



City of Colorado Springs

Plaza of the Rockies
South Tower, 5th Floor
Blue River Board Room
121 S Tejon St, Colorado
Springs, CO 80901

Meeting Minutes - Final Planning Commission

Thursday, December 16, 2021

8:30 AM

Hybrid Meeting - Open to Public
Call 720-617-3426 Conf ID: 815 137 01#
Blue River Board Room

1. Call to Order and Roll Call

- Present:** 8 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Alternate Griggs
- Excused:** 2 - Commissioner Graham and Commissioner Eubanks

2. Changes to Agenda/Postponements

- 2.A.** [CPC AP 21-00174](#) Withdraw an appeal of the administrative denial of the Short Term Rental permit for 116 South Fourteenth Street as a permit has been issued and the appeal withdrawn by the appellant.

(Quasi-Judicial)

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

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to postpone the appeal of the administrative denial of the Short Term Rental permit for 116 South Fourteenth Street to the January 20, 2022, City Planning Commission meeting. The motion passed by a vote of 7:0:2:0

- Aye:** 7 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy
- Absent:** 2 - Commissioner Graham and Commissioner Eubanks

- 2.B.** [CPC AP 21-00182](#) Withdraw an appeal of the administrative denial of the Short Term Rental permit for 1609 West Kiowa Street as the appeal has been withdrawn per the request of the appellant.

(Quasi-Judicial)

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

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to postpone the appeal of the administrative denial of the Short Term Rental permit

for 1609 West Kiowa Street to the January 20, 2022, City Planning Commission meeting. The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Graham and Commissioner Eubanks

2.C. [CPC AP 21-00064](#) Withdraw an appeal of a Notice and Order to Abate Zoning Violation for the property located at 1830 Palmer Park Boulevard.

Presenter:

Kurt Arnoldussen, Senior Code Enforcement Officer, Planning and Community Development

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to postpone the appeal to the January 20, 2022 City Planning Commission Hearing. The motion passed by a vote of a7:0:2:0

Aye: 7 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Graham and Commissioner Eubanks

3. Communications

Peter Wysocki - Director of Planning & 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.)

4.A. [CPC 22-006](#) Minutes for the October 21, 2021, City Planning Commission meeting.

Presenter:

Scott Hente, Chair of the City Planning Commission

The Minutes were approved on the Consent Calendar.

Lowell-Draper Urban Renewal Plan

4.D. [URA MP 21-00181](#) A resolution making certain legislative findings and approving the Lowell-Draper Urban Renewal Plan.

Related Files: 22-039

Presenter:

Jariah Walker, CSURA Executive Director

The Lowell-Draper Urban Renewal was recommended for approval on the Consent Calendar to the Council Work Session based on the findings that this application conforms to the goals of the City of Colorado Springs 2019 Comprehensive Plan (Plan COS).

North Fork Park

- 4.E. [CPC ZC 21-00140](#) A zone change for North Fork Park relating to 7.9-acres located northeast of the Thunder Mountain Avenue and Daydreamer Drive intersection from A (Agricultural) to PK (Public Park).

(Quasi-Judicial)

Presenter:
Katelynn Wintz, Planning Supervisor, Planning & Community Development

This Ordinance was recommended for approval on the Consent Calendar.

Approval of the Consent Agenda

Approval of the Consent Agenda

Motion by Commissioner Rickett, seconded by Commissioner Raughton, 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: 7 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Graham and Commissioner Eubanks

5. ITEMS CALLED OFF CONSENT

College Creek Apartments

- 4.B. [CPC CU 21-00116](#) A Conditional Use Development Plan for College Creek Apartments, a 240-unit income-restricted multi-family development located at 10055 Federal Drive.

(Quasi-Judicial)

Presenter:
Katelynn Wintz, Planning Supervisor, Planning & Community Development

Mr. Dutch Schultz, President of the Old North End Homeowners Association, asked for the College Creek item be removed from the Consent Calendar.

Staff presentation:

Katelyn Wintz, City Planning, presented a PowerPoint with the scope and intent of this project.

Background Information

- 10.4 acres, vacant land
- Multi-family previous approved
- Zoned PBC (Planned Business Center)
- The site is currently vacant.

Public Notice

- Site posting and 14 postcards mailed twice: once at the initial review stage and before the Planning Commission Hearing.
- Staff received one verbal comment in opposition to the proposed use.

Site:

- The site plan illustrates 10 buildings with interior maneuvering aisles and dedicated covered and uncovered parking. Site amenities include a clubhouse, fitness center, playground, and pool. There are also sidewalks proposed connecting the entire development and benches provided throughout the site to accommodate passive recreation opportunities within the development.

Admin Relief:

- Parking reduction request: 438 parking spaces required per code; 385 provided. This is a 12.1% relief request. The applicant provided studies of similar developments and parking demand/need that they will likely cover in their report. Similarly, planning staff coordinated with community development to understand car ownership and potential parking demand for affordable developments. We studied the most recent US Census data and found that where a census tract was majority of the population at or below 60% that car ownership equated to about 1.45 vehicles per residence. The proposed provided number of parking spaces is roughly 1.6 spaces per unit which staff finds may reasonably accommodate the parking demand of future residents.

Applicant Presentation:

Andrea Barlow with N.E.S presented a PowerPoint with the scope and intent of this project.

- **Intent**
 - Provide attractive, efficient, and cost-effective workforce housing
 - Rents restricted to 60% of AMI (Area Median Income)
 - 240 Workforce Housing Units
 - one-, two-, three-, and four-bedrooms
 - 10.435 AC Site
 - Right-In/Right-Out at Interquest Parkway
- **The development has received letters of support from:**
 - Colorado Springs Chamber & EDC
 - Colorado Springs Faith Table
 - Colorado Springs Planning & Community Development Dept.
 - Colorado Springs Pro-Housing Partnership
 - El Paso County Economic Development Department
 - Mt. Carmel Veterans Service Center

- Pikes Peak Community College
- **Site Amenities**
 - 10.435 acres
 - 240 units (23 du/ac)
 - Parking Required 438
 - Parking provided 385
 - Right-in/Right-out access at Interquest Parkway
 - Close Proximity to Bike and Bus Route
 - Amenity Space Required 2.67 ac
 - Amenity Space Provided 3.91 ac
 - Pool and Lounging Area, Clubhouse/Fitness Center, Picnic/Grill Area, and Playground

Questions:

Commissioner Raughton asked if there would be any restrictions on rental agreements on the number of parking spaces per unit since there is a 153 parking stall shortfall of the requirement. Ms. Barlow corrected that the development only falls short on 53 parking stalls, not 153. Mr. Ben Taylor from Inland Group said they typically see 50 to 60% of the residents as single moms which is where the 2 & 3 bedrooms really work well for that type of demographic. The minimum parking ratio the company likes to have has been 1.5 parking stalls per unit on these deals. The company is invested in the long term success of this project.

Commissioner Raughton asked if they were providing any bus kiosk for an alternate transit other than the public bus route at Pikes Peak Community College. Mr. Taylor said they were not providing anything on the site, but Pikes Peak was the closest public bus route, which is within walking distance.

Mr. Taylor said they have restricted parking spaces for the units, but it depends on the developments. He said they typically do not have those restrictions where there is more of an open space, 3-story, walkup property, but they have done it in the past. Commissioner Raughton said that would make a difference for him if that were the case.

Ms. Barlow added that based on the parking that is provided and the ratio that's provided, which exceeds what the average that the developer experiences on other projects, they don't anticipate there being a parking issue or a need to restrict the number of cars per unit. If there does prove to be concerns about parking, then they could impose those restrictions.

Commissioner McMurray asked where the bus stop was located in relation to the project. Ms. Barlow said you would cross Interquest at Federal where there is a proposed signalized intersection soon.

Supporters:

Dutch Schultz

- Not opposed to the project
- Commenting on this item because the justification for the reduction in parking stalls was quite modest and based upon usage elsewhere

outside of Colorado Springs

- Colorado Springs is one of the least dense major cities and that puts a burden on everyone to travel by car
- If parking is going to be reduced, then the landlord has to restrict the parking allowed by the tenants

Opponents:

N/A

Questions of Staff:

Rebuttal:

N/A

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Almy said he is in favor of this type of project, but the parcel is sort of out in the middle of nowhere and would be reliant on good public transportation. He noted it needs good public transportation to centers of employment and needs to have good school transportation, but otherwise he was in favor of this project.

Commissioner Raughton wanted the assurance by the property owners that they are going to be including conditions in their agreements that they restrict some of the parking.

Commissioner Rickett said he would be voting in favor of the project. The good part is there is currently a signalized intersection a block away, so the walking distance to the bus stop at Pikes Peak Community College is only about 3 blocks. He commented that based on the information provided, parking is going to be okay in this scenario. He agreed with fellow commissioners and the public comment that if the owner can agree to monitor the parking situation and there becomes a point where parking starts to exist out on Federal Boulevard that in the future, they adjust their rental agreements.

Commissioner McMurray said he believed the project will be a great addition to the community but suggested it would be highly unlikely anyone would be walking along Interquest because they would not feel safe. There is not much the developer can do about that but would like the sidewalk to connect out to Federal, which would make it safer.

Commissioner Rickett said there is a sidewalk in front of the In and Out distribution center that goes from Federal down to the intersection that is lighted. In this case, there is a decent access on the other side of Interquest. Once the lighted intersection goes in, if additional parking is required, it sounds like there is at least discussions with the college that they could use their overflow parking.

Commissioner Hente said he was also in support of the project and the one heartening thing is the developer has said that he is in this project for the long

term - 15-years. Obviously he is not going to let this go down because he is invested.

Motion by Commissioner Rickett, seconded by Commissioner Almy, to approve the conditional use development plan for College Creek Apartments, based upon the findings that the request complies with the findings for authorizing a conditional use, as set forth in City Code Section 7.5.704, and the review criteria for establishing a development plan, as set forth in City Code Section 7.5.502(E). The motion passed by a vote of 7:0:2:0

- 4.C. [CPC R 21-00117](#) An Administrative Relief request to allow 385 parking spaces where 438 parking spaces are required, located at 10055 Federal Drive.

(Quasi-Judicial)

Presenter:
 Katelynn Wintz, Planning Supervisor, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner Almy, to approve the administrative relief request from City Code Section 7.4.203 allowing 385 parking spaces where 438 are required, based upon the findings that the request complies with the administrative relief criteria set forth in City Code Section 7.5.1102. The motion passed by a vote of 7:0:2:0

6. UNFINISHED BUSINESS

Short Term Rental Appeals

- 6.A. [CPC AP 21-00162](#) An appeal of the administrative denial of the Short Term Rental permit for 309 N 28th Street for an ownership change, pursuant to City Code Sections 7.5.1702.B and 7.5.1704.C.

(Quasi-Judicial)

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

Motion by Commissioner Slattery, seconded by Commissioner Raughton, to deny the appeal and uphold the denial of the Short Term Rental renewal application, based on the City Code Sections 7.5.1704.C and 7.5.1702.B, and that the appellant has not 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 7:0:2:0

Aye: 7 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Graham and Commissioner Eubanks

6.B. [CPC AP 21-00163](#)

An appeal of the administrative denial of the Short Term Rental permit for 2223 W Uintah Street for an ownership change, pursuant to City Code Sections 7.5.1702.B and 7.5.1704.C.

(Quasi-Judicial)

Presenter:

Carli Hiben, Program Coordinator, Planning and Community Development

Motion by Commissioner Rickett, seconded by Commissioner Almy, to deny the appeal and uphold the denial of the Short Term Rental renewal application, based on the City Code Sections 7.5.1704.C and 7.5.1702.B, and that the appellant has not 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 7:0:2:0

Aye: 7 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Graham and Commissioner Eubanks

6.C. [CPC AP 21-00164](#)

An appeal of the administrative denial of the Short Term Rental permit for 2309 & 2307 N 7th Street for an ownership change, pursuant to City Code Sections 7.5.1702.B and 7.5.1704.C.

(Quasi-Judicial)

Presenter:

Carli Hiben, Program Coordinator, Planning and Community Development

Motion by Commissioner Rickett, seconded by Commissioner Almy, to deny the appeal and uphold the denial of the Short Term Rental renewal application, based on the City Code Sections 7.5.1704.C and 7.5.1702.B, and that the appellant has not 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 7:0:2:0

Aye: 7 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Graham and Commissioner Eubanks

7. NEW BUSINESS CALENDAR

Colorado College

- 7.A. [CPC MP 97-00261-A7 MN21](#) A minor amendment to the Colorado College Master Plan adding multiple properties on the block bound by East Dale Street, North Weber Street, East Cache la Poudre Street, and North Nevada Avenue

(Quasi-Judicial)

Related Files: CPC ZC 21-00084, CPC DP 21-00085

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development Department

Peter Wysocki, Planning Director, Planning and Community Development Department

Commissioner Jim Raughton recused himself as he was the former chair of the Fine Arts Center trustees and has had ongoing discussions with the administration of Colorado College relative to the removal of murals painted 85 years ago, he was under sanction from Colorado College because of the position taken.

Commissioner Andrea Slattery recused herself from this project as Colorado College is a client of her employer.

Staff presentation:

Michael Tassi, City Planning, presented a PowerPoint with the scope and intent of this project.

Background

- Site located on the block bound by N. Weber, E. Dale, N. Nevada, and E. Cache la Poudre
- 1.57-acre site
- Zoned C5 and R4
- Owned and used by Colorado College

Proposal

- Amend the College Master Plan to add subject properties
- Establish SU (Special Use) zone
- Gain approval of development plan
 - Documents existing conditions and uses
 - No redevelopment or changes

Master Plan Application

- Initial City-approved Master Plan for Colorado College approved in 1997
- Multiple Amendments over the last 20+ years
 - Many were to add properties and establish SU zoning
 - Others to change uses or redevelop portions of campus

Zone Change Application

- Most College properties have SU zoning
 - SU falls under residential district types
 - “Accommodates primarily colleges or universities and those uses customarily associated with and in close proximity to those

institutions”

- SU to replace C5 and R4 for nine College owned parcels
- Total area = 1.57 acres
- The SU zone has slightly different development standards than C-5 or R-4
- Slightly less flexibility & density than the C-5 zone
- Slightly more flexibility & density than the R-4 zone
- Proposed change would provide consistency with the rest of campus

Development Plan Application

- The DP supports the zone change
- Illustrates existing conditions
- No redevelopment proposed on the plan
- Future redevelopment or change of uses trigger DP amendment

Stakeholder Notice

- Two Pre-Submittal meetings with stakeholders
- Formal Public notice at:
 - Application Submittal
 - Prior to Planning Commission
- Notices sent to 263 property owners within 1,000’
- Numerous written public comments received (Figure 4)
- All standard City Agencies have reviewed and support the application
- Stakeholder comments in favor and opposed to the proposed applications.
- Most opponents cited:
 - Campus encroachment into neighborhood
 - Preservation of residential properties
 - Historic preservation
 - Supply of SU zoned properties
 - Uncertainty of Retool outcome

Analysis

- CC has operated since 1874
- The subject properties are owned by CC
- Located immediately east and south of primary campus
- The area is mixed use
- No changes are proposed on the subject properties
- All three applications have multiple review criteria
- Staff report includes analysis on required criteria
- Staff finds that the applications are:
 - Consistent with PlanCOS
 - Consistent with College and Downtown Master Plans
 - Consistent with required review criteria

Recommendation

Recommend to City Council the approval of the proposed master plan amendment, zone change to SU, and development plan based on the findings that the applications meet the required criteria.

Technical Modifications on development plan

Applicant Presentation:

Chris Lieber with N.E.S presented a PowerPoint with the scope and intent of this project along with:

Amber Brannigan, Vice President of Facilities for Colorado College

Clay Matlock, Colorado College

Supporters:

Susan Edmondson, President/CEO of Downtown Partnership

- Submitted a letter of support
- Supports this application because it is in alignment with Experience Downtown Master Plan, as well as other community plans
- This resolves some issues with non-conformance
- Works in complementing the surrounding blocks
- Colorado College has a long record of engaging the neighborhood with any changes
- To the comment about having CC wait until RetoolCOS is completed: This could have a chilling effect on many projects that need to move forward in Colorado Springs. As a community, we cannot freeze all the important work going on as we wait for a process to be completed

Opponents:

Dutch Schulz, President of the Old North End Homeowners Association

- Special Use zoning is too broad and allows almost anything
- Requesting the SU zoning be granted but restricted to certain uses
 - Protects the adjacent residential properties
 - Historic nature of the district
- Need to protect and preserve these properties
 - College could remove buildings if it does not suit the colleges use

Cheryl Brown, on the Board of the Near North End Neighborhood Association

- SU zoning gives too much flexibility to Colorado College to do what they want
- Fear Colorado College as a neighbor
 - Don't follow through with things for the neighborhood
 - 809 N Nevada Ave was sold after construction of Robson Arena because it took away their views
 - 802 N Weber - Pandemic gave Colorado College the opportunity to purchase the neighborhood's beloved studio
 - CC purchased entire block with no master plan to let the neighbors know what is going on
 - CC converted the backyards of homes on Weber into a 50-car parking lot and the lights in the parking lot shine into the homes all night
 - Photo of a home on Dale Street showing dilapidated state
 - Leave it as residential

Dianne Bridges, Chair of Historic Neighborhoods Partnership

- SU zoning is too broad allowing for building and structures no congruent or consistent with adjacent historic residential neighborhood
- Request two stipulations if the SU zone is approved
 - Written statement to preserve the historic nature of the properties, not just now but for the future

- Written statement to limit the SU uses to Student Residential, Office, Academic, and Educational options for the property for now and the future

Rebuttal:

Chris Lieber, N.E.S.

- Mr. Lieber pointed out there are several uses in the SU zone and C5 zone that are not acceptable to the college and nor would they be acceptable to the neighborhood
 - The college has no interest in mining
- Any change of use would require a development plan with the City, in which the neighborhood would also be notified allowing them to make comments
- To the comment that a change of zone would allow the college to demolish buildings in this area:
 - Across our community, whether it is the college or anyone else, a simple demolition permit allows the removal of a building or a structure and has nothing to do with zoning or uses
- Response to photo of the dilapidated structure on the south side of Dale:
 - Mr. Lieber explained that a similar condemned structure was purchased by the college and the college greatly improved that site
 - Twenty-four raccoons were live captured and relocated from that site
 - The college is very much interested in the quality of, not just on campus, but the surrounding neighborhood
- Response to residential units' backyards being converted to a parking lot
 - Prior to the purchase of the college purchasing those units, they were predominantly privately owned student rental units
 - There was a significant parking issue on that block and the neighborhood approached the college asking what would be done regarding the parking issue now that the college owned those units
 - CC removed the condemned home and constructing a parking lot in the center of the lot to provide relief
 - CC also worked with the neighborhood on parking when Robson Arena had events
 - General public cannot use that parking lot and can only be used by event staff
 - City Staff asked for a note on the development plan that acknowledges the Weber/Wahsatch Historic District, which has been added

Questions:

N/A

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Rickett explained he has tried to be consistent with projects where there is a zone change and there are people in the surrounding area who

looked at the zoning of the area, that he would take into consideration their thoughts on allowing the zone change. In this case, the neighbors have brought up good questions and asked as part of the rezoning proposal if the commission could put the restrictions in place that the neighbors have asked for.

Mr. Ben Bolinger, City Attorney, said the commission was making a recommendation to City Council, so the commission could recommend certain uses that might be allowed in the zone, or not be allowed in this case.

Commissioner Almy said hearing the presentations today, he felt the Historic overlay would be honored going forward and any change to any allowed use would require review within the community for approval. Commissioner Almy with that being the case, he would be in favor of approving this project.

Commissioner Hente said in his experience with reviewing applications from the college is that the college keeps their word. If they say they are going to make a change, they do it within the City's guidelines. Commissioner Hente said he will be in support of these applications.

Commissioner Rickett made a motion on the zone change to recommend approval to City Council the zone change from the C5 (Intermediate Business) and R4 (Multi-Family Residential) zones to the SU (Special Use) District, based upon the finding that the application complies with the review criteria in City Code Section 7.5.603.B. with the following conditions:
The zoning conforms with the existing uses being administrative office, dormitory, parking, and college/university uses.

This motion failed for lack of a seconder.

Motion by Commissioner Almy, seconded by Commissioner Wilson, to recommend approval to City Council the minor amendment to the Colorado College Master Plan, based upon the finding that the amendment complies with the review criteria in City Code Section 7.5.408. The motion passed by a vote of 7:0:2:0

Aye: 5 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Graham and Commissioner Eubanks

Recused: 2 - Commissioner Raughton and Commissioner Slattery

- 7.B. [CPC ZC 21-00084](#) Ordinance No. 22-08 amending the zoning map of the City of Colorado Springs relating to 1.57-acres located on the block bound by East Dale Street, North Weber Street, East Cache la Poudre Street, and North Nevada Avenue from the C5 (Intermediate Business) and R4 (Multi-Family Residential) to SU/cr (Special Use with conditions of record) zone

(Quasi-Judicial)

Related Files: CPC MP 97-00261-A7MN21, CPC DP 21-00085

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development Department

Peter Wysocki, Planning Director, Planning and Community Development Department

See Item 7.A. (CPC MP 97-00261-A7MN21)

FIRST MOTION:

Motion by Commissioner Rickett to recommend approval to City Council the zone change from the C5 (Intermediate Business) and R4 (Multi-Family Residential) zones to the SU (Special Use) District, based upon the finding that the application complies with the review criteria in City Code Section 7.5.603.B. with the following conditions:

The zoning conforms with the existing uses being administrative office, dormitory, parking, and college/university uses.

This motion failed for lack of a seconder.

See Item 7.A. (CPC MP 97-00261-A7MN21)

SECOND MOTION PASSED:

Motion by Commissioner Almy, seconded by Commissioner Wilson, to recommend approval to City Council the zone change from the C5 (Intermediate Business) and R4 (Multi-Family Residential) zones to the SU (Special Use) District, based upon the finding that the application complies with the review criteria in City Code Section 7.5.603.B. The motion passed by a vote of 4:1:2:2

Aye: 4 - Vice Chair McMurray, Commissioner Wilson, Chair Hente and Commissioner Almy

No: 1 - Commissioner Rickett

Absent: 2 - Commissioner Graham and Commissioner Eubanks

Recused: 2 - Commissioner Raughton and Commissioner Slattery

7.C. [CPC DP 21-00085](#)

The Weber and Dale Development Plan for Colorado College covering multiple properties on the block bound by E. Dale St., N. Weber St., E. Cache la Poudre St., and N. Nevada Ave. and totaling 1.57-acres.

(Quasi-Judicial)

Related Files: CPC MP 97-00261-A7MN21, CPC ZC 21-00084

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development Department

Peter Wysocki, Planning Director, Planning and Community Development Department

See Item 7.A. (CPC MP 97-00261-A7MN21)

Motion by Commissioner Almy, seconded by Commissioner Wilson, to recommend approval to City Council the Weber and Dale Development Plan, based upon the finding that the application complies with the review criteria in City Code Section 7.5.502.E, subject to compliance with the following technical and/or informational plan modifications:

- 1. Update the plan to include sheet numbers on all sheets.**
- 2. Update the parking table to ensure that all properties use City standard use and parking categories.**
- 3. Gain final acceptance of the drainage report**

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

Aye: 5 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Graham and Commissioner Eubanks

Recused: 2 - Commissioner Raughton and Commissioner Slattery

Falcon Trucking

- 7.D.** [CPC MP 87-00381-A2 9MJ21](#) A resolution of the City Council of the City of Colorado Springs, Colorado approving a major amendment to the Banning Lewis Ranch Master Plan changing the land use designation from Industrial to Commercial and Residential located southeast of the future Marksheffel Road and Barnes Road intersection.

(Legislative)

Related Files: CPC PUZ 21-00128 and CPC PUP 21-00129

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Staff presentation:

Daniel Sexton, City Planning, presented a PowerPoint with the scope and intent of this project.

CPC MP 87-00381-A29MJ21

A Major Master Plan Amendment for the Banning Lewis Master Plan to allow the master plan land use designation for 35.73 acres to be changed from Industrial (IDP) to Commercial and Residential (Single-Family Residential: 3.5-7.99 d/u and Multi-Family Residential: 12-24.99 d/u), located southeast of the future Marksheffel Road and Barnes Road intersection.

CPC PUZ 21-00128

A PUD zone change for the Falcon Trucking at Banning Lewis Ranch project allowing 35.73 acres to be rezoned from PIP/cr/AO (Planned Industrial Park

with Conditions of Record and Airport Overlay) to PUD/AO (Planned Unit Development: Single-Family Residential, 3.5-7.99du/ac, Maximum Building Height 35 feet; Multi-Family Residential, 12-24.99du/ac, Maximum Building Height 45 feet; and Commercial, 40,000 square footage, Maximum Building Height 45 feet; with Airport Overlay).

CPC PUP 21-00129

A PUD Concept Plan for the Falcon Trucking at Banning Lewis Ranch project establishing an envisioned development with commercial and residential land uses and certain site design aspects.

Site Details:

- Zoned PIP2/cr/AO (Planned Industrial Park with Conditions of Record and Airport Overlay)
- The project site is part of the Banning Lewis Ranch Master Plan
- The project site is vacant and has a natural ridge in the center of the parcel, which then slopes down significantly to the west and east

Public Notification and Involvement:

- Public notice was mailed to 285 property owners, on two occasions: internal review and this Planning Commission hearing
- The site was also posted on the two occasions above
- City Planning staff received comments supporting and objecting to the project. Staff also received several inquiries from interested residents just looking for information.

Public Comments:

- **Traffic**
 - Marksheffel Road Improvements
 - Barnes Road Extension
 - Roadway Improvement Obligations
- **Land Use Transition**
- **Impacts on Property Values**

Applicant Presentation:

John Romero with N.E.S presented a PowerPoint with the scope and intent of this project.

Mr. Romero said there was a lot of confusion with the name of the property being Falcon Trucking, but he explained this was a zone change application for commercial and residential uses. The developer believed the mix of uses for the higher density and supportive commercial would increase compatibility between the zone districts that are already in the area.

As part of the zone change application, the City completed a financial impact analysis, and it did show a positive committed cash flow for the City and that was attributed to the mix of uses both residentially and commercially.

Questions:

Commissioner Slattery asked what the status of the Barnes realignment project

was? Mr. Romero said that project was still in the early design phases. Mr. Romero said they have been able to coordinate with some of the adjacent property owners to understand some of the access points and to understand how those access points will address the Enclaves at Mountain Vista Master Plan, but also for this property to have proper access. There is no date determined but it will move forward actively in the coming years.

Commissioner Raughton asked Mr. Romero is he had considered advising the applicant of a name change instead of using Falcon Trucking. Mr. Romero said they had talked about that, but historically, this was owned by Falcon Trucking, and it was easier to move it forward and deal with the entitlement.

Supporters:

N/A

Opponents:

N/A

Questions of Staff:

N/A

Rebuttal:

N/S

DISCUSSION AND DECISION OF PLANNING COMMISSION:

None

Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend approval to City Council the major master plan amendment to the Banning Lewis Ranch Master Plan, based upon the findings that the request meets the review criteria for amending a plan, as set forth in City Code Section 7.5.408. The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Graham and Commissioner Eubanks

- 7.E. [CPC PUZ 21-00128](#) Ordinance No. 22-06 amending the zoning map of the City of Colorado Springs relating to 35.727 acres located southeast of the future Marksheffel Road and Barnes Road intersection, from PIP/cr/AO (Planned Industrial Park with Conditions of Record and Airport Overlay) to PUD/AO (Planned Unit Development: Single-Family Residential, 3.5-7.99du/ac, Maximum Building Height 35 feet; Multi-Family Residential, 12-24.99du/ac, Maximum Building Height 45 feet; and Commercial, 40,000 square footage, Maximum Building Height 45 feet; with Airport Overlay).

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A29MJ21, CPC PUP 21-00129

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

See Item 7.D. (CPC MP 87-00381-A29MJ21)

Motion by Commissioner Rickett, seconded by Commissioner Raughton, that this Ordinance be accepted Recommend approval to City Council the zone change for 35.727 acres of land from Planned Industrial Park with Conditions of Record and Airport Overlay (PIP2/cr/AO) to Planned Unit Development: Single-Family Residential, 3.5-7.99du/ac, Maximum Building Height 35 feet; Multi-Family Residential, 12-24.99du/ac, Maximum Building Height 45 feet; and Commercial, 40,000 square footage, Maximum Building Height 45 feet; with Airport Overlay (PUD/AO), based upon the findings that the PUD zone change meets the criteria for establishing a PUD zone, as set forth in City Code Section 7.3.603, and the review criteria for a change of zone, 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, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Graham and Commissioner Eubanks

- 7.F. [CPC PUP 21-00129](#) A Planned Unit Development Concept Plan for Falcon Trucking at Banning Lewis Ranch commercial and residential project, located southeast of the future Marksheffel Road and Barnes Road intersection.

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A29MJ21, CPC PUZ 21-00128

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

See Item 7.D. (CPC MP 87-00381-A29MJ21)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend approval to City Council a PUD concept plan for the Falcon Trucking at Banning Lewis Ranch project, based upon the findings that the PUD concept plan meets the review criteria for establishing a PUD concept plan, as set forth in City Code 7.3.605, and meets the review criteria for establishing a concept plan, as set forth in City Code 7.5.501(E). The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Graham and Commissioner Eubanks

Percheron Master Plan

7.G. [CPC MP 19-00123-A1 MJ21](#) A resolution of the City Council of the City of Colorado Springs, Colorado approving a major amendment to the Percheron Master Plan, previously the Banning Lewis Ranch North Master Plan, located along the north and south side of East Woodmen Road between Mohawk Road and Golden Sage Road

(Legislative)

Related Files: CPC PUP 19-00125-A1MJ21

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Peter Wysocki, Planning Director, Planning & Community Development

Staff presentation:

Katelyn Wintz, City Planning, presented a PowerPoint with the scope and intent of this project.

CPC MP 19-00123-A1MJ21

A major master plan amendment to the Percheron Master Plan, previously Banning Lewis Ranch North Master Plan, to modify proposed land uses. The property is located along the north and south side of Woodmen Road between Mohawk Road and Golden Sage Road and consists of approximately 809.6 acres.

CPC PUP 19-00125-A1MJ21

A major PUD concept plan amendment for Percheron modifying the development pattern. The property is located along the north and south side of Woodmen Road between Mohawk Road and Golden Sage Road and consists of approximately 809.6 acres.

Background Information

- 808 acres, vacant land
- Zoned PUD/AO (Planned Unit Development with Airport Overlay)
- The site is currently vacant.

Public Notice

- Site posting and 372 postcards mailed twice: once at the initial review stage and before the Planning Commission Hearing.
- Staff received comments expressing concerns about traffic and general concerns about new residential units.

Applicant Presentation:

Andrea Barlow with N.E.S. presented a PowerPoint with the scope and intent of

this project, along with Tim Seibert with Nor'wood Development Group.

The following changes are proposed:

- Introduction of a 126.5-acre site for a regional sports complex in the southeast sector of the property.
- Addition of commercial development adjacent to sports complex and combining this with the previously proposed multifamily residential.
- Addition of 2 new right-in/right-out access points off Woodmen Road to serve the proposed sports complex and new commercial area.
- Expansion of the Residential Medium and Residential High parcels adjacent to the previously proposed community park.
- Change in density of the 15.7-acre parcel south of the utility easement and east of Banning Lewis Parkway from Residential Medium to Residential High density.
- Resultant reduction in the overall residential density cap from 2,900 to 2,650 units.
- Resultant reduction in PLDO requirement from 59 acres (60.2 acres provided) to 31.6 acres, including 14.2 acres of neighborhood parks and 17.4 acres of community park.
- Removal of the proposed community park, as the new regional sports complex satisfies the community parkland dedication requirement. This is replaced by a 4.5-acre neighborhood park and an open space/trail corridor.
- Reduction in size of the remaining neighborhood parks north and south of Woodmen Road.

Questions:

Commissioner Hente asked if the Sports Complex was going to be owned and operated by the City Parks department? Mr. Seibert explained there are ongoing discussions with the Parks Department on how to create a facility that can sustain itself without additional support from the General Fund. A feasibility analysis is being conducted to make sure the types of facilities both meet the community and regional needs, but also can develop a program that can be self-sustaining in the long run. Nor'wood Development Group and the City of Colorado Springs agree with the goal of trying to create a sustainable Sports Complex from a financial standpoint and are determining the right course of action. It could be run by the City or by a nonprofit and would like to keep those options open.

Commissioner Hente said ultimately he didn't want to go down the road of this becoming a private Sports Complex where people have to pay to use it. Mr. Seibert said they have looked at the private models, but for it to be an asset for the community, it needs to be accessible. The goal is to create a situation in which the revenue that is generated, either through tournament play, through rental fees, or through indoor use of the facilities, would create a positive cash flow to offset that long term operation and maintenance.

Commissioner Hente asked if a right-in/right-out at the complex would be adequate for the number of cars that would be using that intersection. Mr. Seibert said the masterplan map shows a large north/south roadway that is Banning Lewis Parkway, which will ultimately be a six-lane roadway that will

connect the entire east side of the city. Mr. Seibert went on to explain how the street system would work in and around the Sports Complex, which ultimately will provide multiple access points for circulation.

Commissioner Slattery said overall this is excellent to be able to provide for the community but wondered about the timing of the development and concerned about the City budget to be able to fund such a large area and maintain it. Mr. Seibert said there were two efforts regarding a Sports Complex in the northern part of the City that did not pan out, however, this site allows more patience on development that can take place to support the facility. Mr. Seibert said they are actively working the problem on how to leverage all opportunities to fund and build the complex.

Supporters:

N/A

Opponents:

Mike & Patty Bennett, residents in Pawnee Subdivision

- Concerned about the transitional housing around the borders of the property
 - Would like to see 2 dwelling units per acre instead of 4
- Concerned about the utility easement
 - Above ground or below
- Open space
 - The places specified for open space are ditches and completely unusable
- Proposed high school in the upper east corner
 - Inappropriate to place a high school where people live on 5 acre lots for multiple years
 - It's not respecting the property owners who live there
 - High school should be placed somewhere inside the middle of development
- Not opposed to the subdivision but want to see the transition a little easier from the 5-acres to housing unit density

Questions of Staff:

N/A

Rebuttal:

Ms. Barlow made the following rebuttal:

- The master plan had already been approved in January of 2021 and none of the items that were discussed by the Bennett's have been changed from that approved master plan
- There is low density residential development on the west side (Ms. Barlow pointed at the map to show where the low density was located), along with a 50 foot open space trail buffer along the perimeter, which widens into a wider open space area on the north side
- The original master plan processed with the city only had about 7 or 8 comments and the majority of those were from new Banning Lewis

Ranch residents to the south and maybe 2 or 3 from the county to the west and east

- High density power line easement
 - There is an existing 115 foot easement on the south portion of the easement that houses the existing overhead powerlines
 - There is an extended 185 foot easement north of that which makes up the total 300 feet that CSU has partially in place on this property and have required it be extended across the entire length of the property
 - There is potential to underground the overhead easement lines, but what that is used for is a matter for Colorado Springs Utilities and not a function of this development
- Open space being ditches
 - There is very little topography on this site so you could walk over the ditches and not even realize you walked over them
 - There was a conscious decision made by the developer to maintain the natural drainage ways to make good use of those drainage areas and incorporate them within the development
 - They will be amenitized with trails and other facilities as appropriate, so they are not going to be unusable areas
- High School location
 - There are several areas that will be developed in this area and the county and District 49 asked that the 3 developers get together and talk about school provision with the 3 major developments
 - It was determined between the developers there would be a school site in the general location that is appropriately located at the intersection of Banning Lewis Ranch Parkway and Briargate Parkway, the main east/west connector, that will serve the needs of these 3 growing communities
 - The school site will be approximately 40 acres with Nor'wood's and the other two developers' contributions

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Raughton said many of the issues have been addressed by a cooperative agreement between multiple land users. This project made some agile adjustments to the demands of this region including the Regional Park.

Motion by Commissioner Raughton, seconded by Commissioner Rickett, to recommend approval to City Council the major master plan amendment to the Percheron Master Plan, based upon the findings that the request meets the review criteria for granting a master plan amendment as set forth in City Code Section 7.5.408. The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Graham and Commissioner Eubanks

- 7.H. [CPC PUP 19-00125-A1 MJ21](#) A major amendment to the Percheron Concept Plan (previously known the Banning Lewis Ranch North Concept Plan) for future development of approximately 808 acres into a mix of residential, commercial and park/open space uses located along the north and south side of East Woodmen Road between Mohawk Road and Golden Sage Road

(Quasi-Judicial)

Related Files: CPC MP 19-00123-A1MJ21

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Peter Wysocki, Planning Director, Planning & Community Development

See Item 7.H. (CPC MP 19-00123-A1MJ21)

Motion by Commissioner Rickett, seconded by Commissioner Almy, that this Planning Case be accepted Recommend approval to City Council the major amendment to the Percheron Concept Plan, 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 passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Graham and Commissioner Eubanks

8. PRESENTATIONS/UPDATES - None

9. Adjourn