

City of Colorado Springs

*Regional Development Center
2880 International Circle
Colorado Springs, CO 80910*



Meeting Minutes - Draft

Wednesday, October 11, 2023

9:00 AM

Regional Development Center (Hearing Room)
2880 International Circle

Planning Commission

1. Call to Order and Roll Call

Present: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

Absent: 1 - Alternate Cecil

2.A. Approval of the Minutes

2.A.A [23-517](#) Minutes for the September 13, 2023, Planning Commission Meeting

Presenter:

Scott Hente, Chair, City Planning Commission

Attachments: [CPC Minutes 9.13.23 DRAFT](#)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to approve the minutes for the September 13, 2023, City Planning Commission meeting. The motion passed by a vote of 9:0:0.

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

2.B. Changes to Agenda/Postponements**3. Communications - Peter Wysocki, Planning + Neighborhood Services Director**

Peter Wysocki, Planning and Neighborhood Services Director, announced that the City and CSU received awards from the Colorado Chapter of the American Planning Association for the Unified Development Code (UDC) and water conservation. Mr. Wysocki congratulated those who participated in this process, as it is an honor to receive these awards.

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 Commission. Any items called up for separate discussion shall be acted upon following the Consent vote.

- 4.C. [CUDP-23-0018](#) A Conditional Use to allow an automobile and light vehicle wash land use in the MX-M (Mixed-Use Medium Scale) zone district consisting of 9.29-acres located at 2520 Airport Rd. (Quasi-Judicial).

Presenter:

Johnny Malpica, AICP, Planner II, Land Use Review

Attachments: [Staff Report CUDP-23-0018 Quick Quack Carwash JPM](#)

[Figure 1 Correspondence CUDP-23-0018](#)

[Figure 2 V2 Vicinity Map CUDP-23-0018](#)

[7.5.601 CONDITIONAL USE](#)

- 4.D. [CUDP-23-0013](#) A Conditional Use to allow an automobile and light vehicle wash in the MX-M (Mixed-use Medium Scale) zone district consisting of 0.84 acres located at 515 Airport Creek Pt (Quasi-Judicial)

Presenter:

Chris Sullivan, Senior Planner, Planning and Community Development

Attachments: [Staff Report CUDP-23-0013 Auto Wash](#)

[Figure 1 - V2 515 Airport Creek Autowash project statement-conditional use without DP 08-30-23](#)

[Figure 2 - V2 20230110 CSAM PRJ 22340 ALTA SURVEY 515 AIRPORT CREEK POINT699](#)

[Figure 2a - Sample Visual Depiction Airport Creek site sketch 05-09-23](#)

[7.5.601 CONDITIONAL USE](#)

- 4.E. [ANEX-23-0002](#) Capital Drive Addition No. 2 Annexation consisting of 6.63 acres located north of Constitution Avenue and east of Marksheffel Road.

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services Department

Attachments: [StaffReport CapitalDrive ANEX](#)

[Exhibit A - Legal Capital Drive Addition No 2](#)

[Exhibit B - Plat Capital Drive Addition No 2](#)

[Vicinity Map](#)

[7.6.203-Annexation Conditions](#)

- 4.F. [ANEX-23-0003](#) Capital Drive Addition No. 3 Annexation consisting of 1.01 acres located north of Constitution Avenue and east of Marksheffel Road.

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services Department

Attachments: [StaffReport CapitalDrive ANEX](#)

[Exhibit A - Legal Capital Drive Addition 3](#)

[Exhibit B - Plat Capital Drive Addition 3](#)

[Vicinity Map](#)

[7.6.203-Annexation Conditions](#)

Approval of the Consent Agenda

Motion by Commissioner Rickett, seconded by Commissioner Foos, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 9:0:0:0.

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

5. Items Called Off Consent Calendar

- 4.A. [CUDP-23-00](#)
[14](#) A Conditional Use to allow a carwash in the MX-M (Mixed-Use Medium Scale) zone district consisting of 1.91 acres located at 3924 Pony Tracks Drive. (Quasi-Judicial)

(Quasi-Judicial)

Presenter:

Tamara Baxter, Senior Planner, Planning and Community Development

Attachments: [CPC Staff Report Autowash 3924 Pony Tracks](#)

[Project Statement](#)

[Public Comments](#)

[Response to Public Comment](#)

[CONTEXT MAP](#)

[7.5.601 CONDITIONAL USE](#)

Questions from Commissioners:

Commissioner Briggs inquired how many of these types of auto washes were located in Colorado Springs and in Denver. Commissioner Briggs added he was concerned about the location and did not understand the purpose of a 24-hour run auto wash adjacent to a neighborhood.

Commissioner Almy asked if the amended hours had been a deal breaker for the applicant.

Commissioner Slattery inquired how the reduction of noise and vandalism was enforced in self-serve bays. She also requested an elaboration on the staffing model.

Commissioner Foos inquired if there were doors located at the self-serve bays.

Commissioner Hensler added she was a user of self-serve bays and she would have been in support of this model.

Public Discussion:

Louis Cisneros, a member of the neighborhood commented in opposition.

Additional comments from Commissioners:

Commissioner McMurray believed that the staff had done a commendable job in providing an adequate level of noise buffering. However, he expressed a desire to see a traffic study, stating that waiting for the development plan to be administratively approved seemed somewhat backward in the process.

Commissioner Rickett concurred with Commissioner McMurray's statement, acknowledging that the current code needed to be the primary consideration. He

voiced his support for the proposed model, as it adhered to the existing criteria of the code.

Commissioner Raughton made it clear that he would only support the model if the staff recommendations were implemented.

Motion by Commissioner Rickett, seconded by Commissioner Foos, to approve the Conditional Use based upon the finding that the request complies with the criteria as set forth in City Code Section 7.5.601, with the following conditions of approval: 1. Limit hours of operation between 6:00 am to 11:00 pm; 2. Illuminated signage shall not be visible to the residential development along Pony Tracks Drive; 3. Year-around landscape screening, such as evergreens a minimum of 8 feet in height, shall be provided along Pony Tracks Drive. If site utilities along Pony Tracks limit tree plantings, other screening methods will be required, such as a screen wall and robust shrub planting. This shall be determined at the time of the development plan review; 4. Permissible noise levels between residential and commercial zones shall not exceed City Code Section 9.8.104; 5. Exterior structure and site lighting shall be directed inward to the site and away from the residential development along the south of Pony Tracks Drive; 6. A development plan application is necessary to be submitted for the future car wash which will be reviewed administratively. The motion passed by a vote of 7:2:0:0.

Aye: 7 - Commissioner Almy, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton and Commissioner Rickett

No: 2 - Commissioner Briggs and Commissioner Slattery

- 4.B. [CUDP-23-0006](#) A Conditional Use development plan to allow for multifamily development in the LI (Light Industrial) zone district consisting of 21.95 acres located on the southwest corner of Arch Street and Spectra Drive. (Quasi-Judicial)

Presenter:

Austin Cooper, Planner II, Planning and Development.

Attachments: [STAFF REPORT 2525 South Blvd Good](#)

[Figure 1 - Project Statement](#)

[Figure 2 - Public Comments](#)

[Figure 3 - Public Comment Response Letter](#)

[Figure 4 - Traffic Impact Analysis](#)

[Figure 5 - Development Plan](#)

[7.5.704 Conditional Use Review](#)

Questions from Commissioners:

Commissioner Raughton stated it was unusual there was a piece of land in the south east corner of the development that would be land locked.

Public Discussion:

Jim O'Toole, a citizen, expressed his objections to the proposed development plan.

Andrew Franks, a property owner near the development site, also commented in opposition, citing concerns about the anticipated increase in traffic volume.

Bill Wysong, President of the Mountain Shadows Association, shared his opposition due to worries about the overall traffic volume in the area, with particular emphasis on 21st Street.

Additional comments from Commissioners:

Commissioner Hensler had inquired about the road improvements in the area and had expressed the desire to discuss the traffic study further.

Commissioner Raughton had stated that he would vote against the development plan, citing concerns about the unusual severe acre being landlocked.

Applicant Rebuttal:

Chris Lieber, who represented the developer, explained that during the examination of the traffic study, it was determined that the majority of the traffic originated from the east side. The long-term plan for the placement of signals on 21st Street had been established beforehand. The traffic study had considered the possibility of adding street lights at various locations but ultimately concluded that Wheeler Avenue was the best choice.

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to approve the Conditional Use Development Plan based upon the finding that the request complies with the criteria as set forth in City Code Section 7.5.704 with a condition of approval: 1. Applicant will receive final approvals from SWENT The motion passed by a vote of 8:1:0:0.

Aye: 8 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Rickett and Commissioner Slattery

No: 1 - Commissioner Raughton

6. Unfinished Business

7. New Business

DRAFT

- 7.A. [ZONE-23-00](#) A Zone Change consisting of 1.23 located at 4760 Flintridge Drive from
[12](#) MX-N (Mixed-Use Neighborhood) to MX-M (Mixed-Use Medium Scale).

Presenter:

Austin Cooper, Planner II, Planning and Development.

Attachments: [Quik Trip Staff Report](#)

[Figure 1 - Project Statement](#)

[Figure 2 - Public Comments](#)

[Figure 3 - Public Comment Response](#)

[Figure 4 - Exhibit A](#)

[Figure 5 - Exhibit B](#)

[Figure 6 - Trip Generation Comparison](#)

[7.3.603 Establishment & Development of a PUD Zone](#)

Questions from Commissioners:

Commissioner Rickett stated the set backs shown on the development plan are incorrect. He also inquired if the development plan would fall under Chapter 7 or UDC. Commissioner Rickett requested proper setbacks be utilized in the future.

Commissioner Slattery requested an elaboration on the access points of this development plan.

Public Discussion:

Joseph Chesla, a citizen, commented in opposition. He stated his concern on the increased traffic volume in this location.

Rebuttal comments:

Jeff Baab and Greg Rommell, real estate acquirors with Quik Trip, added by investing in their employees, it brought loyalty to the company and took incredible care of the facility which translated through to the customer experiences.

Motion by Commissioner Rickett, seconded by Commissioner Foos, to recommend approval to City Council the Zone Change of 1.23 acres from MX-N (Mixed-Use Neighborhood) to MX-M (Mixed-Use Medium Scale) based upon the findings that the request complies with the criteria for a Zoning Map Amendment as set forth in City Code Section 7.5.603. The motion passed by a vote of 9:0:0.

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

- 7.B. [DEPN-23-00](#) The Quik Trip Development Plan establishing a gas station convenience store consisting of 1.23 acres located at 4760 Flintridge Drive (Quasi-Judicial)

Presenter:

Austin Cooper, Planner II, Planning and Development.

Attachments: [Development Plan](#)

[7.5.502.E Development Plan Review](#)

Motion by Commissioner Rickett, seconded by Commissioner Foos, to recommend approval to City Council the Quik Trip Development Plan based upon the findings that the request complies with the criteria as set forth in City Code Section 7.5.502. The motion passed by a vote of 9:0:0.

- Aye:** 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

- 7.C. [DEPN-23-01](#) A Major Modification to the CSU Wilson Tank Development Plan to increase the height of the water tank from a maximum of height of 45-feet to 60-feet consisting of 3.63 acres located at 6560 Alabaster Way. (Quasi-Judicial)

[57](#)

Presenter:

William Gray, Senior Planner, Planning + Neighborhood Services Department

Attachments: [Wilson Tank Mjr Mod Staff Report](#)

[Ordinance No. 93-25](#)

[Wilson Reservoir and Pump Station Development Plan](#)

[Mountain Shadows Master Plan](#)

[Approved Development Plan](#)

[Approved Final Plat](#)

[Approval Letter](#)

[Stop Work Demand](#)

[Notice and Order](#)

[Public Comment](#)

[Planning and Public Comment Response](#)

[Geologic Hazard Study](#)

[Project Statement](#)

[DP Major Modification](#)

[Wilson Tank Renderings](#)

[7.5.516 MODIFICATION OF APPROVED APPLICATIONS](#)

Chairman Hente announced for the record that he had previously been a board member of Colorado Springs Utilities, and approximately two years ago he had experienced a strong disagreement with the organization. Due to the significant amount of time that had passed, he stated that he would be fair and impartial in this matter.

Staff Presentation:

Bill Gray, Senior Planner, gave a presentation that described the scope of the project.

Applicant Presentation:

Dave Padgett, General Manager of projects and programs for Colorado Springs Utilities, along with Adam Monchalk, Project Manager with Kimley Horn gave a presentation.

Questions from Commissioners:

Commissioner Rickett asked if CSU had collaborated with the engineering firm to

explore the potential for a low rope line joy system that could be either freestanding or supported by steel columns on the interior.

Commissioner Hensler inquired if the tank's design was the only one that could meet the required capacity of 5 million gallons and sought confirmation from the presenter that there was no alternative design, such as a free span tank with a flat roof, that could accommodate this volume of water. She also highlighted the omission of any height restriction in the development plan, stressing the need for such an amendment.

Commissioner Raughton raised concerns about the approved design criteria not being adhered to.

Bill Gray added that the development plan initially established a maximum height of 45 feet for the project. However, when the preliminary designs for the water tank were submitted, the height exceeded this limit, standing at 60 feet. This discrepancy should have been addressed in the development plan, and upon discovering this, Colorado Springs Utilities took immediate action to seek a resolution.

Commissioner Almy inquired about the dome and vent and emphasized that the tank, no matter how it is constructed, would be intrusive due to its essential need. He stressed the importance of designing the tank according to contemporary standards rather than replicating an outdated design. He suggested that a design review process should have caught the height difference issue and called for improvements in internal processes to prevent such issues in the future.

Chairman Hente expressed his confusion over how a building permit had been issued for a project that clearly exceeded the approved development plan.

Commissioner Briggs inquired about who brought to light the fact that the water tank exceeded the approved height of 45 feet and who had alerted the City to this discrepancy. He also questioned the feasibility of constructing a flat-roofed water tank with the same water capacity.

Commissioner Hensler sought clarification on the responsibility for rebuilding a tank to meet the 45-foot design if that option were pursued. She also asked about the findings of the cost analysis regarding long-term maintenance costs when comparing a flat-roof tank to a dome-roof tank.

Commissioner Slattery inquired if there were alternative designs, such as wider dome roofs, capable of holding the same amount of water, or if the current design was the only viable option.

Commissioner Foos questioned how the height of 45 feet had been determined at the time of the development plan, considering the discrepancies in tank sizes, and

sought information regarding the data that had been used in making that determination.

Commissioner Foos had inquired about the determination of the 45-foot height at the time of the development plan, given the numerous discrepancies in tank sizes. He expressed curiosity about the information that had been used to arrive at this figure.

Commissioner Rickett had asked if a tank meeting the 45-foot height criteria could have been purchased.

Commissioner Briggs expressed his concerns about the lack of consistency and transparency surrounding the project. He believed that, as representatives providing information to the citizens, there should have been greater consistency and transparency in the process. He took issue with how the situation had unfolded, as it had not been as transparent and accountable as it could have been.

Public Discussion:

Bill Wysong, President of the Mountain Shadows Association, expressed strong opposition. He voiced his concern regarding the lack of transparency and integrity concerning the height difference of the water tank. Mr. Wysong emphasized that none of the community members had issues with building the water tank; their primary concern revolved around the insufficient communication related to the project.

Dorothy Macnak, a citizen in the neighborhood, also commented in opposition and requested a postponement of the vote.

Genevieve Gustavson, a citizen who, along with others, lost her home in the Waldo fire, mentioned their decision to invest in the community for its rebuilding. She highlighted that the City had promised to collaborate with the neighborhood to rebuild better but had not fulfilled that commitment. Ms. Gustavson believed there was an opportunity to halt the tank project and urged the Planning Department to address the situation. She concluded by stating that this issue needed to be acknowledged as a mistake, and corrective measures needed to be taken.

Butch Gunn, a landowner in proximity to the project site, emphasized the importance of the commission understanding that he had no issue with the necessity for utilities to replace the old water tank. His understanding of the 20 feet dome was that it was essential for structural strength to support the required water volume without the need for interior supports. He noted that if a flat roof had been considered, it would have fallen within the scope of the original development plan, but this had not been the case. Mr. Gunn believed there had been significant miscommunication in this matter, and he felt that these issues could have been identified and resolved earlier. He expressed that trust within the community was gone.

Leigh Ann Wolfe, owner of Flying W Ranch, asserted that the issue wasn't merely about miscommunication but about deception. She characterized the situation as a mockery of the process and the Planning Commission. Wolfe expressed frustration over being misled repeatedly, stating that they were assured the tank would be the same size and height but that this had not been the case. She emphasized that the tank's height difference from the original development plan amounted to 45%, stressing that utilities needed to take the time to rectify the situation.

Thad Zylka, citizen, expressed deep concern about the entire process and hoped it wouldn't recur in the city. Mr. Zylka felt that people had misled them and disregarded the proper process. Zylka highlighted that the initial building process had commenced in 2023 without a valid building permit and believed that there were individuals within the organization who did not adhere to the same rules and ordinances. He called for a full independent audit on utilities projects and cited the numerous emails he had received from NextDoor and COS as evidence of a problem. He characterized the situation as an illegal water tower and lamented the lack of a representative government to protect them, underscoring that not following the rules impacted all taxpayers.

Jackie Gunn, a citizen residing next to the current water tower, clarified that the current tower stood at 36 feet tall and expressed that it wasn't difficult to hide it by strategically planting trees for camouflage. She accused CSU of violating the UDC and RBC and refusing to acknowledge responsibility for submitting incorrect and conflicting information to obtain the development plan and building permit.

Peggy Anderson, a resident of Mountain Shadows, joined her neighbors in opposing the modification and urged consideration of the lack of transparency, the lies, and how the neighbors had been treated throughout the process. She requested a postponement of the vote until all the necessary information was available.

James Berden, a citizen, sought to clarify a few key points. He stated that the current tower was 36 feet tall and had the capacity to hold 5 million gallons. He specified that the development plan had approved a 36-foot wall with a 4-foot dome, with a height limit of 45 feet. Berden argued that an additional 20 feet would have more adverse effects, and he recommended rejecting the modification, proposing that the tank should be designed to move south.

Lawrence Starr, a citizen residing adjacent to the water tank, shared that he was among the neighbors most affected by the modification. He emphasized that it was the neighbors who had contributed to the rebuilding efforts after the Waldo fire, not Colorado Springs Utilities. Starr mentioned that while the initial approval may have been flawed, he and others had accepted it because there was trust at that time. However, he asserted that this trust no longer existed with Colorado Springs Utilities. He believed it was clear that CSU had not adhered to the UDC and had

shown no respect for it. Mr. Starr contended that CSU had lied on their development plan and never updated it, merely asking for forgiveness today. The second issue he raised was that the 45-foot height was originally established to blend into the area, not to accommodate what Colorado Springs Utilities required. Mr. Starr urged the rejection of this modification.

Rebuttal comments:

Dave Padgett wanted to acknowledge that there had been extensive discussions regarding the tank's height, confirming that it was indeed 36 feet, which was the hydraulic height required to maintain the water column's consistency. He mentioned that the water column height from the existing tank to the current tank remained the same. Earlier, there had been considerations about altering the tank to make it shorter and wider, but it was recognized that this would have had a ripple effect on the pressured zone. Mr. Padgett emphasized the importance of the 36-foot height and reiterated that it met the UDC because there was no height restriction in a PF zone.

He also acknowledged the significance of transparency and understood the concerns regarding how the situation had unfolded. Mr. Padgett informed that upon realizing the discrepancy, immediate contact was made with the Planning Department to revisit the process, and there was a commitment to rectify the situation. He acknowledged that it had been an oversight and expressed a wish to go back and reevaluate the process at that time.

Additional comments from Commissioners:

Commissioner Raughton expressed his empathy for the citizens' comments and his belief that significant errors had been made by the Colorado Springs Utilities department. He indicated that he would not be able to support the modification, emphasizing that the tank could be built to meet the original criteria and designed in a way to be less intrusive.

Commissioner Briggs extended his gratitude to all citizens for their time and thanked CSU for their presentation. He acknowledged that mistakes had been made on all fronts and insisted that the cost of any necessary redesign should not be shouldered by the consumers but rather by Colorado Springs Utilities. He stated that he could not support the modification.

Commissioner Foos appreciated the public's comments and addressed the cost of replacing the tank. He expressed concern about voting on a modification after the tank had already been built, deeming it a dangerous precedent. He emphasized that the conversation would have been different if they had addressed this before the tank was constructed. He asserted that the current situation would set a dangerous precedent, and he would not be supporting the modification.

Commissioner Almy commended Mountain Shadows for their well-thought-out presentation and questioned accountability for the situation. He aligned with

others in the belief that the public should not bear the cost of the mistake. He suggested that a new application should be pursued, with the possibility of locating the tank in a new place in the hills to minimize neighborhood obstruction. He concluded that she would not vote in favor of the modification.

Commissioner McMurray, considering whether the errors were intentional or unintentional, argued that allowing the tank to stand would undermine public trust and mock the planning and zoning process. He examined the criteria, particularly Item C, which specified that the modification should not create more adverse impacts on surrounding properties. He saw a 45% increase in a water tower's height as a clear adverse impact. He also noted the importance of being consistent with the Colorado Springs comprehensive plan, which has a dedicated chapter on the community's landscape. He affirmed that he would vote to deny the application.

Commissioner Slattery acknowledged the strong emotions surrounding the modification but expressed her belief that there was no intentional deception of the public. She observed that the primary challenge, regardless of the degree of the dome, would remain largely the same. She declared her support for the major modification, emphasizing the need to balance the neighborhood's needs with those of water. She noted that other costs and infrastructure considerations were involved in alternative plans, such as raising the tank's height or relocating it.

Commissioner Hensler echoed Commissioner Slattery's sentiments, emphasizing her belief that there was no intentional deception of the public. She mentioned that the situation was a balancing act with challenges on both sides. She appreciated the well-constructed presentations from the public and their solutions-oriented approach. While she might be in favor of the modification, she acknowledged the substantial opposition to it.

Chairman Hente added as a former chairman on the board of Colorado Springs Utilities, he was astounded of the situation. He noted that by CSU's own admission, they had found out the tank was too high when a neighbor brought it to their attention. He asserted that holding a public entity to a higher standard was essential, as it was citizen-owned. Chairman Hente had recently went over to the site and found that the tank did not strengthen the neighborhood; it greatly detracted from it. He mentioned that despite intentions to camouflage it, the tank remained a significant deterrent. He firmly stated that he could not support the modification in any form and would vote against it.

Motion by Commissioner Slattery, seconded by Commissioner Hensler, to recommend approval of the Major Modification to the CSU Wilson Tank Development Plan based upon the findings that the request complies with the criteria as set forth in City Code Section 7.5.516.D, with the following conditions:

- 1. The size range of 25' - 35' for the larger Ponderosa Pine or Colorado Blue Spruce as indicated in the Plant Schedule in the Botanical/Common Name column that is contained on the Landscape Plan is revised to 25' hgt min to match the Size/Cal. column;**
- 2. Add a note the Landscape Plan that requiring any**

tree that dies is required to be replace in-kind as specified on Landscape Plan; 3. The designer of record for the Landscape Plan must be present at the nursery at the time the larger, 25 feet minimum height Ponderosa Pines or Colorado Blue Spruce are selected and provide documented proof to City Planning that the trees meet the minimum height as required by the Landscape Plan; 4. A height survey verification is required to be provided from a licensed professional surveyor in the State of Colorado prior to any zoning final inspection; 5. Financial Assurance shall be put in place for the Landscape Plan and Irrigation Plan improvements; 6. The tank color is changed to Juniper Green. The motion failed by a vote of 2:6:1:0.

Aye: 2 - Commissioner Hensler and Commissioner Slattery

No: 6 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Chair Hente, Vice Chair McMurray and Commissioner Raughton

Absent: 1 - Commissioner Rickett

- 7.D.** [APPL-23-00](#) [05](#) An appeal of the Notice of Violation and Order to Abate for the CSU Wilson Water Tank Development Plan consisting of 3.63 acres located at 6560 Alabaster Way. (Quasi-Judicial)

Presenter:

William Gray, Senior Planner, Planning and Community Development

Attachments: [Wilson Tank Appeal Staff Report](#)

[Appeal Statement](#)

[Pre-Application Summary](#)

[7.5.415 APPEALS](#)

Staff Presentation:

Bill Gray, Senior Planner, gave a presentation on an appeal to abate.

Rebuttal comments:

Dave Padgett stated he does not believe he has additional comments at this time as the prior decision by the body to deny the modification of itself essentially upheld the stop work order.

Motion by Vice Chair McMurray, seconded by Commissioner Raughton, to deny the appeal and uphold the Notice of Violation and Order to Abate for the CSU Wilson Water Tank Development Plan, based upon the findings that the Appeal of the Notice of Violation and Order to abate does not meet the appeal criteria in UDC Code Section 7.5.415.A.2. The motion passed by a vote of 8:0:1:0.

Aye: 8 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton and Commissioner Slattery

Absent: 1 - Commissioner Rickett

8. Updates/Presentations

9. Adjourn

DRAFT