

**CITY OF COLORADO SPRINGS PLANNING COMMISSION
RECORD OF DECISION**

CPC RECORD OF DECISION
March 6, 2008
Page 17

NEW BUSINESS CALENDAR

MEETING: MARCH 6, 2008

ITEM : 10-12

STAFF: ROBERT TEGLER

FILE NO(S): CPC ZC 07-00334, CPC CP 07-00335, CPC FP 07-00336

PROJECT : POWERS COMMERCIAL

STAFF PRESENTATION

Mr. Bob Tegler, Senior Planner, reviewed the report from the CPC Agenda. He made a correction to the agenda and stated the Staff Report should reflect the requested zone as Community Commercial. Mr. Tegler made reference to the e-mails received in opposition to the project after the agenda was printed (Exhibits A-C).

Commissioner Wignall inquired of the site orientation and why a grocery store would front the freeway and back up to a residential neighborhood. Mr. Tegler deferred the question to the applicant.

APPLICANT PRESENTATION

1. Mr. Ron Bevans, with NES, Inc spoke on behalf of the applicant and reviewed the project by means of a PowerPoint presentation (Exhibit D).

Commissioner Hansen inquired as to the service area lighting and sound. Mr. Bevans stated that these can be addressed within the development plan.

Commissioner Hansen inquired if La Plata has standards for those conditions?

2. Ms. Angela White, Director of Planning for La Plata, stated La Plata's guidelines do not allow external loudspeakers. Greater restrictions would be imposed due to this center backing up to a neighborhood. She added that signage would be limited.

Commissioner Wignall inquired about trash collection. Ms. White stated that there are restrictions for screening of receptacles as well as hours of collection, but that these plan details would be addressed in the development plan.

Commissioner Hansen inquired if residential views would be impacted. Ms White stated that LaPlata does not protect private views, but the site is currently designed to take advantage of the views of existing residents. Ms. White stated that the existing homes do not directly face mountain views of Pikes Peak.

Commissioner Wignall inquired of the neighborhood opposition to the project's intensity. Ms. White stated that La Plata did try and inform buyers of the plans for the neighborhood. Ms. White responded via PowerPoint presentation (Exhibit E) and discussed the guidelines not only for Cordera, but also displayed documentation buyers sign prior to and at the time of closing. Signs advertising the commercial center were placed on the site prior to the homes being built. Ms. White also stated that there is trained staff to promote the community as opposed to just selling the homes. She mentioned that residents were

CITY OF COLORADO SPRINGS PLANNING COMMISSION
RECORD OF DECISION

CPC RECORD OF DECISION

March 6, 2008

Page 18

informed that a commercial development at a level below Target was planned for this area. She displayed the Home Buyer Disclosure and Home Purchase Agreement.

CITIZENS IN FAVOR

None.

CITIZENS IN OPPOSITION

1. Mr. Chris Jones displayed a petition (Exhibit F) in opposition to the project, which represents approximately 75 homes. Mr. Jones stated the following represents the residents' concerns:

- Property values impacted,
- Residents felt misled by the Cordera Experience and the builders prior to purchase and assumed the site would be a lower level of intensity, such as neighborhood commercial,
- Safety and traffic concerns with 18-wheel trucks not able to make left turns and create noise in the neighborhood,
- The landscape buffer is lacking and there will be no foliage at least 6-7 months out of each year. There is less than 20 yards between the residential area and the road,
- The adjacent intersection at Briargate Parkway and Powers Boulevard is already listed as one of Colorado Springs' most dangerous intersections.
- The rooftops of the commercial buildings will be the view of current residents.
- Concerned the fueling stations will be open 24 hours causing light pollution on a 24-7 basis.

2. Ms. Jan Haag stated that she was told there would be a low impact commercial development, and compared the Shops at Briargate as an example. She lives in an open cul-de-sac and that she thought that her home would remain "open."

3. Mr. John Krawieck addressed the difficulty of dealing with La Plata and stated that there is a commercial building being installed right now, which is the reason the neighborhood is very concerned.

4. Ms. Kristina Brockbank stated that she was not informed of the plans for the commercial center. She questioned the safety for her children.

Commissioner Hansen inquired if Ms. Brockbank would prefer LaPlata install a gate in front of her cul-de-sac? Ms. Brockbank replied no, she likes the openness of her block.

5. Mr. Brett Ogden stated that he would like to see the project reversed so that the grocery store would front the street and the smaller businesses would back up to the residential. He was concerned with the ingress and egress for truck traffic into the site.

6. Mr. Kevin Long stated that he also felt misled by LaPlata. He felt there is no additional commercial needed with adjacent commercial centers in such a close proximity.

APPLICANT REBUTTAL

Mr. Bevans emphasized that the plan was reviewed as a whole and traffic parameters were set by City Traffic Engineering. Mr. Bevans stated a pedestrian plan is proposed with connection to the residences. He proposed evergreen trees as opposed to trees with leaves to provide a year-round landscape buffer. Mr. Bevans stated that the applicant will address screening issues and all of the neighbors' concerns expressed today during the development plan review stage.

**CITY OF COLORADO SPRINGS PLANNING COMMISSION
RECORD OF DECISION**

CPC RECORD OF DECISION

March 6, 2008

Page 19

Commissioner Butlak inquired how a vehicle would travel south on Briargate Parkway? Mr Bevens replied that a driver would utilize the traffic signals as opposed to making a u-turn at the non-signalized intersection. Commissioner Butlak inquired as to the amount of traffic that would be generated by the project. Mr Bevens stated that the traffic volume was taken into consideration when the concept plan was initiated.

Commissioner Cleveland inquired as to when the traffic study was conducted, and would it be beneficial to conduct another study? Ms. White replied that the intersection of Powers Boulevard and Briargate Parkway is the most dangerous intersection in the City, and it is controlled by Colorado Department of Transportation (CDOT). She stated the danger is created because the intersection's traffic signals are not synchronized with the signal in front of it. La Plata is currently working with CDOT regarding the signal timing to improve safety. She mentioned that intersection is the largest intersection in the city and is designed to handle large volumes of traffic. Ms. White referenced the master plan and stated there is a working traffic plan not only for the Cordera area, but also for the Briargate Master Plan. She stated that the Neighborhood Commercial zoning could still comply with today's concept plan proposal. She referenced the Shops at Briargate center, which is a regional commercial use that includes a higher volume of trip generation than the current proposal. She mentioned that the residents preferred open ended cul-de-sacs and the site encourages pedestrian access.

Commissioner Hartsell inquired if the concept plan could be approved with caveats regarding orientation? Mr. Tegler stated it would be easier to place a condition requiring subsequent development plans come before the Planning Commission.

Commissioner Cleveland inquired if the development plan could be re-oriented? Mr. Tegler stated yes, if the development plan is brought before the Commission.

Commissioner Butlak inquired if mediation would help in addressing issues? Mr. Chris Jones stated that a delay would help in addressing current issues. Mr. Bevens stated that he is open to addressing issues with the neighbors regarding design, but that the land use type will not change.

Commissioner Butcher was impressed with the design and orientation of the project, and the way that it uses the building as a buffer. He encouraged the residents to call CDOT to change the traffic signal at the Powers Blvd./Briargate Parkway intersection. He felt today's proposal is a much lower impact than the neighbors originally thought they would be getting.

DECISION OF THE PLANNING COMMISSION

Moved by Commissioner Butcher to approve **Item 10, CPC ZC 07-00334**, the zone change from A to PBC, based upon the findings that the Change of Zoning request complies with the three criteria for granting of zone changes as set forth in Chapter 7, Article 5, Section 603.B of the City Zoning Code.

Motion failed due to lack of a second.

Moved by Commissioner Hartsell to approve **Item 10, CPC ZC 07-00334**, the zone change from A to PBC, based upon the findings that the Change of Zoning request complies with the three criteria for granting of zone changes as set forth in Chapter 7, Article 5, Section 603.B of the City Zoning Code, and subject to the condition that subsequent development plans must be reviewed by the Planning Commission.

**CITY OF COLORADO SPRINGS PLANNING COMMISSION
RECORD-OF-DECISION**

CPC RECORD OF DECISION

March 6, 2008

Page 20

Seconded by Commissioner Hansen.

Commissioner Butlak stated that she would be voting against the motion because she felt there needs to be more negotiation/mediation between La Plata and the neighborhood. She preferred a postponement.

Commissioner Hansen stated that the site is in conformance with the land use according to the master plan. He would support the motion.

Commissioner Cleveland stated that he will be in support of the motion, but encourages La Plata to speak with the neighbors.

Commissioners Wignall and Suthers were also in support of the motion, and would also like La Plata and the residents to negotiate the orientation of the plan.

Motion carried 7-1 (Commissioner Butlak opposed and Commissioner Guy absent).

Moved by Commissioner Hartsell to approve **Item 11, CPC CP 07-00335**, the Powers Commercial Concept Plan, based upon the findings that it meets the review criteria for concept plans as set forth in Chapter 7, Article 5, Section 501.C of the City Zoning Code, subject to the following technical modifications:

Technical and Informational Modifications to the Concept Plan:

Resolve Traffic Engineering comments.

Seconded by Commissioner Hansen.

Motion carried 7-1 (Commissioner Butlak opposed and Commissioner Guy absent).

Moved by Commissioner Hartsell to approve **Item 12, CPC FP 07-00336**, the Briargate Crossing East Subdivision Filing. No. 3 Subdivision Plat, based upon the finding that it complies with the purpose and intent of the Subdivision Regulations as set forth in Chapter 7, Article 7, Section 102 of the Subdivision Code.

Seconded by Commissioner Hansen.

Motion carried 7-1 (Commissioner Butlak opposed and Commissioner Guy absent).

March 6, 2008
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ROBERT L. WIGNALL
PLANNING COMMISSION CHAIR