



# City of Colorado Springs

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

## Meeting Minutes - Final Planning Commission

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Thursday, June 16, 2016

8:30 AM

Council Chambers

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### 1. Call to Order

### 2. Approval of the Record of Decision (minutes) for the May 19, 2016 City Planning Commission Meeting.

Motion by Markewich, seconded by Smith, for the approval of the Record of Decision (minutes) for the May 19, 2016 City Planning Commission Meeting.. The motion passed by a vote of

**Aye** 9 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith, Graham and Henninger

### 3. Communications

3.A. [CPC-038](#) Chairperson Eric Phillips

3.B. [CPC-002](#) Director Updates, Peter Wysocki

### 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.)

### 4. CONSENT CALENDAR

Motion by Walkowski, seconded by Markewich, that the CONSENT CALENDAR be approved as a whole. The motion passed by a vote of

**Aye** 9 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith, Graham and Henninger

4.A.1 [CPC MP 04-00254-A4 MN16](#) An adjustment to The Farm Master Plan changing the alignment of New Life Drive, integrating 1.49 acres from the Interquest at Marketplace Master Planned area into The Farm Master Plan area, and changing the land use designation for the integrated land from deeded right-of-way and Regional Commercial to High Density Residential (12-24 Dwelling Units per Acre).

(Quasi-Judicial)

Related Items - CPC MP 05-00095-A1MN16, CPC PUZ 16-00051,  
CPC PUP 16-00052

Presenter:  
Daniel Sexton, Senior Planner, Planning and Community  
Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [CPC Staff Report Continental Apartments](#)

[Figure 1 - PUD Concept Plan](#)

[Figure 2 - Project Statement](#)

[Figure 3 - Interquest at Marketplace Master Plan](#)

[Figure 4 - The Farm Master Plan](#)

[Figure 5 - PUD Zone Change](#)

[Vicinity Map](#)

[7.5.403.D](#)

[Minutes Consent 6.16.16](#)

**This Planning Case was referred to the City Council**

- 4.A.2** [CPC MP 05-00095-A1 MN16](#) An adjustment to the Interquest at Marketplace Master Plan changing the alignment of New Life Drive and moving 1.49 acres from the Marketplace Master Plan to The Farm Master Plan to the north.

(Quasi-Judicial)

Related Items - CPC MP 04-00254-A4MN16, CPC PUZ 16-00051,  
CPC PUP 16-00052

Presenter:  
Daniel Sexton, Senior Planner, Planning and Community  
Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [Figure 3 - Interquest at Marketplace Master Plan](#)

[7.5.403.D](#)

**This Planning Case was referred to the City Council**

- 4.A.3** [CPC PUZ 16-00051](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 18 acres located to the northwest of the New Life Drive and Voyager Parkway intersection from PUD/A/CR (Planned Unit Development and Agricultural with Conditions of Record) to PUD (Planned Unit Development: Multi-Family Residential, 15.58 dwelling units per acre, 40-foot height maximum).

(Quasi-Judicial)

Related Items - CPC MP 04-00254-A4MN16, CPC MP 05-00095-A1MN16, CPC PUP 16-00052

Presenter:  
 Daniel Sexton, Senior Planner, Planning and Community Development  
 Peter Wysocki, Planning and Community Development Director

- Attachments:** [ZC Ordinance](#)  
[Exhibit A - Legal Description](#)  
[Exhibit B - PUD Zone Change Illustration](#)  
[7.3.603 Establishment & Development of a PUD Zone](#)  
[7.5.603.B Establishment or change of zone district boundaries](#)

**4.A.4** [CPC PUP 16-00052](#) Continental Apartments at Voyager concept plan pertaining to 18 acres illustrating a multi-family residential development with 280 dwelling units contained within 14 multi-family buildings, located to the northwest of the New Life Drive and Voyager Parkway intersection.

(Quasi-Judicial)

Related Items - CPC MP 04-00254-A4MN16, CPC MP 05-00095-A1MN16, CPC PUZ 16-00051

Presenter:  
 Daniel Sexton, Senior Planner, Planning and Community Development  
 Peter Wysocki, Planning and Community Development Director

- Attachments:** [Figure 1 - PUD Concept Plan](#)  
[7.3.605 PUD Concept Plan](#)  
[7.5.501.E Concept Plans](#)

**4.B.1** [CPC ZC 16-00048](#) A Zone Change from OC/CR (Office Commercial with Conditions of Record) to PUD (Planned Unit Development: Commercial and Large Animal Veterinary Service, up to 47,500 square feet with a 45-foot maximum building height) on a site consisting of 4.23 acres located at 5520 and 5540 North Nevada Avenue.

(Quasi-Judicial)

Presenter:  
 Conrad Olmedo, Planner II, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

- Attachments:** [ZC ORD Vet Specialty Center](#)  
[Exhibit A - Legal Description for Zone Change Ordinance](#)  
[Veterinary Services - CPC Report - 6.6.16](#)  
[Vicinity Map](#)  
[Figure 1 - Concept Plan](#)  
[Figure 2 - Project Statement](#)  
[7.3.603 Establishment & Development of a PUD Zone](#)  
[7.5.603.B Establishment or change of zone district boundaries](#)  
[Minutes Consent 6.16.16](#)

**4.B.2** [CPC CP 16-00049](#) A PUD (Planned Unit Development) Concept Plan for veterinary medical services on a site consisting of 4.23 acres located at 5520 and 5540 North Nevada Avenue.

(Quasi-Judicial)

Presenter:  
 Conrad Olmedo, Planner II, Planning and Community Development  
 Peter Wysocki, Director, Planning and Community Development

- Attachments:** [Figure 1 - Concept Plan](#)  
[7.3.605 PUD Concept Plan](#)  
[7.5.501.E Concept Plans](#)

**4.C.** [CPC CU 16-00055](#) A conditional use to allow a bar (taproom) within an M-1 (Light Industrial) zone district for the property located at 3104 North Nevada Avenue

(Quasi-Judicial)

Presenter:  
 Michael Schultz, Principal Planner, Planning and Community Development

**Attachments:** [Tap Traders CPC Staff Report](#)  
[Figure 1 - Development Plan](#)  
[Figure 2 - Project Statement](#)  
[Figure 3 - N Nevada Cross Section](#)  
[Figure 4 - N Nevada EOZ \(2\)](#)  
[7.5.704 Conditional Use Review](#)  
[7.5.502.E Development Plan Review](#)

- 4.D.1** [CPC ZC 16-00058](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to .96 acre located at the northwest corner of North Cascade Avenue and West Van Buren Street from R-1 6000 (Single-family Residential) and M-1 (Light Industrial) to R-5 (Multi-family Residential).

(Quasi-Judicial)

Related File: CPC DP 16-00059

Presenter:  
Michael Schultz, Principal Planner, Planning and Community Development  
Peter Wysocki, Director, Planning and Community Development

**Attachments:** [ZC ORD Cascade-VanBuren](#)  
[Exhibit A - Legal Description](#)  
[Vicinity Map](#)  
[2428-2434 N Cascade and 2428 W Van Buren CPC Staff Report](#)  
[Figure 1 - Development Plan](#)  
[Figure 2 - Project Statement](#)  
[7.5.603 Criteria for granting zone changes](#)  
[Minutes\\_Consent\\_6.16.16](#)

- 4.D.2** [CPC DP 16-00059](#) A development plan for 2428 and 2434 North Cascade Avenue.

(Quasi-Judicial)

Related File: CPC ZC 16-00058

Presenter:  
Michael Schultz, Principal Planner, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [Figure 1 - Development Plan](#)  
[7.5.502.E Development Plan Review](#)

## **5. UNFINISHED BUSINESS**

### **5.A.1 [CPC ZC](#) [16-00022](#)**

Appeal

An appeal of the City Planning Commission's recommendation of approval to the City Council to change the zoning of 2.95 acres from R/HS (Estate Single-Family Residential with Hillside Overlay) to PBC/CR/HS (Planned Business Center with Conditions of Record and Hillside Overlay) located north of the intersection of Elkton Drive and Chestnut Street.

(Quasi-Judicial)

Zone Change

An ordinance for a change of zone district rezoning 2.95 acres R/HS (Estate Single-Family Residential with Hillside Overlay) to PBC/CR/HS (Planned Business Center with Conditions of Record and Hillside Overlay) located north of the intersection of Elkton Drive and Chestnut Street.

(Quasi-Judicial)

Related File: CPC DP 16-00023

Presenter:

Hannah Van Nimwegen, Planner II, Planning and Community  
Development Department  
Peter Wysocki, Planning Director

**Attachments:** [ZC\\_ORD\\_PikesPeakAthletics](#)  
[Exhibit A LEGAL DESCRIPTION for zone change Ord](#)  
[Appeal Letter](#)  
[PPA Staff Report](#)  
[Figure 1 - Development Plan](#)  
[Figure 2 - Project Narrative](#)  
[Figure 3 - Surrounding land use](#)  
[Figure 4 - Land Suitability Analysis](#)  
[Figure 5 - Neighborhood comments](#)  
[Figure 6 - Applicant's response to neighborhood comments](#)  
[Figure 7 - Second applicant response](#)  
[Figure 8 - New building elevations](#)  
[Figure 9 - Dickerson Letter](#)  
[Figure 10 - Vaupel letter](#)  
[7.5.603.B Establishment or change of zone district boundaries](#)  
[7.5.906 \(B\)](#)  
[Kirkman email](#)  
[Exhibit 1 - Additional Letters from Neighbors](#)  
[CPC JUNE 16 Meeting Minutes - PPA](#)  
[Pikes Peak Athletics - CC - Powerpoint Presentation](#)

**STAFF PRESENTATION:**

Hannah Van Nimwegen, Planner II, gave a PowerPoint Presentation.

**APPLICANT PRESENTATION:**

Ms. Kristin Albers with Ireland Dean Designs, LLC representing Pikes Peak Athletics said the reason for the rezone was for parking and the building. The 1998 Concept Plan showed an outdoor pool and that was approved. The proposal is not a deviation from that other than it's indoors. Regarding noise, their pool will be indoors so it will significantly decrease any noise you'd hear from activities. Swim meets will not be frequent or large in scale. Decibels for noise levels will need to be measured from outside the building. They will add six additional evergreen trees. Their signage will not have a reader board it will only be an illuminated monument sign.

Shannin Albers - architect for the project. A challenge is the building location - there are severe grades in the area so their building area is limited. They've taken various steps for elevation change. The building is close to the street and far as possible from the residential area as they can make it. There's retaining wall in the front, it's setback and there is a retaining wall in the back. They're not building large platforms which would stand out of the natural landscape. Predominately the roof types in the area are industrial uses; flat roofs, mechanical units on top,

some low pitched roofs that are metal.

Based on comments received from the neighborhood, they redesign the roof and changed it to have 35% be pitched so it will have a more residential look. They took the HVAC roof units and proposed to put them on the lower flat roof to help screen and avoid noise. But this remained a concern for the neighbors so they looked at options for the HVAC units looked at options to move them and are now proposing the two units HVAC units that serve the two-story building be located in the attic space of the pitched roof and put condensers on the ground. There won't be anything visible to the neighbors as far as that upper roof. Regarding the HVAC on pool roof they are taking those and putting them on an elevated platform on the south side of the building. This will move it as far away from the neighbors as possible with the building also providing screening for sound.

They still propose the flat roof over the pool area. It's a 100-foot span and a 75 foot pool. They cannot put columns to break up that span. A pitch roof in that area with a truss system would be extremely expensive. They propose doing a tan membrane on the flat roof so that it will be less visually obtrusive to the neighbors on the bluff above.

Regarding the windows and glazing on the north. Originally they proposed having operable on the north to let fresh air into the building. They still want the windows for natural lighting but the window will be inoperable. They have glazing to the south, nothing on the east and a limited amount on the north side.

They've worked to keep the entry to the building as far away as possible from the houses. Any outdoor public spaces are on the south side of the building away from the neighborhood. They will continue to work with the neighbors and come up with solutions but they feel they've done everything they can at this point architecturally to address concerns.

**Questions of the Applicant:**

Commissioner Walkowski clarified the north windows will not be operable, which was confirmed. Commissioner Walkowski confirmed the garage doors that open on the south side are away from the neighbors. Mr. Albers stated there's a planned outdoor patio area but it will remain on the south side away from the neighborhood.

Commissioner Walkowski asked about sound insulation. Mr. Albers said they will use 8 inch concrete cinder block which is good for sound absorption along with an interior furring over that along and a water resistive finish. So the wall will be about 12 inches thick. To keep the air inside cool so they will probably have more than what is required by code for roof insulation.

Commissioner Markewich said a number of compromises have been made to accommodate the neighbors' concerns. Regarding windows in the 2-story section, its offices and training area as opposed to an area for a swim meet. Mr. Albers confirmed that was correct. The area that is closest to the neighbors is the weight training and strength training part of the facility. Commissioner Markewich also confirmed if the windows



on the 2-story section would be operable. Mr. Albers said he didn't think any of the windows on the 2-story would be operable.

Commissioner Markewich asked for the system with the loud buzzers or beeping system to be described. Ms. Kristin Albers said she wasn't sure what they'd all they had in their packets but beepers **are** used for training but mega phones will not be used. The beepers are for the purpose of the starting a race or a starting box. The data provided to the commissioners may have had information about noise decibels but in that data the distance that noise decibels are heard from are not the same decibels that are heard 150 feet higher and 600 feet further away. Commissioner Markewich discussed what the code said the limits are for sound decibels and asked if were they confident they would be within those standards. Ms. Albers said she was very confident they would meet them.

Commissioner Smith wanted to know how many times a year would swim meets happen and what time of day would they occur. Ms. Kristin Albers asked the owner to address that question. Ms. Albers said that in the business plan it allows for meets but his first foremost use for the facility is a training facility.

Mr. George Heidinger owner and coach of Pikes Peak Athletics said their model is a training center so they aren't focused on swim meets. They could have some 3-5 times a year and at the most 6 times. There are already numerous swim meets within the city and if they tried to compete with those they wouldn't have good participation and it wouldn't be good for the community. In general the swim meets are not part of what they are trying to do.

**Citizens in Support:**

Matt Farrell stated he was in support. He lives in the Pine Cliff area. He's in support for the opportunity for youth activity. It's a great benefit to the community, it's near the Health and Human Services corridor along Garden of the Gods, it's an area that is built to handle the number of people, the amount of traffic and it's an activity that is applicable to all ages. In their community they get a dull hum from the traffic from I-25 and if that is replaced by families and cheering it would be a change he would welcome. It's something as a city and community that we can exemplify being the Olympic City USA.

Joseph Carlson is in support. He's running for District 1 City Council seat in 2017 so this is right in his area. The proposed area is right down the street is Colorado Technical University. He thought it would be a good idea to partnership this facility and CTU. If the facility could be shared and utilized together it would be something positive.

**Citizens in Opposition:**

Bruce Hutchinson, president of the Pine Cliff HOA and also part a board member and officer of CONO his remarks were based on before what he knew before today's meeting. There have been previous

developments in their neighborhood and there are similarities with the current development and the Whistling Pines Gun Club but with three differences. 1.) The homes closest to the development would be about half the elevation and half the distance from the new facility. 2.) The topology from the homes and the new facilities create a sound funnel that goes right up to the homes which is not the case with the Gun Club. 3.) The Gun Club eventually agreed to add additional noise mitigation on top of the final building design which may be a factor in why they do not have any gunshot noises reaching the homes. There are some positives regarding the development even though they'd have preferred a development that continues the same use and office esthetics as the office building east of the site. He appreciated the willingness to add conditions of record to prevent possible undesirable uses for the future and the change of the partial pitch roof designs. They appreciated the owner increasing the number of trees and their signage plan. He was also encouraged to hear some of the further changes that were mentioned today and viewed that as a very positive sign. But as a group they are still opposed due to neighbors' concerns.

Kirk McCormick lives in the area. He also had a proxy for Rob Atkins serving in the Air Force and wanted Mr. McCormick to express his views regarding the project. Mr. McCormick said this is spot zoning. The development will be about 600 feet away about and 150 feet elevation and the homes will look directly down to the facility. There are 12 homes on the ridge that are affected. They thought an office type building would be below their homes and that was how it was platted. The rezone is nothing like that. They have several problems with the project. The roof; even though they've made changes to the plan to have 30% pitched that part of the roof faces west where there are no homes. The flat roof which still contains a HVAC unit is 70 % of the area of the roof and they will look right down on that. The applicant has estimated the cost for a pitched roof to be about \$100,000. Mr. McCormick spoke with a real estate broker from Remax Property and they indicated that due to that type of roof the developer was proposing the property loss could be approximately \$20,000 to his home and if that was all 12 homes, its \$240,000 and their homes anchor the value of the 52 homes in their col-de-sac. Those homes will suffer as well, possibly \$600,000 in property loss. The other big issue is the noise. They've said there will be swim meets. The beepers go off every three seconds during training sessions emit over 100 decibels in the building and designed to reach out over 800 feet. Even with the changes to the windows, which he appreciated, windows are not sound barriers. That sound is 600 feet away and goes directly through those windows up the area into their back yards. There should be no windows in the back area at all. If they would do a pitched roof that building is worth more money and is more desirable and they would maintain their property values. He urges a vote against the project as currently designed. Commissioner Phillips said the amount of money that could be lost in

property values seemed fairly significant. He asked if Mr. McCormick had reach out to any other brokers about what property loss could be. Mr. McCormick said he had not, but would be happy to do so. He also stated he'd asked the applicant to give them a decibel studies at similar facilities because based on another family's experience whose child participates in swim meets this will be an extremely noisy facility that is extremely close to their homes and they haven't produced any of that type of information for them.

Mr. Bob Patterson lives closest to the facility. He had no objection to the facility but objects to the flat roof because all the patios will look right down on that flat roof. The prevailing wind in this area is out of the south so any noise they get this right comes right up that valley to their homes. They are really affected by this and he's really concerned about how this will affect the property values on the rim and especially his. All will be devalued. He asked for some consideration on the design of the building. A pitched roof will cost them some money but it can be done. Commissioner Smith said to Mr. Patterson that neither he nor have the other opponents mentioned that in 1998 a concept plan was approve and it had an outdoor pool and three tennis court which was just presented to them this morning; so his question was which would you rather have outdoor or indoor facilities. Mr. Patterson said an indoor facility. He was present for that and thought that was a bait situation to get the original concept of what was built below them as office buildings. An office building that was built is an attractive building that's a very quiet and the building that was to be built next to it was to look the same. But the economic situation of the city and the rental business has had a great effect on that happening. The building they are proposing to be built doesn't harmonize with this building the office building at all. The current designed is multi-colored building doesn't go with what is there. Commissioner McDonald said she looked at the map of the neighborhood and it appeared there were flat roofs in the neighborhood. Mr. Patterson said he looked down where she indicated and he doesn't see any flat roofs; to the west is a flat roof but where he lives he doesn't see it.

Mr. Bill Polk is very hearing impaired and hadn't heard a lot about what was said today but he lives right above the building that is being proposed. He's not opposed to the building but is opposed to how it's being done. His big concern is the aesthetics. Looking down on the flat roof and the HVAC will devalue the properties. He was not sure how it could be changed but he felt it could be. The windows he didn't think were necessary and didn't know if they could be changed. If he would hear anything going on from the building then it would be very loud. Commissioner Markewich told Mr. Polk about the changes for the HVAC on the roof being moved and the windows won't open on the north side. Mr. Polk said that was an improvement. Mr. Polk asked if the flat roof had been changed too. Commissioner Markewich said it was still flat, but they'd change the color. Mr. Polk said he'd still like the roof to be

changed.

Claudia doesn't live in the area but offered comment by saying it would be simpler if the people built in a different area and felt they were trying to accommodate but the people aren't really happy about it.

**Questions of Staff:**

No further comments from staff but clarified that Claudia lives in the Old North End and has not been a part of this process until today.

**Rebuttal:**

Ms. Kristin Albers said the part of the building that will have a flat roof is over the pool area. You cannot have columns in the pool and there is a significant span over that area and if it was a pitched roof it would have to have structure under it to hold it up. It would add significant expense. Ms. Albers says there are industrial buildings that have flat roofs in the area and she has trouble believing the neighbors don't look down on the south side of Elkton and Garden of the Gods and not see those flat roofs.

Ms. Albers stated the neighbors said the winds in this area prevail from the south and bring noise up the ridge and hear train traffic and automobile traffic. So they are already receiving noise on a constant basis.

Regarding the office building the neighbors say there is a proposed plan and an existing building with a pitched roof and that plan showed an adjacent identical building. That piece of property is still vacant is not part of their project so it could still be developed and they are not replacing the possibility of that building being built there.

Commissioner Walkowski asked what percentage of the building was the pitched roof. About 30-35% on the west third of the building and the HVAC will be off the all the roofs. The flat roof will have a parapet around it. They've cleaned up changed the color and tried to make a visual attractive. To have to span 100 feet in a building you would have to have bow trusses similar that are used in civic buildings, train stations, things like that and those raise the cost and would make the project infeasible to complete it.

Commissioner Henninger asked the owner, Mr. George Heidinger that even though the facility is a training facility would they have any open swim or neighborhood access. Mr. Heidinger said yes they have a membership element to it during certain hours.

**DISCUSSION AND DECISION OF THE PLANNING COMMISSION:**

Commissioner Henninger thanked applicant for their presentation and the neighbors for their opinions both pro and con. He liked the concept for an enclosed facility for Colorado Springs making it year round. Regarding the noise for swim meets, he's been at some and the noise is contained primarily to the inside of the building and with the way the

building is designed having open doors to the south the noise will flow to the south. For the most part the building will be a quiet dormant building with people swimming laps upon laps inside the building. He is in full support of the project.

Commissioner Markewich thanked everyone for coming down. He thought it was a good way of how the business community and neighborhoods can work together because it seemed there has been a lot of compromise with changes on the developer's side such as getting several things changed based on the neighbors' concerns. They were able to get a good portion of what they wanted. That amount of compromise spoke well of the process and of staff and how they handled it. When the Whistling Gun Range came before them and the sound engineers were out there at the top of the ridge the noise was above 55 decibel limit that was allowed by code and that was just the ambient noise. So if the ambient noise at the top was more than 55 decibel limits and he felt confident that when the facility is built the noise levels at their property lines will be within city code limits and if it's not they can file a code enforcement complaint and make sure they stay within those limits. The zone change and development plan complies with both review criteria. He is in support of the project.

Commissioner Smith concurred with previous comments. It will not be a public pool. Most of the activity will be done in the day. Design and architecture are not included in their ordinances and they have no control over that. The 1998 concept plan shows outdoor pools and tennis court so he didn't think there was an issue so he would be in support of the applicant.

Commissioner McDonald said she was in agreement with comments the previous commissioners have stated and she will be in full support of the project for both the zone change and the development plan.

Commissioner Walkowski thanked the neighbors for coming out and using the forum to speak and have their issues heard. The applicant has made a number of accommodations and that is a way that the neighbors, applicants and developers to work together. For the Commission the big thing is the review criteria and one of them is will the design be harmonious with the surrounding land uses. If you look at the property it's very harmonious and compatible. It substantially complies with the comprehensive plan. So for all the reasons mentioned by other commissioners and for the review criteria he will be in support.

City Attorney Marc Smith stated since an ordinance is part of the application it will automatically go to City Council so no appeal is necessary.

**Motion by Markewich, seconded by Graham, Recommend approval to City**

Council the change of zone district from R/HS (Estate Single-Family Residential with Hillside Overlay) to PBC/CR/HS (Planned Business Center Conditions of Record and Hillside Overlay), based upon the finding that the zone change complies with the review criteria outlined in City Code Sections 7.5.603.B.

**Conditions of Record: The following land uses shall be prohibited:**

**Sexually oriented business**

**Medical marijuana center**

**Medical marijuana infused product manufacturer**

**Medical marijuana cultivation operation.**

**The motion passed by a vote of**

**Aye** 9 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith, Graham and Henninger

**5.A.2** [CPC DP 16-00023](#) (The Appeal was included with the zoning application under item CPC ZC 16-00022.)

Development Plan

A development plan for a 28,890 swim and athletic facility located north of the intersection of Elkton Drive and Chestnut Street associated with the proposed change of zone district.

(Quasi-Judicial)

Related File: CPC ZC 16-00022

Presenter:

Hannah Van Nimwegen, Planner II, Planning and Community Development Department  
Peter Wysocki, Planning Director

- Attachments:** [Appeal Letter](#)  
[Figure 1 - Development Plan](#)  
[7.5.502.E Development Plan Review](#)  
[7.5.906 \(B\)](#)

see minutes for the item under 5.A.1 - CPC ZC 16-00022 -

**Motion by Markewich, seconded by Smith,  
CPC DP 16-00023 - DEVELOPMENT PLAN**

**Recommend approval to City Council the development plan for a swim and athletic facility based upon the finding that the development plan meets the review criteria as set forth in City Code Section 7.5.502.E. subject to compliance with the following technical modifications:**

**Technical Modifications to the Development Plan:**

- 1. Revise all existing and proposed zone districts from PBC/HS to PBC/CR/HS on Development Plan sheets.**
- 2. Place the Conditions of Record on sheet one of the Development Plan.**
- 3. Label the neighboring property to the west's subdivision name on site plan (sheet two) as "McCullough Sub."**
- 4. An additional handicap accessible parking stall is required for the number of parking stalls provided. When added, adjust the parking count accordingly.**

- 5. Adjust sidewalk connection from Elkton Drive to building entrance to be handicap accessible. This connection currently proposes stairs, which are not ADA compliant.
- 6. Provide a note stating, "Electronic message center signage prohibited."
- 7. Provide a note stating, "Flat roof area to be painted beige."
- 8. Provide evidence the turf in the setback does not exceed the 50% maximum, or make the planting area larger. We do not include the parkway in this calculation, only the setback (this is applicable "by category"). Staff calculates the total area the same (about 12,500 sf) and the proposed turf to be about 6900 sf.
- 9. Please further increase the planting / drip area in the setback..

The motion passed by a vote of

**Aye** 9 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith, Graham and Henninger

**6. NEW BUSINESS CALENDAR**

- 6.A. [CPC AP 16-00071](#) An appeal of the City Planning Commission’s decision to grant the appeal of the Notice of Violation & Order to Abate served on the property owner of 2215 North Farragut Avenue or violation of fence height.

(Quasi-Judicial)

Presenter:

Dennis Wolf, Land Use Inspector, Planning and Community Department

Peter Wysocki, Planning and Community Development Director

- Attachments:** [Fence appeal by Leland Pilger](#)  
[CPC STAFF REPORT - CPC AP 16-00071 -Code Enforcement appeal - DLW](#)  
[FIGURE 1 - 2215 N. Farragut Ave - Zone Map](#)  
[FIGURE 2 - Appeal statement](#)  
[FIGURE 3 - 2215 N. Farragut Ave. - photo history](#)  
[Notice & Order with signatures](#)  
[Rebuttal ltr Leland Pilger](#)  
[CPC JUNE 16 Meeting Minutes - Code Enforcement appeal](#)  
[Vicinity Map](#)  
[7.5.906 \(A\)\(4\)](#)  
[7.5.906 \(B\)](#)

**STAFF PRESENTATION:**

Dennis Wolf, Land Use Inspector gave a Power Point presentation

**APPLICANT PRESENTATION:**

William Luis representing Mr. Devon Bowen gave a PowerPoint

Presentation. They discussed what Ordinance 16-19 said prior to changes.

A meeting in June 2015 was held between Mr. Wysocki and Mr. Tefertiller to discuss the complaint. After that meeting Mr. Luis' understanding was City Planning would not prosecute Mr. Bowen for the fence issue due to the gap in city ordinances.

Ordinance 16-19 doesn't apply because the fence and pergola were built before the Ordinance was adopted. The ordinance doesn't define both sides of the property line. His client's fence is on his side of the property,

Mr. Luis discussed measuring the fence from the top of the fence to the grade; and then stated how planning measured with a flat plane. The Ordinance says nothing about a flat plane or going across of the property line to measure, nothing in the ordinance that says you combine the wall and the fence or how it's measured.

The setback is to ensure structures aren't too close to a neighbor's property and doesn't interfere with light and air movement. The fence doesn't do this.

The previous code required the measurement was to the natural grade but it doesn't define natural grade. If the city meant finished grade they should've said so, that is what they meant, so they changed the ordinance to say that now.

Mr. Luis shows pictures of the pergola. Mr. Luis said pergolas were not regulated before the 2016 ordinance. They concede the pergola is a structure under city code because it's permanently affixed to the ground.

#### **Citizens in Support**

Mr. Bowen said he is in support he acted in good faith and called regional building and tried to comply with what was required.

Commissioner Shonkwiler asked about the block wall that runs north/south. Mr. Luis said that wall was not an issue and the city has not cited it as an issue.

#### **Citizens in Opposition**

Liam Pegler lives next door to the fence to the south. Mr. Pegler read from a letter he wrote in rebuttal. The cracks in the wall don't show up in the pictures. There are three large vertical cracks in different segments of the wall. The wall is leaning 6 or 8 inches. The pergola is a safety issue due the lack of hurricane clips.

#### **Questions of Staff:**

Commissioner Shonkwiler asked what was the code regulation regarding abandoned vehicles. Commissioner Phillips asked if this had



anything to do with the fence issue.

Commissioner Markewich confirmed involvement was from a complaint.

Commissioner Smith questioned about the gap. Ms. Meggan Herrington, Planning Manager said she didn't believe they had a gap because they have always measured the fence and the wall the same way. So she disagreed there was a gap prior to Ordinance 16-19 and that the ordinance was just a cleanup because we've always measured the same.

Commissioner McDonald said based on the notice and order sent May 4, 2016, referencing City Code 7.4.102 and 7.3.105. The fence was in violation prior to revisions and the pergola was also in violation - yes.

Mr. Wysocki clarified some of the points brought out by Mr. Luis. What would happen was we would suspend enforcement until the city vetted the issue and clarified the code. The changes to the code were brought before both the Planning Commission and City Council but Mr. Luis nor the owner showed for those hearings regarding changes in the ordinance because the proposed changes were because of this violation and could directly affect them. The decision of both the Planning Commission and City Council did not change anything in Mr. Luis's client's favor.

Commissioner Phillips clarified that any violations are by a complaint basis.

Commissioner Shonkwiler said if anyone was in violation now, no matter when it was built then it's a violation. Mr. Wolf said yes, there is no grandfathering of non-compliance. There may be grandfathering of zoning changes.

Commissioner Shonkwiler said if he built a fence 10 years ago and it met the code then, but if someone complained now it's in violation, you'd make me take it down. Mr. Wolf said he researches old language in zoning ordinances, development plans and other documents to try and determine what existed prior to the complaint. Mr. Wysocki said we'd treat those as legal non-conforming and you'd have to comply with the legal non-conforming use ordinance. Commissioner Shonkwiler said if this fence was built before the change in the ordinance why wouldn't it be considered a legal non-conforming use. Mr. Wolf clarified when the fence was built. Commissioner Shonkwiler said that was before the change in the ordinance.

Commissioner Shonkwiler had a question about what the natural grade, who was responsible for building the retaining wall and whose property

was it built on. Mr. Wolf said he didn't do surveying and no one asked for it to be done. The complainant told Mr. Wolf what he knew and he assumed the complainant knew where the property line was.

Commissioner Shonkwiler asked if it made any difference if retaining wall was on one side or the other. Mr. Wolf answered by saying he applied the diagram he had and conversations he had with the planners because he was confused about the language it appeared from the face 5 feet either side is what was applied.

Commissioner Shonkwiler asked if there was damage to the wall cause by the fence. Mr. Wolf said he couldn't answer the question.

Commissioner Walkowski said based on what Mr. Wolf said, no matter what the ordinance says, how you measure was to take it out 5-feet from the top of the fence and measure down from there. Mr. Wolf said that was the approach that he used based on the information he got from planners that were knowledgeable about fence definitions.

Mr. Wysocki clarified that historically the department used the interpretation made a number of years ago. Commissioner Walkowski said it's not very exact because that is not what the ordinance says, but that was staff's interpretation. Mr. Wysocki agreed. Ms. Herrington said that it wasn't codified but it's what was used in the policy manual by staff

Commissioner Markewich asked if that policy manual was accessible to the public. Ms. Herrington said no, it's an internal document. Commissioner Markewich said a citizen looked at the code and how it's written not how it's been interpreted. Ms. Herrington said if someone had questions about process, staff would look at the manual. Commissioner Markewich when that interpretation adopted officially, 2007.

Commissioner Markewich asked City Attorney Marc Smith - if they upheld the appeal and allowed fence they're saying it's a legal non-conforming fence and doesn't that set precedence for all the other fences in a similar situation. City Attorney Marc Smith said ultimately it could be appeal to council, so Council could give different directions. Mr. Smith said he thought each item should be looked at individually so he wasn't sure how precedential it could be. Council could offer changes based on decisions that are made.

Commissioner Markewich reiterated if they approved the appeal it made it legal non-conforming. City Attorney Marc Smith said it sounded like that but he didn't have all the legal non-conforming ordinances in front of him to look at. What they'd be saying was the administrative decision didn't meet one of the following in City Code section 7.5.906 - 4A, B,

and C and that is what they'd base their decision on and also that the decision the enforcement officer made wasn't appropriate based on that review criteria.

Commissioner Gibson asked why they were looking at the items together. In her mind they are two separate things.

Commissioner Shonkwiler said a fence under 6 feet didn't require a building permit based on what regional building says and yet they get a violation later. How can someone know what to do and protect themselves from doing something wrong when someone tried to do something in good faith?

Ms. Herrington said they work with regional building to make sure they know there are codes that are separate from what regional building requires but also that people should go to the second floor over at the Development Review Enterprise and discuss if what they want to do meets with the code.

**Rebuttal:**

Mr. Luis said there was ambiguity in the code. The ordinance is what drives the interpretation, enabling the document and tells them what the regulations means.

The photos of the wall do not show that the wall's in bad shape.

Mr. Luis said he disagreed with Mr. Wysocki. An old fence would be a non-conforming use. But there is nothing in the code that grants you that non-conforming status.

Commissioner Phillips asked Mr. Bowen if the fence was set in any concrete base. Mr. Bowen said yes they are set in concrete 2 ½ feet down.

Commissioner Graham said it looked like the retaining wall was leaning to the south a little bit but the pictures don't show that. So did the fence put pressure on the retaining wall. Mr. Bowen said not at all, the retaining wall had been there since the houses were built back in 1953 and the retain wall was there before they built the houses.

Commissioner McDonald asked Mr. Bowen if the retaining wall falls down whose responsibility is it to fix it. Mr. Bowen says he didn't know but he thought it would be between the property owners. Mr. Luis said the retaining wall would not fall down because of a two foot pillar of concrete that doesn't reach the property line.

Commissioner Smith said he didn't know why they don't know who the

retaining wall belongs to.

Commissioner Markewich said if a fence was shorter but had posts and concrete and in compliance you'd have the same situation as to whether or not the fence posts and footings would cause problem to the adjoining retaining wall. Mr. Luis said this was a poured concrete wall. When have you of that type of fence having that type a fence make a retaining wall fall down made no sense.

Commissioner Smith said he had a solution. Cut off two feet of the fence. Mr. Luis said it wouldn't solve the problem according to the way city planning measures because in some places it's as much as 10 feet high. So if you took 2 feet off - it's still 8 feet and still a problem. So you'd still have to take the fence down much farther. Commissioner Smith said it would work if the two parties could get together. Mr. Luis said they can't. Commissioner Smith asked if they tried a compromise. Mr. Luis offered a recess to see if they could. Commissioner Phillips said no they would go off the fact findings of the application in front of them and go from there. City Attorney Marc Smith clarified what they were to base their decision on.

**DISCUSSION AND DECISION OF THE PLANNING COMMISSION:**

Commissioner Markewich said the suggested action on their screen and the item text shows the two items are tied together. He wasn't sure how to separate them. City Attorney Marc Smith said to bifurcate the motion.

Commissioner McDonald said reading under appeal section 7.5.906 she would have to say that Mr. Wolf did not make the correct decision based on the language of the zoning ordinance or that it was against the expressed intent of the zoning ordinance and she couldn't say that was true. She thought Mr. Wolf did the best he could with the code he had at the time. And she is going to support what Mr. Wolf previously requested.

City Attorney Marc Smith said that language it's any of those under B. It's if you make a finding on any of those, and analyze paragraph C which that would be enough under the code.

Commissioner Markewich said he thought the ordinance was written ambiguously and it was interpreted a certain way by staff. So related to the fence he would uphold the appeal, in favor of the appellant but not on the pergola. He believes the pergola is an accessory structure; it doesn't meet the setback rules. So he would separate the two items. He'd vote for the fence and against the pergola based on justification in Section 7.5.906.9. The administrative decision was incorrect because it was against the expressed language of zoning ordinance and in C the adverse impacts - he doesn't believe there is a lot of adverse impact on

the neighbor.

Commissioner Walkowski said he'd agreed with Commissioner Markewich on his analysis that the ambiguity of the ordinance language was not expressed well or its intent wasn't outlined well. He also agreed that fence is something he will uphold; the pergola he thinks is a structure and falls within the denial of the appeal. The adverse impacts for the decision on the fence he thought the testimony of the appellant described what happened. So he agrees with Commissioner Markewich.

Commissioner Shonkwiler said he agreed with both Commissioner Markewich and Walkowski and will vote appropriately.

Commissioner Gibson said she also concurs with her other Commissioners. She thinks it's appropriate to keep the two items separate.

Commissioner Smith said he agreed with Commissioner Markewich and his other fellow Commissioners who expressed his same concerns.

Mr. Wysocki stated that since they bifurcated the motions both parties can file an appeal.

**This item was bifurcated and separate motions were created for the fence height and the accessory structure.**

**Motion by Markewich, seconded by Walkowski, Proposed Motion: Grant the appeal of the notice of violation and order to abate the fence height at 2215 Farragut Street.. The motion passed by a vote of**

- Aye** 8 - Gibson, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith, Graham and Henninger
- No** 1 - McDonald

For minutes for this item please see the first part of the minutes for item CPC AP 16-00071

**This item was bifurcated and separate motions were created for the fence height and the accessory structure.**

**Motion by Markewich, seconded by Graham, Proposed Motion: Deny the appeal of the notice of violation and order to abate placement of the accessory structure and front yard setback at 2215 Farragut St. The motion passed by a vote of**

- Aye** 8 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith and Graham
- No** 1 - Henninger

**6.B.**     [CPC CA 16-00073](#)     Old Colorado City Parking Exempt District Expansion

(Legislative)

Presenter:

Michael Turisk, Planner II, Planning and Community Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [OCC Parking Exempt District ordinance](#)

[CPC CA 16-00071-BUFFER - Old Colorado City Parking Exemption Expansion](#)

[CC PowerPoint OCC Parking Exempt District](#)

[OCC Parking Exempt District amendment CPC staff report](#)

[FIGURE 1](#)

[FIGURE 2](#)

[Public Comment -- OCC Parking Exempt District amendment](#)

[CPC Minutes 6.16.16 draft](#)

**STAFF PRESENTATION:**

Michael Turisk, Planner II, gave a Power Point presentation

**Questions:**

Commissioner Shonkwiler discussed taxing districts and the benefits of that taxing district not being equally applied to the entire district and how it applied in this area and to the proposed changes.

Mr. Turisk said in Old Colorado City older buildings can rarely meet current minimum development standards for mainly parking. There are very tight constraints. Mr. Turisk also discussed other types of applications that can be applied for and the arguments against doing that.

Commissioner Shonkwiler agreed with Mr. Turisk's analysis and stated that what's need was to encourage private investment in urban area and urban infill areas. Without having a parking exemption in this kind of area we can't widen the west Colorado area.

Ms. Herington gave information about the zoning in the areas and the possibility of changing the land use and zoning for these.

Commissioner Shonkwiler agreed because they needed to add something that had a more urban fabric to it because parking lots don't add anything to the urban fabric.

Commissioner Walkowski said he agreed with Commissioner Shonkwiler's comment and what Ms. Herington said about the zoning giving a different light on this.

**Citizens in Support:** None

**Citizens in Opposition:** None

**Questions of Staff:**

Mr. Turisk said the plan complies with the Urban Infill supplement of the Comprehensive Plan. Postcards were mailed to neighboring property owners for both the neighborhood meeting and the public hearing and will also be mailed when the item is heard in August for City Council .

**DISCUSSION AND DECISION OF THE PLANNING COMMISSION:**

Commissioner Shonkwiler said he'd like to support this parking expansion overlay it's an investment in our urban area.

**Motion by Walkowski, seconded by McDonald, Recommend adoption to City Council of an ordinance amending Section 206 (Parking Exempt Districts) of Part 2 (Off-street Parking Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Old Colorado City Parking Exempt District.. The motion passed by a vote of**

**Aye** 9 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith, Graham and Henninger

**6.C.1 CPC A  
15-00099**

The Reserve at Northcreek Annexation consisting of 17.023 acres and located on the north side of New Life Drive between Voyager Parkway and State Highway 83

(Legislative)

Related Files: CPC ZC 16-00016, CPC CP 16-00017

Presenter:

Michael Schultz, Principal Planner, Planning and Community Development

**Attachments:**

- Reserve at Northcreek CPC memo
- Figure 1 - Reserve at Northcreek Annexation Plat
- Figure 2 - Concept Plan
- Figure 3 - Project Statement
- Figure 4 - Letter from AFA
- Figure 5 - Annexation Plan Map
- Figure 6 - Reserve at Northcreek Draft Annexation Agreement
- 7.6.203-Annexation Conditions

**STAFF PRESENTATION:**

Mike Schultz, Principle Planner gave a Power Point presentation.

Note to be placed on the concept plan, development plan and final plat

that they are in the flight path of training pilots at the Air Force Academy.

Questions raised at Informal regarding density of surrounding property. The Wildwood Northcreek development small lot 3,000 to 3,500 sq. ft. lots at 6.55 du/per acre; west is a concept plan for apartments for a max of 30 du/per acre; north and east future multi-family at 12-20 du/per acre; immediately north traditional single family at 2-3.5 du/per acre.

**Questions:**

Commissioner Henninger asked if Pikes Peak Community College provided any comments regarding possible impacts from this development. Mr. Schultz said notices were sent out and they did not respond.

**APPLICANT PRESENTATION:**

Jim Byers with Challenger Homes and are the co-applicant with Biblica for this project. No questions for the applicant by the Commissioners.

**Citizens in Support: None**

**Citizens in Opposition: None**

**Rebuttal: None**

**DISCUSSION AND DECISION OF THE PLANNING COMMISSION:**

Commissioner Markewich said the annexation meets with City Code Section 7.6.203. The zone change is reasonable and complies with City Code Section 7.5.603(B) and the PUD Concept Plan is acceptable and complies with City Code Section 7.5.501(E).

**Motion by Walkowski, seconded by Smith, Recommend approval to the City Council the Reserve at Northcreek Annexation, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 with the following condition of approval: Letter of Assent approval from Southeastern Colorado Water Conservancy District must be received prior to scheduling the City Council Hearing.. The motion passed by a vote of**

**Aye** 9 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith, Graham and Henninger

**6.C.2 CPC ZC  
16-00016**

The establishment of a PUD (Planned Unit Development; Attached Single-Family, 8 Dwelling Units Per Acre, 35 Foot Maximum Building Height) zone district pertaining to 9.99 acres located on the north side of New Life Drive between Voyager Parkway and State Highway 83

(Legislative)

Related Files: CPC A 15-00099, CPC CP 16-00017



Presenter:  
 Michael Schultz, Principal Planner, Planning and Community Development

**Attachments:** 7.5.603.B Establishment or change of zone district boundaries  
 7.3.603 Establishment & Development of a PUD Zone

See Item 6.C.1

**Motion by Walkowski, seconded by Smith, Proposed Motion: Recommend approval to the City Council the establishment of the PUD (Planned Unit Development; Attached Single-Family, 8 Dwelling Units Per Acre, 35 Foot Maximum Building Height) 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 the criteria for the establishment and development of a PUD zone as set forth in City Code Section 7.3.603.. The motion passed by a vote of**

**Aye** 9 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith, Graham and Henninger

**6.C.3 CPC CP 16-00017** The Reserve at Northcreek concept plan for an attached single-family residential development with a maximum 8 dwelling units per acre on a 9.99-acre site.

(Quasi-Judicial)

Related Files: CPC A 15-00099, CPC ZC 16-00016

Presenter:  
 Mike Schultz, Principal Planner, Planning and Community Development

**Attachments:** Figure 2 - Concept Plan  
 7.3.605 PUD Concept Plan  
 7.5.501.E Concept Plans

See Item 6.C.1

**Motion by Walkowski, seconded by Smith, Proposed Motion: Recommend approval to the City Council the Reserve at Northcreek PUD concept plan based upon the findings that the PUD concept plan meets the review criteria for granting a PUD concept plan as set forth in City Code Section 7.3.605 and meets the eight (8) review criteria for granting a concept plan as set forth in City Code Section 7.5.501(E).. The motion passed by a vote of**

**Aye** 9 - Gibson, McDonald, Chairperson Phillips, Shonkwiler, Markewich, Walkowski, Smith, Graham and Henninger

**6.D. 16-389** A proposal by the City of Colorado Springs' Transportation Manager to modify the roadway design of N. Cascade Avenue through the Colorado College campus. The proposed design change would

improve safety for students crossing Cascade Avenue by reducing the number of travel lanes crossed from four-lanes to two- and reducing the number of pedestrian crossings from four to two. The Colorado College Master Plan adopted in December 2008 includes a note reading “significant modifications to Cascade Avenue will require public outreach and hearings at Planning Commission and City Council.”

(Legislative)

Presenter:

Kathleen Krager, Transportation Planning Manager, Public Works

**Attachments:** CPC Report CC Transportation Plan

Fuller\_letter

Marsh\_letter

**STAFF PRESENTATION:**

Kathleen Krager, Transportation Manager and City Traffic Engineer clarified the item on the is legislative. It’s not an amendment to the Colorado College master plan

Project is tied to transit service in the Old North End particularly bus service along Nevada. Any road dieting or right sizing of streets in the Old North End is something that will be looked at further. This is only looking at Cascade through Colorado College.

After an accident in January 2016 Colorado College contacted Ms. Krager about accidents along Nevada and Cascade as they seemed to be increasing. She suggested on a mid-block signalized pedestrian crossing on Nevada. What’s proposed for Nevada is different than what Cascade.

A mid-block signal for Nevada is because they have more traffic than Cascade and due to the amount of enough at the Uintah and Nevada that they cannot restrict Nevada to two lanes through that intersection. So road dieting on Nevada isn’t an option. The best way to handle a mid-block crossing is to signalize it or grate separated. The future plan is to remove the two crosswalks on Nevada and combine them into one crosswalk so it’s easy for students to use.

For Cascade they thought road dieting was a better solution. Also the Old North End presented a pedestrian bicycle safety plan throughout the Old North End. Ms. Krager wanted to do them as an overall neighborhood package but some issues came up which included transit service on Nevada, a bike master plan, and the need for even more public involvement. Thus they separated the two.

Ms. Krager wanted to go ahead with the plan for Colorado College along Cascade because of the safety issues and she wanted to try and do something before the fall session started. She hopes to bring plans forward for the Old North End and have it be something the neighborhood supports but it is not ready and didn’t want to delay

Colorado College because of that.

Ms. Krager gave a Power Point Presentation.

Cascade cuts Colorado College campus in half. Students live on the east side of the campus but everything else is on the west side.

Students cross Cascade at least three times a day causing a high pedestrian demand.

There've been accidents along this area that are categorized as hidden view crashes. It's usually the second car that causes the accident.

Along Cascade the college students don't look both ways when they cross a street, because they're using their phone or tablet. It's not their fault, or the pedestrian's fault, or the college's professors fault, it's the city fault. The city put in flashing pedestrian lights that give pedestrians a false sense of safety. Truth is they are not protected. Everyone using these crosswalks with flashing lights do not look because they've been they don't have to because the flashing lights protect them.

The flashing lights have another impact. They let drivers know someone is in the crosswalk but this doesn't work either. The flashing lights are timed to stay flashing longer than they need to. So drivers tend to ignore them because many times no one in the crosswalk anyway because they've already crossed.

It's also a problem of the technology. The lights were a push button lights at first but students crossed without pushing a button. Then it was changed to a motion detector but it picked up anything else that had motion but there'd be no one in the crosswalk. Then you have students who ignore the cars because they think the flashing lights are a protection against the cars. When the flashing lights were put in there was a reduction in accidents because it was different but over time people got used to them and ignore it.

What they are recommending is taking the outside lane, paint it a solid line, add some bike symbols and make it a bike lane. This is strictly a restriping project.

The college will make improvements such as closing the median opening, putting landscaping in those medians so there's no chance for a pedestrian crossing, making parking lots strictly right-in/right-out, and reduce the number of crosswalks. This will help students to know they must use designated crosswalks. This will also help capacity at Uintah and Cascade for the left turn lane to get to I-25. The turn lane is very short and on a historic median. By restriping you make one of the lanes a turn lane and make it as long as needed so the traffic doesn't interfere with through traffic.

There is a separate PPRTA project that will include an eastbound right turn lane at Uintah and Cascade. This it will allow a better working intersection.

Public process is a big deal and been lengthy regarding this. The last time road dieting on Cascade was looked at was in 2008 with the Colorado College Master Plan. In 2015 - 2016 Downtown Master Plan also had numerous public meetings. There's been two Citizen Traffic

Advisory Board meetings and one Active Transportation Advisory Board meeting where this project was discussed. There was an Open House in May attended by over 300 people, an Old North End Bike and Pedestrian Study meetings, two meetings with ONEN neighborhood and city staff and one in the Patty Jewett neighborhood.

There are two other suggestions for Cascade but they are not pursuing. The first is to put pedestrian push button signals mid-block crossings on Cascade. They aren't doing this is because of timing issues with how fast the average person walks and how fast they'd cross the street and what she'd need to do with the timing of the lights. She could have a car stop for a couple of seconds to let the pedestrian cross at the crosswalk or have a red light and have the car stop and wait 31 seconds for the pedestrian to cross. Her fear is drivers will get frustrated and starting running the red lights because they are waiting 31 seconds instead of two seconds.

The reduction of lanes from four to two is something she doesn't think people will notice once you get used to it. But two signalized lights on Cascade is something you would definitely notice. It would be something that would be felt on Nevada. The students that cross at Nevada are usually just in the morning and in the afternoon.

The other idea is an overpass or underpass. They are expensive to do but just about the financial and even with the expense and that was the solution they'd find the money somewhere. The problem is they need to meet ADA requirements and that would require very long ramps. For overpasses and underpasses to be effective there has to be assurance that everyone will use them. To accomplish that would mean fencing off the area so you are funneling people to the overpass or underpass. Some sketches have been done to show what that would do to the quad, how it would feel if you were in a car and looking at Colorado College. This would really change how Colorado College would look and Colorado College is a real jewel for the downtown and one of things that makes the downtown really special. It would also make a huge difference in how the campus functions and feels so it's not something she is encouraging as the solution.

**Questions:**

Commissioner Phillips asked what the major concern at neighborhood meetings was. Ms. Krager said road dieting; bike advocates are in favor of the change, the Downtown Partnership is in favor of it and then neighbors who don't want it to change at all. People say the students are young adults and should be able to figure out how to cross the street safely. Some think Colorado College has a plan to cut off all streets through Colorado College but that is not her impression and has told the college she is 100 % opposed to closing Cascade. It could easily be a two-lane street and not affect the grid system.

Commissioner Markewich said this proposal seems to be a solution for a small part of the problem. There's a difference between a strategic plan

and a tactical plan. Strategic planning is the big picture and includes how a proposal will fit into a larger context. Tactical planning includes all of the individual projects within a larger comprehensive plan. This looks like a snapshot and he'd like to see the larger plan for this area of the city. Ms. Krager said with the bigger picture the first thing is have a final solution regarding transit in the north end. Other issue is the Bike Master Plan is just beginning. It would be her plan to come back with whatever the Old North End plan is regarding bike safety and what it would look like in time for next summer's painting season.

Commissioner Gibson asked about the overpass and underpass. If you're closing off two areas how will they not cross in same places? Ms. Krager said she'd put things in the way so they'd have no choice but to use the crosswalk. However with an overpass or underpass that takes a lot more convincing to have students to use it. Overpasses that are successful are when they are fenced off. There's an underpass on North Nevada for UCCS that no one uses. Students choose to go across Nevada rather than use the underpass.

Commissioner Gibson asked what about the future and what the college will look like in 10 years. Why not do something while traffic is smaller. Ms. Krager said there is room to increase traffic but the Old North End will not like that. They will need to address some protection of them as a neighborhood so it's not dominated by traffic in the future. That's why we want a good transit system and good bike lanes that get to the downtown. Before you have a capacity problem on Cascade cars and students will get sloppy and we end up going to the next level of service. As soon as people get used to something you'll need to put up something different to capture their attention to cause a change.

Commissioner McDonald asked about cars parked on Cascade and how it will work with bike lanes. Ms. Krager stated parking won't change to allow the bike lane. They will add a bike lane without reducing parking. Commissioner Shonkwiler said they are talking about two crosswalks about between Cache La Poudre and Uintah -would they be at what would be the intersection of San Rafael and Yampa. Ms. Krager said they're evenly spaced between Cache La Poudre and Uintah.

Commissioner Shonkwiler confirmed the flashing lights would be taken out but asked if there was any plan to put in down lighting to see a pedestrian in the crosswalk. Ms. Krager said Colorado College could increase the lighting but they haven't completed their plan for the crosswalks and lighting. Commissioner Shonkwiler asked if the lights will be defused. Ms. Krager said there's improved horizontal lighting because downward lights cast a shadow on a person. Commissioner Shonkwiler asked if they got any federal money. Ms. Krager said they get some because they have to meet federal regulations.

Commissioner Henninger asked if there is opportunity for pedestrian to input into the concept plan or solution. Second question is if you mix one lane of cars lanes and one lane of bike lanes his concern is the mix traffic. Ms. Krager said students were involved they were part of the

committee and also at meetings. The mix of bike and pedestrians - cyclists are a moving vehicle and has to agree to the laws just like a car and stop for pedestrians. The College will put up sign to dismount bikes and skateboard when crossing the crosswalk.

Commissioner Walkowski asked if Ms. Krager knew where right sizing had worked. Ms. Krager said they've right sized Cheyenne Blvd, South Tejon, Templeton Gap from Fillmore to Washington. Commissioner Walkowski asked about traffic movement being detrimental. Ms. Krager said she was aware of one that was reversed and that was Folsom Street in Boulder that was converted back. For Colorado College they're only doing paint to change things so it could easily go back.

Commissioner Walkowski said by right sizing you could force traffic to other streets. Ms. Krager she doesn't know what traffic will do.

**Citizens in Support: (Commissioner McDonald excused from this point onward)**

Susan Davies Executive Director with the Trails and Open Space Collation. They feel this is just a piece of the solution and a step in the right direction and are in support.

Heather Olsen-O'Donnell on the Old North End Board and on the Pedestrian Safety Committee even though they wanted to happen all at the same time and she is speaking for herself on this. This is moving in the right direction and good solution and wants a safer environment for the Colorado College students. Commissioner Markewich confirmed Ms. Olsen-O'Donnell was not speaking for the board. Ms.

Olsen-O'Donnell said she is doing it as a Old North End neighbor.

Mike Edmonds with Colorado College supports the plan that improves pedestrian safety through their campus. They want to work with the City and neighborhood that works for everyone and improves downtown.

Bill Rogers the Old North End Neighborhood President as the president he said the Old North End Neighborhood is in support of this project (note that the majority of the audience all said NO when Mr. Rogers said this)

Tory said he thought it was a bad idea at first but looks good but the strategic planning is a valuable small piece in the project and is in support.

**Citizen in Opposition:**

Becky Fuller is also on the Old North End board and Pedestrian Safety Committee. She discussed traffic counts and concerns about the public process and what happened with their idea. Their plan was presented at CTAB before the Old North End Plan it was approved by the board. What is being presented today is significantly different. They've not vote on pieces they want the entire plan approved and they want a real public process and look at a better way to do this. She is a Nevada neighbor and sensitive what's going on and feels it should be tabled.

Commissioner Markewich said it sounded like her objection was to doing a small piece instead of large comprehensive plan. Ms. Fuller said

partially. She thinks the public process is important. Colorado College has tried to get the streets narrowed before. This has been a problem for a long time. This is too fast. Not everyone has the information. It feels wrong.

Mrs. Everett read a letter from her husband Dr. Ralph Everett about why they are against this project.

Mark Nelson said we're talking about Cascade but what about Nevada. Why has no one addressed pedestrian traffic on Nevada? Why looking just that small area. They've worked on this issue for 20-30 years. You can't just do a small piece.

City Attorney Renee Congdon, City Attorney reminded the commissioners the item in front of them is about Cascade.

Mike Anderson said he is a member of SOS and unlike other neighbors SOS supports safety sizing as long as done on all four principle roads in the neighborhood and be done all at the same time. SOS wants it done on all roads not on just Cascade. Nevada will be adversely impacted by what you do on Cascade. Ms. Krager said with the safety sizing of Cascade there won't be a diversion of traffic, but there's been no traffic study about this. Without a traffic study how do you know it won't be override the ONEN Master Plan?

Joseph Carlson running for Council District 1 and said what is talked about is assumptions. In the info we assuming that we resolve problem going from four lanes to two lanes but we're adding to the problem buy doing this.

Debra Shannon said she takes Cascade daily and described driving down Cascade next to a bicyclist driving on the left side in her lane outside of that separated bike lane. Luckily she had another lane to move into. As she went around them that person yelled at her and said "MOVE OVER". She was in the right lane, he wasn't. She doesn't support taking Cascade from four lanes to two lanes. She supports an underpass or overpass. That can separate the pedestrian, skateboards, bikers and such and would be the safest solution.

Jane Morgan she's been concerned when round-about what was suggested. Flashing beacons have not fixed the solution. Why is it such an emergency now? If that critical they should've been gone three years ago when first recommended. They are suspicious of the Colorado College and the City because they haven't followed what was suggested.

David Benson talk about being Cascade is a major street going to Penrose Hospital. If there is a small accident and an ambulance is in the traffic waiting. If you install a signal he'll wait that 30 seconds. The students don't respect us. The students at Palmer High School cross Wahsatch, Weber and Platte and Boulder why can't the college kids cross Cascade.

Jeff Flescher he owns business downtown on Cascade. The downtown depends on traffic getting into the downtown. He believes that this

proposal will further restrict traffic into the downtown area. He finds it hard to believe that would harm the vitality and accessibility of the city center. The proposal is very myopic. It's motivated by CC to eventually close down Cascade. Reducing Cascade would take it out of the traffic circulation plan because the remaining lane would cause a bottle neck the flow to downtown and to the hospital. If CC is interested in student safety and if the commissioners are interested in improving downtown, there are other solutions available. The underpass is his suggestion. It would cost a lot of money but CC has the money and he asks CC use some of those funds to promote their safety and promote the downtown.

Jeff Neal said he is a risk analyst and completed one. How do we access the risk of students crossing Cascade - in 10 years of data there's been only 8 occurrences. Ask how many times could it have happened. Is the response appropriate because it could be solved in other ways? Colorado College has the money to fix this and are those issues more important than the safety issue. This is an extreme reaction.

Edward Snider said accidents are actually decreasing. 2nd lane collisions are very rare. If it needs fixed immediately an underpass makes the most sense and Colorado College has the money to do it. In nationally published data there is no difference in accidents happening on road dieting road than other regular roads. Solution is radical to a problem that doesn't really exist. This will affect many more people than you think.

James Frances said do you base your decisions on who is making the request or on the merits of the proposal. There is nothing in writing all you have is what the traffic engineer gave you she wanted to improve safety by reducing the travel lanes. Colorado College had 2 accidents last year and they came to her concerns. She didn't say she analyzed the data, she just decided to reduce the lanes from four to two. You have nothing to show there is a problem. The data shows there isn't a problem and you have no data to show by doing this safety would improve. Changing from four to two lanes doesn't affect safety.

Jerry Wyshe said he's opposed to cutting the lanes from four to two lanes because it will cause other problems them. Also other solutions weren't considered. The only real solution is to separate the students with an underpass.

Russ Knight said Cascade is a pressing safety concern so why not Nevada or Uintah because students cross there too. It leads them to believe that CC wants to enclose the campus and close Cascade. The solution is an underpass. CU Boulder has underpasses and they've made it look great and students use them. CC needs to be reminded they are part of downtown community and it will affect the downtown community. This would divert traffic to Nevada and limit access to downtown. You can right size all you want and it won't work. You need something like Pike Peak Green Way and other ideas for bikes.



John Donlin said get frustrated when he hears the term right sizing. There is no data for this. You have to define the problem. We haven't done that. The uncontrolled crosswalk across the four lanes is not the problem. There isn't enough information to make a decision.

Charley Oliver he is downtown frequently and travels both Cascade and Nevada. He believes the approach to the problem is not adequately addressed by the proposed solution. You can't change behavior of pedestrians or drivers. The only 100% solution is the underpass / overpass. He also believes the public process is flawed. He has a petition with over 631 homeowners in opposition to the narrowing the streets. Commissioner Shonkwiler asked if he's against all the narrowing all streets or just those in the north end. Mr. Oliver said the entire old north end which includes Cascade Ave.

Richard Sullivan said they' been given only part of the story, there is not been public process regarding Cascade through Colorado College. The current item is what is left and supported by the ONEN board and that board doesn't represent the neighborhood on most issues. Strong opposition was voiced to street compacting and one of those streets was Cascade. CTAB tabled the item twice because they wanted more citizen input and more data to make a good decision. There has been no data to make a good decision. No public discourse was had. Flashing lights are not a solution. There is no data to show the number of bikes there would be. There's no requirement for the board to go forward today.

Mark Huseman said this issue has been coming up for years. If CC was considering safety first they could have fix long time ago. The only fix is and overhead panel to move people safely or an underground tunnel to get the kids safely across campus. There's no common sense for this. How many cyclists are there in Colorado Springs? How many streets do you need for bicyclists? Commissioner Phillips said we're talking about a college area. Mr. Huseman said you can go to anywhere along that area on Cascade and Nevada and there are students who do not obey the areas that are designed to cross the street. Only solution is an underground pass. Commissioner Phillips said every student will use that underground pass? The underpass will alleviate pedestrians not stopping and there's no break. Commissioner Phillips said inconvenience for our kids to go to school and go across campus. Mr. Huseman said it's an inconvenience for people trying go across the town north and south.

Dave Harris said he's concerned that it's just in front of Colorado College. Going from one lanes to two lane and then down to one lane again so they are always changing. The concern is speed to get from one lane to the one lane north of Jackson

Peter Franz disapproves of this tactical motion and said it will impact negatively.

Carolyn - she is a cyclist and people rush to get through the crosswalks. Bike lanes are already there and sometimes you can't go in the bike

lane. This will create more congestion, limit traffic and people trying to get into downtown.

Kenneth Kelly said if safety is the problem there is simple solution put it underground or a crosswalk. Colorado College has money and they have its own police for the campus. The simple solution is go under the road or over the road.

**Rebuttal:**

Ms. Krager said for those that said this was a detriment to the downtown she said the Downtown Partnership is in support of this and was included in their Downtown Master Plan. They support road dieting on Cascade, Tejon and Weber. There are no bike lanes on Cascade that lane is for parking.

The federal guideline for road dieting suggest not road dieting if there are less than 2,000 cars per hour on that roadway not per day. All the accidents on Cascade or Nevada in this area were hidden view accidents. Hidden view accidents can happen in any of the lanes depending on where the pedestrian is walking. Regarding the new dorm, the design has all students entering and exiting on the south side to coincide with the pedestrian light. There are two, two-lane streets coming into the downtown. One is Uintah which has always been two-lane and T-Gap. Both of these carry commuter traffic into the downtown. Both function well and carry more traffic than Cascade.

Commissioner Graham said it seemed Cascade has the highest amount of traffic after work. It seems going down to one lane - what numbers do you see. Ms. Krager said she didn't believe the number will change. Commissioner Graham asked how she proposed to the narrow street - a merge lane. For the southbound lane they will go back a block and it will be a right turn lane only. North bound before Cache La Poudre will be a trap lane or a merge. But she hasn't made up their mind.

Commissioner Phillips asked about accessibility to downtown and would the access be limited. Ms. Krager said she didn't think so and explained the process around how they hoped it would work. She also believed there was more traffic on these streets due to construction on I-25. Commissioner Phillips asked if a traffic study was done. Ms. Krager said yes a private company did one and the city did computer modeling. They believe it will work. Traffic engineering is not as clear cut as building a bridge. It's based on how people drive and other factors. Commissioner Phillips confirmed the need to do it now for safety reasons. Ms. Krager said yes.

Commissioner Markewich said he was concerned about this being piece meal. How much study or consideration have you given to reducing the number of crosswalks from one to two, removing the flashing lights for cars and swapping them around for the pedestrians to say there are cars coming? That way the warning is for the pedestrian. Ms. Krager

said she didn't want to leave students on a four lane uncontrolled crosswalk without doing something more drastic.

Commissioner Smith said there's been a number of strong suggestions that there were no neighborhood meeting and they were excluded from some of the decisions that were made. Ms. Krager said she'd listed the number of neighborhood meetings and there were many. They were looking at a total comprehensive plan but an administrative decision was made that there isn't enough time to do that total plan this summer. So she had to split the plan into two.

**DISCUSSION AND DECISION OF THE PLANNING COMMISSION:**

Commissioner Markewich doesn't want pedestrians getting hurt. He doesn't like how the City executes piece meal planning. He likes a more holistic approach. Long range he thinks an underpass makes the most sense long term. We need to put more responsibility on the pedestrians. He's not sure what more could be done other than narrowing the road. At this point he's leaning opposing the proposal because he'd like to see this done in a more comprehensive way. There's been a lot of comment from the neighbors saying they feel they've been left out of the process. He is opposed as a temporary solution because they need a larger most comprehensive plan.

Commissioner Smith said Colorado College is an asset to our community. But there's been lots of discussion of how to resolve this. The college should educate the kids about this. There have been good comments about it being low risk. So that has merit. We need to study the entire project and not just this one element and not doing it piece meal. He doesn't think they need to get it done before school starts. It can wait and it would be better until the entire project is studied. He is going to be opposed to the project being approved.

Commissioner Henninger said he appreciated everyone that spoke today. It seems like an experiment and he's not sure why they have to approve an experiment. This experiment is for a small situation and a cheap solution. Doing a correct solution would be building a tunnel or a bridge or something more appropriate and to do it right in the middle of school doesn't seem appropriate or rational and not effective. Overall thought is not in support and voting no.

Commissioner Gibson said she thanked everyone for coming. One death is too many and doesn't want anyone to think they take that lightly. Safety sizing will have an adverse effect on other streets and doesn't believe it will increase the safety for non-motorized users. Regarding emergency services having to use that lane inside that stripping that will just create a greater hazard. She doesn't live in this area but she travels down Cascade a lot and she thinks it will create a bottle neck. Those of you who live there all we have to do is look at your faces and hear your voice, you do not want this. She will not be in support of this and doesn't believe it will increase safety.

Commissioner Shonkwiler said the town was planned for a smaller city. We have to deal with what is in front of us. There isn't enough transit for the city and there are numerous problems. Part of this is exacerbated by the construction on I-25. It's rare when you have can do an experiment with just a can of paint. There isn't a solution that will satisfy everyone and doesn't know the answer. There have been many promises to this neighborhood and none fulfilled. This would be a chance to see what could happen in this situation. So he's voting in favor of this item.

Commissioner Phillips said he agrees with Commissioner Shonkwiler. This is a college area. There is misbehavior on everyone's part. It's a test and a project you can change. He will be voting of this item.

City Attorney Ms. Congdon said the way its written should be changed to recommend approval or denial and take out the part of the motion where it says as required by the Colorado College Master Plan.

**Motion by Smith, seconded by Markewich, Recommend denial of the proposed right-sizing of Cascade Avenue based upon the finding that the roadway geometry does not comply with the Traffic Engineering Design Manual and will not increase the safety of non-motorized users, including pedestrians and bicyclists, along N. Cascade Avenue between Uintah St. and Cache La Poudre St. The motion passed by a vote of**

**Aye** 6 - Gibson, Markewich, Walkowski, Smith, Graham and Henninger

**No** 2 - Chairperson Phillips and Shonkwiler

**Absent** 1 - McDonald

## **7. Adjourn**