



City of Colorado Springs

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

Meeting Minutes - Final Planning Commission

Thursday, May 19, 2016

8:30 AM

Council Chambers

1. Call to Order

2. Roll Call

Present 8 - Rhonda McDonald, Chairperson Eric Phillips, Vice Chair John Henninger, Jeff Markewich, Ray Walkowski, Reggie Graham , Sherrie Gibson and Carl Smith
Excused 1 - Robert Shonkwiler

Approval of the Record of Decision (minutes) for the April 21, 2016 City Planning Commission Meeting

Motion by McDonald, seconded by Walkowski, that the be accepted Approval of the Record of Decision (minutes) for the April 21, 2016 City Planning Commission Meeting. The motion passed by a vote of

Aye 8 - McDonald, Chairperson Phillips, Henninger, Markewich, Walkowski, Graham, Gibson and Smith

Absent 1 - Shonkwiler

3. Appointment of Planning Commission Chair and Vice Chair

3.A. [CPC-040](#) Appointment of Planning Commission Chair

Presenter:

Peter Wysocki, Director, Planning and Community Development

Motion by McDonald, seconded by Smith, that the Planning Case be accepted Motion to accept Eric Phillips as Chair for the Planning Commission. The motion passed by a vote of

Aye 8 - McDonald, Chairperson Phillips, Henninger, Markewich, Walkowski, Graham, Gibson and Smith

Absent 1 - Shonkwiler

3.B. [CPC-041](#) Appointment of Planning Commission Vice-Chair

Presenter:

Peter Wysocki, Director, Planning and Community Development

Motion by McDonald, seconded by Smith, that the Planning Case be accepted Proposed Motion:

Motion to accept John Henninger as Vice Chair. The motion passed by a vote of

Aye 8 - McDonald, Chairperson Phillips, Henninger, Markewich, Walkowski, Graham, Gibson and Smith

Absent 1 - Shonkwiler

4. Communications

4.A. [CPC-038](#) Chairperson Eric Phillips

4.B. [CPC-002](#) Director Updates, Peter Wysocki

Motion by Markewich, seconded by Walkowski, that the Planning Case be accepted Recommend to accept a request to postpone Items 7.A.1 and 7.A.2 until the June 16 Planning Commission Meeting.. The motion passed by a vote of

Aye 8 - McDonald, Chairperson Phillips, Henninger, Markewich, Walkowski, Graham, Gibson and Smith

Absent 1 - Shonkwiler

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.)

5. CONSENT CALENDAR

5. CONSENT CALENDAR

Motion by Walkowski, seconded by Smith, that the be accepted 5. CONSENT CALENDAR. The motion passed by a vote of

Aye 8 - McDonald, Chairperson Phillips, Henninger, Markewich, Walkowski, Graham, Gibson and Smith

Absent 1 - Shonkwiler

**5.A.1 CPC ZC
16-00037** An ordinance amending the zoning map of the City of Colorado Springs pertaining to 3.81 acres located northwest of East Woodmen Road and Campus Drive from OC (Office Complex) to PBC (Planned Business Center).

(Quasi-Judicial)

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

Motion by Walkowski, seconded by 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

**5.A.2 CPC CP
16-00038** The ViewHouse concept plan for the redevelopment of an existing bank and office building to a restaurant and office building.

(Quasi-Judicial)

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

Motion by Walkowski, seconded by 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

**5.B. [CPC ZC](#)
[16-00053](#)** A zone change rezoning 10.5 acres from PBC/HR/AO (Planned Business Center with High Rise and Airport Overlay) to PF/AO (Public Facility with Airport Overlay) 0.2 miles east of the intersection of South Academy Boulevard and Academy Park Loop to accommodate future development of a City of Colorado Springs Police substation.

(Quasi-Judicial)

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

Motion by Walkowski, seconded by 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

5.C.1 CPC MP A major amendment to the Banning Lewis Ranch Master Plan
87-000381-A changing the land use of 153 acres from Industrial to Neighborhood
15MJ16 Commercial and Residential.

(Legislative)

Presenter:
Meggan Herington, Planning Manager for LUR/DRE, Planning and
Community Development

Motion by Walkowski, seconded by 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

5.C.2 CPC PUZ An ordinance amending the zoning map of the City of Colorado
16-00010 Springs pertaining to 135.63 acres located east of Marksheffel
Boulevard and south of the Barnes Road extension from PIP-2/SS/AO
(Planned Industrial Park with Streamside and Airport Overlays) to
PUD/SS/AO (Planned Unit Development: Residential - 3.5 - 7.99
dwelling units per acre with a maximum building height of 36 feet with
Streamside and Airport Overlays).

(Quasi-Judicial)

Presenter:
Meggan Herington, Planning Manager for LUR/DRE, Planning and
Community Development

Motion by Walkowski, seconded by 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

**5.C.3 CPC PUZ
16-00011** An ordinance amending the zoning map of the City of Colorado Springs pertaining to 17.7 acres located east of Marksheffel Boulevard and south of the Barnes Road extension from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PBC/AO (Planned Business Center with Airport Overlay).

(Quasi-Judicial)

Presenter:
Meggan Herington, Planning Manager for LUR/DRE, Planning and Community Development

Motion by Walkowski, seconded by 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

**5.C.4 CPC PUP
16-00013** The Enclaves at Mountain Vista Concept Plan illustrating the future development of residential single-family attached and detached, parks, open space and school site with supporting neighborhood commercial located east of Marksheffel Boulevard and south of the Barnes Road extension in Banning Lewis Ranch.

(Quasi-Judicial)

Presenter:
Meggan Herington, Planning Manager for LUR/DRE, Planning and Community Development

Motion by Walkowski, seconded by 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

**5.D.1 CPC MPA
06-00206-A7
MJ16** A major amendment to the Woodmen Heights Master Plan changing the land use designation of 13.3 acres from Neighborhood Commercial/Office to Residential (16-24.99 Dwelling Units per Acre).

(Legislative)

Presenter:
Daniel Sexton, Senior Planner, Planning and Community Development

Motion by Walkowski, seconded by 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

**5.D.2 CPC ZC
16-00028**

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 3.8 acres located to the northeast of the Black Forest Road and Woodmen Road intersection from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay).

(Quasi-Judicial)

Presenter:
Daniel Sexton, Senior Planner, Planning and Community Development

Motion by Walkowski, seconded by 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

**5.D.3 CPC PUZ
16-00031**

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 13.3 acres located to the northeast of the Black Forest Road and Woodmen Road intersection from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay: Multi-Family Residential land use, 18.1 dwelling units per acre, 45-foot height maximum).

(Quasi-Judicial)

Presenter:
Daniel Sexton, Senior Planner, Planning and Community Development

Motion by Walkowski, seconded by 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

**5.D.4 CPC CP
16-00033**

Woodmen Heights Commercial/Office concept plan pertaining to 3.8 acres illustrating two commercial development sites with associated surface parking areas, located at the Black Forest Road and Woodmen Road intersection.

(Quasi-Judicial)

Presenter:
Daniel Sexton, Senior Planner, Planning and Community Development

Motion by Walkowski, seconded by 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

**5.D.5 CPC PUD
16-00034**

The Copper Range Apartments PUD development pertaining to 13.3 acres for a multi-family residential development with 240 dwelling units contained within 10 multi-family buildings, located near the Black Forest Road and Woodmen Road intersection.

(Quasi-Judicial)

Presenter:
Daniel Sexton, Senior Planner, Planning and Community Development

Motion by Walkowski, seconded by 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

Approval of the Consent Agenda

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

5.A.1 - CPC ZC 16-00037 - A zone change rezoning 3.81 acres from OC to PBC (Planned Business Center) located northwest of the East Woodmen Road and Campus Drive intersection.

5.A.2 - CPC CP 16-00038 - A concept plan for 3.81 acres of mixed restaurant and office uses located northwest of the East Woodmen Road and campus Drive.

5.B.- CPC ZC 16-00053 - A zone change rezoning 10.5 acres from PBC/HR/AO (Planned Business Center with High Rise and Airport Overlays) to PF/AO (Public Facility with Airport Overlay) 0.2 miles east of the intersection of South Academy Boulevard and Academy Park Loop to accommodate future development of a city of Colorado Springs Police substation.

5.C.1 - CPC MP 87-000381-A15MJ16 - A major amendment to the Banning Lewis Ranch Master Plan changing the land use of 153 acres from Industrial to Neighborhood Commercial and Residential.

5.C.2 - CPC PUZ 16-00010 - The Enclaves at Mountain vista PUD Zone Change rezoning 135.63 acres from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development Residential - 3.5 - 7.99 dwelling units per acre with a maximum building height of 36 feet with Streamside and Airport Overlays) located east of Marksheffel Boulevard and South of Barnes Road extension in Banning Lewis Ranch.

5.C.3 - CPC PUZ 16-00011 - The Enclaves at Mountain Vista PBC zone Change of 17.7 acres from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PBC/AO (Planned Business Center with Airport Overlay) located east of Marksheffel Boulevard and South of the Barnes Road extension in the Banning Lewis Ranch.

5.C.4 - CPC PUP 16-00013 - The Enclaves at Mountain Vista concept plan illustrating the future development of residential single-family attached and detached parks, open space and school site with supporting neighborhood commercial located east of Marksheffel Boulevard and South of the Barnes Road extension in the Banning Lewis Ranch.

5.D.1 - CPC MPA 06-00206-A7MJ16 - Woodmen Heights Master Plan Major Amendment changing the land use designation from Neighborhood Commercial/Office to Residential (16 - 24.99 Dwelling Units per Acre).

5.D.2 - CPC ZC 16-00028 - Woodmen Heights zone change of 3.8 acres from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay) located northeast of Black Forest Road and Woodmen Road intersection.

5.D.3 - CPC PUZ 16-00031 - Copper Range Apartments PUD zone

changed of 13.3 acres from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay) located near the Black Forest Road and Woodmen Road intersection.

5.D.4 - CPC CP 16-00033 - Woodmen Heights Commercial/Office Concept Plan for 3.8 acres illustrating two commercial development sites with associated surface parking areas located northeast of the Black Forest Road and Woodmen Road intersection.

5.D.5 - CPC PUD 16-00034 - Copper Range Apartments PUD Development Plan for a multi-family residential development with 240 dwelling units contained within 10 multi-family buildings, located near the Black Forest Road and Woodmen Road intersection.

Motion by Walkowski, seconded by 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

Aye 8 - McDonald, Chairperson Phillips, Henninger, Markewich, Walkowski, Graham, Gibson and Smith

Absent 1 - Shonkwiler

6. UNFINISHED BUSINESS

- 6.A. [CPC CA 16-00008](#) An ordinance repealing and reordaining section 906 (appeals) of part 9 (notice, hearings and appeals) 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 appeals.

(Legislative)

Presenter:

Peter Wysocki, Planning and Community Development Director
Carl Schueler, Comprehensive Planning Manager, Planning & Development Department

The City Planning Commission previously agreed on a 12 days for an appeal. The motion was to approve the ordinance repealing and reordaining Section 906 (Appeals) of Part 9 (Notice, Hearings And Appeals) 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 Appeals.

With the recommendation to change the 10 days for appeals to 12 days throughout the recommendation. The motion passed by a vote of

STAFF PRESENTATION:

Carl Schueler, Comprehensive Planning Manager gave an updated Power Point presentation.

Mr. Schueler referenced a letter from Dave Munger, Rick Hoover and Jan Dorin, from CONO gave a letter in support of all current changes made to the Appeals Code Amendment presented for Planning Commission.

Opposition:

Presentation by Councilman Knight regarding changes in the appeal. Councilman Knight stated was in opposition of the request.

Councilman Knight stated what Mr. Munger stated in his letter is not what Councilman Knight heard from his constituents. Councilman Knight stated some appeals have been denied because they missed the deadline by one day. He'd gotten calls from citizens wanting to know what their rights were and what the process was. He said he submitted a memo to the city attorney regarding a conversation about a swimming pool going up in the Pine Cliff area that he'd got calls about.

Councilman Knight stated he was part of the group discussing this change for the appeals. He brought to the group the idea of changing the timeframe from 10 calendar days to be 10 business days. He began working with Planning Staff for three changes. 1). Change the appeal period for an administrative decision to be 10 business days. 2). Change the appeal period going from Planning Commission to City Council to be 10 business days. 3). Give Council the option of scheduling 20 days minimum and 48 days maximum. Councilman Knight said the code for Council only says 20 days.

His requests for these changes were sent to the Council Administrator in the fall of 2015 who then sent Planning Staff and City Attorney a draft ordinance. Planning staff replied this would be addressed through a code scrub committee. Councilman Knight said since they would be working on Chapter 7 of the Code, then he was ok with that as long as when something came forward it included his request.

Councilman Knight said he did not hear anything regarding a code scrub until January 2016 when a Chapter 7 code change regarding fence heights came before Council. Councilman Knight asked why his requested changes were not part of this item. He didn't receive a reply until February 2016 and was told the changes he requested were in a different part of the City Code and that was why they were not part of this request but at the March 2016 Planning Commission Meeting the code amendment he was looking for would be heard at that meeting.

Councilman Knight stated Planning Director Peter Wysocki provided some concerns that there was a section of Code, in City Code Section 1.2 and not Chapter 7 that defines how days were counted. So instead of calendar days it was recommended to change to 10 business days. Mr. Wysocki expressed some concerns that it could create more time for developers.

At a meeting with Planning Staff, City Attorney and Deputy Chief of Staff, it was agreed to stay with calendar days and agreed to 14 days. Councilman Knight stated he missed the March meeting but a decision was reached by the Planning Commission for a 12 day time frame and he was in agreement with that and if he had questions he would ask it when the item came to Council. He thought the 12 day timeframe seemed like a reasonable compromise. What concerned him was after the March Planning Commission meeting there was a separate meeting between HBA and CONO with no Council Member present for that meeting. He also noted there was never a Council Member on the code scrub committee, even though Councilman Knight was the originator of the request; it was done by a subcommittee. However at that meeting between HBA and CONO an agreement was made that the item should come back to Planning Commission in April. He only found out about that a couple of days before the meeting so he said could still raise his objections when it came before Council or they could delayed an extra month so another separate meeting could be held. Therefore that was the reason it was postponed one month to allow for that extra meeting. At the meeting on May 11, 2016, they weren't able to come to a consensus on the delay or the timeframe.

Councilman Knight said in the minutes from the March 17, 2016, it was acknowledge that the common citizen or the neighborhood association doesn't know their rights or the process and if they call staff and they are still confused. There is no citizen advocate in Planning Staff. When he speaks to a citizen who has questions about something like this he tells them he can't talk about the project he can only talk to them about process and he tells the citizen they need to get down to the Clerk's office and file an appeal because the clock is ticking and time is running out.

His concern with the 10 calendar days is within those 10 days, four of them the offices are closed and the time frame elapses over two weekends. During the Thanksgiving Holiday timeframe six days of those 10 days the offices are closed. Then in December during the Christmas time frame it's 5 ½ days.

The HBA's arguments are that developers cannot secure their funding until they know the appeal period is over. At the March 11th meeting the RBA expressed that extending their timeframes would make them less competitive for out-of-town developers because they want to compare those timeframes against other possible communities they are looking to move to. That becomes a factor and it's a valid argument.

Councilman Knight said an Administrative appeals can happen at any time thus there is no the ability to accurately calculate when that appeal window happens.

Councilman Knight referenced City Code Section 1.1.105 on how to calculate the days; with Planning Commission being on a Thursday, the deadline happens at close of business on a Sunday and the Code says if it is a non-business holiday, it goes to the close of business the next day, which is Monday and that gets them to a timeframe of 11 days. The 12 day timeframe has no impact and neither does 13 days. However, Councilman Knight said the rules say 20 days, period. Councilman Knight also gave different reasons for the other different time frames.

Councilman Knight said he felt they were adding additional burdening the citizen and HOA's. For an appeal they must provide specific documentation and buried in the language is that an appeal can be thrown out. This may have been implied before, but now it's becoming explicit that the appeal can be thrown out if it doesn't conform with the criteria in Sub-Section B. The first thing is you have to have full contact information. The problem is "Full" is not defined; so if no email address is provided on the appeal application is that grounds for throwing it out?

Councilman Knight said he felt there was good justification to give the extra time to allow the neighborhoods to get their voices heard. HBA said it would reduce their competitiveness. Councilman Knight compared Colorado Springs to other competing cities, cities the same size as Colorado Springs and other Colorado Cities for what their appeal time frames were. Councilman Knight said his recommendation is for 13 days and worse case stay with the 12 days that was your original decision on March 17, 2016.

Councilman Knight said if an appeal is thrown out due to not conforming to the criteria, he asked it be modified to allow a citizen a one-time right exception to correct deficiencies within the appeal paperwork. His concern is that the process is correct.

He also asked the Parks Board to be listed as a Board that can have their decisions appealed and reviewed by Council. He was aware of a decision that the Parks Board made and the citizen wanted to appeal but was told by Parks

Board that, that was not an option. However, when Councilman Knight was contacted he told the citizen that was not correct, they could appeal, thus his reasoning for wanting to include Parks Board as a listed Board.

Councilman Knight recommended for Council to have the flexibility of having the maximum of 48 days. In Council meetings the Land Use items are heard last. That public hearing is not only an appeal it's also anything that passes the Planning Commission that has to go to Council anyway. If it's not a unanimous vote by Planning Commission it does not go on the Council's consent calendar so no public hearing is held on that. But if a vote by Planning Commission is unanimous it goes on Council's Consent Calendar but then sometimes it's pulled off the consent calendar, usually by him, and sometimes it stays on there. So when it's pulled off it then goes to the public hearing.

So his request is for the changes he's request to be added.

Questions:

Commissioner Markewich confirmed the biggest issues Councilman Knight had were the 10 calendar days; then his three other items were the opportunity to have a one-time change to correct an appeal, include the Parks Board and the last was adding the 48 days for Council. Commissioner Markewich asked if those items were discussed with staff.

Councilman Knight said the first two were not discussed with staff. But at a meeting on May 11th they concentrated on the 10 calendar day timeframe.

Then there was discussion with CONO on one side and the RBA and HBA on the other side about who could appeal.

They thought about whether delaying this entire item another month to the June Planning Commission meeting so they could discuss his third item of the 48 days. Adding the Parks and having the one-time chance is something he only became aware of when preparing this briefing and went through all the Code.

Commissioner Markewich asked if he had discussed with staff or CONO, HBA or anyone whether those three minor things were acceptable to them. Councilman Knight said if they could have postponed this item until the June Planning Commission Meeting he would have discussed it with them. The 48 days' time frame was asked for back in September 2015 and then again at the May 11th meeting but he never received an answer.

Commissioner McDonald stated the appeals instructions are read after decision. With the changes being suggested did Councilman Knight think people would still not know what their rights were regardless of what the number of days ended up being. Councilman Knight said that was a good point because there will still be people who will end up contacting members of the Council, like him, even after the final second vote has happened at Council. So there will be those citizens that are affected but never knew it.

This isn't the full answer but he is still pushing to get someone inside the

Planning Department that will help a citizen know their rights and the process because it could be a major step forward to helping them.

Citizens in Support:

Kyle Campbell with Classic Consulting with Housing and Building Association spoke regarding what changing the number of days would do to the building community and what happens when there are delays. His group approached the idea of the change from the idea of what is the problem that is trying to be fixed. He never heard any good valuable reasons for doing it. The HBA is at the forefront for there being a public process. They are deeply concerned about going beyond the 10 days.

Hannah Parsons with Regional Business Alliance Chief Community Development Officers said that in that position one of her rolls deals with business climate issues. She recently became part of the Code Scrub Committee and a code scrub was a recommendation that came out of the Infill Committee. One of the reasons for the code scrub was to make Infill and redevelopment easier and more attractive. As the group began working on this particular ordinance they became concerned about language concerning who could appeal. Ms. Parsons said there was a process to make it easier to do business and the way it was being suggested to be written would open it up to letting anyone appeal and thus making it more confusing. They would like to see the language in B, C be eliminated and the other language remain. The issue is a business climate issue for Colorado Springs and for that reason we cannot compare ourselves to other cities. It's a collective attitude and spirit of whether we welcome the investment in our community and how easy we make it for people to do business here in Colorado Springs. They agree that neighbors and parties of interest as defined should have the right to appeal they would like clearer language about who that is.

Citizens in Opposition:

Karen Field said most citizens do not know of anything that is brought before the board until it's in the newspaper or on TV. She came there for a different item, but could not find anything about it and looking for any information on the city website was terrible because the website is terrible. So how you can find out what's impacting your neighborhood if you can't find the information. So regarding the appeals until it's cleared up the 13 or 14 days makes a lot of sense because citizens don't know what's happening even when they are trying to find out.

Rebuttal:

Peter Wysocki, Planning and Community Director gave some clarification to some of the points brought up by Councilman Knight.

Mr. Wysocki confirmed there was a code scrub committee that was formed. It's a working committee. They continue to work on different ordinances that have been and will continue to be brought forward to the Planning Commission and City Council that deal with a wide range of issues. The committee is made up of former members as well as a Planning Commissioner and members of staff that have researched or prepared the ordinances which include the City Attorney's Office. The committee does not always agree on everything. The

committee is not a voting committee but it tries to build consensus or at least a process of informed consent.

The ordinance before them is to some degree supported by essentially all interested parties.

The process is set up with a technical steering committee that worked on this ordinance for about six months because everyone has opinions what should or should not be in the ordinance. Today's ordinance is presented with information and consent and almost consensus by a committee brought to the commission to provide their recommendation to the City Council in order that all nine Council Members can review it and vote on it.

Regarding issues - Councilman Knight stated there are two instances. One was an appeal of a Parks Board decision. A member of the Parks Board apparently said they could not appeal and then an appeal was submitted late. The second item was a request by two residents to appeal two things. One was an appeal of Regional Building's Approval of a single-family building permit, something that is not appealable and then an appeal of an amended development plan that was approved administratively by staff in 1987.

Mr. Wysocki said that he is not aware of receiving any complaints or complaints that the mayor's office has received that either the City Clerk or the Planning Staff member working the public counter rejected an appeal. If they don't meet the deadline per the code, because we have to remember we also represent the applicant they are our customer as well, we cannot just say you can file it 24 hours later because then we are violating the due process of on behalf of the applicant. We have to have some standards.

When a citizen emails a planner and says they are going to be out of town and cannot make it in on Monday to file the appeal, but by sending the email telling the planner they intend to file the appeal, then we accept that and these generally happen with appeal of administrative decisions. When an appeal is filed, we don't go in line by line and say your argument makes no sense but there has to be some standard when they review it. We've had a few appeals and to his knowledge the appeal was not rejected based on poor argument or they didn't make a connection to the standard for appeals in City Code. We are citizen friendly and we are looking for ways to get the word out better that citizens have a right to appeal.

Research was done to see how many Planning Commission decisions were appealed. Planning Commission has final decision on Conditional Use Permits. When you look at the number of appeals of Planning Commission decisions 75%-80% of those go to City Council regardless. Many time citizens feel they need to appeal your recommendations even though it still will go to City Council anyway and so they don't need to file the appeal. What Mr. Campbell alluded to was discussed in great detail at the code scrub committee and that is, what does the extension of time do to administrative decisions. The Planning Department processes about 1500 applications a year and about 1000 are done administratively. Usually something simple like a home owner asking for a variance for a deck - are we going to hold that home owner up for

14 days because that is what that would mean. It's a Land Use matter and there is no right or wrong. It is almost impossible to know what increasing the number of days will have on administrative approvals since they happen daily.

When the ordinance was first presented to you it included 14 days per Councilman Knight's request but a compromise of the 12 days was given because it didn't really affect the time frame of Planning Commission to Council appeals but it would affect some administrative approvals. Since then CONO and HBA have agreed the ordinance as written was OK. So they reached a consensus and we brought it back to the Planning Commission. All the same, if you want to put the 12 days back in they could and then when it goes to Council let them make the decision.

The HOA Board having the right to appeal on behalf of the entire membership, should that happen? If someone is aggrieved or a board member is aggrieved they can appeal. The question raised was whether the Board has enough time to meet and file the appeal as a board. Through a notification error you can still file an appeal whether on the board or not. The question is, should a board president or board where there is nine or seven members with only a quorum of 3 or 4, represent the entire neighborhood to file an appeal.

The 20 to 48 days Mr. Wysocki did not have an opinion. They try and make the process as expeditious as possible. Should city government not process things just because it's a big agenda, he doesn't know the answer to that question.

Planning Commission meets once a month, Council meets twice a month, if it's a long agenda they could postpone it but that has not been discussed and has never been brought up as an issue by anyone. Yes agendas can be long and some items are controversial and so he appreciates not trying to make a decision on something like that after such a long agenda. He didn't know if the committee had an opinion about that and didn't want to speak on their behalf regarding that.

The Infill Steering Committee spent a lot of time discussing the value of public input, neighborhood participation and neighborhood planning process. He did not know if an appeal or ordinances resolve the issues of neighborhood planning.

Neighborhood planning transcends appeals, particularly for a city of our size. It's about having neighborhood plans, neighborhood input and long range vision of those neighborhoods.

Planners are trained to seek, analyze the public engagement, and public outreach, but we are also trained to follow city code, comprehensive plans, and neighborhood plans. Our city doesn't have a lot of robust neighborhood plans that they can come to us and say that as a whole this neighborhood agreed to this particular project or this particular type of development.

The community outreach and community education isn't about appeals ordinance. It's about broader neighborhood plans and how to engage the

neighbors and how to make them part of that neighborhood.

He respects Councilman Knight's position on this matter. It's a fine balance; we have to stay true to the process. The Code Scrub Committee was a volunteer board with citizens, industry experts, architects, engineers and business people. When you start deviating from their input then, in his opinion, it undermines their volunteer efforts and their input to that process. So he is here defending the process rather than whether it's 10 or 12 days.

Questions:

Commissioner Markewich stated that Councilman Knight mentioned a couple of minor items - ability to correct errors, the ability to add Parks Board because it appears the Parks Board is also appealable to Council and then the 48 days, he's not sure the 48 days is necessary because the City Council has the ability to postpone items. Therefore, Commissioner Markewich wanted to know what Mr. Wysocki felt about those three minor items.

Mr. Wysocki said the first item, correction to the appeal statement - in the three years he's been with the City he cannot remember when Planning Staff or the City Clerk's Office rejected an appeal statement that was filed. We may argue the position of why a project is approved or denied. But correction to what? If you file a piece of paper that says I am appealing and here are my reasons why, such as I don't think this project is harmonious and compatible or because of a traffic problem (these most often used reasons for appeal) we accept that. They inserted the language so they'd know who has standing and that language is important. Current language says any aggrieved party can file an appeal. So this language defines who has standing by either testifying, communication with City Staff or if you received notice as part of the notification area.

With regard to the Parks Board he will defer to the City Attorney for that question. It's not in Chapter 7 but in their part of the Code it refers to Chapter 7.

Ms. Congdon said it is in Section 4115 of City Code, it says appeal from Parks Board will follow the process in Chapter 7 generally because Chapter 7 is focused on Planning. We generally would not include parks but this hasn't been vetted or looked at. Ms. Congdon said on the opportunity to correct, which also hasn't been vetted and have not had a chance to be look at that.

The concern that comes to her mind would be the timing on the opportunity to correct something; does that then toll the 20 days for scheduling, because you need to give the other side the opportunity to make their case because then we could be infringing on their due process rights.

Mr. Wysocki said the way the ordinance is presented now, and someone were to request a postponement for a sound reason whereas now it's just automatic he doesn't have an opinion other than things get bumped and delayed. When appeals are filed with the Planning Office for an administrative review, if there is time we try and put it on the next available Planning Commission regardless of the size of the agenda. We want the appellant to have an answer but also

the applicant to have an answer.

Commission Gibson stated to Mr. Wysocki that Councilman Knight was pushing to have within the Planning Department a one stop shop in order to make it friendlier for the citizens. Commissioner Gibson asked what type of things were they currently doing to alleviate some of the citizen's concerns about not understanding the process.

Mr. Wysocki said first, what is the issue that we are not being friendly about? If it's educating the citizens about the appeal process we try to address that by having the planner saying they have the option to appeal. When the appeal period is over citizens don't have much of an option through a city process. To help with the understanding the process we hold pre-application meetings; formal neighborhood application meetings; we often use a 1000 foot notification process in many instances where other cities do not; yes the 10 day appeal period is on the lower end; but we have the development plan review criteria which opens any use permitted by right to be appealed based on being harmonious and compatible; we notify HOA's; we work with CONO; we participate in citizen's academies; we have students come to the City's offices. Many of communities don't have such an upfront strong participation process. Colorado Springs is very open to the process and public input. It doesn't mean a developer consents to the desires and needs of the neighbors. Sometimes Planners will have neighborhood meetings when they think a project might have some opposition or controversy and applicants wonder why we're doing that. We do that just in case. We can have applications that don't have to come to Planning Commission but we defer it to Planning Commission because we know that similar projects like that that have been before Planning Commission have had opposition and are very difficult, so we defer it to you to allow for that further citizen input.

Councilman Knight provided some points of order.

1.) Mr. Wysocki used the case of Conditional Use having no appeals but that is not correct, Iron Mountain Man a Conditional Use for a garbage site was a 4/4 tie on Planning Commission was appealed to City Council and City Council also denied the Conditional Use on a 4/4 tie. 2.) Mr. Wysocki also talked about the committee and that it's similar to the Infill Committee - there were two Council Members on the Infill Committee there are no Council Members on the code review committee. These are ordinances, these are legislative issues, and you are basically bringing it to Council without a sponsor. This is the executive branch introducing an ordinance without a sponsor. That is illegal at the federal level and illegal at the state level. 3.) Mr. Wysocki said how Council meets twice a month and Planning Commission meets once a month. The Charter says Council only has to meet once a month, but it's by practice that we meet twice a month.

Finally, the question Commissioner Markewich asked about whether Council has the right to delay, it is explained to us by the City Attorney that Council cannot delay because the rule/code says it will be scheduled at a minimum by the next council meeting at a minimum of 20 days. The appellant or the applicant has the right to request the delay Council could not just request a

delay themselves because the agenda is excess full.

Final Rebuttal:

Mr. Wysocki said, if he said people don't have the right to appeal Conditional Use Permits he misspoke. He said the Planning Commission has final authority over was Conditional Use Permit application and those are appealable to Council. When he said Council has the right to postpone an item apparently they do not have the right.

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich said in general he felt comfortable with the recommendation. At the last meeting 12 days was the agreed optimal time and he's frustrated it came back to them with 10. It should've stayed 12 days based on their previous decisions and then added these as technical modifications. He would lean toward supporting 12 days in light of the fact they've already discussed this and voted on it. Since on the 10th day is a day that the Land Use Department is actually closed they automatically get an extra day so they are going for 11 days to 12 days. He didn't believe that would hurt any projects, developers or lenders. His questions were answered about the three other items that Councilman Knight mentioned. He said as he stated at the last meeting he had concerns about separation of power within the different branches of the government and still has them. He will support item, but he prefers 12 days.

Commissioner Smith thanked Councilman Knight for all of his work on this. Several months ago they had a similar discussion about fences with the same people and a similar group and those groups spent a lot a time it. We tried to refigure that one too but there is always something that can be changed no matter how much you try to get into the details, you always have someone who can challenge something. That is happening on this issue. He is in favor of going with the staff recommendation because they spent a lot of time on it there has been a lot of citizen input on it so he would be supporting the ordinance as written.

Commissioner Walkowski said there had been a lot of discussion in previous Planning Commission Meetings and in this one about citizens' ability to be able to be proficient and understanding the appeals process and the timing of it. He felt that was still an issue. If you are involved in development or planning you understand these matters intuitively but as citizens you don't have that opportunity it's usually just a one stop shop opportunity. So there is some validity considering that. We discussed the 12 days last time and he was leaning that way this time. The issue for developers for not getting funding or getting the loans or proceeding with spending money until the appeal process is done is correct and it is an issue. However he thought that was a marginal issue. Once developers know what the issue is they can deal with it. We are very competitive with cities across the country. So moving it from 11 days to 12 days is reasonable and appropriate. With the rest of the comments he will let staff and legal work through that as this moves up the channel to Council. He will support what is in front of them but will lean for the 12 days.

Commissioner McDonald said she thanked Councilman Knight for all the work he put into this, he was trying to help the citizens. However, on the other hand, she was concerned about the business climate in Colorado Springs and having a very easy maneuverable business climate is extremely important to keep the economic viability at a point where they are able to bring in new businesses that we need in the community. Ms. Parsons provided good information and she is leaning in that direction. She will support it as it is written and presented by staff she appreciated everyone's time and effort in trying to clarify this process.

Commissioner Gibson said the last time she was in support of the 12 day time frame because she wanted to find a compromise that worked for the business community and the citizens to make sure they had enough time to be educated and to be able to turn in what they needed to turn in as far as the appeals process goes. She was pleased to see that CONO and others have had additional conversations and have come to an agreement. She is in support as written. Colorado Springs is not these other cities we are trying to make our own path as a city and thinks we are on a good path and she thought this helped us.

Commissioner Henninger said he appreciated Councilman Knight's work on this issue. He's looked at both sides. He felt it was important to try and do as much as they can for the community as far as their opportunity to understand what is being done for the community and for them to have the opportunity to provide feedback. Ten days is what has been on the books for some time; they moved it to 12, they could move it further out but he didn't think that would cover the issue because someone always seems to have questions. He supports 10 days they could go to 12 or 14 but he doesn't know if that will solve the problem the citizens have. The biggest thing is we want to be sure we hear from them and be responsive to them.

Mr. Wysocki clarified those that voted no because the motion was for 12 days and their preference was 10 days.

Motion by Walkowski, seconded by Markewich, that the Planning Case be accepted CPC CA 16-00008 Recommend approval to the City Council of a reconsidered ordinance repealing and reordaining Section 906 (Appeals) of Part 9 (Notice, Hearings And Appeals) 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 Appeals.

**With the recommendation to change the 10 days for appeals to 12 throughout.
The motion passed by a vote of**

Aye 5 - Chairperson Phillips, Markewich, Walkowski, Graham and Smith

No 3 - McDonald, Henninger and Gibson

Absent 1 - Shonkwiler

7. NEW BUSINESS CALENDAR

7.A.1 [CPC ZC 16-00022](#) A change of zone district rezoning 2.95 acres R/HS (Estate Single-Family Residential with Hillside Overlay) to PBC/CR/HS (Planned Business Center with Conditions of Record and Hillside Overlay) located north of the intersection of Elkton Drive and Chestnut Street.

(Quasi-Judicial)

Related File: CPC DP 16-00023

Presenter:
Hannah Van Nimwegen, Planner II, Planning and Community Development

Postponed to June 16.

7.A.2 [CPC DP 16-00023](#) A development plan for a 28,890 square foot swim and athletic facility located north of the intersection of Elkton Drive and Chestnut Street associated with the proposed change of zone district.

(Quasi-Judicial)

Related File: CPC ZC 16-00022

Presenter:
Hannah Van Nimwegen, Planner II, Planning and Community Development

Postponed to June 16.

- 7.B. [CPC DP 15-00142](#) A development plan for a 54-unit student housing complex in the R-5 (Multi-Family Residential) zone district, consisting of 2.756 acres and located northwest of Westmoreland Road and North Hancock Avenue.

(Quasi-Judicial)

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development

STAFF PRESENTATION:

Rachel Teixeira, Planner II gave a PowerPoint presentation.

Steve Kuehster with Engineering Development Review gave a report of the Geologic Hazard of the area due to mine shafts. Regarding drainage, Mr. Kuehster said the drainage standards are met and any issues regarding stormwater quality and drainage will be fixed in the Scott Lane area.

Applicant Presentation:

Dave Morrison with Land Patterns Inc., Landscape Architect and Planner, representing Challenger Homes gave a PowerPoint Presentation. He explained the existing project, stated what the neighborhood concerns were and how they addressed them.

Questions:

Commissioner Walkowski asked about building height as far as the height from street level to the top of the building - 45 feet.

Commissioner Walkowski asked about why they had water quality verses water detention and addresses the drainage onto Scott Lane.

John Radcliffe explained they were required to do water quality but found out yesterday City comments they should consider detention due to Scott Lane having existing drainage issues. Commissioner Walkowski confirmed they would be making some changes to address those drainage issues and Mr. Radcliffe said they would.

Commissioner Smith asked Mr. Phillips, the geotechnical engineer for the project, about the mines what the foundation situation might be. Mr. Phillips explained how they work with the Colorado Geological Survey regarding the mines and how they would ensure the buildings would be stable and sound. But, the analysis for this site showed the risk of future ground surface movement to be very low.

Commissioner Markewich asked whether this development could cause any type of sequential problems. Mr. Phillips said subsidence failure in this area would be a shallow but the minimal amount of void will not cause a domino effect on properties. Commissioner Markewich stated then primary risk is to the applicant's property. Mr. Phillips said yes.

Commissioner Walkowski asked for clarification on off street parking - 48 spaces.

Commissioner Markewich asked if it was 100% positive there would be 24-hour management on-site. Mr. Morrison said that was correct.

Commissioner Phillips said it's designed for students or roommates. Mr. Morrison said it was. But will accept other applicants.

Commissioner Phillips asked what about the values of the surrounding area Mr. Morrison said they think this development will enhance the neighborhood and raise values.

Commissioner McDonald asked what the rental rates would be-\$675 per bedroom for the 3 bedrooms and \$700 per bedroom for the 2 bedroom.

Citizens in Support:

None

Citizens in Opposition:

Mr. Emmitt Tishmore was opposed to the project in its current form due to the size and density and drainage issues. Commissioner Phillips asked if earlier testimony answered his questions. Mr. Tishmore said regarding drainage yes, but the size is an issue and no compromises were brought forward. Commissioner Phillips asked if they compromised on other things. Mr. Tishmore said they listened to the neighborhood's concerns and discussed them. Commissioner McDonald commented regarding the requirement from the federal, state and local government for EPA stormwater or runoff and what is mandated, so she wanted to put him at ease they must follow those rules they don't have a choice.

Mr. Dave Vooths was opposed to the project due to drainage, the mines, the mine shafts, cave-ins, traffic, noise, and parking and negatively affect property values. Commissioner Gibson asked if Mr. Vooths was not OK with anything being there. Mr. Vooths wanted something that would be conducive to the neighborhood. Their neighborhood is multi-family and single-family a smaller footprint would be more appropriate.

Ms. Ginger Boll is opposed to replatting this into one large building, as well as the mine situation, the balconies, the extra cars and traffic. She said the geological survey did not rule out a possible collapse thus they wanted a billion dollar bond in case something goes wrong. Commissioner Gibson asked if they are required to carry higher insurance because of the mine shafts. Ms. Boll said no, they weren't allowed to get mine insurance. If something happens on the developer's side and causes problems on their property they are in a world of hurt. Commissioner McDonald asked if Ms. Boll knew about the requirements and state laws that builders have to follow and warrant their foundations for a certain period of time. Ms. Boll said the developer is using a temporary holding company so if that goes under who do they sue.

Ms. Sue Tejan discussed the mine shafts, concerned for the loss of privacy

and parking. Site is an old dump site. Commissioner Markewich asked about damage to foundations around the homes. Ms. Tejan thought there was something below Westmoreland, but wasn't sure.

Ms. Clair Sussen is opposed due to the size, the number people it will bring to the neighborhood, how it will bring property values down, the trash, the parking issue and it will negatively affect her quality of life.

Mr. Carl Pegler said there was a cave-in recently off Cumberland. He's opposed due to the immature people that will be brought to the neighborhood, also the amount of traffic. Senior housing that would be better. Commissioner Gibson asked if something was put there they cannot discriminate against who lives there. Mr. Pegler said he suggested having 55+ communities not students. There are young adults with children in the community which brings maturity not students/teenagers.

Commissioner McDonald discussed the property being available to be developed as well as other property close to Scott Lane. It could have another type of development such as 4-plexes and rented to students so you could have had eight 4-plexes with 4 in each you have 128 people either way you'd still have lots of students

Commissioner Gibson appreciated his concerns. UCCS was designated as growth campus and they are seeing the effect of that growth and as a commission they are trying to be sensitive to all matters.

Margie Shaffer said she doesn't live directly where the development is but will experience the extra traffic and students; students do not make good neighbors. Wanted them to think about what will happen to this neighborhood when there are only students left.

Questions of Staff:

Commissioner Graham asked about the number of guest parking and could it be increased. Ms. Teixeira said there was nothing in the code that addresses guest parking. So they'd have to ask the applicant why only 2 guest parking slots. Meggan Herrington clarified the issue of parking for Commissioner Graham and how parking is based on parking minimums for the use.

Commissioner Henninger discussed the issues of drainage around Scott Lane and what will be done to resolve the issue. Mr. Kuehster explained why the drainage is an issue in the area and they will do some things to alleviate the problem and fix it which will be over and above what needed to be done by the developer.

Rebuttal:

Mr. Morrison said the parking they will provide is more than the requirement. Mr. Morrison addressed the mine issues. Regarding the drainage issue just became known to them. They are working to resolve it because it affects their property as well as the neighbors' property.

Commissioner Markewich said the neighborhood is concerned about the behavior of the tenants. Having the balconies is a concern, could you consider

removing the balconies because that would go a long way to satisfying the neighbors. He recommended they consider that.

Commissioner Smith said a comment made that this was an LLC that it could be flipped by a different owner because if it happens all the concerns need to be passed on. Mr. Morrison said developments are set up under separate LLC. It all has to do with financing a project, whether it will be flipped or not, that is always a possibility. Could there be language tied to the project for the next owner, he'd defer to staff.

Commissioner Gibson asked how many student housing projects they've done. Mr. Morrison said this is their first one.

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich said UCCS is a vital part of Colorado Springs and the growth that is going on to benefit the city. The students have to live somewhere. The project makes sense to him. The project could have been larger. When it comes to infill and redevelopment, projects can be a catalyst for redevelopment to improve neighborhoods as well as improving other things such as the stormwater. We can't restrict who lives there. They have recourse regarding noise and other problems with code enforcement, the police and you don't want to do that, use the onsite manager so there is recourse. He will vote to approve the project. It complies with review criteria. Lastly he encourages the developer to reconsider the balconies.

Commissioner Smith thanked the neighbors for coming and expressing their concerns. This project could have been approved administratively. All requirements such as the setbacks the height, the parking, the lot coverage is within the criteria they use to see it fits within those requirements and it does. Mines have been addressed. The drainage just came up but with the retention pond the water could be let out and not exceed the current flows off the site. The on-site manager is great. It will help with all the issues. The manager needs to have lots of authority. Lighting has been addressed. The criteria have been met. He will support the project.

Motion by Markewich, seconded by McDonald, that the Planning Case be accepted Proposed Motion:

CPC DP 15-00142

Approve the development plan for a 54-unit student housing complex, located northwest of Westmoreland Road and North Hancock Avenue, based upon the findings that the request complies with the Development Plan Review Criteria in City Code Section 7.5.502.E., subject to the following technical and/or informational plan modifications:

Technical and Informational Modifications to the PUD Development Plan:

- 1. Add the file number "CPC DP 15-00142" in the lower right corner of the following Sheets 4 of 10, 5 of 10, 10 and 10, and PP-1 (Photometric Site Plan).**
- 2. Provide the additional location(s) of the 'Surface Mounted Bicycle Storage' on Sheet DP-1.**
- 3. Provide the changes to the development plan reflecting the reduction in size of the balconies and add a note to Sheet DP-1.**
- 4. Modify the dimension for the sidewalk along Westmoreland Road to be a six**

(6) foot wide attached instead of a five (5) foot wide attached.

5. Both the CTL Thompson and the RMG geologic hazard reports have not been finalized including the responses to the applicable CGS review letter for each report. These reports should include a signed planning application for Geologic Hazards Reports.

6. Add the standard Geologic Hazard Disclosure statements for both reports to the development plan.

7. Add a note to the development plan on Sheet DP-1 that states: "This site is subject to the geologic hazard of potential subsidence due to abandoned underground mining activity. The foundations should be designed and reinforced to span a minimum unsupported distance of 25 feet under design loads." or an alternative design approved by city staff and CGS.

8. Revise the landscaping plan on Sheet LS-6 since there are two (2) trees, a Prince of Wales Juniper and a Dwarf Fragrant Sumac, on top of the existing 12,500 u/g electric line in North Hancock Avenue.

9. Illustrate the existing public 12,500 U/G electric kv line in the retaining wall detail on Sheet LS-6. .. The motion passed by a vote of

Aye 8 - McDonald, Chairperson Phillips, Henninger, Markewich, Walkowski, Graham, Gibson and Smith

Absent 1 - Shonkwiler

7.C.1 [CPC A](#)
[16-00020](#)

Mohl Hollow Annexation of 1.26 acres located at the southeast corner of Vincent Drive and Dublin Boulevard.

(Legislative)

Related File: CPC ZC 16-00021

Presenter:

Meggan Herington, Planning Manager, Planning and Community Development

STAFF PRESENTATION:

Meggan Herington, Planning Manager gave a PowerPoint presentation.

The city can unilaterally annex an enclave per state statute and owner has agreed to the annexation. There is no petition to annex or an annexation agreement required. There are no infrastructure needs for this property. The zoning property A (Agricultural). The owners will need to petition the City for future zoning to develop and will also need a concept plan.

Regarding the process - there is no petition, no annexation agreement, it does require recommendation by the Planning Commission, it does require adoption of an ordinance by City Council, A (Agricultural) zoning is recommended with this annexation and the owner will determine the best use of the land at a later date

Questions:

None

Citizens in Support:

None

Citizens in Opposition:

None

Questions of Staff:

None

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

No discussion

Motion by Smith, seconded by Markewich, that the Planning Case be accepted

Proposed Motion:

CPC A 16-00020 - ANNEXATION

Recommend approval to City Council the Mohl Hollow 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

Aye 8 - McDonald, Chairperson Phillips, Henninger, Markewich, Walkowski, Graham, Gibson and Smith

Absent 1 - Shonkwiler

7.C.2 [CPC ZC 16-00021](#)

Establish the A (Agricultural) zone district for the 1.26-acre Mohl Hollow Annexation located at the southeast corner of Vincent Drive and Dublin Boulevard.

(Legislative)

Related File: CPC A 16-00020

Presenter:

Meggan Herington, Planning Manager, Planning and Community Development

See companion item 7.C.1 - CPC A 16-00021 for minutes on this item

Motion by Smith, seconded by Markewich, that the Planning Case be accepted

Proposed Motion:

CPC ZC 16-00021 - ESTABLISHMENT OF THE A ZONE

Recommend approval to City Council the establishment of the A (Agricultural) zone district, based upon the findings that the zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603.B.. The motion passed by a vote of

Aye 8 - McDonald, Chairperson Phillips, Henninger, Markewich, Walkowski, Graham, Gibson and Smith

Absent 1 - Shonkwiler

7.D. [CPC CU 16-00042](#) The Springs Waste Systems conditional use to allow a garbage services company in the M-1 (Light Industrial) zone district located at the northwest corner of Drennan Road and South Academy Boulevard.

(Quasi-Judicial)

Presenter:

Mike Turisk, Planner II, Planning and Community Development

STAFF PRESENTATION:

Michael Turisk, Planning II gave a PowerPoint presentation.

Staff had the Lamplighter Mobile Home Park manager allowed a poster to go up in their common area around their mail boxes which notified them of the project being done at the site.

Applicant presentation

Terra Nova Engineering, Inc., gave Power Point Presentation

Questions:

Commissioner Gibson asked about the access road if it was jointly used by them and city or open for other use. The access is only to maintain the ditch. It's not public.

Citizens in Support:

None

Citizens in Opposition:

None

Questions of Staff:

None

The maintenance road it's a private road but people do use it but foot traffic appears what it is used mostly

Rebuttal:

None

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

No Discussion

Motion by McDonald, seconded by Gibson, that the Planning Case be accepted

Proposed Motion:

CPC CU 16-00042 - CONDITIONAL USE

Approve the Conditional Use Development Plan for a garbage services company for Springs Waste Systems based upon the findings that the Conditional Use complies with the three (3) review criteria for granting of Conditional Uses and complies with the Development Plan review criteria as set forth in City Code

Sections 7.5.704 and 7.5.502, with the following technical modification:

1. Approval of the Conditional Use Development Plan is contingent upon approval of the associated rezone and Concept Plan applications by City Council.

2. On page two of the Development Plan, clarify the height of the trash enclosure. Note that if it is taller than six-feet then an address and separate permit will be required.

3. Continue coordination with Colorado Springs Utilities regarding the location of the wastewater service line, sand oil interceptor(s) for maintenance facilities, additional easement dedication and the location of the fire hydrant along Boychuk Avenue.. The motion passed by a vote of

Aye 8 - McDonald, Chairperson Phillips, Henninger, Markewich, Walkowski, Graham, Gibson and Smith

Absent 1 - Shonkwiler

8. Miscellaneous Updates/Information

9. Adjourn