



City of Colorado Springs

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Meeting Minutes - Draft Planning Commission

Wednesday, August 10, 2022

9:00 AM

PPRBD - 2880 International Circle

1. Call to Order and Roll Call

Present: 9 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Alternate Griggs, Commissioner Hensler, Alternate Cecil, Alternate Morgan and Commissioner Briggs

Excused: 3 - Commissioner Raughton, Vice Chair McMurray and Commissioner Foes

2.A. Approval of the Minutes

2.A.A. [CPC 22-538](#) Minutes for the July 13, 2022, City Planning Commission meeting.

Presenter:

Scott Hente, Chair of the City Planning Commission

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to approve the minutes for the July 13, 2022, City Planning Commission. The motion failed because there was a lack of a voting commissioners who were at the meeting. The vote was 3:0:3:3

Aye: 3 - Chair Hente, Commissioner Rickett and Commissioner Hensler

Absent: 1 - Commissioner Raughton

Abstain: 3 - Commissioner Slattery, Commissioner Almy and Commissioner Briggs

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to postpone the minutes for the July 13, 2022, City Planning Commission hearing to the September 14, 2022 meeting. The motion passed by a vote of 5:0:3:1

Aye: 5 - Chair Hente, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Absent: 1 - Commissioner Raughton

Abstain: 1 - Commissioner Slattery

2.B. Changes to Agenda/Postponements

2.B.A. [CPC A](#) Postpone the Amara Addition No. 1 Annexation located near the
[21-00197](#) northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road consisting of 1.193 acres.
(Legislative)

Presenter:

Katie Carleo, Land Use Review Planning Manager, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner Briggs, to postpone Items 2.B.A. - 2.B.N., the Amara Additions Nos. 1-11, to the September 14, 2022 City Planning Commission meeting per the applicant's request. The motion passed by a vote of 6:0:3:0

Aye: 6 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Absent: 1 - Commissioner Raughton

**2.B.B. [CPC A](#)
[21-00198](#)**

Postpone the Amara Addition No. 2 Annexation located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road consisting of 4.160 acres.
(Legislative)

Presenter:

Katie Carleo, Land Use Review Planning Manager, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner Briggs, to postpone Items 2.B.A. - 2.B.N., the Amara Additions Nos. 1-11, to the September 14, 2022 City Planning Commission meeting per the applicant's request. The motion passed by a vote of 6:0:3:0

Aye: 6 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Absent: 1 - Commissioner Raughton

**2.B.C. [CPC A](#)
[21-00199](#)**

Postpone the Amara Addition No. 3 Annexation located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road consisting of 8.633 acres.
(Legislative)

Presenter:

Katie Carleo, Land Use Review Planning Manager, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner Briggs, to postpone Items 2.B.A. - 2.B.N., the Amara Additions Nos. 1-11, to the September 14, 2022 City Planning Commission meeting per the applicant's request. The motion passed by a vote of 6:0:3:0

Aye: 6 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Absent: 1 - Commissioner Raughton

**2.B.D. [CPC A](#)
[21-00200](#)**

Postpone the Amara Addition No. 4 Annexation located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road consisting of 24.430 acres.

(Legislative)

Presenter:

Katie Carleo, Land Use Review Planning Manager, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner Briggs, to postpone Items 2.B.A. - 2.B.N., the Amara Additions Nos. 1-11, to the September 14, 2022 City Planning Commission meeting per the applicant's request. The motion passed by a vote of 6:0:3:0

Aye: 6 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Absent: 1 - Commissioner Raughton

2.B.E. [CPC A](#)
[21-00201](#)

Postpone the Amara Addition No. 5 Annexation located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road consisting of 124.759 acres.

(Legislative)

Presenter:

Katie Carleo, Land Use Review Planning Manager, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner Briggs, to postpone Items 2.B.A. - 2.B.N., the Amara Additions Nos. 1-11, to the September 14, 2022 City Planning Commission meeting per the applicant's request. The motion passed by a vote of 6:0:3:0

Aye: 6 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Absent: 1 - Commissioner Raughton

2.B.F. [CPC A](#)
[21-00202](#)

Postpone the Amara Addition No. 6 Annexation located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road consisting of 218.046 acres.

(Legislative)

Presenter:

Katie Carleo, Land Use Review Planning Manager, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner Briggs, to postpone Items 2.B.A. - 2.B.N., the Amara Additions Nos. 1-11, to the September 14, 2022 City Planning Commission meeting per the applicant's request. The motion passed by a vote of 6:0:3:0

Aye: 6 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Absent: 1 - Commissioner Raughton

2.B.G. [CPC A](#)
[21-00203](#) Postpone the Amara Addition No. 7A Annexation located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road consisting of 95.566 acres.
(Legislative)

Presenter:
Katie Carleo, Land Use Review Planning Manager, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner Briggs, to postpone Items 2.B.A. - 2.B.N., the Amara Additions Nos. 1-11, to the September 14, 2022 City Planning Commission meeting per the applicant's request. The motion passed by a vote of 6:0:3:0

Aye: 6 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Absent: 1 - Commissioner Raughton

2.B.H. [CPC A](#)
[22-00108](#) Postpone the Amara Addition No. 7B Annexation located near the northeast corner of Squirrel Creek Road and Link Road consisting of 254.149 acres.
(Legislative)

Presenter:
Katie Carleo, Land Use Review Planning Manager, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner Briggs, to postpone Items 2.B.A. - 2.B.N., the Amara Additions Nos. 1-11, to the September 14, 2022 City Planning Commission meeting per the applicant's request. The motion passed by a vote of 6:0:3:0

Aye: 6 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Absent: 1 - Commissioner Raughton

2.B.I. [CPC A](#)
[21-00204](#) Postpone the Amara Addition No. 8 Annexation located near the northeast corner of Squirrel Creek Road and Link Road consisting of 400.348 acres.
(Legislative)

Presenter:
Katie Carleo, Land Use Review Planning Manager, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner Briggs, to postpone Items 2.B.A. - 2.B.N., the Amara Additions Nos. 1-11, to the September 14, 2022 City Planning Commission meeting per the applicant's request. The motion passed by a vote of 6:0:3:0

Aye: 6 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Absent: 1 - Commissioner Raughton

2.B.J. [CPC A](#)
[21-00205](#) Postpone the Amara Addition No. 9 Annexation located near the northeast corner of Squirrel Creek Road and Link Road consisting of 515.841 acres.
(Legislative)

Presenter:
Katie Carleo, Land Use Review Planning Manager, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner Briggs, to postpone Items 2.B.A. - 2.B.N., the Amara Additions Nos. 1-11, to the September 14, 2022 City Planning Commission meeting per the applicant's request. The motion passed by a vote of 6:0:3:0

Aye: 6 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Absent: 1 - Commissioner Raughton

2.B.K. [CPC A](#)
[21-00206](#) Postpone the Amara Addition No. 10 Annexation located near the northeast corner of Squirrel Creek Road and Link Road consisting of 719.719 acres.
(Legislative)

Presenter:
Katie Carleo, Land Use Review Planning Manager, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner Briggs, to postpone Items 2.B.A. - 2.B.N., the Amara Additions Nos. 1-11, to the September 14, 2022 City Planning Commission meeting per the applicant's request. The motion passed by a vote of 6:0:3:0

Aye: 6 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Absent: 1 - Commissioner Raughton

2.B.L. [CPC A](#)
[21-00207](#) Postpone the Amara Addition No. 11 Annexation located near the northeast corner of Squirrel Creek Road and Link Road consisting of 858.642 acres.
(Legislative)

Presenter:
Katie Carleo, Land Use Review Planning Manager, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner Briggs, to postpone Items 2.B.A. - 2.B.N., the Amara Additions Nos. 1-11, to the September 14, 2022 City Planning Commission meeting per the applicant's request. The motion passed by a vote of 6:0:3:0

Aye: 6 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Absent: 1 - Commissioner Raughton

2.B.M. [CPC MP 21-00208](#)

Postpone the establishment of the Amara Master Plan for proposed commercial, industrial, civic, single-family residential, multi-family residential, parks and open spaces within the City of Colorado Springs. The property is located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road, and consists of 3172.796 acres. (Legislative)

Presenter:

Katie Carleo, Land Use Review Planning Manager, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner Briggs, to postpone Items 2.B.A. - 2.B.N., the Amara Additions Nos. 1-11, to the September 14, 2022 City Planning Commission meeting per the applicant's request. The motion passed by a vote of 6:0:3:0

Aye: 6 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Absent: 1 - Commissioner Raughton

2.B.N. [CPC ZC 21-00209](#)

Postpone the establishment of an A (Agriculture) zone district, in association with the Amara Annexations, located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road, consisting of 3172.796 acres. (Legislative)

Presenter:

Katie Carleo, Land Use Review Planning Manager, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner Briggs, to postpone Items 2.B.A. - 2.B.N., the Amara Additions Nos. 1-11, to the September 14, 2022 City Planning Commission meeting per the applicant's request. The motion passed by a vote of 6:0:3:0

Aye: 6 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Absent: 1 - Commissioner Raughton

3. Communications

Peter Wysocki - Director of Planning and Community Development

4. CONSENT CALENDAR

These items will be acted upon as a whole, unless a specific item is called for discussion by a Commissioner/Board Member or a citizen wishing to address the Commission or Board. (Any items called up for separate consideration shall be acted upon following the Consent Vote.)

Victory Ridge Park

- 4.A. [CPC ZC 22-00097](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 7.98 acres located northeast of the Thunder Mountain Avenue and Daydreamer Drive intersection from PUD (Planned Unit Development) to PK (Public Park)

(Quasi-Judicial)

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

This Ordinance was recommended for approval on the Consent Calendar to the City Council

Cradle Home Daycare

- 4.B. [CPC CU 22-00063](#) A conditional use development plan application (The Cradle Family Child Care) to allow a large daycare home with a maximum number of twelve (12) children and infants to the existing small daycare home. The project site is currently zoned R1-6,000/AO (Single-Family Residential with Airport Overlay) located at 2911 Poughkeepsie Drive.

(Quasi-Judicial)

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development

This Planning Case was approved on the Consent Calendar

Freestyle North at Banning Lewis Ranch

- 4.E. [CPC MP 87-00381-A3 0MJ22](#) A Major Master Plan Amendment to the Banning Lewis Ranch Master Plan for 557.357-acres to accommodate a mixed residential development as well as a future roadway network, located east of

Marksheffel Road and between the future extensions of Stetson Hills Boulevard, Barnes Road and Banning Lewis Parkway.

(QUASI-JUDICIAL)

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development

This Resolution was recommended for approval on the Consent Calendar to the City Council

4.F. [CPC PUZ 22-00004](#)

A PUD zone change rezoning 557.357-acres from R1-6000/R1-6000/cr/R5/cr/PBC/cr/PUD/SS/AO (Single-Family Residential, Single-Family Residential with Conditions of Record, Multi-Family Residential with Conditions of Record, Planned Business Center with Conditions of Record, Planned Unit Development and Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential, 2.0-24.99 du/ac, 35'-50' Max. Building Heights with Streamside and Airport Overlays), located east of Marksheffel Road and between the future extensions of Stetson Hills Boulevard, Barnes Road and Banning Lewis Parkway.

(QUASI-JUDICIAL)

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development

This Ordinance was recommended for approval on the Consent Calendar to the City Council

4.G. [CPC PUP 22-00005](#)

A PUD Concept Plan for the Freestyle North at BLR project illustrating a phased residential development with a mix of land uses and public and private improvements. The project is located east of Marksheffel Road and between the future extensions of Stetson Hills Boulevard, Barnes Road and Banning Lewis Parkway.

(QUASI-JUDICIAL)

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development

This Planning Case was recommended for approval on the Consent Calendar to the City Council

Enclaves at Mountain Vista East

- 4.H. [CPC MP 87-00381-A3 MJ22](#) A resolution approving a major amendment to the Banning Lewis Ranch Master Plan changing land use designations from residential-medium high, neighborhood retail, school, and park to residential-medium, commercial, mixed commercial/residential-high, park and open space consisting of 184.29 acres located east of the North Marksheffel Road and Barnes Road intersection.

(Legislative)

Related Files: CPC PUZ 22-00034 and CPC PUP 16-00013-A4MJ22

Presenter:

William Gray, Senior Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

This Resolution was recommended for approval on the Consent Calendar to the City Council

- 4.I. [CPC PUZ 22-00034](#) An ordinance amending the zoning map of the City of Colorado Springs for the Enclaves at Mountain Vista Ranch East project changing 184.29 acres from R-1 6000/PBC/AO/R-5/PUD/PK/SS/AO (Single-Family Residential, Planned Business Center, Multi-Family Residential, Planned Unit Development, and Public Parks with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential, 3.5 dwelling units per acre to 24.99 dwelling units per acre, and 35 feet maximum building height; and Commercial, 138,500 square feet maximum, and 45 feet maximum building height, with Streamside and Airport Overlays).

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A31MJ22 and CPC PUP 16-00013-A4MJ22

Presenter:

William Gray, Senior Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

This Ordinance was recommended for approval on the Consent Calendar to the City Council

- 4.J. [CPC PUP 16-00013-A4 MJ22](#) A PUD Concept Plan for the Enclaves at Mountain Vista Ranch East project illustrating a phased residential and commercial development with a mix of land uses, public and private improvements, and the realignment of Barnes Road.

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A31MJ22 and CPC PUZ 22-00034

Presenter:

William Gray, Senior Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

This Planning Case was recommended for approval on the Consent Calendar to the City Council

Approval of the Consent Agenda

Approval of the Consent Agenda

Motion by Commissioner Rickett, seconded by Commissioner Hensler, 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: 6 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Absent: 1 - Commissioner Raughton

5. ITEMS CALLED OFF CONSENT

Hancock Commons

4.C. [CPC PUZ 22-00036](#)

An ordinance amending the zoning map of the City of Colorado Springs relating to 20.26 acres located west of South Chelton Road along the north and south side of Hancock Expressway from PUD/PUD/OC/CR/PBC/AO (Planned Unit Development: Townhomes, 30-foot maximum building height with 15 dwelling units per acre; Planned Unit Development: Townhomes, 35-foot maximum building height, 11.668 dwelling units per acre with Navigation Preservation Overlay; Office Complex with Airport Overlay; and Planned Business Center with Airport Overlay) to PUD/AO (Planned Unit Development: Community Commercial, 20,000 square foot maximum, and 45-foot maximum building height; Residential Very High, 25 dwelling units per acre maximum, and 45-foot maximum building height; Residential Medium, 8 dwelling units per acre maximum, and 35-foot maximum building height; with Airport Overlay)

(Quasi-judicial)

Related File: CPC PUP 22-00037

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Staff Presentation:

Gabe Sevigny, Planning Supervisor South Planning Team gave a PowerPoint presentation describing the scope and intent of the project.

BACKGROUND:

- Site: 20.46 acres
- Existing Zoning and site characteristics:
 - a. Vacant land with dryland vegetation.
 - b. Hancock Expressway goes through the site.
 - i. Expressway to be vacated, removed and routed at the north side of the site and run east to tie into the existing Hancock Expressway
 - c. Surrounding Zoning and neighborhood: North: R-1 6000 (Single-family Residential) / single-family development; PBC (Planned Business Center) / undeveloped. South: PUD (Planned Unit Development)/single-family development. East: PUD (Planned Unit Development) / Multi-Family Townhome development. West: PUD (Planned Unit Development) / Single-family development

Public Notice:

- Public notice was sent to 818 property owners
 - Comments received and concerns noted were
 - Noise
 - Traffic
 - Density

Applicant presentation:

Andrea Barlow, gave a PowerPoint presentation giving history of the site and the scope and intent of the current project.

Highlights of Presentation

- Zone change to PUD/SS (Planned Unit Development: Residential/Commercial with Airport Overlay with concurrent Concept Plan for a Commercial lot with a 20,000 Max floor area and 45' Max height; Residential lot for Apartments at 25 DU/AC and 45' Max height; Residential lot for Townhomes at 8 DU/AC and a 35' Max Height
- Hancock Expressway to be re-routed to extend east to Chelton Rd intersection
- Post Oak Drive extended to Hancock Expressway
- One full movement intersection at Post Oak Drive & new Hancock Expressway
- Two right-in, right-out intersections onto proposed Hancock and Chelton Rd
- Three full movement intersections off Post Oak
- Part of Pinehurst Master Plan approved 2002
- Master Plan shows realignment of Hancock Expressway for entire site

Public Hearing:

Support:

In the audience: None

On the Phone: - None

Opposition:**In the audience:**

Shawn Adams lives at 3095 Post Oak which is on the block connected to where this dead end and where they plan on cutting it through. He'd disagreed with the term the applicant used stating there's a vibrancy of community. He's lived there 25 years and he's seen their community go downhome with all the added multi-family housing along with the traffic getting very bad. Crime and vandalism have increased. By moving Hancock there will be more issues with traffic. Safety in the neighborhood has gone downhill. People speed down the street, run stoplights and now you're proposing to add more of this same element. They talk about all these changes, but I've seen what happens and lived it.

Lisa Walton stated her concern was the commercial lot. She didn't understand the purpose of that. On the map there's nothing but residential houses or units in that area, so what's the point of a commercial lot. She didn't hear what was planned with that specific area, possibly a gas station, but it's a really small area and she didn't see any type of benefit to the community to have that. She's also wondering if we're extending the road, people already speed down that road. Extending it to the Expressway is going to encourage even more speeding. There will be more cut through traffic. What will they do with the rest of the road that bypasses the school?

On the Phone:

Ron and Winnie Petros live in the Soaring Eagles neighborhood right across the one that is basically on the east side of Hancock. We're concerned about the flooding over there when there is a lot of rain, and the drainage system does not seem to be adequate. We're also concerned about the road closure of Hancock and the schools and the traffic. Mrs. Petros stated the traffic is already bad, they've had three accidents and when you add more townhomes how will we get out of this section with the added traffic. There is cut through traffic for the elementary school and now they're building a middle school right next to the elementary school. This will increase the traffic worse through their neighborhood and used as a public street but it's not one. There's also only a right turn onto Hancock. If we could go both directions that would make it easier.

Rebuttal:

Ms. Barlow stated regarding the commercial lot. The site is zoned PBC, Planned Business Commercial for a much larger area. There are commercial components identified within PlanCOS for this area which we want to keep and provide a mixed use community in terms of the types of uses. We don't know what will be there, but it will not be a gas station because the Urban Renewal Agency has specific requirements of the type of uses that can be put there. It will be more of a type of local neighborhood facilities. Possibly restaurants, and

some smaller retail.

Regarding traffic we are connecting from the east to the west of Chelton. It's only the section from where Hancock is going to be straightened to Chelton that will be closed. The route will be Hancock down to Chelton and then Chelton will continue to connect to Hancock. She thought there were plans to straighten out that intersection to make it more continuous but that is not part of their plans. For the couple online that live in the townhomes east of Chelton, east of this parcel and the Soaring Eagles School to the south, with the realignment of Hancock and the connection of Post Oak that will improve circulation. Traffic will be distributed a little better than now. The plan was always to extend the road. There may be additional traffic at that connection. The purpose of the extension is for better circulation. We provided a traffic report to the City and that was reviewed and approved by City Traffic Engineering.

Regarding drainage, on the south portion of the property that is currently Western Hancock there is a channelized drainage channel and beyond Chelton there is another channelized concrete drainage. So, there's a concrete channelized channel to the east on Chelton and a concrete channel on the south side. It's that section curves around to Chelton that is a natural drainage. They are going through a process with FEMA for a CLOMA to realign the floodplain there and channelize all of it so its consistent with the rest of the concrete channel. There were no concerns raised from the school district about capacity since these children in the development will likely attend Soaring Eagles Elementary School.

Commissioner Hente commented he saw it was in the Hancock Commons Urban Renewal Plan and asked if they'd discussed this with the Urban Renewal Authority? Ms. Barlow stated yes.

Commissioner Rickett asked if Mr. Frisbie could walk them through this better. It looked like Hancock was designed to go straight through and meet up with the existing Hancock back in 2002, possibly even prior to that, do you know? Mr. Frisbie stated it's been on the plan for a very long time. That is why some right-of-way has already been set aside for that connection. The plan for the last 20-30 years was to connect the road.

Commissioner Rickett stated there's concerns about the surrounding traffic as this gets developed will these concerns be taken into consideration. Mr. Frisbie stated as they make that connection there will be additional traffic on Hancock Expressway between Chelton and Powers. Residents from that area have asked if they need a light possibly at Silverhawk Ave. Once the connects through City Traffic will have to look at a signal warrant and see if a light is needed because the pattern will change with the new connection. They'll also look at intersections and see their traffic control needed to be changed as a result of the change.

Mr. Sevigny added the initial zoning for the PUD in 1984 was park of the condition of record showed the southwest corner could only have 66 units until Hancock was actually connected. That was the earliest he could find showing Hancock was meant to always extend through.

Ray O’Sullivan owner of the property stated they were realigning Hancock Expressway at the request of the City of Colorado Springs for two and a half times the amount for what we paid for the land. He understood that these requirements were made to improve the community regarding the traffic. We were actually satisfied with the current zoning of the property but because of the realigning of Hancock to the north there would be townhomes or apartments that had two different underlying zonings. Thus, the Planning Department asked us to consider doing a concept plan and rezone to clean all of this up. He also stated by realigning Hancock Expressway, the currently channelization under Hancock Expressway is not designed for the current flood conditions and the water back ups create a hazardous condition. So, when we move Hancock and straighten it out to go straight to Powers to the east it will be channelized and controlled, so it won’t be a hazard any longer. We’ve asked the Urban Renewal Authority to support his project because of those extraordinary expenses.

DISCUSSION, COMMENTS AND VOTE OF THE COMMISSIONERS:

Commissioner Rickett stated he felt City Staff has used the code appropriately here and will be in support of the project.

Motion by Commissioner Rickett, seconded by Commissioner Briggs, to recommend approval to City Council the zone change for 20.26 acres from PUD/PUD/OC/CR/PBC/AO (Planned Unit Development; Planned Unit Development; Office Complex; Planned Business Center with Airport Overlay) to PUD/AO (Planned Unit Development; Residential and Commercial, with density and maximum building height established with CPC PUP 22-00037 with Airport Overlay), based upon the findings that the request meets the review criteria for establishing a PUD zone, as set forth in City Code Section 7.3.603, and the review criteria for a zone change, as set forth in City Code Section 7.5.603. The motion passed by a vote of 6:0:3:0

Aye: 6 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Absent: 1 - Commissioner Raughton

- 4.D. [CPC PUP 22-00037](#) A concept plan for 20.26 acres located west of South Chelton Road along the north and south sides of Hancock Expressway for multi-family residential and commercial development.

(Quasi-judicial)

Related Files: CPC PUZ 22-00036, CPC PUP 22-00037

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

See item 4C (CPC PUZ 22-00036)

Motion by Commissioner Rickett, seconded by Commissioner Briggs, to recommend approval to City Council the concept plan for the Hancock Commons project, based upon the findings that the request meets the review criteria for establishing a PUD concept plan, as set forth in City Code Section 7.3.605, and the review criteria for establishing a concept plan, as set forth in City Code Section 7.5.501(E), with one (1) Condition of Approval:

a. Applicant will receive final approval from SWENT for the Master Drainage Development Plan (MDDP) prior to final approval of the Concept Plan. The motion passed by a vote of 6:0:3:0

Aye: 6 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Absent: 1 - Commissioner Raughton

6. UNFINISHED BUSINESS

Short Term Rental Appeal

6.A. [CPC AP 22-00107](#) An appeal of the administrative denial of the Short Term Rental permit applications for 2525 & 2527 North Cascade Avenue for an ownership change, pursuant to City Code Sections 7.5.1702.B and 7.5.1704.D.

(Quasi-Judicial)

Presenter:
Carli Hiben, Program Coordinator, Planning and Community Development

Staff Presentation:
Carli Hiben, STR Program Coordinator, gave a PowerPoint presentation on the 2525 & 2527 North Cascade STR appeal

BACKGROUND:

- Ordinance 18-122 - established the STR Program
 - a. Permit transfer not permitted
- Ordinance 19-101 (went into effect 12/26/2019)
 - a. Established the zoning requirements for all non-owner occupied STRs
- Permits issued
 - a. December 2019 (STR-1374) & January 2020 (STR-1517)
- Permits renewed
 - a. November 2020
- Ownership Transfer
 - a. December 20,2020 - Transferred from Landon Orsillo to OREVLLC
- Permit Renewals Submitted

- a. February 5, 2022 (up for renewal December 31, 2021)
- Denial (June 7, 2022)
 - a. Ownership transfer
 - b. Located in a single-family zone district (R1-6000)

Questions:

None

Applicant/Appellant presentation:

Steven Mulliken gave a PowerPoint presentation on the appeal and why they feel the Commission has the ability to revise the denial of the appeal

- Highlights of presentation:
 - Permits are not issued to the property, they're issued to the owner
 - STR rules were adopted to accommodate a new industry that been evolving and changing a little bit due to the understanding of ownership.
 - In this instance we're dealing with the beneficial owner of the property
 - Lenard Orsillo is a family member but not of ORA
 - Originally brought property with fund provided by OREV for an investment to complete a major remodel
 - ORA was the beneficial owner of the property with all the investment of the property
- Primary point of the appeal:
 - The spirit of the law was not violated
 - ORA family was involved from the beginning with the land and working on their behalf
- Other information:
 - As understanding increases, we're all learning as we go and have a clearer understanding of everyone's role
 - Most who do this type of business do not hire an attorney
 - Property is well managed
 - No complaints
 - Appeal will not be averse to neighbors

Question:

No questions

Public Comment:**Support:**

None in audience or on the phone

Opposed:**In audience:**

None

On the Phone:

Michelle Hurtado stated she was against the interpretation of the guidelines we were sent by the city planning last week that are being applied in this case. She owns several homes that were grandfathered in the original short term rental process in 2018. As previously stated, the permitting process simply asks for the property owner. Our properties are owned by individual LLC, so each property was issued a permit under the LLC. Planning reviews ownership based on EPC tax assessors records. The new affidavit attempts to narrow the definition by listing individual members within the LLC and also requires that married spouses both be listed as a member in order for a surviving spouse to retain the existing permit. Our estate and entity structure was established years prior to this ordinance. The memberships of our LLC's are listed in our estate which allows either me or Ryan to manage our real estate in the event of one of our deaths. In order to comply with the new interpretation of the guidelines we'd have to get remarried to trigger the ability for both of us to be listed as members of our LLC's. This cannot be a reasonable interpretation of the original code. There's also the requirement that STRs will be revoked if there's a change of beneficiary of a trust. This makes no sense. When City Council passed this, they sought to ensure that rental owners were not harmed or negatively impacted and thus allowed for a grandfathering clause. It's impossible to draw a line between the original ordinance and these new interpreted guidelines.

Ryan Hurtado stated his comments were also related to the new interpretations. These new interpretations will be tied to many of your future appeals. The new interpretations impact around 200 STRs in the city. Michelle and I have separate permits for our LLC's that own our short term rentals. Years before the STR Ordinance was established we work with corporate and estate attorneys to determine the best approach to protect our assets and allow my wife to maintain the rentals in the event of one of our deaths especially since I've had cancer in the past and need regular checkups. Based on current interpretations guideline, in the event of my death my wife would lose the right to maintain the permits for the STRs that are part of my trust. The definition of property ownership at the inception of the ordinance was determined based on the title of the property with the county tax assessor. We question this new interpretation.

Rebuttal by applicant:

Commissioner Hente stated Mr. Mulliken could respond with a rebuttal since there were some comments. Mr. Mulliken stated the two who spoke, their overall comments were not about this specific appeal but more along the lines of the interpretation and understanding new guidelines. Commissioner Hente also agreed they were more about process in general.

Commissioner Rickett asked if the application was filled out by Geneva, and he was also curious to see that again to understand who's part of the LLC. It looked as though Geneva was heavily involved with the application. Mr. Elliot Orsillo stated Geneva is a member and also the person who manages all our Airbnb's. Thus, the reason she was always the point of contact on all the applications. Commissioner Rickett stated in this case she signed as the owner.

Commissioner Briggs asked when the property was originally bought, was it bought under the OREV LLC or was it bought by Landon. Mr. Milliken said

initially Landon or Silla took title. Commissioner Briggs asked if the notice of the change of the permit process was that address by the appellant when they change in to change from Landon to OREV

Ms. Hiben clarified in 2019 when they communicated and stated they were not notified the property title would be changing from Landon to OREV. Commissioner Briggs asked if they would've been notified the process was changing. Ms. Hiben stated they would have been via the email on file.

DISCUSSION, COMMENTS AND VOTE OF THE COMMISSIONERS:

Commissioner Rickett stated he felt this falls under the spirit of the law that the ordinance and will be voting to uphold the appeal because he feels it meets the spirit and the intent of what's been discussed here prior.

Commissioner Hensler stated her concerns were more about the application itself and the wording or the way the application is written and where the confusion could come from. Is there an opportunity for staff to revisit the application and they're written and formed to help clarify some of these LLC and trust issues? Ms. Hiben stated they've recently changed to an electronic submittal system and not using that same application. Over the last year we've been reviewing the application and if the property is under a trust or an LLC, we request they update their application to reflect the property as it is noted under the title.

Commissioner Hente stated he agrees with Commissioner Rickett and to a small part Commissioner Hensler. This stretches the interpretation of what we've had in the past but it's a bit of an evolving process for the us, the City and the community at large. It's a learning curve. He didn't think there was any intent to deceive. He thought there was an intent to keep this within the family and organization. He tended to agree this was a case to uphold the appeal.

Commissioner Almy stated he echoed all he'd heard from the other Commissioners. This is part of estate planning as well as real estate law, and tax law issue. It's gone from being more than just a civic application to more of a legal application that has implication going downstream. He thought if we've cleaned up the ownership idea and with the online system that's good. But maybe take a look at it again to make sure we're giving people adequate warning when they make these declarations and what the implications are. He felt the city staff was doing their due diligence to try and clean up the books as we go forward. He felt the appeal should be approved and the intent was property.

Mr. Wysocki, Planning Director, stated he wanted to clarify the record because every time we hear an STR appeal it's a moving target. We'll adjust the interpretation based on your feedback and the feedback of City Council. City Code is pretty clear change of ownership and doesn't give any exemption, or any interpretations if you change from ownership A to B or A LLC to B LLC, we interpret that as change of ownership. Then we had a slew of appeals and we modified it to be a little broader. We try to work with you. We presented it to the Planning Commission, and it was agreed it was reasonable. We then presented this City Council they felt it was reasonable and there's not consensus on City

Council about change of ownership is change of ownership because the intent was to amortize non-conforming STRs in our neighborhoods. We're trying to interpret your intent every time we hear these discussions. With that we'll bring back a policy for your discussion when we have a shorter agenda but it's still a bit of a moving target. We're trying to be consistent. But if the vote of the Planning Commission changes it hard for us to relay what's acceptable to the applicants. We're trying our best. There's been extensive conversations about LLC's. We've discussed survivorship, divorce, etc. many different moving parts but we can have more dialogue to fine tune it.

Commissioner Rickett stated he understood what Mr. Wysocki was saying and he thought we're getting to the end of these because of the ordinance timing. He appreciated how we're listened to and you've made changes accordingly.

Mr. Wysocki acknowledged Ms. Hiben because it's not easy to interpret the code and convey message. This is not easy to explain. We want to be respectful of the permittees and also implement the code that was adopted by City Council.

Commissioner Hente stated he'd echo Commissioner Rickett's comments about there could be many different scenarios of how things change and when we hear them it's a slightly different variation. He's not a fan of STRs but it's in the City Code but the bottom line is we want to be fair to the members of the community who acted in good faith in this case so he will be support of upholding the appeal.

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to uphold the appeal and reverse the administrative denial of the Short Term Rental renewal applications, as the appellant has substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906.A.4. The motion passed by a vote of 6:0:2:1

Aye: 6 - Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

Recused: 1 - Commissioner Raughton

Dublin North Addition No. 5 Annexation

6.B. [CPC A 21-00137](#) An ordinance annexing to the City of Colorado Springs that area known as Dublin North Addition No. 5 annexation consisting of 5.895 acres located southeast of the Spring Breeze Drive And Tutt Boulevard intersection

(Legislative)

Related Files: CPC A 21-00137R, CPC PUZ 21-00171, CPC PUD 21-00172

Presenter:
Katelynn Wintz, Planning Supervisor, Planning and Community

Development

Peter Wysocki, Director, Planning and Community Development

Planner Presentation:

Katelynn Wintz, Planning Supervisor North Team gave a PowerPoint presentation describing the history of the site and the scope and intent of the project.

BACKGROUND:

- Site: 5.89 acres size
- Existing Zoning and site characteristics: The property is current in unincorporated El Paso County zoned RR-5/CAD-O (Rural Residential - 5 acres with Commercial Airport District) and is undeveloped
- Surrounding Zoning and neighborhood:
 - a. North: PUD/AO (Planned Unit Development with Airport Overlay) and is residentially developed.
 - b. South: El Paso County RR-5 CAD-O (Rural Residential - 5 -acres with Commercial Airport District) and is residentially developed.
 - c. East: PUD/AO PUD/AO (Planned Unit Development with Airport Overlay) and is residentially developed.
 - d. West: PUD/AO PUD/AO (Planned Unit Development with Airport Overlay) and is residentially developed.
- Additional information
 - a. A traffic study was complete and accepted by Traffic Engineering in consultation with the Road Realignment project and all information was provided to the applicant.
 - b. PLDO - parks and schools both identified that fees in lieu of land dedication are acceptable for this application which will be applied at building permit.
 - c. Site is within the Airport Overlay. The Colorado Springs Airport have reviewed the application and indicate it meets the review criteria and they are approving the application.

Public Notice:

- Public notice was sent to 268 property owners two different occasions. One for internal review, and Planning Commission. The site was also posted for those time periods.

Applicant presentation:

Bill Guman with Guman & Associates gave a copy of a PowerPoint presentation as a handout to the Commissioners describing the scope and intent of the project

- Highlights of presentation
 - History of the site
 - Application complies with a small lot PUD development
 - Development qualifies as single-family
 - Exterior landscaped area
 - Meets all landscape and buffer criteria
 - Open space requirements are met

Questions of Applicant :

Commissioner Hensler asked about the approval for fire and their being just one entrance that both for in and out and was that considered. Mr. Guman said it was. On the southeast corner where the detention pond is there is an emergency or auxiliary access that fire requested, and we provided. Not only does it satisfy access to the detention pond as require by utilities, it also satisfied the emergency access for fire.

Public Comment:**Support:**

None in the audience or on the phone

Opposed:

Whitney Pacheco who lives on Vickie Lane. Some of the main concerns is traffic. The traffic survey was conducted prior to the Pathway community and Hanson Ranch community, the apartment complexes that were built up by St. Francis, as well as the finishing of the houses on Vickie Lane or the Whataburger that is about to open on Vickie Lane. Adding houses in this area will not be beneficial to the city. I have 25 responses, and all are opposed. We need some parks in the neighborhood. The closest park is five miles away add these houses without adding more open space is irresponsible. This is supposed to be America the Beautiful where we have spacious skies, our children will not have the opportunity to see spacious skies with 40' houses obstructing our view. Prices of houses have gone down and yet we're building more and more. There's just no place for our kids.

Ben Ashworth, 6140 Vickie Lane and he is right adjacent to the 5.89-acres that are proposed for this development. We're concerned about the traffic. To get out of the Templeton Gap / Dublin area takes about 50 - 10 minutes in the morning and when you do get out cars are going too fast, so you hope you're not hit. He didn't understand why we're adding another project when what is planned hasn't been finished. The fire access mentioned earlier, well that runs right by my house. That access is already used by cars so to add more, that will be right next to my front yard which is the only place for my kids to play. We talk about PlanCOS, greenspace, quality gathering places, parks and natural areas, quality of life, well there is none. Parks have been downsized to pocket parks where there is only one slide, one thing to climb on and two tables to sit at for an entire neighborhood. You'd have to cross Dublin and Tutt to get to the next one. That is not a street you want to cross. As far as safety we had our alarm go off and the wait for the police was hours. Thank goodness it was only a faulty alarm. Then you have Whataburger. The traffic at that corner is already bad and now you'll have a restaurant that people flock to. He wanted to know where the 7.8 acre is coming from when it's on a 5.89 acre parcel.

Steve Deluna and he's the husband of Whitney Pacheco who spoke earlier. They're in a new home and in his short time he's observed the surrounding area. The presentation said this site was compatible with the area and all the accomplishments of the surrounding, like Pathway and Hanson Ranch. Those things are the very essence of the problem. You have numerous communities

being built all in the same area, creating a lot of population, even more reason for us to have some sort of green space. A place where our kids can have fun. Also, if you look at the entire map Tutt is a clogged artery when it comes to traffic, and you have to fight a really complicated patter of people trying to navigate it. At some point and time there will be a serious accident there. It seems there's no intelligent design, it's all patchwork. Give a little more due diligence to our side and have a better understanding and appreciation for the area and the environment.

Rebuttal:

Mr. Guman stated there was a clarification. The traffic impact study was done in accordance with the City requirement for this submittal. It was completed in September 2021, and it was done in an conjunction with Pathways and the apartment project being built now. Tutt Blvd is a work in process. It's frustrating in the condition it's in right now but that's not the final configuration. The only other thing that he'd mention is regarding the fire access. This is only accessible to Colorado Springs Fire and Colorado Springs Utilities. It is not a cut through. There is no thoroughfare or anything from Vickie Lane into the subdivision. It's a controlled access

DISCUSSION, COMMENTS AND VOTE OF THE COMMISSIONERS:

Commissioner Raughton asked if as part of the Parks Department review how was park land dedication handled. Ms. Wintz stated the parks reviewer identifies the general need regarding both what the land dedication would amount to and then what the fees would equate to. When park land dedication for a set number of units is less than the minimum required for neighborhood park sizes, which is generally 3 ½ acres, the Parks Department indicates that fees in lieu of land dedication is more appropriate because that satisfies the parks obligation of owning and maintaining the park. Their intent is to not acquire a series of small parks. Ms. Wintz stated there were comments about there not being enough parks in this area, which she would agree with that. However, south where Skyview and Ridgeway schools are there are two parks about one mile away from the intersection of this parcel and Vickie Lane.

Commissioner Raughton clarified there was a fee in lieu of dedication of land. Ms. Wintz answered that was correct and that those fees will be collected at time of building permit.

Mr. Peter Wysocki, provided clarification that PLDO fees are intended to purchase park land. There are two levels of park fees. The city has an ordinance that requires with any residential development there is either dedicated land for neighborhood and community parts or if their project isn't big enough, they are to provide land for meaningful parks, and then we collect a fee and that's based on a calculation for density. We also collect drainage basin fees which are divided into seven different neighborhood park zones. Fees collected from a development in this area goes into a bucket of money that benefits the zoned area. So that's one level of fees. Then there's the community park fees. Those are for 20-acre plus parks where you see ball fields and that sorts of thing. It's a citywide fund and as Ms. Wintz indicated those are collected at the time of building permit that way, we know what's

being built and what should be charged. Mr. Wysocki further stated that there is a long list of dedicated lands that the city has received over the past several years that are still waiting to be improved. The park land dedication ordinance, even though it requires land dedication, it does not require construction of the park by the developer just the dedication of the land.

Commissioner Raughton asked how this access will be restricted? Mr. Guzman thought that the access would be restricted with a gate. It is part of a dedicated tract of land that will be platted when the properties platted and that will give that tract of land a specific authorized use which would only be for those two entities, which are City Fire and Colorado Springs Utilities. It's a gated access point with an emergency Knox lock system that those two entities or the HOA would have the ability to use that access point. The access point is adjacent to the private detention facility that abuts the residential properties and there is no connection to the private cul-de-sac. This is an emergency access only.

Commissioner Briggs stated as the development happens the Parks Department can be paid in lieu of fees but so you end up with a whole bunch of little fees with little developments with only fees being done and eventually you've got one big area that's been developed but it doesn't have property for a park, how does that work with the Parks Department?

Mr. Wysocki stated that there is a parks facility master plan there are areas that have been identified where they'd like to purchase land, but ultimately, it's based on the fees that are collected from PLDO, General Fund and other monies they'll look at developable land for neighborhood park at the preferred size of 5 acres with 3 ½ acres being their minimum. If land is available with a willing seller that could be done. But funding has been the challenge because there are parks that are undeveloped, and they've been in the queue a very long time. They could come in and as we see more of the enclaves and larger annexations, we can have a better understanding of how they evaluate these areas. However, for neighborhood parks we want pedestrian accessibility, proximity to residential development close to collector streets and principal roadways since those type of roads generate more traffic.

Commissioner Briggs stated he'd like to have that conversation with parks to help him better understand when we see small these smaller lots being developed or annexed how is that factored into it and the overall burden to the community.

Ms. Katie Carleo, LUR Planning Manager, stated she had been the planner for this area for some of that area around Vickie Lane and added we should look at little bit bigger scope because we're still north of Dublin Blvd and west of Black Horse Road. There are two private parks in this area. They were required at the time of annexation from the parks department to be developed by that developer, and as Mr. Wysocki stated, the Parks Department has the discretion whether what they're looking at is based on their standards but regarding the concerns for the area there are two small privately owned parks that are developed and maintained that are part of green spaces as part of those other developments that can be utilized by the public.

Commissioner Hensler asked about Tutt Blvd expansion and growth and if there was a timeline for that. Todd Frisbie, City Traffic Engineering, stated the realignment of Tutt Blvd is in the final design and go to bid next year with a construction beginning once the contractor is on board and having completion in the next year or so.

Commissioner Hensler asked about the development across the street, is that annexed or still in the county because her questions pertain to what the consistency across is as we talked about the park land and we talk about development and access. Ms. Carleo stated this area of Dublin and Powers was an original enclave so there's been quite a bit of activity for annexation. If moving forward with this one there'd be three small enclaves left in the general vicinity. It is the discretion of the Parks Department depending on the size of the annexation and what they're requesting as to the size of a park. As mentioned previously a little bit further east but still west of Black Forest the original developer had a larger holding and so they required parks two parks that were made private in this area. Regarding the property directly west across Tutt, that was annexed in 2020. From memory she's going to say that they asked for fees in lieu park land and they do have some small park parks but that again was also at the discretion of the Parks Department so there's a bit of a wide variety.

COMMISSIONNERS' DISCUSSION, MOTION AND VOTE:

Commissioner Rickett thanks the public for coming out and we understand your concerns, He shares their concerns. He's glad they're widening it and hopefully that will help relieve some of the traffic. He also understands the concerns about the strange corner where you have to deal with that traffic. He's in support of project. He sees it as a good transition from single-family to multi-family

Commissioner Raughton stated when he was on the Comprehensive Plan one of the major issues that we deal with the closure of these enclaves and trying to unify the development and planning for these fragmented areas throughout the city. He is in support of the project and thought many of the issues the community raised are valid and he shares their concerns but also thought the developer has addressed some of the issues.

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to recommend approval to City Council the annexation of 5.89-acres known as the Dublin North Addition No. 5 Annexation, based upon the findings that the annexation complies with all the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203. The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

6.C. [CPC PUZ
21-00171](#)

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 5.895 acres located southeast of the Spring Breeze Drive and Tutt Boulevard intersection establishing the PUD/AO (Planned Unit Development: attached and detached single-family residential, 7.7 dwelling units per acre, 40-foot

maximum building height, with Airport Overlay) zone

(Legislative)

Related Files: CPC A 21-00137R, CPC A 21-00137, CPC PUD 21-00172

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

See item 6B (CPC A 21-00137)

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to recommend approval to City Council the establishment of 5.89-acres as PUD/AO (Planned Unit Development with Airport Overlay: attached and detached single-family residential, 40-foot maximum building height, 7.7 dwelling units per acre) zone district, based upon the findings that the request meets the review criteria for establishing a PUD zone, as set forth in City Code Section 7.3.603, and the review criteria for a zone change, as set forth in City Code Section 7.5.603. The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

6.D. [CPC PUD 21-00172](#)

The Pikes Vista PUD Development Plan establishing residential land use for 45-units located southeast of the Spring Breeze Drive And Tutt Boulevard intersection

(Quasi-Judicial)

Related Files: CPC A 21-00137R, CPC A 21-00137, CPC PUZ 21-00171

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

See item 6B (CPC A 21-00137)

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to recommend approval to City Council the Pikes Vista PUD Development Plan, based upon the findings that the proposal meets the review criteria for establishing a PUD Development Plan as set forth in City Code Section 7.3.606 and the review criteria for a Development Plan as set forth in City Code Section 7.5.502.D. The motion passed by a vote of 7:0:3:0

Aye: 7 - Commissioner Raughton, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

7. NEW BUSINESS CALENDAR

2525 Concord Multi-Family

- 7.A. [CPC CU 22-00059](#) An appeal of City Planning Commission's approval of a conditional use development plan with technical modification that a multi-family residential project located at 2525 Concord Street comply with the OR (Office Residential) zone district of 20-foot minimum front yard setback.

Related File: CPC NV 22-00061

Presenter:

Tamara Baxter, Senior Planner, Planning & Community Development Department

Peter Wysocki, Director, Planning and Community Development Department

Planner Presentation:

Tamara Baxter, Senior Planner, Central Team gave a PowerPoint presentation describing the scope and intent of the project.

BACKGROUND:

- Site is 0.83 acres in size
 - a. Site borders three public rights-of-way
 - b. Site is close to the Van Burn Channel/Rock Island Trail future alignment and commercial development.
 - c. Site is not within the North Nevada Overlay Zone
- Existing Zoning and site characteristics: OR (Office Residential) with a single-family home and detached garage.
- Surrounding Zoning and neighborhood: Multi-family residential, Single-family residential, and Office Residential.
- The site is located in the established historic Roswell Neighborhood
- The site is closed to public transit

Public Notice:

- Public notice was sent to 241 property owners for internal review and Planning Commission and posted for both those time periods
 - Two in support
 - Eight in opposition
 - Additional email and two other comments provided to the Planning Commission on August 10, 2022
- Areas of concern raised
 - Traffic
 - On-street parking
 - Transition
 - Building Height
 - Line-of-site was also raised at the Planning Commission public

hearing

Additional information

- Traffic Engineering did not require a traffic impact analysis
- The site design complements surrounding architecture and reflects some characteristics of the Old North End.

Applicant presentation:

John Olsen with Urban Landscapes gave a PowerPoint presentation describing the scope and intent of the project

- Highlights of presentation
 - Site is close to the Lincoln Center
 - Four building design with 21-units with a fifth building for bike storage
 - Close to Legacy Loop and Rock Island Trail and future bike lanes
 - Good on-street parking available and on-site parking will be provided

Questions of City Staff or Applicant:

Commissioner Ricket asked with the topography of the site and the addition of some retaining walls could provide possibly more on-site parking. Could that be a consideration? John Olson stated, the topography helped for Building 1 that's along Cascade Ave. That building is two-stories along Cascade and three stories on the West Side so the grade was brought down some and created a retaining wall for an amenity space but maxed out on-site parking as much as possible.

Commissioner Hensler asked about the affordability and attainability. John Olson stated they wanted to keep the price point low but this is not an affordable housing project.

Public Comment:

Support:

None in the audience or on the phone

Opposition:

Brian Kay, 2604 Beacon Street. Mr. Kay gave a map to the commissioners that is derived from some analytics he uses in his current job for El Paso County transportation and planning. His primary concern was increased traffic along Beacon Street. He did a basic traffic analysis for how the traffic was increased. As part of his analysis, he used 1000 annual average daily trips which showed Beacon Street as a cut through street to get traffic from Fillmore over into the Old North End neighborhood as well as into some of multi-family in the area. The analysis showed the amount of traffic as being in the red which is very high for a residential neighborhood. He felt the neighborhood was misrepresented. The Roswell neighborhood is a blue collar neighborhood and not a multi-family neighborhood with only a few pockets of multi-family housing. There are squatters in the buildings behind the apartments and some of them shot and

killed a resident in one of the tri-plex's six months ago. The volume of existing traffic has been unaddressed for years. Beacon Street was bumped to # 2 on the City's traffic calming program list but then be removed at a later date. This was the second time their neighborhood has been added to the traffic calming program and then be pulled off. and this has not been addressed by City transportation staff. The intersection of Harrison and Cascade has limited sight distance and is an extremely dangerous intersection in dire need of improvements. By decreasing the setback and adding a 35' tall building will improve that intersection, it will only make is more dangerous and encourage more cut through traffic. He has a garage that recently burned down and to rebuild it I have to meet setbacks, but this multi-family is asking for a zero setback which doesn't seem right.

Commissioner Raughton discussed the traffic map Mr. Kay provided and stated without a key the Beacon Street / Van Buren street are yellow. Mr. Kay confirmed they were at that level. Commissioner Raughton asked what volume that was at. Mr. Kay guessed about 700, he deliberately omitted any numbers showing red. Commissioner Raughton stated Cascade Ave was red. Mr. Kay said yes Cascade is about 5000 and Beacon Street is in the eight hundreds per day and you're talking about adding 200 more trips per day possibly coming through the neighborhood. Commissioner Raughton confirmed all of that traffic would not be on just Beacon Street. Mr. Kay confirmed this

Alex Rodriguez and his fiancée Lisa Ferguson purchased a home directly across from the site which they will be renovating with some new construction and when they build their home, they lost 2000 square feet due to lines, setbacks and other restrictions but they are meeting all of the requirements with no variances. He questioned why a big developer shouldn't have to meet the same standards as everyone else without asking for some type of relief. They chose this area due to the neighborhood and the great views and with a building on the Cascade side seemed it would be unreasonably high and not match any other buildings in the neighborhood making it look out of place. He also didn't understand the reasoning for no traffic study. This is a dangerous spot and with the proposed bike lane, it will narrow even more. He didn't think the product was a good fit and the neighborhood would not benefit from it.

On the phone:

Anastasia Store, lives on Tyler Street two block north of the site. Appreciated previous comments prior to hers regarding parking and traffic. The developer is skipping on the minimum amount of parking as well as ADA spaces and they for a setback variance so they can cram more buildings on the property. They want to fit in with the neighborhood and continue to mention The Old North End. The Roswell Neighborhood is not The Old North End. We don't have the great styled houses in the Roswell area, those type of homes are south of us. Many of our homes are 900 sq. ft. She's listened all day and she doesn't feel people's concerns are even being heard. We rely on you to listen to us and stand up for us. You make the decisions, but you don't have to live in the neighborhood and deal with any of the consequences.

Rebuttal:

Mr. John Olson, Urban Landscape Designs, clarified they were not asking for a 0-foot setback, only a 10-foot setback. Line of sight was addressed by engineering, and we met the guidelines for line of sight. Regarding traffic he thought the number of units to trigger an analysis was 40 and they are only 21 units. They are meeting parking requirements, they have ADA parking, motorcycle parking and bike parking. On-street parking is allowed to be used up to 50% and they are not using it at the 50% amount.

Commissioner Hente asked for the number of parking spaces on the site plan. Mr. Olson stated there were 17 standard spaces, one of those being ADA, and two motorcycles that count as an extra. Commissioner Hente asked how those numbers compared to normal city requirements. Mr. Olson stated by code a parking space is 9-ft. wide. Commissioner Hente clarified he the actual number of parking stalls. Mr. Olson found the page where it showed the number of parking spaces required is 36 spaces. We are providing that and technically 37 if you count the two motorcycles as two spaces and 17 of those spaces are on-street the rest in the parking lot. Mr. Olson mention how the current zoning will change with Retool in the next few weeks and the required number of changes will lessen and with Retool they wouldn't have had to ask for a variance sine they will have a minimum of 5-ft. with a max of 2-ft and our project is at 10-ft.

COMMISSIONERS DISCUSSION, MOTION AND VOTE:

Commission Rickett stated this was a tough decision. There is existing multi-family surrounding the site. He thanked the public for their comments. He will be voting in favor for one of the items and against the other item.

Commissioner Almy stated he echoed Commissioner Rickett's thoughts. He can see himself voting for one and not the other. It's the whole concept of the nonuse variance. Quoting from the nonuse variance criteria. The part he had a problem with the extraordinary exceptional physical additions to the property will not allow a reasonable use of the property in the current zone in the absence of relief. He thought you could find numerous uses for the property in the current zone and not have this conflict. What's being proposed is not the only use the property could have and thus the reason for his concern. Even though it was stated the sight line were not being changed however when you push things closed to the property line by 10-ft with a large mass building you the line of sight is reduced and he considered this to be a safety implication.

Commissioner Andrea Slattery also thanked the public. She is in support of the project. She knew the developer and the type of product and community they're working to bring to neighborhoods. Views are not part of their criteria and even though that comes up frequently it's not a fact they are allowed to consider. All the commissioners really do listen to what the public has to say, and we take that into consideration when making our decisions.

Commissioner Hente wanted to amplify Commissioner Slattery's point that we really listen to what you have to say, and we may not agree with you, but we do listen, and he's seen that happen during the last few meetings where they've changed how they were going to vote based on what is said by the public. We

take what you say very seriously and do not think your comments are for naught.

Discussion after vote denying the Nonuse Variance:

Commissioner Ricket state his reason for voting nay was he did not feel it met item number 3 on the development plan criteria which is that it meets building setbacks and since there's a request for a variance to allow for less building setback, that's why he voted no.

Commissioner Briggs stated his reason for voting no was regarding sight line and safety of the sightline with the traffic that's along that major thoroughfare and having to deal with that as you move within the area.

Peter Wysocki, Planning Director stated they had approved a Conditional Use Development Plan that illustrated building with the setback you just denied. So procedurally....

Lisa Boyle with the City Attorney's office stated she'd like a motion to reconsider the first vote for item 7A and perhaps place a condition on that approval or to take whatever action is consistent with the second vote that was just taken.

Commissioner Hente clarified they needed a vote to reconsider, with a second vote on that. Ms. Boyle sated the motion to reconsider needed a second and is not amendable.

Commissioner Almy stated he thought he confused the issue by reading something different. He saw the conditional use of the property as something separate and distinct and not necessarily linked to the objection he had with the second item. So, he could change his vote to be consistent.

A motion was initiated by a commissioner who had voted no on the item and Lisa O'Boyle City Attorney stated a motion for reconsideration had to be made by a commissioner in the majority.

Commissioner Hente stated they could actually have the same motion as before with a separate new vote on that particular motion.

Mr. Wysocki stated they had two options. They could revote on 7A, to deny or make a motion to approve subject to the condition that it meet setbacks because you denied the variance to the setback or you could approve the use of the property, the number of units, with a condition/technical modification that the project needs to meet OC setbacks. So whatever setback that were denied originally as part of the 7B motion we could have Ms. Baxter clarify what setbacks are being varied.

Commissioner Raughton asked if that motion was passed would the developer be able to develop the project. Mr. Olson stated yes, but with not as many products and part of it may not be able to work.

Commissioner Hente stated he didn't like putting anyone in the position of redesigning their project at the dais which could possibly require more analysis than it would take.

Mr. Wysocki stated if they vote to deny the applicant would either have to appeal to City Council or if you say meets setbacks they could redesign the project with the units, then we'd approve it administratively. We'd need to verify some like that with the applicant though. Mr. Olsen stated they could still do it with the same number of units only it would be more costly.

Commissioner Briggs clarified whether they were voting on this with them meeting setbacks, which Commissioner Hente stated that was an option for a motion.

Commissioner Slattery stated unless all who voted no on the setbacks is going to change their vote which only Commissioner Almy has suggested that, then they'd be in the same situation they are right now. Commissioner Raughton said he would second a motion like that.

Commissioner Hensley brought up that Mr. Olson stated with Retool the setbacks here will change so if we deny either 7A or 7B, they could possibly wait two weeks or whenever Retool comes then they could come and apply again and be in complete compliance in a few weeks without redesigning.

Lisa O'Boyle state if they approved the project today it would have to be built as designed with everything that is approved now.

Commissioner Hensley stated if they deny the setback of 10-ft, in 4-6 month you come back with a setback of 5-ft it'd still be in compliance.

Commissioner Hente stated he would caution that Retool is still in draft mode and not approved by City Council so anything that's done would be a guess.

Commissioner Hensley stated she was just trying to simplify the process and clarify for the applicant what we do today and how that impacts their design going forward.

Mr. Wysocki stated they could postpone and give the applicant the ability to redesign a development plan that would meet setbacks.

Commissioner Hensler clarified the reason for all the discussion was because it's a difficult situation because they want to make the right decision for the developer and value the neighbor's opinions and yet at the same time, we need that attainable housing.

Motion by Commissioner Slattery, seconded by Commissioner Raughton, to approve the conditional use development plan for the 2525 Concord Street project in the OR (Office Residential) zone district, based upon the findings that the request meets the review criteria for granting a Conditional Use as set forth in City Code Section 7.5.704 and the review criteria for granting a Development Plan, as set forth in City Code Section 7.5.502(E).

The motion passed by a vote of 5:2:2:0

Aye: 5 - Commissioner Raughton, Chair Hente, Commissioner Slattery, Commissioner Almy and Commissioner Hensler

No: 2 - Commissioner Rickett and Commissioner Briggs

7.B. [CPC NV 22-00061](#) An appeal of the City Planning Commission’s denial of a nonuse variance to reduce the minimum front yard setback from the required 20 feet to 10 feet along North Cascade Avenue, West Harrison Street, and Concord Street for a multi-family residential project located at 2525 Concord Street.

(Quasi-Judicial)

Related File: CPC CU 22-00059

Presenter:

Tamara Baxter, Senior Planner, Planning & Community Development Department

Peter Wysocki, Director, Planning and Community Development Department

See item 7A (CPC CU 22-00059)

Motion by Commissioner Slattery, seconded by Commissioner Hensler, to approve the Nonuse Variance to City Code Section 7.3.104 for the 2525 Concord Street project to allow a reduction of the front yard setback to 10 feet where the minimum is 20 feet, based upon the findings that the request meets the review criteria for granting a Nonuse Variance as set forth in City Code Section 7.5.802.

The motion failed by a vote of 3:4:2:0

Aye: 3 - Commissioner Raughton, Chair Hente and Commissioner Slattery

No: 4 - Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

7.A. [CPC CU 22-00059](#) An appeal of City Planning Commission's approval of a conditional use development plan with technical modification that a multi-family residential project located at 2525 Concord Street comply with the OR (Office Residential) zone district of 20-foot minimum front yard setback.

Related File: CPC NV 22-00061

Presenter:

Tamara Baxter, Senior Planner, Planning & Community Development Department

Peter Wysocki, Director, Planning and Community Development Department

See item 7A (CPC CU 22-00059)

Motion by Commissioner Raughton, seconded by Commissioner Hensler, to reconsider the Conditional Use Development Plan for the 2525 Concord Street project in the OR (Office Residential) zone district. The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

See item 7A (CPC CU 22-00059)

Motion by Commissioner Slattery, seconded by Commissioner Raughton, to approve as amended the conditional use development pan for the 2525 Concord Street project in the OR (Office Residential) zone district, based upon the findings that the request meets the review criteria for granting a Conditional Use as set forth in City Code Section 7.5.704 and the review criteria for granting a Development Plan, as set forth in City Code Section 7.5.502(E) with the following condition of approval:

The front yard setback must meet the minimum requirement of 20-feet per City Code Section 7.3.104. The motion passed by a vote of 6:1:2:0

Aye: 6 - Commissioner Raughton, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Hensler and Commissioner Briggs

No: 1 - Chair Hente

Spectrum Loop Multi-Family

- 7.C. [CPC PUZ 22-00057](#) Postponement of an appeal of City Planning Commission’s decision for the Spectrum Loop Multi-family project changing 11.925 acres from A (Agricultural) to PUD (Planned Unit Development: Residential, 35 dwelling units per acre, and 40 feet to 60 feet maximum building height) located at the southeast corner of Voyager Parkway and Spectrum Loop intersection to the September 27, 2022, City Council meeting.

(Quasi-Judicial)

Related File: CPC PUP 20-00058

Presenter:

William Gray, Senior Planner, Planning and Community Development
 Peter Wysocki, Director of Planning and Community Development

Planner Presentation:

William Gray, Senior Planner Central Team gave a PP presentation

BACKGROUND:

- Site: The 11.925-acre project site is located at the southeast corner of the Voyager Parkway and Spectrum Loop intersection.
- Existing Zoning/Land Use: The subject property is zoned A (Agricultural) and is vacant.

- Surrounding Zoning/Land Use:
 - North: PBC (Planned Business Center) and commercially developed.
 - South: A (Agricultural) and undeveloped. This land is State Department of Transportation right-of-way and planned to be developed as the extension of Powers Boulevard.
 - East: PUD (Planned Unit Development) and developed residentially.
 - West: PUD (Planned Unit Development) and commercially developed.
- Master Plan: Site is part of the Northgate Master Plan designated for office/industrial uses. The Northgate Master Plan is implemented.

Public Notice:

- Public notice was sent to 205 property owners for internal review and Planning Commission and posted for both those time periods
 - 20 comments expressing concerns about the project
- Areas of concern raised
 - Traffic
 - Density
 - Building Height
 - Transition
 - Lack of developed park space
 - Schools
 - Public Safety

Additional information

- Traffic Engineering required an updated Traffic Impact Study which recommended on street improvement to Spectrum Loop, left hand turn lanes into the proposed site going westbound and pay a proportional share of the Spectrum Loop traffic signal.
- Parks: Recommended fees, primarily due to the size of the site
- Fire: two points of access, no concerns identified for safety or density
- Highlights of presentation
 - Building height is lower than proposed development surrounding their project

Applicant presentation:

Andrea Barlow, gave a PowerPoint Presentation discussing the history of the site and the scope and intent of the project.

- Highlights of presentation
 - Building heights are from 45' to 60' - three areas of proposed development
 - Topography of the site shows a 40' drop from east to west. Development will work with the grade of the site
 - Access - two access points
 - Parking meets current code standards with all parking being

met on site.

Questions:

Commissioner Hensler asked about the two points of access and if they both going out on Spectrum Loop and use the roundabout to get back to Voyager. Ms. Barlow stated they access Spectrum and they're both will be full movement and line up with the access points to the south for the commercial site. They will turn left to get onto Voyager. At the roundabout you can go north to get onto Northgate Blvd. Ms. Barlow also addressed the parks. The parks department asked for fee and their reasoning was because there's an existing park in the Grayhawk Neighborhood within a half-mile. It's not development but with the new PLDO that focus of the fees that are paid is in certain areas as well in this area is to develop that park.

Commissioner Hensler asked if there was any way to assure the park is developed. Ms. Barlow stated there wasn't.

Commissioner Ricket stated according to the master plan this parcel was identified as office industrial and wondered what the master plan indicated for a larger surround area. Ms. Barlow stated the master plan has been amended multiple times over the years. They looked at the most recent amended and the current plan matches what being proposed because it's been amended too much over the years and you'd have to go back to the 1980's to get the original master plan to compare

Public Comment:**Support:**

No one in audience or on the phone

Opposition:**In the audience:**

Taryn Griggs stated several concerns were safety and traffic. What she sees is the City is trying to provide multidimensional housing and create a vibrant community which is being defeated because there is too many of these large units and large products. There is a huge apartment complex across from the church, there's Bella Springs, there is a complex across from Starbuck going to Glen Eagle right outside of USAFA. You have already created and met your quota with all of these apartments within a mile of Grayhawk/Flying Horse Northeast. All of these complexes put a huge stress on their community. Please do not approve this.

Jason Campbell stated he did not believe this apartment complex will benefit the community. It will stretch resources that are already at a breaking point such as police which only has one officer north of Briargate Parkway after 10:00PM. The recent fire at The Farm showed a lack of resources. He felt the traffic study was no longer accurate with the most recent approval of street parking. There are over 400 plus vehicles on Spectrum Loop and a lack of approved parking for the proposed 8000 seat amphitheater. The traffic study does not address the amount of traffic coming into the venue at the same time people are coming home in the afternoon. They need to amend the traffic study and do it for more

than just four hours in one day. The study needs to show the impact on Voyager, Spectrum and Northgate during an event. Patrons using other nearby parking lots for free and the and the patrons using the Greyhawk community streets as well as Spectrum east of Voyager for parking. Greyhawk is less than a mile from the proposed amphitheater venue. All of the parking will make the roads one lane. The developer stated they would meet the city code for parking, but there is also a waiver process which they could apply for. The developer has not completed a proper environment impact study to determine the possibly impact of the Preble Meadows Jumping Mouse.

(Audio lost from time stamp at 1:17:47 in the second Team Meeting for CPC on 8/11/22 until 1:19:13)

Jed Fuqua lives right outside this proposed project. He stated this was not a good fit. One was due to traffic with the Flying Horse coming through, the Greyhawk community. There are already five existing apartment complexes within a half mile radius of their location. There is another one proposed behind the amphitheater, one by Bass Pro and the possibility in Flying Horse as well. This is too many apartment complexes for this area. There are two large high schools with one that is carpool only which only adds to the congestion. There's also the commercial business and now to add this 8000 seat amphitheater where there's already inadequate parking is ludicrous. Does the traffic study even include everything as a whole? This is a 12.8 acre parcel and they have proposed 400 units. This is two times the density of the other apartment complexes mentioned. There is a sound impact from the amphitheater which is only 2600 feet from this proposed apartment complex so the decibel level will be too much, and people will not be there. The schools in the area are already overloaded and have waiting lists. A better idea would be to have a park here or residential or industrial. That's what the master plan had for this area originally. What about possibly townhomes which would be a more logical transition. We need something that makes better sense.

On the phone:

(Continued audio difficulties)

Khan Kuran he's lived in the neighborhood 15 years, and they live right next to the site, and they thought this was going to be an area for a park. Still 15 years later we are still waiting for the park. Now the plan is to put apartment complexes there and they are too high especially for this residential area. There are already five to six other complexes that are built or about to be finished in this area. What we do not have is townhomes. It goes from one million dollar homes to apartment complexes with nothing in between, so townhomes would be better for this area. The other issue is traffic. The school carpool comes almost all the way to Spectrum Loop to their entrance as it is and now you want to put an apartment complex there with no left turn and only a three car length left turn. Most who come out of this area want to go south so that means a left turn and so this left turn will become a disaster. We already wait to turn and now you want to add the apartment complexes. Putting 400-units is a public safety and we can't even imagine how bad it will become.

Andrew Camp stated that what everyone else has said is all true. All of this will

be so wrong and it's a bad idea. First there is no left turn signal and you guys cannot put a left hand turn signal right there. This is a really bad idea. Will you listen to those that live in the neighborhood or to a developer who wants to make money? Prove that you are listening to us, don't approve this.

Kristen Waite stated the traffic in the area is already very bad. There is only one light and if there are only two exits coming out that complex and with 400-units and I know you plan about 1 ½ cars per unit, so that is 506 cars coming in and out of the complex, one light. If you have the chance to go back and look at the context map what that map does not show is the two stop lights that were just install this spring on Voyager where it meets Powers. With the apartment complex you will need to add two more lights and Spectrum Loop is adjacent to the cross traffic. Spectrum Loop will need to become wider to accommodate for the added traffic and by adding a left turn lane how are you going to regulate all that traffic. Schools will be affected and with all of the apartment complexes so you might want to check with the schools again because there is already waiting lists to get into our neighborhood schools. Also, the traffic for the schools is already bad and you want to add a 400-unit apartment complex that's big deal. These are our neighborhood schools and with you adding all these apartments that will make classrooms larger, 40 students to one teacher. That is not right. I think townhomes are a better idea. Townhomes are for people who want to be here longer and are committed to the neighborhood and the schools. We would really like you to reconsider this and not let it go through.

Thomas Ruckdaschel who echoes what already been stated by everyone else. There is not a park in Greyhawk but we're hoping to get one. There were signs last year about getting a park, but that has not happened. He thought this would be a hazard to the kids because the Spectrum loop left hand turn lane problem and the two exits of the apartment complex will cause such a huge traffic problem that the traffic will have to reroute up Spectrum Loop and go east through Greyhawk in the area and this is also a deaf child area. This will be a hazard for that one child. It may be only one child but life counts. The traffic coming through the neighborhood will be a detriment to our neighborhood especially along Spectrum Loop. The other problem is Spectrum loop goes around Polaris Point which cannot support an 8000 seat amphitheater either. So, think about this if we have an 8000 seat amphitheater traffic, all the apartment complexes, and add an Air Force Academy game, with school traffic what do you think will happen and people who live in the neighborhood coming and going as part of their daily routine. The local roads, including I-25 cannot drain the traffic fast enough. It is just going to create gridlock. Don't approve this

Elizabeth Schrack lives on Spectrum Loop just east of the proposed zone change. We have several concerns, one being density. They are proposing only two points of access along Spectrum Loop. As you have heard in Greyhawk we have two points of access as well and most of us come and go along Spectrum Loop especially with the Voyager freeway entrance now and hundreds of cars will have to share that two-lane road with about 500 extra cars now coming and going from work and school even if they fix the light issues on Spectrum Loop to turn left onto Voyager. I've reached out to the City to fix that timer and they said they did but it's still bad and that will not be enough for the number of cars that would be coming and going. It's a two-way street we'll all

be sharing. They say they have adequate parking, but if not, will they park on our street because of the lack of parking their project plans. The traffic impact analysis from May 2022 didn't include the proposed Sunset Amphitheater. The building height is too much. They show four stories with a walkout basement, so essentially, they are five stories. This seems to be more of a downtown size project and now next to our single-family homes. The Subzone A the applicant seems the best option with the 40-ft height and if that could be across the board that might bring it down for a lower density. This area is blowing up with development and we'd appreciate the zone next to our community to either be small commercial or a much smaller residential use like townhomes or a much smaller complex.

Dawn Jensen lives on Diamond Rim. The size of this lot is extremely small for the project being proposed. It would be nice if we could have this meeting at that space and you be able to see how small it is. We know it's zone agriculture and won't stay that way. This proposal is not the correct used for the land and I implore you to oppose this proposal.

Ramesh lives in Greyhawk and has for the past seven years. When they moved there, there was no signal at the end of Spectrum Loop and there were no signals at the crossing of Powers and I-25. I used to cross only one sing near the Bella Springs Apartment and TCA junction. Now I have to cross all these signals to go to work and come home and you adding two more exits. That apartment complex traffic is coming out onto that road, and it will put a lot of pressure on traffic. I oppose the zone change and the project.

Mariam Bloom lives in the Northgate community. She wonders about the quality of life. Those of us who've live in this region and 20 years in the neighborhood chose this area for a reason. It is low density housing, unblocked views, an opportunity to get to know your neighbors. If I had wanted to live in a high density area, I had lots of other options. I chose Northgate for a little bit of elbow room and a slower pace of life. We are able to volunteer for many different things especially in the schools or our churches. How can we impress upon you this is not a good fit? This high of density does not match the quality of life established by the people who have chosen to live in this community of Northgate Highlands and Greyhawk along this Northgate corridor. People have mentioned townhomes and how that makes a lot more sense for this community. Quality of life really must be addressed not just in terms of density but in terms of lifestyle as well.

Rebuttal:

Ms. Barlow had city staff pull up the master plan in City View since the master plan map was not part of the packet. It's a large master plan area. Commissioner Ricket asked if the surrounding areas are office industrial, what did it ultimately get zoned to and what was the height and were there any restrictions. Ms. Barlow stated cattycorner from Voyager all got zoned PIP but it was primarily developed as offices. The restriction in the PIP is 45-ft. Moving south the zone is PUD and height ranges 40' for 120'. The area to the north is PBC and that building height is 43-45 feet.

Lauren Brockman with the Morgan Group. She's developed along the front range since 1996 approximately 5000 units. An area they recently finished was a community called Falcon View with 288 units. It meets the number of children per unit which is 0.5 nationally. There are 12 students on this property. The demand is not what has been discussed here today. The median household income at Falcon View is 95,000 per year. 60% of the residents are medical workers, 20% military, and 20% other. The other ranges from a tech company to working in a business. These people are engaged in the community. We are providing housing to people who need housing. Colorado Springs is 98% occupied and you are adding 20,000 people per year so you will need 7000 units in a year. To rent at this community you will need to earn between 68,000 and \$100,000 a year and all residents over 18 years of age have to pass a criminal background check. We are not just building something to build were providing a place for people to live and those people are providing services to the city. This really is the type of housing that is needed.

Tyler Smith, with Kimberly horn, I am the traffic consultant for this project the traffic study was completed in compliance with the city of Colorado Springs standard requirements. The peak hours of 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM were when the trip generation for this development occurred. The numbers are based off of nationwide studies of similar land uses throughout the country and this is how the numbers were calculated. The sunset Amphitheatre has been a very sore subject in this study, and it should be noted this is only something that has been proposed not approved and it will not affect peak hour times from 7:00 AM to 9:00 AM or 4:00 PM to 6:00 PM the intersection of Northgate Blvd and Greyhawk Dr will not make northbound left turns any more efficient. There is a more efficient way to make left turns off of this intersection when it's signalized. The traffic study does show that there will be some future delays at the intersection of Northgate Blvd, but Greyhawk Dr does not warrant a signal based on the national standards. In the master plan it should be noted that this area is zoned for office residential, and the trips here would be much higher than in what's shown based on multifamily housing and although the powers extension was not analyzed as part of this study it is not known when this will be completed, and traffic will be alleviated once this is put into effect. Concerns were raised about the westbound left turn at spectrum Voyager Parkway as the left turn may extend beyond the cues that are shown in our traffic studies, but he believed the roadway was wide enough to accommodate side by side left turns which could extend the westbound lane to tie into the two-way left turn lanes to accommodate queues.

A gentleman was recognized in the audience by Commissioner Hente and allowed to speak he stated that people were concerned about parking in the neighborhood and that our project will not be providing enough parking we will our concept plan shows sufficient parking, and we will have to address parking when the development plan comes up. City traffic engineering was asked to verify that spectrum loop is a collector and there is no parking allowed on it. Traffic from the residents of this development being able to park on Spectrum Loop. There were questions brought up about the Preble's Meadow Jumping Mouse and an environmental study not being done for that, this is not in the Preble's Meadow Jumping Mouse habitat area that's more toward Kettle Creek. Concerns were also raised about the park not being developed. This is not the

developer's responsibility to do that but we will be providing park fees should the park be able to be developed. Regarding schools it was mentioned by all the developments taking place in the area is putting pressure on School District 20. The district reviews every application submitted to the city regarding schools and they pretty much want fees because generally they have the land for schools and as the developer we respond to their comments. Regarding just the general comments about there being too many apartments in the area and it is not needed. All types of housing are needed in the Colorado Springs area both the city and the county are well behind where they need to be in terms of the number of units that should be developed. This includes single family homes, townhomes multifamily residential and everything across the board. We believe this is an appropriate site for multi-family residential as a transition from single family. This site was always intended as a transitional area. We have taken very specific steps to step down the height withing areas of our development. This development it will be high quality and the residents will not pose any safety concerns for neighbors or children and they will be part of the community. There was a reference to the request for a waiver on parking requirements there has been no such request. Regarding occupancy rates, the occupancy within this area is roughly 98%. These well be in demand very quickly. It's been mentioned that townhomes or something other than what we've planned as a better transition but in developing apartments for 30 years, multi-family that is adjacent to single family homes is very common transition type and there's rarely a transition from single family to townhomes.

Question posed regarding traffic and if the traffic study from the amphitheater flow was considered as part of your study. Tyler stated no because that is not a project that has been approved.

Commissioner Briggs asked if the traffic study was recent enough that it took into consideration the two new lights that are coming from powers at InterQuest. Tyler answered they did not study those intersections on powers. The two new lights that are at powers and in a quest or Voyager they did not study that

BROUGHT BACK TO THE COMMISSIONERS FOR DISCUSSION:

Commissioner Ricket stated in the staff reports we usually have a letter from the school district that identifies whether they're good with the project or not. And I do not see anything in here from the school, so did you contact them. Bill Gray, planner for the project, stated he did contact them, but it was an e-mail not a letter. Commissioner Rickett stated he verifying there was communication and they provided comment. Mr. Gray asked them if they had any comments regarding capacity or school overcrowding and they did not mention any of that. They said that with this project they were going to ask for fees for school and dedication.

Commissioner Hensler asked if this part of the urban renewal area or was that is specific to Polaris point. Mr. Gray stated it was not. Commissioner Hensler asked when changing the zone from agriculture to PUD, was there consideration for other uses such as PBC or something for mixed uses. Mr. Gray stated staff had pushed Ms. Barlow fairly hard on the zone change and during the initial review and we briefly discussed density, intensity and

appropriate uses but this was informally done, and he did not believe the applicant looked at PBC, but Ms. Barlow could address that. Mr. Gray stated in staff's evaluation they looked at if the uses proposed were suitable for the surrounding neighborhood and one of the things addressed was PBC a possibility.

Commissioner Rickett asked if Todd Frisbie with Traffic Engineering if he was familiar with this area because there had been a lot of comments about the left turn from Spectrum onto Voyager having three or four rounds to get a left turn completed. Based on the concept plan for this project there's two more entrances and the only way in and out of this property is on Spectrum Loop which will add additional traffic trying to make that left turn. That is why he asked if the completed traffic study had considered the two new lights that could back up traffic even more. So based on what we have today, not considering the amphitheater, the two lights on Voyager from Powers plus the problems on the left at Spectrum had we taken a good look to see if there's a way to improve traffic flow at this location.

Todd Frisbie, City Traffic Engineering stated he would surmise they have not taken a good look at those four intersections as they operate but he'd be willing to do that. There are also in the planning stage of the future extension of Powers Blvd, and we would have to take a long term look at the operation of those four signals when that connection is made. So, knowing that there will be some changes in the future they can look at whether they need left turn phasing and if it needs adjustment.

Commissioner Slattery confirmed there was recently a light added from Spectrum and Voyager and it was mentioned there was a double left there and if that was something the City was looking at. Todd Frisbie with Traffic Engineering stated there is room on Voyager for a dual left. We have a general rule that when volume exceeds 300 vehicles per hour during the peak hour that's when we consider going to a dual left lane turn. So, part of his analysis would be to look at the volumes today, with changes in the future and determine if that dual left lane is needed now or later. But keep in mind that with a dual left must then go to protected only phasing and only go on a green arrow. One of the reasons to go to a dual left is to reduce the amount of queuing. You get a bit more capacity but some of that is lost when you can only turn on a green arrow.

Commissioner Slattery stated the fact that there were other apartment complex moving into the area and where they're feeding off of and they must have that traffic generation. Todd Frisbie stated the apartments would have traffic impact studies. The volumes and estimates of trip generations will be considered.

Commissioner Slattery asked Ms. Barlow or Tyler Smith with Kimberly-Horn regarding with these developments and where are they feeding onto, and can those numbers be added to the traffic study analysis of this site? In a rapidly developing area how do we accommodate already approved developments as we look to add newer ones. Todd Frisbie stated that they could take trip generation estimates from those additional developments and add those to the

existing numbers. The one done by Kimberly-Horn had the same information and they'll include those numbers in their future estimates of traffic analysis they do. When Traffic Engineering reviews a study we'll mention you may have forgot this so please include that in your analysis and that's something they require as part of their analysis and it was done in this instance.

Peter Wysocki, Planning Director, asked if Commissioner Slattery question was answered. He wanted to make sure it was answered properly. Was she asking where the apartments were located or were the apartments in the area required to submit traffic impact studies? Commissioner Slattery stated neighbors heard there were lots of new apartments going into the same area but the question of where they are, did not quite get answered but Mr. Frisbee provided some clarification and stated that the numbers from those apartments were included as part of this study and deemed adequate by city staff. Mr. Wysocki state two were under construction and one almost completed. Spectrum loops around south and intersection with Voyager south of the Powers Voyager interchange. There is a complex in very close proximity to the infamous proposed amphitheater, and another being built between Northgate and Bass Pro Drive. All of the connect to the northern loop of Spectrum in a roundabout way which is west of Voyager in the Polaris Point proper.

Commissioner Rickett asked if parking was allowed on Spectrum, or will there be a parking lot on Spectrum? Todd Frisbie stated there will be parking allowed on Spectrum. Commissioner Rickett asked if that would reduce the width of Spectrum and the usable use on Spectrum. Mr. Frisbie stated it would, but they would do some restriping to accommodate the parking.

Commissioner Hensler stated that would not encompass any widening of Spectrum just restriping and would that be on one side or both. Mr. Frisbie stated it would not be widened

Commissioner Slattery asked if that was east or west of Voyager. Mr. Frisbie said it was west of Voyager.

Commissioner Hensler asked further for clarification that east of Voyager there would not be allowed on-street parking, or it would be allowed with no widening. Mr. Frisbie stated he'd need to look at it since he's not as familiar with the east side of Voyager. Commissioner Hensler stated she thought most of the people here are east of Voyager.

Commissioner Rickett stated some of the comments provided was that parking would not be allowed on Spectrum on the east side. Commissioner Slattery stated that was because it was a collector east of Voyager and that there would be no parking lot. Mr. Frisbie said it was really about the lanes. Collectors are allowed to have parking if there are spaces available. So, depending on how the lanes are configured and if the lanes go right up the curb, parking would not be allowed on Spectrum east of Voyager.

Commissioner Rickett stated that from his general comment arterials do allow parking is what we were looking for. Mr. Frisbie said they allow it if there is space available but generally parking is not allowed on arterial streets.

Bill Gray, planner for the project, stated the configuration of Spectrum Loop east of Voyager is not configured to accommodate on street parking. Commissioner Ricket stated he understood that, but it is allowed. Mr. Frisbie stated they were talking about the north leg of Spectrum on the east side and with the way it's striped and configured, parking would not be allowed on that street.

Commissioner Hensler stated Ms. Barlow said there was no environmental study done for the Preble's Meadows Jump Mouse or is it existing knowledge of the site because it looks like there is some water though or is that just drainage. The developer stated the do complete environmental studies on every community they build, and it was not brought up as an issue because the habitat does not exist and there is no standing water on this property it's just drainage.

Commissioner Hente brought it back up to the dais for comment and vote.

COMMISSIONERS DISCUSSION, MOTION AND VOTE:

Commissioner Ricket stated he will not be voting in favor of the zone change. He stated he does listen to the comments and of the neighbors, but he did warn that by the master plan, which he will read from the criteria, office industrial can go on this site, that's what it was planned for so traffic could be very similar to what is being proposed today. Height could be very similar as well, but in City Code 7.5.603(b)(3), it states, where a master plan exists and proposals consistent with such plan or an approval approved amendment of such plan and master plans have been classified as implement do not have to be amended. As we discussed earlier, in order to be considered and consistent with the zone change. Thus, he will be voting against the zone change request.

Commissioner Raughton stated as part of the advisory committee of the Comprehensive Plan, this site is within an area identified as a Community Center which meant employment, commercial, multi-family, office, and other types of projects that would reinforce some identity for the area and provide for multimodal transportation over time and creating some density that will do that. The Comprehensive Plan and not the master plan advised him this proposal is within the concept that was worked on several years ago. He will be supportive of the project. He thought there's question about the design which can be looked at later as they get to that detail.

Commissioner Briggs stated he had concerns regarding the traffic and the impact it will have. He is heard the traffic experts talk and it doesn't seem it's aligned with yet with a vision. It's somewhat haphazard and at this point he did not see where he could support the project.

Commissioner Hensler stated she appreciated all the work and reworking by everyone to try and make this work. But she hears loud and clear from the neighbors about their concerns. She echoes some of her fellow Commissioners statements that this site will be developed at some point and hopefully it will be something that adds to the neighborhood in positive ways but there will also be some negative too. We're not always going to like what is done. She thought some multi-family or density was likely appropriate but did

not think she could put her full support behind it the way it looks today especially with some of the traffic concerns and neighborhood concerns, so she did not think she'd be in support.

Commissioner Slattery state she was a bit torn on this one. She thought multi-family was appropriate use as a transition from single-family to more intense commercial uses particularly to the west but also to the north. Having so many amenities will be desirable for residents and help fill some of that housing shortage we are experiencing. There are concessions that can be addressed in the development plan stage such as proximity to the neighbors in the Greyhawk

Motion by Commissioner Hensler, seconded by Commissioner Raughton, to recommend approval to City Council a zone change rezoning 11.925 acres from A (Agriculture) to PUD (Planned Unit Development: Residential, 35 dwelling units per acre, and 40 feet to 60 feet maximum building height), based upon the findings that the request meets the review criteria for granting a Zone Change as set forth in City Code Section 7.5.603(B).. The motion failed by a vote of 3:4:2:0

Aye: 3 - Commissioner Raughton, Commissioner Slattery and Commissioner Almy

No: 4 - Chair Hente, Commissioner Rickett, Commissioner Hensler and Commissioner Briggs

- 7.D. [CPC PUP 22-00058](#) Postponement of an appeal of City Planning Commission’s decision for the Spectrum Loop Multi-Family project PUD Concept Plan for a future multi-family residential development located at the southeast corner of Voyager Parkway and Spectrum Loop intersection.

(Quasi-Judicial)

Related File: CPC PUZ 20-00057

Presenter:

William Gray, Senior Planner, Planning and Community Development
 Peter Wysocki, Director of Planning and Community Development

See item 7C (CPC PUZ 22-00057)

Motion by Commissioner Raughton, seconded by Commissioner Almy, to recommend approval of City Council the PUD Concept Plan for the Spectrum Loop Multi-Family project, based upon the findings that the request meets the review criteria for establishing a PUD concept plan, as set forth in City Code Section 7.3.605, and the review criteria for establishing a concept plan, as set forth in City Code Section 7.5.501(E). The motion failed by a vote of 3:4:2:0

Aye: 3 - Commissioner Raughton, Commissioner Slattery and Commissioner Almy

No: 4 - Chair Hente, Commissioner Rickett, Commissioner Hensler and Commissioner Briggs

8. PRESENTATIONS/UPDATES

9. Adjourn