



City of Colorado Springs

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

Meeting Minutes - Final Planning Commission

Thursday, July 19, 2018

8:30 AM

Council Chambers

1. Call to Order

Present: 7 - Jamie Fletcher, Scott Hente, Jim Raughton, Vice Chair Reggie Graham , Samantha Satchell-Smith, James McMurray and Carl Smith

Excused: 2 - Chairperson Rhonda McDonald and John Almy

2. Approval of the Minutes

None

3. Communications

Peter Wysocki - Director of Planning and Development

4. CONSENT CALENDAR

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

Northpointe at Kissing Camels

- 4.A. [CPC MPA 04-00043-A4 MN18](#) A minor Master Plan Amendment to the Hill Properties Master Plan to change the density allowance on 7.23 acres from 3.5-7.99 du/acre to 0-1.99 du/acre located at the terminus of Glen Vista Point, south of the intersection of North 30th Street and Garden of the Gods Boulevard.

(Quasi-Judicial)

Related Files: CPC PUZ 18-00008, CPC PUD 18-00009

Presenter:

Michael McConnell, Planner II, Land Use Review

Motion by Fletcher, seconded by Smith, to recommend approval to City Council the minor master plan amendment from a residential use of 3.5-7.99 dwelling units per acre to a residential use of 0-1.99 dwelling units per acre based on the findings that the master plan amendment request complies with the review criteria for a Master Plan Amendment in City Code Section

7.5.408.

The motion was passed on the Consent Calendar with a vote of 7:0:2

- 4.B. [CPC PUZ 18-00008](#) Ordinance No. 18-88 amending the zoning map of the City of Colorado Springs pertaining to 7.23 acres located at the terminus of Glen Vista Drive from R5/cr (Multi-family Residential with conditions of record) and R/cr (Estate, Single-Family Residential with conditions of record) to PUD (Planned Unit Development: Single-Family Residential; maximum density of 0-1.99; and maximum building height of 28 feet).

(Quasi-Judicial)

Related Files: CPC MPA 04-00043-A4MN18, CPC PUD 18-00009

Presenter:

Michael McConnell, Planner II, Land Use Review

Motion by Fletcher, seconded by Smith, to recommend approval to City Council the zone change from R5/CR (Multi-Family Residential with Conditions of Record) & R/CR (Estate Single-Family Residential with Conditions of Record) to PUD (Planned Unit Development) southeast of the intersection of North 30th Street and Garden of the Gods Road based on the findings that the zone change criteria in Code Section 7.5.603(B) and the review criteria in City Code Section 7.3.603 have been met.

The motion was passed on the Consent Calendar with a vote of 7:0:2

- 4.C. [CPC PUD 18-00009](#) Northpointe Development Plan consisting of 12 single-family homes on 7.23 acres at the terminus of Glen Vista Point, south of the intersection of North 30th Street and Garden of the Gods Boulevard.

(Quasi-Judicial)

Related Files: CPC MPA 04-00043-A4MN18, CPC PUZ 18-00008

Presenter:

Michael McConnell, Planner II, Land Use Review

Motion by Fletcher, seconded by Smith, Recommend approval to City Council the PUD Development Plan to allow the construction of 12 single family homes southeast of the intersection of North 30th Street and Garden of the Gods Road based on the findings that this project meets the development plan review criteria in City Code Section 7.5.502 and the review criteria in City Code Section 7.3.606(E).

The motion was passed on the Consent Calendar with a vote of 7:0:2

Approval of the Consent Agenda

Motion by Fletcher, seconded by Smith, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 7:0:2

Aye: 7 - Fletcher, Hente, Raughton, Vice Chair Graham, Satchell-Smith, McMurray and Smith

Absent: 2 - Chairperson McDonald and Almy

5. UNFINISHED BUSINESS

Reagan Ranch

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

(LEGISLATIVE)

Presenter:
Meggan Herington, Assistant Director, Planning and Community Development

Reagan Ranch project was formerly withdrawn due to change in property ownership.

Motion by Hente, seconded by Satchell-Smith, to accept withdrawal of this item as some of the land changed ownership. The motion passed by a vote of 7:0

Aye: 7 - Fletcher, Hente, Raughton, Vice Chair Graham, Satchell-Smith, McMurray and Smith

Absent: 2 - Chairperson McDonald and Almy

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

(QUASI-JUDICIAL)

Presenter:
Meggan Herington, Assistant Director, Planning and Community Development

See Item 5.A.

Motion by Hente, seconded by Satchell-Smith, to accept withdrawal of this item as some of the land changed ownership. The motion passed by a vote of 7:0

Aye: 7 - Fletcher, Hente, Raughton, Vice Chair Graham, Satchell-Smith, McMurray and Smith

Absent: 2 - Chairperson McDonald and Almy

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

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

(QUASI-JUDICIAL)

Presenter:
Meggan Herington, Assistant Director, Planning and Community Development

See Item 5.A.

Motion by Hente, seconded by Satchell-Smith, to accept withdrawal of this item as some of the land changed ownership. The motion passed by a vote of 7:0

Aye: 7 - Fletcher, Hente, Raughton, Vice Chair Graham, Satchell-Smith, McMurray and Smith

Absent: 2 - Chairperson McDonald and Almy

Short Term Rentals Ordinance

5.D. [CPC CA 18-00063](#)

Ordinance No. 18-112 amending Chapter 7 (Planning, Development and Building) of City Code defining and establishing standards for short term rental units

(Legislative)

Presenter:
Meggan Herington, Assistant Planning Director
Peter Wysocki, Director of Planning and Community Development

Staff presentation:

Mrs. Meggan Herington requested a postponement of this item for further public outreach and to further work with short term vacation rental owners and neighborhood groups to discuss the ordinance details. A Town Hall

meeting will be held August 7th 2018, at 5:30PM at the City Auditorium in collaboration with the Council of Neighborhoods and Organizations (CONO).

Staff request postponement of this Planning Case to the August 16th, 2018 Planning Commission date.

Motion by Hente, seconded by Smith, to recommend postponement to the August 16 Planning Commission hearing. The motion passed by a vote of 7:0

Aye: 7 - Fletcher, Hente, Raughton, Vice Chair Graham, Satchell-Smith, McMurray and Smith

Absent: 2 - Chairperson McDonald and Almy

Waffle House

- 5.E.** [CPC ZC 17-00061](#) Ordinance No. 18-87 amending the zoning map of the City of Colorado Springs pertaining to 33,724-square foot area located on the southeast corner of North Chestnut Street and West Fillmore Street from R1-6000 (Single-Family Residential) and C5 (Intermediate Business) to C5 (Intermediate Business).

(Quasi-Judicial)

Related File: CPC DP 17-00063

Presenter:

Michael McConnell, Planner II, Land Use Review

Staff presentation:

Mr. Mike McConnell gave a presentation on the scope and intent of this project.

Applicant Presentation:

None

Questions:

Commissioner McMurray noticed the parking count is one parking per 80 sq. ft. and is this number codified? Mr. McConnell answered there is more parking planned than is required by code, 21 spaces.

Commissioner McMurray was concerned about the left turn access on Fillmore and if there was consideration for a right in right out configuration? Ms. Kathleen Krager responded to the question stating the area is

approved for a right in right out, but there is no raised median on Fillmore that would control those movements. Signage or a large island could be installed, but it still would not keep cars from turning left. The current configuration will continue unless there is a need to reconfigure at a later date if increased accidents happen.

Supporters:

None

Opponents:

None

Questions of Staff:

None

Rebuttal:

None

DISCUSSION AND DECISION OF PLANNING COMMISSION:

None

Motion by Hente, seconded by Raughton, to recommend approval to City Council the zone change of two parcels totaling 33,793 square feet from C5 (Intermediate Business) and R1-6000 (Single-Family Residential) to C5 (Intermediate Business) based on the findings that the request meets the zone change criteria in Code Section 7.5.603(B).

The motion passed by a vote of 7:0:2

Aye: 7 - Fletcher, Hente, Raughton, Vice Chair Graham, Satchell-Smith, McMurray and Smith

Absent: 2 - Chairperson McDonald and Almy

- 5.F. [CPC DP 17-00063](#) Waffle House Development Plan consisting of a new 2,020-square foot restaurant building on 33,724-square foot parcel located at 755 West Fillmore Street.

(Quasi-Judicial)

Related File: CPC ZC 17-00061

Presenter:

Michael McConnell, Planner II, Land Use Review

See item 5.E. CPC ZC 17-00061

**Motion by Hente, seconded by Smith,
to Recommend approval to City Council the development plan request to
allow the construction of a 2,020 square foot restaurant, based on the findings
that this project meets the development plan review criteria in City Code
Section 7.5.502(E).**

The motion passed by a vote of 7:0:2

Aye: 7 - Fletcher, Hente, Raughton, Vice Chair Graham, Satchell-Smith, McMurray and Smith

Absent: 2 - Chairperson McDonald and Almy

6. NEW BUSINESS CALENDAR

Airport Spectrum Addition No. 1 Annexation

- 6.A.** [CPC A 17-00074](#) Ordinance No. 18-94 annexing into the City of Colorado Springs that area known as the Airport Spectrum Addition No. 1 Annexation consisting of 78.95 acres.

(Legislative)

Related Files: CPC A 17-00074, CPC A 17-00074R, CPC PUZ 17-00146, CPC PUP 17-00147

Presenter:

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

Staff presentation:

Ms. Catherine Carleo gave a presentation on the scope and intent of this project.

Applicant Presentation:

Mr. Kyle Campbell of Classic Consulting Engineers and Surveyors on behalf of Globe Corporation gave a presentation of the scope and intent of this project.

Questions:

Commissioner Hente asked for clarification on the difference between the Airport Protection zone and the Airport Overlay. Ms. Carleo explained the Airport Protection Zone has more restrictions on height and use and the Airport Overlay has a larger extent. Both are subject to review by the Airport Advisory Board.

Commissioner Raughton commended the project and the synergy with

further airport development.

Commissioner Smith asked Ms. Carleo about an email that was received from a concerned citizen and said those concerns seemed to be more on traffic and speeding on Milton E. Proby and not the project. Commissioner Smith asked Ms. Carleo to address whether those concerns were pertinent to the project.

Ms. Carleo said she spoke to the gentleman whose focus was mainly on the traffic intensity on Milton E Proby. Ms. Carleo said she directed him to the traffic study that was completed for the project, which identified the needs and the intensity this project will bring and the appropriate intersections and pieces that are part of the traffic found on the Concept Plan. Ms. Carleo explained she did not think the citizen was directed to the Concept Plan on previous communications with Planning and that the citizen was more concerned with the direction of Milton E. Proby and not the project itself.

Supporters:

None

Opponents:

Mr. Don Murphy has a home in the area and stated this proposal is better than the last one. His concern was how the water quality will be impacted since there are a lot of water wells in the area and a question about light pollution. Additionally, Mr. Murphy asked about good access to the area.

Mr. Campbell responded by saying with the annexation going forward, the infrastructure will be utilized that Colorado Springs Utilities (CSU) has that runs along Milton E. Proby. The project will not be using any underground water or depleting any of the aquifers in the area. The preliminary drainage report that was submitted and accepted by the City of Colorado Springs further details onsite full spectrum detention and storm water quality treatment. The parking lots and things associated with commercial and other development that is going to be taken place will be captured and treated before releasing in the open space creek area. There will also be some improvements, basically stabilization and check structures associated with that creek corridor. As far as consumption of water, this will all be coming from CSU, and as far as the treatment and release, it will

all be treated per City standard before released into the creek itself. Mr. Campbell explained the lighting will be adhering to the City’s guidelines as it pertains to the full cutoff downcast lighting. As future development plans are submitted, if the Planning staff concurs, a photometric study could be prepared indicating that there would not be in spill of the lighting off the property itself. That is something that could be tackled at the Development Plan stage.

Ms. Carleo wanted to clarify that the uses that are identified, though this is being zoned as PUD, the applicant and owner wanted to include all uses that are allowable in the PBC (Planned Business Center) and OC (Office Complex). At this time, there is no end user the City is aware of since this is the concept plan stage, but any of those allowable uses would be allowed on the property.

Motion by Hente, seconded by Fletcher, to Recommend approval to City Council the annexation of the Airport Spectrum Addition No. 1 Annexation based upon the findings that the annexation complies with all of the conditions for annexation criteria as set forth in the City Code Section 7.6.203. The motion passed by a vote of 7:0:2

Aye: 7 - Fletcher, Hente, Raughton, Vice Chair Graham, Satchell-Smith, McMurray and Smith

Absent: 2 - Chairperson McDonald and Almy

- 6.B. [CPC PUZ 17-00146](#) Ordinance No. 18-95 amending the Zoning Map of the City of Colorado Springs relating to 60.21 acres located southwest of the intersection of Powers Boulevard and Milton E Proby Parkway establishing the PUD/SS/AO, Planned Unit Development (Community Commercial to allow permitted uses in the Planned Business Center and Office Commercial zone districts, maximum building height of 45-feet) with Streamside and Airport Overlay zone district.

(Legislative)

Related Files: CPC A 17-00074, CPC A 17-00074R, CPC PUZ 17-00146, CPC PUP 17-00147

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

See Item 6.A. (CPC A 17-00074)

Motion by Hente, seconded by Fletcher, to Recommend approval to City

Council the establishment of the PUD/SS/AO (Planned Unit Development; community commercial to allow permitted uses in the Planned Business Center and Office Commercial zone districts with Streamside and Airport Overlay, with maximum building height of 45-feet) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603. (B) and complies with City Code Section 7.3.603 for establishment of a PUD zone district.

The motion passed by a vote of 7:0:2

Aye: 7 - Fletcher, Hente, Raughton, Vice Chair Graham, Satchell-Smith, McMurray and Smith

Absent: 2 - Chairperson McDonald and Almy

- 6.C.** [CPC PUP 17-00147](#) Airport Spectrum Concept Plan illustrating future development of 29 acres for community commercial, new public roadway and 20 acres open space located southwest of the intersection of Power Boulevard and Milton E Proby Parkway.

(Quasi-Judicial)

Related Files: CPC A 17-00074, CPC A 17-00074R, CPC PUZ 17-00146, CPC PUP 17-00147

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

See Item 6.A. (CPC A 17-00074)

Motion by Hente, seconded by Fletcher, to Recommend approval to City Council the Airport Spectrum Concept Plan, based upon the findings that the proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E) as well as criteria for PUD concept plans as set forth in City Code Section 7.3.605. The motion passed by a vote of 7:0:2

Aye: 7 - Fletcher, Hente, Raughton, Vice Chair Graham, Satchell-Smith, McMurray and Smith

Absent: 2 - Chairperson McDonald and Almy

Medical Marijuana Setbacks

- 6.D.** [CPC CA 18-00073](#) Ordinance No. 18-81 amending section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the location of medical marijuana centers

Presenter:
Mattie Albert Gullixson, Senior Regulatory Compliance Analyst

Staff presentation:

Ms. Gullixson gave presentation on the Code Amendment scope and intent through Marijuana Working Group

Supporters:

None

Opponents:

None

Questions of Staff:

Commissioner Raughton asked why a 1000 foot buffer (set back) for Medical Marijuana locations? Ms. Gullixson explained the buffer is to keep us in line with what we have in the zoning laws for child care facilities, rehabilitation rehab facilities and schools.

Motion by Hente, seconded by Satchell-Smith, to recommend approval of this ordinance to the Council.

The motion passed by a vote of 7:0:2

Aye: 7 - Fletcher, Hente, Raughton, Vice Chair Graham, Satchell-Smith, McMurray and Smith

Absent: 2 - Chairperson McDonald and Almy

430 West Pikes Peak Apartments

- 6.E. [CPC CU 18-00029](#) A conditional use development plan for a 3-story, 11-unit apartment building on a 10,500 square foot, C-6 (General Business) zoned property located at 430 West Pikes Peak Avenue

(Quasi-Judicial)

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning & Development Department

Staff presentation:

Mr. Tefertiller gave a presentation on the scope and intent of this project.

Applicant Presentation:

Mr. Mike McDonald gave a presentation on the scope and intent of this

project

Questions:

Commissioner Raughton asked to clarify that all units are one bedroom? Mr. McDonald confirmed this and added that the ground level is affordable housing/ workforce housing

Commissioner McMurray question for the applicant and the issue from the neighbors and about the trees on the north end of the log, preserving the urban canopy and the tree that is there will be replaced. Mr. McDonald assured the tree would be replaced.

Supporters:

None

Opponents:

None

Questions of Staff:

None

Motion by Fletcher, seconded by Hente, to approve the 430 W. Pikes Peak Apartments Conditional Use Development Plan based on the findings that this project meets the conditional use and development plan review criteria in City Code Sections 7.5.704 and 7.5.502(E), subject to the following technical modifications:

1. **Modify the plan to address the following minor technical issues**
 - a. **Correct the waiver of replat file number in the legal description note**
 - b. **Ensure that the construction schedule listed on sheet 1 is realistic**
 - c. **Ensure that the building footage calculations accurately reflect the new livable and covered space within the proposed building.**
 - d. **Correct the required parking figure to reflect that 16 parking stalls are required for the project.**
 - e. **Update the building setback note to accurately reflect the requested setback variance.**
 - f. **Add the required geologic hazard waiver statement on the cover page.**
2. **Update the accessible route information to address ADA compliance needs.**
3. **Address all necessary Utility Plan needs.**
4. **Revise the Fire Department Connection (FDC) design to meet City standards.**
5. **Finalize acceptance of the drainage letter**
6. **Confirm the status of existing or needed utility easements for the overhead electric lines at the northeastern corner of the site.**

The motion passed by a vote of 7:0:2

Aye: 7 - Fletcher, Hente, Raughton, Vice Chair Graham, Satchell-Smith, McMurray and Smith

Absent: 2 - Chairperson McDonald and Almy

6.F. [CPC NV 18-00030](#) A non-use variance to allow a front setback of 10 feet to the west and 6 feet, 4 inches to the south where a 20 foot front yard setback is required for the proposed apartment building located at 430 West Pikes Peak Avenue

(Quasi-Judicial)

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning & Development Department

See Item 6.E.

Motion by Fletcher, seconded by Hente, to approve the non-use variance request relating to front setbacks for the 430 West Pikes Peak Apartments project based on the findings that the request meets the non-use variance review criteria in City Code Section 7.5.802(B).

The motion passed by a vote of 7:0:2

Aye: 7 - Fletcher, Hente, Raughton, Vice Chair Graham, Satchell-Smith, McMurray and Smith

Absent: 2 - Chairperson McDonald and Almy

Newman Center

6.G. [CPC CU 18-00056](#) A conditional use for a religious institution within an R/HS (Residential Estate with Hillside Overlay) zone district located at 4785 Stanton Road consisting of 3.35 acres.

(Quasi-Judicial)

Presenter:

Mike Schultz, Principal Planner, Planning & Community Development

Staff presentation:

Mike Schultz gave a presentation on the scope and intent of the project. There was a Neighborhood meeting on March 28th, 2018.

Kathleen Krager was consulted with the concern for student access using and the future Spine Road route for greater campus access and the gate

that is proposed on Stanton Rd.

Applicant Presentation

Mr. Chris Lieber gave a presentation of the scope and intent of the project.

Questions:

Commissioner Smith inquired about the cedar fence and asked if a masonry fence could be installed. Mr. Lieber said he was willing to look into the possibility and explained the cedar fence was chosen for cost comparability. The Diocese is open to some of those possibilities

Commissioner Smith raised the concerns about the uses, and concern if student housing, and outside sound and noise and the question. Mr. Lieber explained the Newman Center is support for the students and not intended for concerts or homeless shelters.

Supporters:

Mr. Daniel Smith supported the gate and the project and stressed the fence was important.

Mr. Ron Toman expressed support that the Planning Commission is reviewing this property.

Mr. Denise Bates is in full support and the use will be for student studies and student gathering solely would be great.

Ms. Jenny Vostatek supports the project and the location from a residents and students perspective.

Ms. Silvia Ambuul supports the proposal and the location with the support the project will offer for the students.

Ms. Mary Watson supports the project for the community at large.

Opponents:

none

Questions of Staff:

Commissioner Satchell-Smith asked Kathleen Krager, we are

disconnecting a part of Stanton Rd. with the proposed gate. Ms. Krager spoke to the history of N. Nevada Rd and Eagle Rock Neighborhood and the addition of Stanton Rd. stating this area was a County and County roads and was not paved. Stanton Rd. has gone from collector to minor arterial and the traffic has increased dramatically. The neighborhood finds the cut through on Stanton by UCCS a big problem. The proposed new access of Spine Rd. was delayed previously and now the proposed road will be funded. The gate will have fire and police access and there is a bike and UCCS facilities carts pass through access. UCCS is interested in transferring Stanton Rd. to a private road with some pedestrian crossing access. Commissioner Satchell-Smith is still concerned and Ms. Krager supports the gate and there is a legal precedence.

Commissioner Raughton asked about the functional classification, and did Ms. Krager discuss a cul-de-sac option rather than the gate. Ms. Krager did consider and the option however drainage was a significant concern for that kind of a design

Ms. Krager and Mr. Wysocki indicated this gate is part of a separate action and not part of the CU application.

Commissioner McMurray asked if there was a possibility that after Spine Road is constructed that the gate may be reevaluated for the level of use. Ms. Krager confirmed that this can be reconsidered at a later time and at times recommends this action.

Rebuttal:

None

Motion by Hente, seconded by Fletcher, to approve conditional use for the Newman Center Ministry Center, based upon the findings that the conditional use development plan meets the review criteria set forth in City Code Section 7.5.502.E and the three findings for granting a conditional use permit as set forth in City Code Section 7.5.704; subject to the following conditions:

- 1. Bicycle parking be included on the site accommodating a minimum of 15 bicycles.**
- 2. A note be added to the Development Plan stating "Parking lot lighting will be turned off by 10 p.m. each night".**

The motion passed by a vote of 7:0:2

Aye: 7 - Fletcher, Hente, Raughton, Vice Chair Graham, Satchell-Smith, McMurray and Smith

Absent: 2 - Chairperson McDonald and Almy

7. Adjourn