018. The motion passed by a vote of 9:0:0

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

5.A.3. [CPC CP 16-00153](#)

A PUD Concept Plan illustrating the amendment of the existing industrial park land use type and eliminating the retail land use type in favor of residential, office, industrial/research and development and neighborhood-scale commercial land uses located east of Marksheffel Boulevard, south of Space Village Avenue, and north and west of undeveloped property within the Banning Lewis Ranch.

(QUASI-JUDICIAL)

Presenter:

Meggan Herington, Assistant Director, Planning and Community Development

Motion by Markewich, seconded by Graham, Recommend postponement to the January 18, 2018 City Planning Commission hearing and to the Planning Commission Informal, due back on 1/11/2018. The motion passed by a vote of 9:0:0

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

6. NEW BUSINESS CALENDAR

6.A. [AR NV 17-00569](#)

An appeal of an administrative approval for a nonuse variance to allow an 18 foot front yard setback where 25 feet is required to accommodate a 120 square foot shed located at 2429 Zane Circle.

(Quasi-Judicial)

Presenter:

Susanna Dalsing, Planner I, Planning and Community Development

STAFF PRESENTATION:

Ms. Dalsing gave a PowerPoint presentation

APPELLANT PRESENTATION:

Berkley Martin gave a PowerPoint presentation

APPLICANT PRESENTATION:

Mr. and Mrs. Skinner gave a PowerPoint presentation

QUESTIONS:

Commissioner Graham asked if the trees will be in front of the fencing. Ms. Dalsing said that wasn't determined yet. Commissioner Graham clarified the utilities volt being affected by trees. Ms. Dalsing stated CSU states landscaping has to be 2-ft from the volt. Commissioner Graham asked if the shed could be placed in the back. Ms. Dalsing said it could but they'd have to cut down some trees and do some grading.

Commissioner Raughton asked if the driveway was a legal drive and if the curb cuts are approved. Ms. Dalsing said that wasn't part of the review for the nonuse variance. The driveways have been there since 2002. Meggan Herington, Assistant Planning Director, stated they didn't do a permit search for driveway curb cuts. They were there before this owner was there; there have been no concerns about the safety as far as the graveling of the driveway. If it's not a new build and it's a historic drive gravel driveways are based on the history of when the driveway was in put in.

SUPPORTERS: None

OPPONENTS: None

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Markewich stated the applicant acted and moved the shed from to the current location. It met all the setbacks. He gives the homeowner credit in working with staff and following their recommendations. He didn't want to punish the homeowner by making them move the shed again. But there'd be a more detrimental view of hillside. They tried not to disrupt the hillside. If the home owner could make the shed look better that could help resolved a lot of the issues. Ms. Herington stated the shed isn't finish. They stopped everything when the appeal came in. Commissioner Markewich stated ok. He's going to vote to uphold the administrative approval and deny the appeal.

Commissioner Smith said some things in the neighborhood were unattractive but that's the nature of the neighborhood. He wondered if the fence could be removed and have trees planted instead. They would be more attractive to conceal the shed. He'd like that to be considered in the event they approve the administrative decision and deny the appeal.

Commissioner Henninger stated this was approved and we're coming back to clean it up. The property is 0.5-acres on a slight hillside. The shed sticks up, he'd prefer planting trees and of removing the fence like Commissioner Smith's stated. He will let this go through.

Commissioner Raughton said he didn't believe it was the staff's recommendation to put the shed in this location. Accessory buildings like sheds can help remove clutter items that accumulate in yards and can be integrated architecturally to improve the look. He's in supportive of staff

recommendation

Commissioner Walkowski thanked the appellant for his comments and he made some reasonable arguments. In looking at the criteria there are some exceptional circumstances with the hillside in addition to some utility easements; the reasonable use is there with a three-sided lot that creates some issues and sheds are an appropriate accessory structure. The adverse effect on surrounding properties will be mitigate with the fence and some additional trees. He will be in support of staff recommendation.

Commissioner Graham said he thought the fence helps conceal some of the shed. He'd agree with Commissioner Smith that trees would have been a better idea. A finished look will also help he didn't see the shed as a determined to the community or neighborhood and he's in support to deny the appeal.

Motion by Vice Chair Smith, seconded by Raughton, to Deny the appeal and uphold the approval of the nonuse variance to reduce the front setback to 18 feet for a 120 square foot shed at 2429 Zane Circle based on 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 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Fletcher

- 6.B.1. [CPC CA 17-00026-A](#) An ordinance amending City Code Section 502 (Development Plans) of Part 5 (Concept Plans and Development Plans) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Development Review Criteria.

(Legislative)

Related File: CPC CA 17-00026-B

Presenters:

Peter Wysocki, Planning and Community Development Director
 Meggan Herington, Assistant Planning Director

STAFF PRESENTATION:

Meggan Herington gave a PowerPoint Presentation

QUESTIONS:

Commissioner Markewich asked if there were parameters or triggers for a traffic study to be done and what makes one necessary. Ms. Herington stated she couldn't point to the engineering criteria manual or city code that says in what situation a traffic study is required. We consult City Traffic Engineering. If a rezone intensifies the original zoning of the property a traffic study of some level is required. If there's a new

development on vacant property that proposes roadway improvements and roadway impacts, it's required. The level is dictated by the city traffic department and their knowledge of the specific area.

Commissioner Markewich stated having objective criteria for more predictability for developers would be helpful for future projects. Maybe there is another time to look at those criteria in the future. Ms. Herington stated she'd pass comments onto the City Traffic Engineering and Kathleen Krager could come to an Informal Planning Commission meeting and discuss what she uses to determine what is needed for review.

Commissioner Markewich referenced the referral to the Community Development Division for affordable housing paragraph in Section 503. They are being added as an interested party, just like other departments as another layer to provide comment that staff or the Planning Commission would consider when looking at an application. Ms. Herington said, yes. They'd send their comments back to us and we could incorporate their comments into the review letter, or a presentation for Planning Commission or Council but their review isn't based on specific criteria.

Commissioner Smith stated the wording is when a development plan proposes the removal of residential dwellings with rents below HUDs fair market value as opposed to a new development. It applies to existing facilities for affordable housing. Ms. Herington stated this could apply to a project that could remove existing single-family residential homes where the rents are lower; HUD housing currently and they plan to remove it and build a condo project; it could apply to scraping an existing multi-family building and rebuilding it with a different type of use causing residents to be displaced. If a plan comes in proposing affordable housing, staff can work with Housing and Community Development and forward it to them and keep them in the loop of communication.

Commissioner Smith read from the information in the ordinance that specifically mentions the criteria. He'd like to have that information in the public record. Commissioner Smith asked if Mr. Posey would have a presentation. Ms. Herington said he was here to answer questions. Ms. Herington referred back to the language in the ordinance to where it says "reviewed by" has been changed to "forwarded to."

Mr. Wysocki stated staff isn't prepared to talk about affordable housing policies or direction. But if you have questions of Mr. Posey of how he intends to implement these standards you can ask we're not here to discuss affordable housing.

Commissioner McDonald stated most of the commissioner have questions about affordable housing and what are the policies going forward and we're looking forward to some presentations in the future on those issues.

Commissioner Fletcher stated in the staff report on page 121 it says: "The recommendation of staff and a majority of code scrub committee is that the proposed amendments to the DP review criteria strike a better balance between the cities interest in promoting adaptive land use change and redevelopment while at the same time recognizing the importance allowing discretion to address and mitigate site specific impacts" it also mentions "the tone of the current review criteria place undue emphasis on the status quo rather than show a more openness to land use adaptation." How do the changes allow for more openness and forward thinking?

Ms. Herington stated one specific change is the addition of criteria #2 which specifically references a plan substantially complies with any city adopted plans that are applicable to the site such as Master Plans, Neighborhood plans, Corridor Plans, Facility Plans, Urban Renewal Plans, or Design Manuals. That is a piece that is currently missing from the code. With PlanCOS we're putting emphasis on the vision and master planning and this is cementing this and we want to incorporate the recommendations and goals from the existing planning documents. We've streamlined some of the language to be more specific to code provisions that currently exist. We are reformatting and clarification so that our expectations are met for the overall design standards according to city code, the comprehensive plan, and other planning elements.

Commissioner Fletcher stated with the addition of #2 and others the new review criteria numbers 1-13 allow for more openness to change, Infill Development and Redevelopment. Ms. Herington said yes.

SUPPORTERS: None

OPPONENTS: None

DISCUSSION AND DECISION OF PLANNING COMMISSION:

None

Motion by Fletcher, seconded by Satchell-Smith, to Recommend to the City Council adoption of an ordinance amending City Code Section 502 (Development Plans) of Part 5 (Concept Plans and Development Plans) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Development Review Criteria. to the Council Work Session. The

motion passed by a vote of 9:0:0

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

- 6.B.2.** [CPC CA 17-00026-B](#) An ordinance amending Section 503 (Concept Plan and Development Plan Application Review Procedures) of Part 5 (Concept Plans and Development Plans) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Reviewing Authorities.

(Legislative)

Related File: CPC CA 17-00026-A

Presenters:

Peter Wysocki, Planning and Community Development Director
 Meggan Herington, Assistant Planning Director

Motion by Fletcher, seconded by Satchell-Smith, to Recommend to the City Council adoption of an ordinance amending Section 503 (Concept Plan and Development Plan Application Review Procedures) of Part 5 (Concept Plans and Development Plans) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Reviewing Authorities. to the Council Work Session. The motion passed by a vote of 9:0:0

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

- 6.C.1.** [CPC MPA 02-00101-A8 MJ17](#) The North Nevada Avenue Transportation Sub-Plan supporting implementation of the Renew North Nevada Avenue Master Plan. (City File: CPC MPA 02-00101-A8MJ17)

(Legislative)

Related Files: CPC CA 17-00138-A1, CPC CA 17-00138-A2, CPC CA 17-00138-B

Presenter:

Peter Wysocki, Director Planning and Community Development
 Nina Vetter, Strategic Plan and Performance Administrator

STAFF PRESENTATION:

Ms. Vetter gave a Power Point presentation discussing the intent and scope of the project. Ted with Kimley Horn gave a PowerPoint Presentation about Transportation and how the area needs different transportation approaches.

QUESTIONS:

Commissioner Markewich reference nonconforming uses stating the plan will not take someone's property and force them to do something with it. How does the language of 50% in the ordinance apply to nonconforming uses for expansion where there is no building. Mr. Wysocki stated they'd treat the one acre site as if treating a building. They couldn't expand into the yard next to them to expand their use, or increase the size of their building. A determination on outdoor uses would be done on a case by case basis. We're only concerned about expanding the footprint of the yard. Commissioner Markewich referenced change of ownership doesn't trigger something it'd be only if you were changing the use. Mr. Wysocki said no. Commissioner Markewich stated we're not forcing people to build something new or changing the property. It will be when it develops we're going to encourage conformance to the Master Plan.

Commissioner Markewich asked what would be the process for waivers since designs are subjective. How would design standards apply, would a waiver be needed, and how do you determine that. Mr. Mike Schultz referenced alternative compliance used for landscaping. Some of the standards are subjective if an applicant can show alternative compliance that feel acceptable under the design criteria we could accept that as alternative design criteria. We are trying to hold to those design standards and some of the uses may not meet all the standards. Commissioner Markewich said it wouldn't be as strict as South Nevada. Mr. Schultz said no and those standards were developer driven. We didn't want to be heavy-handed with design standard because we want to encourage redevelopment. Mr. Wysocki added guidelines are just that. They're to guide design professionals when building their product. As long as the building meets the spirit and intent of the guidelines it could be something that is negotiated. You wouldn't appeal a design guideline you'd appeal staff decision on the development plan stating it doesn't meet the North Nevada Design Guidelines and give reasons why it doesn't.

Commissioner Markewich asked if the overhead power lines were going to be buried in the future. It could free up the development of the corridor. Ms. Vetter stated in the Master Plan it stated long-term it would be best to bury them. CSU partners with new development or redevelopment and they are talking about how this could be done in this corridor.

Commissioner Graham stated regarding nonconforming use # 4 this if a building is damage and 75% burns down the building couldn't be put back up, correct the same as before. Mr. Wysocki said yes. Attorney Marc Smith stated that is standard across the city. This establishes the exact same nonconforming use standards as the rest of the city. Mr. Schultz added they could go through a use variance that would come to the Planning Commission if under a situation of nonconformity. Mr. Wysocki stated there is a difference between a use and building. If they rebuild they'd have to conform to match all the new guidelines.

Commissioner Walkowski stated regarding the zoning overlay district, it unique to see that. It's the right methodology. We have other overlay districts

along with form based. This is somewhat a hybrid of form based and the overlay to create consistency in development. Developers are looking for consistency. This is a good tool to use; it's a balance with strict design criteria and flexibility for redevelopment to occur.

Supporters:

John Hazlehurst spoke in the capacity of President of the Pikes Peak Historical Street Railway Foundation. They're in support with some caveats. Once the railroad right-of-way is purchased they want to use it for a demonstration trolley line with historic trolley cars and hope to have street car service to connect UCCS to downtown, defining the transportation plan and fit the street car demonstration as a tourist attraction, an economic development, and a transportation system. The plan is amazingly comprehensive and a creative look at what could be done.

Opponents:

Robert Daniels has a small business on Stone Avenue. He concerned the road will go through his properties. Expanding will depend on the future of the road that could go through his property.

Mark Harmon is a small business owner on High County Rd off Mountview. He has concerns from manufacturing side. The overlay zone scares him. Information at meeting didn't say you couldn't grow more than 50%, if something happened you wouldn't be able to rebuild, and you couldn't change your building. He's got a big investment in this and wants to expand and has the space what can he do because he'd be nonconforming at that time.

Mark Barnes stated he is president of both Colorado Commercial Roofing and A & D Sheet Metal. His business would fall into the nonconforming status. His fear is he won't be able to expand or operate his business. His life savings is tied up in this business. He argues with the transparency of this all. Transparency happened with the residents but not the businesses. If the overlay goes in they will have a fight from him. It will put him out of business is his biggest fear is.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Smith asked Ms. Vetter to address the concerns the citizens raised.

Ms. Vetter deferred to Ted with Kimberly Horn who stated they showed a street layout to give a sense of scale of a 500-ft block. We weren't saying a street needs to go through a property. We were trying to show reasonable connections. Streets aren't implemented unless redevelopment happens.

Commissioner Smith asked if the business owners may or may not continue their business. Ms. Vetter said if they're a non-permitted use they can continue to operate and perform regular maintenance, expansion can't exceed 50%, and they can apply for a use variance. In the zoning overlay they haven't striped the area of permitted or conditional uses related to industrial or manufacturing. Manufacturing is a permitted use in all three zones, light

industrial is allowed - it's conditional in the south sector and permitted in the central and north sectors.

Commissioner Smith stated it didn't seem the business owners could leave and say they got a satisfactory answer to the questions they raised. Mr. Wysocki gave ways of things could happen but they won't just take private land. The city can enter into real estate a negotiation with the land owners to acquire land for a road but that happens is larger redevelopments. They attempted to be as inclusive as possible without jeopardizing the overall of the area. We need to ask if we want the area to change and redevelop over time with uses other than industrial and there could be some uses that could be nonconforming. Commissioner Smith said he didn't agree with it. Mr. Schultz said he spoke with Mr. Daniels earlier about the street going through his property and how they could work out a scenario to rectify the situation. Commissioner Smith said the property owners will leave not knowing what they can or cannot do. Mr. Schultz said there could be some allowed uses that could be approved because they're allowed.

Ms. Vetter said it's a challenging project. People want the area to change and not all want the same changes. We're trying to find a balance between wanting to encourage the Master Plan vision and allow business to continue to operate understanding there are some limits to expansion and try to encourage redevelopment and new business to align with the new Master Plan. There are no easy answers. The best we can do is work with the property owners and see how allow the business to operate in that area.

Commissioner Markewich stated he empathize with property owner rights, that an important concept to him. It's also important that we encourage the redevelopment not force the redevelopment of this area. If these plans go forward it will take 20-30 yrs. to happen. A possible advantage is it could cause an increase value for their property and sell for a higher price and move the business elsewhere. When economic redevelopment happens the goal of the project is to increase the attractiveness of the area which generally raises property values and can increase economic activity and there could be some benefits you may not see right now. Then again your parcel may not be affected at all. Our prevue is to look at what will be the overall good for the community. That corridor hasn't changed in a long time. The area north in University Village used to look similar to this and it's changed so much for the betterment of the area. Staff will bend over backwards to help you stay and operate your business they work hard to accommodate business owners. The zones aren't definitive or set in stone. There are areas to be subjective and compromise. This is a good blue print on what we want it to look like in the future. Based on review criteria he's in support of all four items.

Commissioner Raughton said he's in support of this in balance. He's convinced in the long term economic redevelopment of the community we need efforts like this and plans like this to guide the future of these areas. He agrees with Commissioner Markewich, we're on the right tract, we can accommodate existing uses including the industrial uses and more importantly add value to the whole area. He supports the idea of a trolley system, and by adding three-dimensional uses we will enhance all the area.

On balance he believes in the long term balance he'll support the project.

Motion by Markewich, seconded by Fletcher, to Recommend City Council adopt an ordinance approving the North Nevada Avenue Transportation Sub-Plan amendment to the City Intermodal Transportation Plan (ITP) to the Council Work Session. The motion passed by a vote of 9:0:0

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

- 6.C.2.** [CPC CA 17-00138-A1](#) An ordinance amending Section 105 (Establishment of Zone Districts) of Part 1 (Basic Provisions) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to a North Nevada Avenue Overlay District. (City File: CPC CA 17-00138-A1)

(Legislative)

Related Files: CPC MPA 02-00101-A8MJ17, CPC CA 17-00138-A2, CPC CA 17-00138-B

Presenter:

Peter Wysocki, Director Planning and Community Development
 Nina Vetter, Strategic Plan and Performance Administrator

Motion by Markewich, seconded by Fletcher, to Recommend City Council adopt an ordinance amending Section 105 (Establishment of Zone Districts) of Part 1 (Basic Provisions) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to a North Nevada Avenue Overlay District. to the Council Work Session. The motion passed by a vote of 9:0:0

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

- 6.C.3.** [CPC CA 17-00138-A2](#) An ordinance amending Section 501 (Purpose) and creating Section 509 of Part 5 (Overlay Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to a North Nevada Avenue Overlay District.

(Legislative)

Related files: CPC MPA 02-00101-A8MJ17, CPC CA 17-00138-A1, CPC CA 17-00138-B

Presenter:

Peter Wysocki, Director Planning and Community Development

Nina Vetter, Strategic Plan and Performance Administrator

Motion by Markewich, seconded by Fletcher, to Recommend City Council adopt an ordinance creating Section 509 of Part 5 (Overlay Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to a North Nevada Avenue Overlay District. to the Council Work Session. The motion passed by a vote of 9:0:0

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

- 6.C.4.** [CPC CA 17-00138-B](#) North Nevada Avenue Zoning Overlay Design Guidelines supporting the adoption of the North Nevada Avenue Overlay Zone guiding new development and redevelopment within the overlay.

(Legislative)

Related Files: CPC MPA 02-00101-A8MJ17, CPC CA 17-00138-A1, CPC CA 17-00138-A2

Presenter:
Peter Wysocki, Director Planning and Community Development
Nina Vetter, Strategic Plan and Performance Administrator

Motion by Markewich, seconded by Fletcher, to Recommend City Council adopt an ordinance approving the North Nevada Avenue Zoning Overlay Design Guidelines as it relates to the adoption of the North Nevada Avenue Zoning Overlay to the Council Work Session. The motion passed by a vote of 9:0:0

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

7. Adjourn