

City of Colorado Springs

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



Meeting Minutes - Final

Thursday, February 16, 2017

8:30 AM

Council Chambers

Planning Commission

1. Call to Order

Present: 7 - Rhonda McDonald, Jeff Markewich, Vice Chair John Henninger, Chairperson Eric Phillips, Robert Shonkwiler, Sherrie Gibson and Carl Smith

Excused: 2 - Reggie Graham and Ray Walkowski

2. Approval of the Minutes

[CPC 187](#) January 19, 2017 - Planning Commission Meeting Minutes

Presenter:
Eric Phillips, Chair

Motion by Smith, seconded by Vice Chair Henninger, that the Minutes for the January 19, 2017 meeting be approved . The motion passed by a vote of 7:0:2

Aye: 7 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Gibson and Smith

Absent: 2 - Graham and Walkowski

3. Communications

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

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

4. CONSENT CALENDAR

4.A. [CPC UV](#)
[16-00151](#) 1536 Cheyenne Boulevard use variance to allow two dwelling units on a 10,323 square foot property zoned R1-6/HS (Single-Family Residential with a Hillside Overlay) located at 1536 Cheyenne Boulevard.

Presenter:
Lonna Thelen, Principal Planner, Planning & Community Development

A motion was made by Vice Chair Henninger, seconded by Gibson, that this Planning Case was approved.. The motion carried by the following vote:7:0:2

4.B.1 CPC MP Major Amendment to the Briargate Master Plan changing 13.11 acres
07-00061-A5 from Residential Very Low (R-VL 0-1.99 dwelling units per acre) to
MJ16 Residential Low (R-L 2.0-3.49 dwelling units per acre).

(Legislative)

Presenter:
Katie Carleo, Principal Planner, Planning and Community Development

This Planning Case was adopted and forwarded to City Council on the Consent Calendar.

**4.B.2 CPC PUZ
16-00139**

Cordera 3I zone change of 13.11 acres from A (Agriculture) to PUD (Planned Unit Development; single-family detached residential, 2.75 dwelling units per acre, 36-foot maximum building height), located at the southeast intersection of Old Ranch Road and Cordera Crest Avenue.

(Quasi-Judicial)

Presenter:
Katie Carleo, Principal Planner, Planning and Community Development

This Planning Case was adopted and forwarded to City Council on the Consent Calendar.

**4.B.3 CPC PUD
16-00140**

Cordera 3I Development Plan illustrating detailed layout and infrastructure for 13.11 acres to be developed as single-family detached residential, located at the southeast intersection of Old Ranch Road and Cordera Crest Avenue.

(Quasi-Judicial)

Presenter:
Katie Carleo, Principal Planner, Planning and Community Development

This Planning Case was adopted and forwarded to City Council on the Consent Calendar.

**4.C.1 [CPC ZC](#)
[16-00134](#)**

Ordinance No. 17-24 amending the zoning map of the City of Colorado Springs pertaining to 2.5 acres located at 2020, 2021 and 2030 West Colorado, from C5 (General Business), C5 P (General Business with Planned Provisional Overlay) and R2 (Two-Family Residential) to C5/CR (General Business with Conditions of Record)

(Quasi-Judicial)

Presenter:
Lonna Thelen, Principal Planner, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

This Planning Case was adopted and forwarded to City Council on the Consent

Calendar.**4.C.2** [CPC CP
16-00135](#)

Sacred Heart Catholic Church concept plan for a multi-phase expansion of the Sacred Heart Catholic Church campus, located at 2020, 2021, and 2030 West Colorado Avenue.

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

This Planning Case was adopted and forwarded to City Council on the Consent Calendar.

4.C.3 [CPC DP
16-00136](#)

Sacred Heart Catholic Church development plan for the expansion of the Sacred Heart Catholic Church campus, located at 2020, 2021, and 2030 West Colorado Avenue.

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

This Planning Case was adopted and forwarded to City Council on the Consent Calendar.

4.C.4 [CPC V
16-00137](#)

Ordinance No. 17-25 vacating .142-acre of City right-of-way located between 20th Street and 21st Street from West Colorado Avenue to West Pikes Peak Avenue.

(Legislative)

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

This Planning Case was adopted and forwarded to City Council on the Consent Calendar.

4.D.1 [CPC MPA
00-00103-A1
MJ16](#)

A major amendment to the Mesa Springs Community Plan changing 13.32 acres from medium-high density residential and public park to office/special commercial and industrial, located at the northwest corner of Centennial Boulevard and Van Buren Street.

(Legislative)

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

This Planning Case was adopted and forwarded to City Council on the Consent Calendar.

4.D.2 [CPC PUZ
16-00144](#)

Ordinance No. 17-23 amending the zoning map of the City of Colorado Springs pertaining to 13.32 acres located at the northwest corner of Centennial Boulevard and Van Buren Street, from PUD (Planned Unit Development; attached townhomes, 35' maximum building height, 6.68 dwelling units per acre) to PUD (Planned Unit Development; general and medical office, retail, personal improvement services, financial institutions, child care facilities, sit down restaurants, light industrial and private open space, maximum building height 35').

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

This Planning Case was adopted and forwarded to City Council on the Consent Calendar.

4.D.3 [CPC PUP
16-00145](#)

Indian Hills Business Park concept plan illustrating four office/commercial buildings and a light industrial development, located at the northwest corner of Centennial Boulevard and Van Buren Street.

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

This Planning Case was adopted and forwarded to City Council on the Consent Calendar.

Approval of the Consent Agenda

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

Aye: 7 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Gibson and Smith

Absent: 2 - Graham and Walkowski

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.)

5. UNFINISHED BUSINESS

**5.A. [CPC CA
16-00079](#)**

Ordinance No. 17-26 amending Part 5 (Geological Hazard Study and Mitigation) 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 Geological Hazard Study and Mitigation.
(Legislative)

Presenter:

Peter Wysocki, Planning and Community Development Director

Staff Presentation:

Mr. Wysocki gave a Power Point Presentation. He discussed when the Ordinance was originally adopted in 1996 and updated in 2011, when the Geological Hazard is required, and when this requirement has to be completed if geological hazards are known. Waivers can be granted by the director if no geological hazards exist on the property.

Some changes are minor and some are major. The changes are listed below:

1. A study would be required with public improvement construction drawings.
 - a. In section B under 7.4.502: Applicability -a geological hazard study would be submitted with a single-family residential building permit, a building permit for a duplex, or when the expansion of the building footprint is more than 50%.
2. Under section 7.4.503.A.1: Exemptions and waivers - east of I-25 is exempt unless there is potential landslide susceptibility and Mine Subsidence map published by Colorado Geological Survey (CGS). Under paragraph 5 expansive was removed for the type of soil along with moderately expansive.
3. Under section 7.4.504: Preparation of the Geologic Studies and Report Guidelines it clarifies who signs and who prepares the studies.
4. Under section 7.4.505, paragraph 3 - Scope of Study: remove "suggesting" and change to "Provide" remove "minimize" and change to "reducing to acceptable standards".
 - a. Sections 4 and 5 were added where it states there be an analysis of potential impacts of surrounding property within the project site and provide recommendations to mitigate significant potential impacts to surrounding properties.
5. Under section 7.4.506, paragraph A was reworded adding no significant changes but new sections were added - D, E and F.
 - a. D & E discuss the process of how CGS receives the report, provides comments and added that the final report would be

- sent to CGS along with applicable final plans to verify the site plan complies with CGS recommended changes.
- b. F adds how the City, Regional Building Department (RBD) or CGS knows if the recommendations listed within the study were followed.
 - c. A requirement to submit an ILC - Improvement Location Certificate to the City prior to Certificate of Occupancy (CO), was added. The city will verify the building was built per setbacks and all other requirements.
6. Under section 7.4.507: Disclosure Statement: a minor change stating if the area of development is the subject of a geological hazard study it identifies what geological hazards exist on the property.

Councilmember Knight and Councilmember Stand have been heavily involved in this process and have a working group that included west side residents, RBD, Home Builders Association (HBA), along with numerous discussions with CGS.

Questions of Staff:

Commissioner Markewich said the ordinance may be in search of a problem. Most of the homes affected were prior to being annexed into the city and building was done per El Paso County codes. He questions if the ordinance is necessary since the current City Codes manages the problem. This would add extra burden to developers, home owners and buyers, adding extra cost and extra time. Why isn't current code sufficient? Mr. Wysocki stated the ordinance wouldn't affect existing homes unless they expanded 50% beyond the building footprint. It doesn't solve the potential issues that may impact existing homes. The ordinance makes the process more defined.

Commissioner Markewich said the biggest difference was CGS having an additional review and receiving the final plans. Mr. Wysocki said yes and the review of single-family residential building permits would be different. The Geotechnical or soils report is already required that is not new.

Commissioner Markewich stated the area that needs this is west of I-25 but that stigmatizes the area. Having I-25 being the dividing line is subjective. Why not use the same language for both side of I-25 and leave out I-25 as the dividing line. Mr. Wysocki said you could, but the maps CGS has are not site specific. We know where some of the hazards exist and it is more prominent west of I-25 thus the reason to exempt east of I-25.

Commissioner Markewich stated that language already exists in the current ordinance. There are maps that show those areas. Just identifying west of I-25 was his problem with the ordinance. The current ordinance was changed in 1996 and updated in 2011. Commissioner Markewich said they didn't have a complete copy of the ordinance. Mr. Wysocki said they only included sections or paragraphs that were being changed for the new ordinance.

Commissioner Shonkwiler said he agreed with Commissioner Markewich. The west side has been stigmatized because of this. The homes affected in the landslides were built in the 1950's and 1960's based on county regulations and

were not part of the city. This ordinance should apply to the entire city or only the areas that have the identified problems. Mr. Wysocki stated the commission could make that recommendation to City Council as part of their motion. But within your recommendation you should clarify that the ILC only applies to single-family residential homes and duplexes. You can ask that west of I-25 is treated the same as east of I-25 and have west be exempt except when there are known geological hazards and have been identified.

Commissioner Smith stated there are geotechnical engineers that have worked here 30-40 years and he has confidence in the geotechnical community. They've worked throughout the entire county area and are aware of the problems. We're trying to make an ordinance that doesn't need to be done or fixed. Also regarding surrounding properties it states you're to analyze and mitigate those any significant potential impacts. What is the definition of significant or potential impacts and how is it resolved? Mr. Wysocki said the significant impacts would be defined in the report. It's a somewhat a subjective call based on what the professional engineers say the design would need to be to mitigate those impacts.

Commissioner Smith discussed the consultant review panel. It says the cost will be born by the applicant but he has to ask for it. Well, if he owns this and pays for it, why does he have to request it? Mr. Wysocki said if a professional preparing the report and city staff are at an impasse this panel would be brought together to resolve what is impasse is about. However, to his knowledge this review panel hasn't been used. Usually the professional preparing the report has it reviewed by CGS and if there are some differences the professional and CGS discuss it and work it out.

Commissioner Smith asked where does the buyer see the disclosure statement. Mr. Wysocki said in the title work. Commissioner Smith stated the problem has been second and third buyers not seeing it. Mr. Wysocki clarified the disclosure statement would be provided to them if the certificate is on the plat. This has been one of the requests from residents, because they ask, "How do we know those problems exist and where do we find it." The city doesn't regulate real estate transactions. We have to be cautious because we don't want to put up red flags or devalue property.

Commissioner Henninger asked what the cost would be for this. Mr. Wysocki said he couldn't answer that.

Commissioner Gibson said she doesn't want to stigmatize the west side but she doesn't feel there is a need to modify language for the east side of Colorado Springs.

Supporters:

Jennifer Roberts stated there is a negative effect to the east because people think there are no problems to the east side, but there are some. She would like it apply to the entire city.

Opponents:

Tim Seibert representing the HBA said he's not in direct opposition. The

industry was part of helping with the 1996 revision. The blanket statements of I-25 being this dividing line started with the Hillside Overlay (HS) language from the 1990's and is a remnant from that. The ordinances that exist today are very effective. Where the challenges exists were before the current geologic regulations were in place and before these areas were part of the city.

Commissioner Shonkwiler said based on Mr. Siebert's experience what would be the cost for this and how long would it take to get a report. Mr. Siebert said it depended on the size of the property. There is always investigation to see if land is suitable for development. After preliminary investigation and no issues are found it can be an abbreviated report but it can be several thousand dollars any previous studies would be sent to CGS to be reviewed which can add several additional weeks. If hazards are found and more analysis need to be completed that would add more cost.

Commissioner Gibson said she's heard several things, this is too much, we don't need it, and we need it but include both east and west of I-25. So what was his position? Mr. Seibert said there many resources out there that he directs a builder or developer to. But for a home buyer or lot owner they may not know of those resources. Many properties west of I-25 do not have these hazards. There are enclaves east and west of I-25 that have Hillside Overlay that have issues. The ordinance focuses more on the process.

Commissioner Phillips clarified Mr. Siebert was in opposition to the item. Mr. Siebert said he was in a quandary. Adding the ILC for before CO is extra time and paperwork that may not yield anything other than more paperwork and time. Should there be more geological reports in unplatted areas that have known hazards, yes, but it's a combination of what are we trying to fix?

Bill Hoffman with GTL Thompson INC and liaison for the Colorado Technical Engineers stated this ordinance and the one you heard about 6 months ago is a solution looking for a problem. What is in the code right now works. He agrees with Mr. Siebert that there are certain things this ordinance is codifying procedures that are already done. West side or east side makes no difference. If the engineer sees a problem he will address it. Most of what is being discussed can be done through implementation.

Commissioner Smith said Mr. Hoffman knows this area very well and asked how this ordinance would affect communities around us. Mr. Hoffman said they will apply too. Commissioner Smith asked Mr. Hoffman if he was a professional engineer, Mr. Hoffman said he is and is licensed by the State. Commissioner Smith asked if a geologist is licensed. Mr. Hoffman said they weren't but if they have a geologist's education they're considered a professional geologist but not a Professional Engineer and they were not held to the same standards as a Professional Engineer. Commissioner Smith asked if they could be a Professional Engineer; Mr. Hoffman said they could if they attended an engineering school and got an engineering degree but geologists aren't considered engineers.

Commissioner Smith asked about the measurements for the ILC and who would do that? Mr. Wysocki said the builder's surveyor.

Commissioner Markewich said since the changes in 1996 and going forward those changes make it seem as if this ordinance isn't necessary. Mr. Hoffman said what we have in place right now works. This has been more of an educational process for the council members. They asked for things to be done and didn't know or understand it is already done. What we have works. Commissioner Markewich asked if they dropped the language about west of I-25, and the ordinance went forward would adding that language be an improvement? Mr. Hoffman said he didn't think the revisions were needed but the actual ordinance is necessary and we have one now that works.

Commissioner Henninger asked if Mr. Hoffman could give estimate of the cost. Mr. Hoffman said depending on the complexity of the site it could be \$500 to \$10,000.

Commissioner Shonkwiler confirmed Mr. Hoffman was at the previous hearing and someone from Regional Building stated that since the ordinance in 1996 and the update in 2011 there has not been a building failure since those regulations went into effect. Mr. Hoffman stated that was correct there hasn't been any failure.

Rebuttal:

Mr. Wysocki said he had no rebuttal but would address some things. The commission can recommend approval as is; you can recommend denial; you can recommend approval subject to modifications. But if your motion is for a modification we want you to recommend the ILC applies only to single-family residential and duplex building permits. It doesn't need referred back to staff because the ordinance is supported by Councilmembers Knight and Strand. If you have a strong opinion of exempting areas west of I-25 unless all these other conditions are present then make that recommendation to City Council and let Council decide if it should be incorporated.

Commissioner Shonkwiler stated without the complete ordinance in front of them he wasn't sure how to frame the motion limiting it to west of I-25. He wanted to make the motion positive but have it apply to all areas of the city where problems exist. City Attorney Marc Smith said it could be done but doing it on the fly wouldn't be the best option because he didn't know what other areas in Chapter 7 it would be affected. You can give specifics for City Council to consider and we'd draft those as part of the recommendations. Commissioner Shonkwiler said maybe it should be tabled. City Attorney Marc Smith said this is going forward to City Council so wouldn't need to be tabled.

Commissioner Markewich asked if the motion excludes all references of either east or west of I-25 allowing the entire city would fall under the guidelines would that be better. City Attorney Marc Smith said striking specific language or word could have other impacts he might not be aware of so he would not recommend to do that. They would prefer more of a reference in concept of what you want and we'd pass that along to the Council.

Discussion and Decision of Planning Commission:

Commissioner Henninger said his concerns were the ordinance is based on a

one-time event. As the ordinance is written he can't support it. It needs to affect the entire city or not at all. He's not in support.

Commissioner Markewich said agrees with Commissioner Henninger this isn't necessary. He felt the changes done in 1996 and 2011 were sufficient. If we can make a change to have it apply to the entire city that would help fix the ordinance that would be forwarded to Council.

Commissioner Smith said we have very good geotechnical firms in the community and he has a lot of confidence in them. This ordinance will cost homebuilders and buyers extra time and money. There's been testimony that we have resources available to us and there are known challenges but those challenges are being addressed. Reputable people who work and deal with the industry testified today that what we have right now works and this is not needed therefore he is not in support.

Commissioner Shonkwiler said he can't vote for the ordinance unless it's amended.

Commissioner Phillips said he didn't think changing the verbiage would matter. At informal we discussed modifying the ordinance regarding west of I-25. Mr. Wysocki said changing the language was discussed with Councilmember Knight and Strand and CGS. The fear is the area may not be mapped, or the mapping may not be precise enough. So because of the irregularities that could happen is why CGS cautioned us not to change the language.

Commissioner Phillips said after listening to the professionals he agrees with Commissioner Smith, we already have something that works. He is not in support of this item. He would ask for a vote without an amendment because he doesn't think the amendment would matter. When City Council reads this they will know why we feel this way.

Commissioner Shonkwiler encouraged Commissioner Markewich to make motion for an amendment because he would second it. If they do not correct the language to destigmatize the west side the City Council will override our recommendation and we will get exactly what is in front of us.

Commissioner Gibson said she wants to be in favor of an ordinance that is good. This will cause builders or homeowners to have an additional expense and she's firmly against that. She will look for an amendment.

Commissioner Phillips asked the commissioners how they felt about an amendment. Commissioner Henninger said he was not in favor of an amendment and overall he's not in favor of the ordinance. Commissioner Smith said he's not in favor of an amendment. Commissioner Markewich said if we could ask for an amendment that includes the entire city and have that recommendation go to City Council. Commissioner Phillips said no because the feeling from the other commissioners is they want to vote this down. Mr. Wysocki said procedurally they could have a motion to deny, then amend that motion and if the amendment fails go back to the original motion.

Commissioner Smith said if we deny this then City Council approves it despite the fact that we are denying, he doesn't want that to happen. If we vote to deny this ordinance the City Council needs to know we denied and why we deny it without exception.

Motion by Smith, seconded by Vice Chair Henninger, that the Planning Case be denied.

Proposed Motion: Commissioners recommend denial of the proposed ordinance to the City Council.. The motion passed by a vote of 6:0:2:1-recused

Aye: 6 - Markewich, Henninger, Chairperson Phillips, Shonkwiler, Gibson and Smith

Absent: 2 - Graham and Walkowski

Recused: 1 - McDonald

6. NEW BUSINESS CALENDAR

- 6.A.** [CPC DP
05-00092-A5
MN16](#) Minor Amendment to the Cumbre Vista Development Plan illustrating changes to the phasing sequence, street and lot layout, extension of De Anza Peak Trail to Sorpresa Lane, and reduction in the number of lots. The property is located between Cowpoke Road and Sorpresa Lane, east of Tutt Boulevard and consists of 113 acres.

Presenter:

Katie Carleo, Principal Planner, Planning and Community Development

Staff Presentation:

Katie Carleo gave a Power Point Presentation. Ms. Carleo gave a history of the property and resulting court case held in El Paso County District Court and the Appellate Court. A ruling from the Colorado Supreme Court that they wouldn't hear the case, thus making the Appellate Court's ruling final. The Appellate Court determined the previously approved City streets plan for Sorpresa and Ski Lane be constructed as approved. Neighbor's concerns were resolved through the court case.

Applicant presentation:

David Isbell representing KF102 in connection with this minor amendment application stated the easements have been resolved with the ruling from the Colorado Supreme Court which was not to hear the case thus upholding the Appellate Court decision. He concurs with city staff that the amendment complies with city code requirements. A component of the minor amendment is to address judgment from the District Court to extend De Anza Peak Trail to Sorpresa Lane.

Questions:

Commissioner Markewich verified the court case ruling was completed. Mr. Isbell said it was Commissioner Markewich verified a retaining wall would be built. Mr. Isbell said as a part of the court case they have to build a retaining wall along the portion of Sorpresa Lane. Commissioner Markewich asked

who's responsible to maintain the wall. Mr. Isbell said it's part of Woodmen Heights Metro District so they will maintain it and Ms. Carleo verified this.

Supporters:

Bill Marchent lives on Ski Lane and he's not against this but the judge vacated the easement and after the status conference on February 7, 2017 the principles of the development reached out to me and my wife and I met with them and entered into an agreement to have the wall built to specific specifications. The reason he's here is if for some reason the agreement fell apart or the court ordered retaining wall isn't built to the specification we have the right to appeal this to City Council.

Opponents: None

Rebuttal:None

Discussion and Decision of Planning Commission:

Commissioner Markewich said he's in support. It complies with the city codes.

Commissioner Henninger agrees with Commissioner Markewich and hopes it will support everyone's needs going forward.

Motion by Shonkwiler, seconded by McDonald, that the Planning Case be accepted

Proposed Motion: Approve the Cumbre Vista Development Plan Minor Amendment, based upon the finding that the amendment complies with the development plan review criteria found in City Code Section 7.5.502.E subject to compliance with the following condition:

Conditions of Approval on Development Plan Amendment:

1. Provide final recordation information for the final judgement recorded with El Paso County Clerk..

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

Aye: 7 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Gibson and Smith

Absent: 2 - Graham and Walkowski

**6.B. CPC MP Renew North Nevada Avenue Master Plan
17-00010**

Presenter:

Nina Vetter, Strategic Plan & Business Process Administrator

Peter Wysocki, Planning and Development Director

Staff Presentation:

Ms. Vetter gave a Power Point Presentation about the project. NES was contracted to develop the Master Plan. This is a community driven plan. Birdsall Plant will not be moving and the city will not use imminent domain for this plan.

There have been four workshops and an open house. Almost 900 people participated with the entire process. They've received mostly positive input from individuals.

There is a lack of affordable housing in the corridor. This area has numerous seniors living here along with students that attend UCCS. This can be an opportunity to create amenities to support both of these groups along with other types of businesses or residential groups.

We want to create and develop access for everyone and highlight and improve what is already there. We need to create housing so current and any new residents feel it's a welcoming community that has restaurants, shopping and stores to draw people to the area. Parks and outdoor spaces will be key facilities for people to gather at and enjoy different features of the area.

Businesses will be a key element within the corridor. One of them is the National Cybersecurity Center moving into the Expo Center building. It will be an economic magnet for the area. There are historic buildings within corridor as well.

We want to make the corridor clean and safe to allow residents to use outdoor spaces and amenities that appeal to many people and be and unlike any other areas within the city.

The plan reflects the majority of what the community discussed at the workshops and would be positive for the area.

Applicant Presentation:

Andrea Barlow from NES gives a power Point presentation. Ms. Barlow discussed the area of the project, the market analysis, the community process, the recommended plan, specific implementation strategies and implementation recommendations.

The National Cybersecurity Center will create an investment in the area. These types of businesses already exists within the city but with the Center being located here could have it become a type of campus for this type of business.

The master plan was split into north, central and south zones. Each zone will have their own type of uses and we identified opportunity areas within each zone.

- A. North Zone currently has industry but we want to introduce more general type of uses, lighter industrial uses along with hotels, housing, independent retail services along with restaurants.
 - a. Opportunity area 1: Utilize and increase current retail centers for an urban plaza and student housing
 - b. Opportunity area 2: Develop hotels to assist UCCS and create small scale restaurants, retail uses, medical offices and research and innovation working with the Sports and Medicine Performance Center just to the north.
 - c. Opportunity area 3: Maximize mountain views for market rate multi-family residential
- B. Central Zone has the National Cybersecurity Center along with other employment areas. There are a number of mobile homes in this sector

but we want to improve housing availability with the development of more affordable housing. We want to introduce more parks and open space utilizing the railroad right-of-way.

- a. Opportunity area 1: Encourage high-density housing
 - b. Opportunity area 2: Become a corridor destination that includes residential, retail, restaurants, entertainment, and urban type plazas.
 - c. Opportunity area 3: Create employment opportunities to support National Cybersecurity Center.
- C. South Zone will have less commercial since a fair amount already exists and what is already there can redevelop.
- a. Opportunity area 1: Encourage an adaptive reuse of the Alexander Film building for restaurants, craft breweries, distilleries and art galleries
 - b. Opportunity area 2: Redevelop the K-Mart site along with adjacent properties for mixed uses of other retail, restaurants, along with office and high-density residential
 - c. Opportunity area 3: Redevelop the Lumber yard
 - d. Opportunity area 4: Develop vacant land for high-density residential to include a pocket park
 - e. Opportunity area 5: Create a new transit hub and high density development
 - f. Opportunity area 6: Strengthen current historic uses

Different streetscapes were suggested and a semi-urban design was the most desired but wanted to allow for an urban design south of Fillmore.

Street Cross sections will have multifaceted uses, allowing for creative design and will create a vibrancy and inter-activeness not currently seen that is needed to create a energetic new look.

Key points of implementation that mattered to the community were zoning, affordable housing, funding and COMCOR.

57% of the area is zoned M-1 or M-2. We need to shift to this balance to be more compatible and have more mixed uses. We're proposing an overlay zone that can provide standards but won't change the zoning that currently exists. Changing zoning is a concern for the mobile home parks which are presently zoned PUD. We are also looking at different setbacks distances to create the look that is desired to be achieved.

Regarding affordable housing, funding and COMCOR.

- A. Affordable housing
- B. No inclusivity zone for affordable housing
- C. Incentivize funding could be available and taken advantage of
- D. COMCOR wants to relocate. They five buildings most with the Central Zone
 - 1. Relocate to a campus environment to accommodate residents and staff as part of the overall operation and functionality of the facility.

The recommendations are: Prepare zoning overlay ordinance; Prepare an Implementation Plan; Develop funding options and incentives package; Develop non-monetary incentive options; Prepare a corridor Transportation Plan; Study transit options; Implement streetscape improvements; Acquire Railroad right-of-way; Secure land for regional detention facilities due to poor drainage in the area; Develop affordable housing incentives; Encourage use of affordable housing funding options; COMCOR relocation; Redevelop former dog track; Encourage relocation of Transit Mix and AmeriGas; Redevelopment of K-Mart site.

Questions:

Commissioner Markewich clarified that some the railway is abandoned and part is still active. Ms. Barlow said that was correct. The city wants to purchase the area north of the lumber yard up to Lee Street. Commissioner Markewich asked how would they do a transit center with the spur being partially active. Ms. Barlow said this plan is looking forward 15-20 years and in that time they hope the spur is available for purchase. Transit plans are more long term in nature, thus the reason for a detail transit study and how it will interact with the rest of the corridor. Commissioner Markewich asked if the active part of the spur only serves the lumber yard. Ms. Barlow said she thought that was correct.

Commissioner Markewich asked if the bike lanes would be a protected lane and how would they be separated. Ms. Barlow said they envision a striped lane. The transportation plan will look at the details needed for the area. They are also proposing a recreational trail on the side of the bike land that will be part of the interconnectivity for the area as well as to and from the neighborhoods.

Commissioner Markewich discussed why weren't they moving the overhead power lines and had questions about the limited water sanitary areas. Ms. Barlow said the challenges with the water are on the west side of the corridor but it will be address as areas are developed. They would ensure they met the current CSU standards for water looping and sewer requirements when that development happens, nothing will change right now. Regarding the overhead power lines there's been extensive discussion with CSU; it came up in the community meetings but it was not a major element of the discussions with the groups. If a large redevelopment happens there is the prospect of putting the power lines underground with CSU helping finance the cost.

Supporters:

Ed Burcham said he was in favor of the project. He was concerned about their building. His was concerned the trucks turning from Nevada onto Fillmore would put their employees in danger. He's been assured that won't happen and if they don't take their frontage property and landscaping he's in favor. His only question is when this would start and what would be the disruption to his business.

Commissioner Markewich said the project won't be done by the City. It would be done by the private owners of the properties and timing will be based on the individual property owners.

Opponents:

Mike Anderson he lives on North Nevada and would like them to table the item because the master plan materials are not complete therefore you don't know if the plan meets the master plan review criteria. It doesn't include many of the required items for a master plan and without them he didn't see how the staff could make that finding that all criteria have been met. Of greater concern is in the staff report, staff is recommending hard zoning via the overlay and that it be put in place as soon as possible after approval of the master plan. To forward to city council isn't fiscally responsible and it doesn't meet the review criteria. Until you have all elements complete regarding all studies they should table this item.

Zane Penley said he's not necessary opposed but is concerned about relaxing zoning standards. The commissioners recently voted to relax these. City tax payers pay for the zoning to be in place, you've taken a state grant that says to maintain appropriate zoning standards in the area and many of us don't feel the city is enforcing them. There are violations and things not being maintained. Help us maintain the integrity of these communities and do the right thing for everyone. Mr. Penley asked what was the mechanism to enforce the zoning, how it'd be done and what is a reasonable time frame.

Commissioner Phillips asked when they had relaxed the standards; Mr. Penley gave a description of when he said this occurred. Commissioner Phillips deferred to Mr. Wysocki to answer. Mr. Wysocki said he tried to understand what Mr. Penley was saying because if there is a zoning violation the Planning Commission doesn't review then unless the property owner who is in violation appeals that finding. So Mr. Wysocki wasn't sure what Mr. Penley meant by relaxing the zoning standards because to his knowledge nothing like that has been approved. Mr. Penley briefly discussed a project where the commission relaxed the zoning for industrial use in the area and the consequences of that and how nothing has been done about it. Mr. Wysocki thought it would be best of Mr. Penley made an appointment to discuss his concerns.

Questions of Staff:

None

Rebuttal:

Ms. Vetter said the master plan for this area is intended to drive long term development in the corridor. The next steps will be completing a Transportation Plan and Transit Study to identify what design is appropriate for transportation infrastructure and the particular type of transit. Neighborhoods around the corridor have been involved in the workshops which have included the Old North End and the Cragmor Neighborhood at the workshops. City Traffic Engineering and City Transit reviewed this draft master plan and thought conceptually it looked like something that was feasible. The detailed design will be completed in a more specify study that is separate from this.

Commissioner Markewich asked if those larger pieces would be major amendments allowing for citizen input. Ms. Vetter said would not be. Transportation plans are done for specific corridors. We typically don't

undertake transit plans. Ms. Vetter asked City Attorney Marc Smith if he could clarify. Mr. Smith said their job was to look at the review criteria specifically in section 7.504.D where it talks about transportation. Further follow-up transportation plans that come through will depend on the nature of that plan. He doesn't know what a transportation plan will look like in the future and it could be bigger than this area and wasn't sure how it would be reviewed so their focus needs to be on Section D.

Discussion and Decision of Planning Commission:

Commissioner Markewich said the area is in need of renewal. He's hopeful the results will be similar to what is north of this area with University Village and the UCCS expansion. The criteria says master plans and major and minor amendments shall be reviewed for substantial conformance. Substantial conformance is different than ticking every box and every single point. He's comfortable that the city will have proper public process and input from stakeholders when things start to occur along the corridor. The master plan meets the criteria found in Section 7.5.408 of the City Code and he will be in support.

Commissioner Shonkwiler said this is positive for the city to try and improve and rejuvenate for the future. He wants us to continue to do this and improve these areas that are on the fringes of the city for the future.

Commissioner Smith he concurs with the previous commissioners this is an excellent beginning to renovate this area. This is a draft and going forward some of the questions and issued will be answered. He's in agreement for approval of the document.

Motion by Markewich, seconded by Vice Chair Henninger, that the Planning Case be accepted.

Proposed Motion: Recommend approval of the Renew North Nevada Avenue Master Plan to City Council based on the findings that the plan complies with the criteria found in Section 7.5.408 of City Code, subject to minor technical and typographical corrections..

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

Aye: 7 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Gibson and Smith

Absent: 2 - Graham and Walkowski

6.C. [CPC CA 17-00018](#)

Ordinance No. 17-30 amending Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to marijuana uses and providing remedies for the violation thereof.

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Development

Staff Presentation:

This ordinance identifies the transfer of marijuana and/or marijuana products are prohibited. This doesn't apply to the sale of medical marijuana in dispensaries but relates to gifting or transferring marijuana products outside of the medical marijuana dispensary facility. This change is from the Council's Marijuana Working Group convened approximately a year ago to work updating City Code pertaining to regulating marijuana facilities. This mirrors state statutes. The importance of being in City Code is 1). To be part the City Code; 2). The zoning ordinance does not address remuneration, transferring or gifting of marijuana or marijuana products. If the use is not listed as a permissible use it is considered a prohibited use. It was determined best to specifically include gifting and transfer of marijuana as being prohibited outside of what is legal under the medical marijuana dispensaries.

A parallel ordinance is being processed that amends Chapter 9 of City Code, the criminal code, so that this provision can be enforced either through the criminal process or through the quasi-judicial process (zoning code)

The ordinance is supported by the Mayor's office, the Marijuana Working Group and staff.

Questions of Staff:

Commissioner Markewich asked if this ordinance is geared towards consumption clubs.

City Attorney Marc Smith provided clarification that this was targeted by the police department. There are establishments, i.e. marijuana consumption clubs and other store fronts, where people can walk in and there are retail drug transactions taking place under the cover of handing over remuneration such as a pipe, a bong, or a smoking device and as part of that you are gifted marijuana. This was made illegal per state statute this past summer. We are taking that language and mirroring it by putting it in the criminal code and land use code allowing multiple tools to get a hold of that type of activity because in Colorado Springs retail marijuana sales are prohibited. This conduct is illegal but we want it very well-defined through the City Code so that there are multiple avenues to get to the root of the problem.

Commissioner Markewich stated a clarification that this is specifically geared toward commercial areas. Questioning; If someone gave someone else marijuana would that fall into this category? City Attorney Marc Smith responded that a transaction for any type of remuneration is prohibited; be it a retail recreational marijuana transaction or medical. It could happen in a residential zone district but under state law you are not allowed to transfer marijuana for any other goods or service.

Commissioner Shonkwiler verified the City Council voted to prohibit recreational sales of marijuana in Colorado Springs. If the City Council changed that to allow sales they would need to change some of the land use and criminal items? City Attorney Marc Smith responded that was possible. They've specifically stated retail marijuana establishment in the ordinance. If there were changes in the future by vote or Council action this ordinance may

need to be amended. However, that act of transferring marijuana for services or another product is illegal under the state criminal laws.

Commissioner Shonkwiler verified Colorado Springs opted out of being part of recreational retail marijuana. City Attorney Marc Smith verified that was correct. Commissioner Shonkwiler said in the ordinance recreational sales of marijuana are prohibited. City Attorney Marc Smith confirmed that was correct and is already prohibited under Chapter 2 of the City Code and if Council changed something in the future, that part would be amended. If Council were to, in the future opt to allow retail marijuana within city limits, amendments to Chapter 2 and this new Section of Chapter 7 would be required.

Supporters: None

Opponents: None

Discussion and Decision of Planning Commission:

No discussion

**Motion by Smith, seconded by Gibson, that the Planning Case be accepted
Proposed Motion: Recommend approval to City Council an ordinance amending
Section 203 (Permitted, Conditional and Accessory Uses) and Section 205
(Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of
Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and
Building) of the Code of the City of Colorado Springs 2001, As Amended,
Pertaining to Marijuana Uses..**

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

Aye: 7 - McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Gibson and Smith

Absent: 2 - Graham and Walkowski

7. Adjourn