

# City of Colorado Springs

*Due to COVID-19 Health Concerns, this meeting will be held remotely.*



## Meeting Minutes - Final

Thursday, November 19, 2020

8:30 AM

Remote Meeting: Call 720-617-3426

Enter Conf ID: 717 369 046#

### Planning Commission

*Those who wish to join/comment during the meeting by phone should wait to be admitted into the meeting after calling in.*

*For those who participate by calling in, you will be muted upon entry to the meeting.*

*Once an item has been heard, the Chair will open the public portion of the hearing for those who wish to comment. There is a three (3) minute time limit for each person.*

*In order to speak, you must press \*6 on your phone to unmute yourself.*

**1. Call to Order**

- Present:** 7 - Commissioner McMurray, Commissioner Wilson, Chair Graham, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Griggs
- Absent:** 3 - Commissioner Raughton, Vice Chair Hente and Commissioner Eubanks

**2. Approval of the Minutes**

**2.A. [CPC 20-526](#) Minutes for the August 20, 2020 City Planning Commission Meeting**

Presenter:  
Reggie Graham, Chair of the City Planning Commission

**Motion by Commissioner Rickett, seconded by Commissioner Almy, to approve the August 20, 2020 City Planning Commission minutes. The motion passed by a vote of 6:0:3:0**

- Aye:** 6 - Commissioner McMurray, Commissioner Wilson, Chair Graham, Commissioner Slattery, Commissioner Rickett and Commissioner Almy
- Absent:** 3 - Commissioner Raughton, Vice Chair Hente and Commissioner Eubanks

**2.B. [CPC 20-569](#) Minutes for the September 17, 2020 City Planning Commission Meeting**

Presenter:  
Reggie Graham, Chair of the City Planning Commission

**Motion by Commissioner Almy, seconded by Commissioner McMurray, to approve the September 17, 2020 City Planning Commission minutes. The motion passed by a vote of 4:0:3:2**

- Aye:** 4 - Commissioner McMurray, Commissioner Wilson, Commissioner Slattery and Commissioner Almy
- Absent:** 3 - Commissioner Raughton, Vice Chair Hente and Commissioner Eubanks
- Abstain:** 2 - Chair Graham and Commissioner Rickett

**3. Communications**

Peter Wysocki - Director of Planning and Community Development

**4. CONSENT CALENDAR**

**These items will be acted upon as a whole, unless a specific item is called for discussion by a Commissioner/Board Member or a citizen wishing to address the Commission or Board. (Any items called up for separate consideration shall be acted upon following the Consent Vote.)**

Quick Quack Harrison

- 4.E. [CPC CU 20-00049](#) Conditional Use Development Plan for construction of an automotive wash facility located in the C-6/SS (General Business with Streamside Overlay) zone district, addressed as 1450 Harrison Road.

(Quasi-Judicial)

Presenter:  
Tasha Brackin, Senior Planner, Planning and Community Development

**This Planning Case was approved on the Consent Calendar.**

- 4.D. [CPC NV 20-00050](#) A Non-Use Variance to City Code Section 7.3.508.E.2.b. to allow 33% of the outer streamside overlay to be covered with impervious surface, when a maximum of 25% is allowed in the C-6/ SS (General Business with Streamside Overlay) zone district, addressed as 450 Harrison Road.

(Quasi-Judicial)

Presenter:  
Tasha Brackin, Senior Planner, Planning and Community Development

**This Planning Case was approved on the Consent Calendar.**

**PODS at Mark Dabling**

- 4.E. [CPC CU 20-00110](#) A Conditional Use Development Plan for PODS Storage at Mark Dabling allowing construction of a 51,200 square foot PODS mini-warehouse building on 4.05 acres, located at 5805 Mark Dabling Boulevard.

(Quasi-Judicial)

Presenter:  
Gaby Serrano, Planner II, Planning & Community Development

**This Planning Case was approved on the Consent Calendar.**

- 4.F. [CPC NV 20-00111](#) A Nonuse Variance to City Code Section 7.3.204(A) allowing a 20-foot side yard setback where a 30-foot side yard setback is required, located at 5805 Mark Dabling Boulevard.

(Quasi-Judicial)

Presenter:

Gaby Serrano, Planner II, Planning & Community Development

**This Planning Case was approved on the Consent Calendar.**

**Colorado Springs Food Rescue**

- 4.G. [CPC UV](#)  
[20-00039](#) Colorado Springs Food Rescue use variance development plan for a Neighborhood Food Center located at 1090 South Institute Street.

(Quasi-Judicial)

Presenter:

Gabe Sevigny, Principal Planner, Planning & Community Development

**This Planning Case was approved on the Consent Calendar.**

**Academy Heights Apartments**

- 4.H. [CPC CU](#)  
[20-00108](#) A conditional use development plan for the Academy Heights Apartments proposing construction of a 201-unit apartment complex located at the northwest corner of the Academy Park Loop and Fountain Boulevard intersection.

(Quasi-Judicial)

Presenter:

Gabe Sevigny, Principal Planner, Planning & Community Development

**This Planning Case was approved on the Consent Calendar.**

**Approval of the Consent Agenda**

**Motion by Commissioner Rickett, seconded by Commissioner Almy, 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 6:0:3:0**

**Aye:** 6 - Commissioner McMurray, Commissioner Wilson, Chair Graham, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

**Absent:** 2 - Vice Chair Hente and Commissioner Eubanks

**Abstain:** 1 - Commissioner Raughton

**ITEMS CALLED OFF CONSENT**

**Vues Des Monts**

- 4.A. [CPC ZC 17-00068](#) Ordinance No. 21-01 amending the zoning map of the City of Colorado Springs pertaining to 3.43 acres located at the northwest corner of Lower Gold Camp Road and West Moreno Avenue, from R-5/M-1/R1-6/HR/DF (Multi-Family Residential/Light Industrial/Single-Family Residential/High-Rise Overlay/Design Flexibility) to R-5 (Multi-Family Residential) for development of 72 apartments.

(Quasi-Judicial)

Related Files: CPC ZC 17-00068, CPC DP 18-00048

Presenter:

Tasha Brackin, Senior Planner, Planning & Community Development  
Peter Wysocki, Director, Planning and Community Development

Vue Des Monts was pulled from the Consent Calendar by a member of the public in order to be heard by the Planning Commission.

**Staff presentation:**

Tasha Brackin, City Planning, presented a PowerPoint with the scope and intent of this project.

**CPC ZC 17-00068 - ZONE CHANGE**

A zone change of 3.2 acres from R-5/M-1/R1-6/HR/DF (Multi-Family Residential/Light Industrial/Single-Family Residential/High-Rise Overlay/Design Flexibility) to R-5 (Multi-Family Residential) for development of 72 apartments, located at the northwest corner of Lower Gold Camp Road and West Moreno Avenue.

**CPC DP 18-00048 - DEVELOPMENT PLAN**

The Vue Des Monts Development Plan for construction of 72 apartments in six, three-story buildings on 3.2 acres, located at the northwest corner of Lower Gold Camp Road and West Moreno Avenue.

**Applicant Presentation:**

Aaron Lloyd, Echo Architecture, presented a PowerPoint with the scope and intent of this project.

Mark Long, Viceroy Development, addressed neighborhood questions.

**Questions:**

Commissioner McMurray asked for what the lighting plan looked like for the parking area. Mr. Lloyd said they would be using pedestrian scale lighting throughout the parking lot and keeping the light levels on the ground, low but safe with no 20-foot poles.

Chair Graham mentioned two homes close by and asked how tall the vegetation would be. Mr. Lloyd answered that initially, it would be standard one and a half to two-inch caliper trees, but the full height of those (primarily evergreens) is 45 to 55-feet tall.

**Public Comments:**

Kristin Atkins, 1523 W Costilla St

- Currently has a view of Cheyenne Mountain
- Homes in the area are “more desirable” properties valued at the half million-dollar range or higher
- Property values will suffer as a direct result of this project
- It will affect the quality of life due to increased traffic
- Increased noise
- Increased lights would shine directly into the neighborhood homes
- Buildings will block views of Cheyenne Mountain
- Project would intrude on the privacy of the homes
- Drainage is a huge concern

Lilly Martin, 1451 W Costilla St

- Project would lower property values
- Noise
- People going through the neighborhood
- Huge increase in traffic, even now there are backups on Moreno
- Agreed with everything the prior called pointed out

Kim Baugh, 1579 W Costilla St

- Agreed 100 percent with the last two callers
- This project is not compatible with the lot and the site
- We are a tight knit community and is a single-family home neighborhood and majority owns their homes
- Will lower property value of the homes
- Increase traffic
- Create more problems for the neighborhood
- Having an apartment building that is rental is not congruent with the neighborhood
- 72-units is a huge density issue and is not compatible with the requirement of development plan criteria that the site should be required

to meet with the surrounding neighborhood contingencies

- Requested a condition of record for the zoning to have less density (less units)
- Neighborhood roads are not suited for the increased traffic and would be a safety issue
- Crime will go up

Tracy Kroll, 560 Crown Hill Mesa Dr

- Primary concerns are the density and the privacy
- The proposed density is not compatible with the existing neighborhood development plan criteria
- Disagreed with Traffic Engineering that no traffic study was required for the site and that minimal road improvements were needed; believed it minimized the clear impact of the increased density will have
- The local roads in the area are not equipped to handle increased cars funneling into and out of this area
- Increase of cars and pedestrians will only add to the congestion and become very dangerous
- Privacy concern with the increased visibility and intrusion into the yards and homes from the elevated units
- People will be able to look into the windows of our homes
- Requested to build the units no more than two-stories high or only build four building instead of six by removing the two buildings that are closest to the adjacent single-family homes
- That would minimize the density footprint by one-third at the same time minimizing privacy concerns
- Requested all elevated, story, side windows that enable views into single-family homes must be frosted glass to render the glass translucent
- Requested the trash dumpsters be moved away from the single-family homes and placed near the entrance to the apartments off of Lower Gold Camp

Beaty Nelsestuen, 483 Assay Court

- Concerns about the density
- Project is not compatible to the neighborhood plan
- Safety concerns crossing Lower Gold Camp
- Traffic is chaotic
- Driveway on Lower Gold Camp is in an area that is already congested by Moreno, Penrose Equestrian Center and Rio Grande
- Having trees along the side of the road will not slow traffic
- Privacy concerns with windows from the property looking down on the

homes

- Lighting is a concern, not just the parking lot lights but the lights from the building
- Parking is inadequate and people will park their cars along Lower Gold Camp

Melissa Weir, 484 Assay Court

- Seconded Ms. Nelsestuen's comments
- Feels strongly that the density will increase the traffic concerns and accidents
- Concerned drainage issues on Lower Gold Camp
- Concerned that no traffic study was conducted
- Concerned about the placement of the driveway and that there is only one entrance/exit
- Concerned about property values declining and losing views

(Unable to hear name) 1587 Costilla St

- Has the same concerns as the other callers
- Density is too high for the parcel
- Requested the proposed building adjacent to her property be taken out
- Instead of six buildings only have four

Vajresh Patel, 471 Assay Court

- Agreed with other callers' comments and concerns
- Concerns with traffic and adding potentially 210 people in the area will create more traffic incidents and safety issues in the area

Randy Whittling, lives in Crown Hill neighborhood

- Agreed with other callers' concerns
- The density of the property will increase traffic and density level is just too high for this area
- Would prefer the townhome development over the apartments
- Parking will be an issue with 72 apartments with the potential of 114 parking spaces, overflow will have to park on the street
- Traffic study needs to be done

Brian Baugh, lives on Costilla Street

- Concurred with the other callers in his opposition to this project

James Canzoneri, 1571 W Costilla St

- Concurs with the other callers and objects to the development as it pertains to density, noise, light, privacy issues, traffic and drainage

issues

- Also concerned about the possible increase in crime by adding the 114 parking spaces, which is a target of opportunity for smash and grabs and other low-level crime
- Adding 72 units with a minimum monthly rent at \$1,100 a month is inviting some opportunity for increased crime

**Questions of Staff:**

Commissioner Rickett asked for staff to address the traffic even though it is the staff report that the peak level is 39 cars per hour for Lower Gold Camp. Zaker Alazzeah, Traffic Engineer, explained that Rio Grande and Moreno are collector roads. Lower Gold Camp is a minor arterial, so they are classified to handle higher traffic than residential roads. Traffic was also looked at for the three roads and they are well below the threshold of traffic maximum capacity.

Mr. Alazzeah added that 72-units will generate less traffic than single-family homes, townhomes or commercial use. Based on the Institute of Transportation Engineers (ITE) there is an expected 39 vehicles at peak time. Twenty-five would be entering the site, while 14 would be exiting. Mr. Alazzeah said they were very confident this will be well below the threshold for the classifications of the three roads.

Commissioner Rickett commented that he appreciated the information and just wanted the audience to know that Traffic Engineering did look into this.

Commissioner McMurray asked Mr. Long how many units were proposed for the townhome complex. Mr. Long said he believed it was forty-three.

Chair Graham said the area is currently zoned R-5 (multi-family) and M-1 (Light industrial) already and asked Ms. Brackin what the applicant could build at that site under the current zoning. Chair Graham said he wanted to give the audience an idea of what the applicant could build right now under the current zoning versus what they are proposing to build. Ms. Brackin said the R-5 portion of the lot would allow for multi-family as is shown, and the development, as shown, does comply with the density standards that the City Code establishes for multi-family. As far as the M-1, which is the light industrial category, there is a wide variety of uses that can go in that zone. One of the best examples would be the contractor yard that is already existing on Moreno. It involves a lot of outdoor storage, some vehicle equipment storage, and some contractor materials. Also allowed in industrial zones is a crematory, which we wouldn't want next to single-family homes. There are a lot more intrusive and intensive uses that could be placed on an M-1 property .

Chair Graham said it seemed like the proposed zoning would be a better use

than what is currently zoned. Ms. Brackin affirmed the statement and said that was staff's position. Ms. Brackin said the criteria that staff looked at in terms of zoning, the zone change, and the development plan was basically what is in the zoning code and one of the main requirements for decisions is compatibility. Ms. Brackin said the definition in code for compatibility dictates that uses could be developed in such a way and with such impact mitigation that they could operate harmoniously together, and that is what staff has been using to determine compatibility.

Commissioner McMurray asked Ms. Brackin what the maximum density threshold was for the R-5 zone. Ms. Brackin explained the density varies depending upon the height of the units, so for example in a single story R-5, there would be a 1700 square foot per unit site area, and that varies based on a 3-story, 2-story, 1-story in terms of the code requirements. Commissioner McMurray said he was trying to get an understanding of the 72-units compared to what the maximum allowed could be. Ms. Brackin said the applicant could answer that better, but she wanted to go on record to correct her prior statement and said for a multi-family development, the lot area per unit for a 1-story is 1400 square feet per unit, a 2-story building is required to have 1100 square feet per unit, and a 3-story is required to have 900 square feet per unit lot area for the footprint of the building.

Mr. Ryan Lloyd said the site is 150,000 square feet, so maximum density at 3-story would be 167 units and the project is only proposing 72, which is considerably less than the maximum.

Commissioner Rickett asked Ms. Brackin to confirm if the M-1 building height limit is 40-feet. Mr. Lloyd confirmed the maximum building height was 40-feet.

**Rebuttal:**

Mr. Long reiterated that the traffic was addressed and how the density is within the City's traffic parameters and was a lot less than what was possible. Mr. Long said the parcel of land can be developed and that they have tried to do that in a responsible way and not put in an industrial use. This will be a nice complex with quality units that will be well run.

Mr. Lloyd said they were doing their best to mitigate the impact of the traffic and drainage in the neighborhood. Mr. Lloyd wanted the audience to know there would not be tall pole lights in the parking lot. There will be low level lighting on the grounds with no spillage into the neighborhood's backyards. Mr. Lloyd said the request to have the windows frosted that are immediately adjacent to the single-family homes was a good idea and they will look into that for those two outer buildings.

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

Commissioner Rickett thanked the community for their comments. He believed there were some points made and was glad to see the developers listening to that as well by making additional concessions. Commissioner Rickett said he used to have an office in the contractor yard right next door and knows the neighborhood well. Commissioner Rickett said he also knew that the M-1 could have permitted something to be developed there that would have been much less desirable. Commissioner Rickett said he would be supporting this project.

Commissioner McMurray said in terms of the big picture, this project is appropriate and is generally in favor of the project as a whole. There are always traffic concerns and this project fronts a minor arterial. If there was a situation where these units had to pass through the single-family neighborhoods to go to town, that would be a bigger issue. The situation of the buildings and the proposed street trees, those types of dimensional impacts on the way that the road will be driven has been demonstrated to have positive impacts on traffic speeds and safety. Commissioner McMurray said he thought overall this project would have a net positive when it comes to traffic safety on that standpoint. Given the existing zoning and the historic intended use of the site, Commissioner McMurray said he thought a multi-family residential project like this is appropriate. He appreciated some of the concerns from the neighbors as it relates to the impact on the neighborhood.

In the development plan review criteria, it mentions: "The details of the use, site design, building location, orientation and exterior building materials are compatible and harmonious with the surrounding neighborhood..." Commissioner McMurray said he believed overall, the architect and developer have done a great job of this. Commissioner McMurray did ask the other commissioners if there could be some sort of gradation where buildings four and five sit so either having a two-story, three-story split on those buildings that are closest to the property lines just totally at a two-story level, which is in line with a single-family residential intensity and mitigate the transition a little bit between the single-family and the multi-family. Commissioner McMurray said buildings one, two, three and six are far enough away towards the major roads where the neighborhood would not be impacted by those.

Commissioner McMurray wanted to hear the thoughts of the other commissioners on attaching that condition to the approval of the development plan. Commissioner Slattery said she believed that would be a good idea as a compromise with the neighbors, but we would have to understand the financial impact of making the project feasible or not. Commissioner Rickett said he agrees with those comments, but we would need to go to the developer to see if it was financially feasible.

Commissioner Rickett asked if the thought would be to approve the zone change and approve the development plan with a condition, or not approve the development plan and let it go back to the developer to see if that pencils out.

Mr. Lord said to be clear on the visual sight lines, the density, and the height of the building, the townhomes were every bit as tall as the apartments with twelve buildings. The townhomes would have been closer to the house and far greater of an issue of intrusion or lights or windows looking in. The actual square footage of the townhomes was greater than what is being done now. Mr. Long said they have already mitigated those things with the apartments, so only 6 tall buildings as opposed to the 12 and not nearly as close to the property lines as before.

Chair Graham said the question on the floor was whether to attach some kind of condition to the development plan. Chair Graham said he was personally not in favor of doing that or sending the development plan back and putting a financial burden on the applicant. Chair Graham said he was concerned about those two properties and brought up the screening in earlier comments to see if that would be effective enough between those two units on the end. Chair Graham said he wanted to be cautious of just saying let's change the development plan at this point.

Commissioner McMurray said taking out the middle story of those two units was as unobtrusive of a way to change the development plan as possible in terms of the amount of work it would take to do that. He said he appreciated the comparison to the townhomes and that it improved, but this was what is in front of us now.

Commissioner Almy said he understood the concern and did not want to say that the the citizens surrounding this property didn't have some valid points, but he did not think it was the commissioners' place to redesign what has been proposed. Commissioner Almy said he felt like the choices were to reject the whole development plan and let them come back to something that we can accept, or that we accept it and don't place any conditions on it. The developer has, in fact, made a reasonable attempt to satisfy the neighbors comments and conditions. And even as we listened to the citizens input, we saw that there were some reversals from something that was proposed several years ago. That is the townhomes versus the high rise and the multifamily apartments. Commissioner Almy said he was in favor of the proposal and wanted to go by what the code says and is the developer meeting that code. If the developer wants to do something further, that is fine, but believed it needed to be voluntary at this stage.

Commissioner McMurray said he was interested in staff's opinion if that type of condition could be added to the development plan. He said he could see if it was if we were starting to fiddle with footprints and everything and didn't want to get into that either, but wanted to know if attaching that condition was within the purview of the commissioners.

Ms. Brackin informed Commissioner McMurray that in order to approve a zone change, you need a development or concept plan to accompany it. So, they would not have the option of pulling the development plan.

Mr. Peter Wysocki, Director of Planning and Community Development, added that historically, the Planning Commission has exercised placing conditions on concept plans and development plans and that we have those throughout the city. In fact, sometimes there are conditions of record on zone changes, as it relates to restricting certain size of buildings, location of buildings, so on, so forth. So, there is some history there of the Planning Commission and then City Council affirming those conditions.

As an alternative here, should the commission wish to place that restriction on a development plan that the buildings that are adjacent to single family be lowered to two stories, and maybe allow the overall number of units remain at 72, at least that gives the applicant flexibility to either add a story to other portions of two other buildings, but basically approving it with the same number of units with only caveat or restriction that there'll be two stories adjacent to single family. They're obviously meeting the maximum density, and they are meeting the height.

We hear about the issue of blocking views often, and the commissioners know the city of Colorado Springs does not have view protection ordinances or laws. The second argument we often hear is the diminution of property values of multifamily units next to single family neighborhoods. Mr. Wysocki pointed out the recently adopted HomeCOS, which is our affordable housing plan for the city of Colorado Springs, that staff has done an analysis of single-family residential property values next to new multifamily projects, and that would also include low to moderate income family projects, and there was no evidence of diminution of value of single family homes. Mr. Wysocki said there may be a lower, or a lesser, increase in property values or rate of the property value increase, but there has not been a decrease in single-family residential property values next to multifamily projects.

Traffic, we went over traffic already, it is an arterial road functioning below its capacity.

So, if the commissioners do place restrictions, it is not based on that it doesn't

meet code, it is really whether or not it meets the review criteria on the development plan, which is addressing compatibility and cohesiveness with the adjoining properties.

Mr. Wysocki said if the commissioners chose to go that route, he would suggest to at least allow the flexibility of the total number of units to remain unchanged. That would at least provide flexibility to the applicant.

Commissioner Raughton said he was able to watch on TV, seen all the exhibits, and heard all of the testimony and was prepared to vote. Commissioner Raughton said he would be voting in the affirmative, given all the evidence that he has seen at this point.

**Motion by Commissioner Rickett, seconded by Commissioner Slattery, to recommend approval to City Council the zone change of 3.2 acres from R-5/M-1/R1-6/HR/DF (Multi-Family Residential/Light Industrial/Single-Family Residential/High-Rise Overlay/Design Flexibility) to R-5 (Multi-Family Residential), based upon the findings that the change of zone request complies with the zone change criteria as set forth in Section 7.5.603.B. The motion passed by a vote of 7:0:2:0**

**4.B.**     [CPC DP  
18-00048](#)

The Vue Des Monts Development Plan for construction of 72 apartments in six, three-story buildings on 3.43 acres, located at the northwest corner of Lower Gold Camp Road and West Moreno Avenue.

(Quasi-Judicial)

Related Files: CPC ZC 17-00068, CPC DP 18-00048

Presenter:

Tasha Brackin, Senior Planner, Planning & Community Development  
Peter Wysocki, Director, Planning and Community Development

See Item 4.A. (CPC ZC 17-00068)

**Motion by Commissioner Rickett, seconded by Commissioner Slattery, to recommend approval to City Council the development plan for Vue Des Monts, based upon the findings that the development plan meets the development plan review criteria as set forth in Section 7.5.502E. , subject to the following technical modification:  
Receive approval of the Final Drainage Report prior to the recordation of the final subdivision plat.**

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

**Villas at Pony Tracks**

**4.I.**     [CPC CU  
20-00075](#)

A Conditional Use Development Plan for the Villas at Pony Tracks project consisting of a 36-unit multi-family residential development on

2.4-acres zoned PBC (Planned Business Center) and located at 3790 Pony Tracks Drive.

(Quasi-Judicial)

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development

**Staff presentation:**

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

**Applicant Presentation:**

Phil Stuepfert, HR Green, presented a PowerPoint with the scope and intent of this project.

**Questions:**

None

**Supporters:**

None

**Opponents:**

Robin Hinz, 6470 Showhorse Court

- Ms. Heinz wanted to know how close the driveway was to her six-foot fence
- Wanted to know what kind of lighting there would be for the parking for the residents
- Will share the same fence with Ms. Heinz, is there any fencing dividing the townhouse complex from the other subdivision behind there to the west of it
- Has a study been done on the water, the electrical and gas because there has already been a decrease in pressure in her house
- Where is the 25-foot easement from my fence on the outside
- Dumpsters at the entrance to the division, will they be enclosed
- Wanted to know how much closer the driveway will be to her property

Donna Yacovoni, 6471 Showhorse Court

- Although there is a 25-foot easement, there is a drop in elevation and those units will be able to look directly in her yard
- Her fence has been there since 2001 and is dilapidated and old and needs to be replaced with a continuous concrete wall for security
- Concerned with lighting effects
- Asked for the height of the landscaping

- Is the landscaping from the six foot wooden fence that is there and 25 feet goes to the first amount of landscaping
- Wooden fence needs to be replaced with something more secure

Andy Sherbo, 3750 Birdie Court

- Concerned that the public notice said 26 units, but the presentation said 36
- Springs Ranch is overdeveloped
- Losing green space
- City Council and Planning Commission need to take into consideration the people who live in the area

**Rebuttal:**

Mr. Stuepfert gave the following rebuttal:

- First question on the dimensions on the property line to where the access drive comes in
  - The access drive was moved easterly and is about 20 feet from the property line
  - 35-foot range further down the property line
- Question about the distance from the fence to the buildings
  - The distance from the fence (property line) to the buildings is 25-feet
    - It is not a 25-foot easement
    - There are some easements in there, but not 25-feet
    - We proposed a 25-foot setback in that area, in a 25-foot landscape area, as we listened to the concerns of the neighbors
- Question about the number of units
  - There are 36 proposed total units as shown on the development plan
- Question on the buffer and whether the fence would be replaced
  - The developer does not own the fence and the fence belongs to the single-family homes
- What is the height of the landscaping
  - The evergreen trees will eventually grow from 40 to 60-feet tall
- Area is over developed
  - That is more of a question for the Planning Department
  - The lot is zoned PBC and would not be green space or open space
- Start date
  - There is not a definitive start date, but more than likely the construction would start something next year

John Radcliffe, Galloway, Civil Engineer for the project addressed the following:

- Utilities
  - Everything was run through Colorado Springs Utilities and Wastwater and it has been modeled appropriately and it fits within all that is required
- Grading issue comments
  - To mitigate the land sitting up higher and how the units look down into backyards, the site was brought down a bit and some places fairly substantially
  - Most of the property on that west side where the residences are from their existing mount level (inaudible), so we really brought that down to try to mitigate that as we listened to the neighborhood comments
- Lighting
  - Lighting is minimal and we are meeting what is required by city code
  - Lighting is directed downward and being very cautious to not spill over to the neighbors

**Questions of Staff:**

Commissioner Almy said he didn't want to leave the local residents with a feeling that we don't listen to their concerns and evaluate them completely. It doesn't matter where you live, you still have the same basic human needs of development going on around you. Commissioner Almy said listening to the citizen questions, he wanted to know if city staff and the applicant as to whether all these plans were put out in plenty of time for the local neighbors to question staff and indicate the level of concern and interest. It appears that most of everything we talked about could have been handled with a single public meeting. It could have been distilled to actual complaints or objections to the project going forward.

Commissioner Rickett said the public needs to understand that the commissioners are there to interpret code and that it is not personal. We appreciate and do listen very carefully to comments and take those into consideration as well. Commissioner Rickett said he believed Planned Business Center (PBC) has a conditional use for multi-family and stated if they really were not changing any use of the property.

Mr. Sexton said that was correct and that multi-family is a conditionally permitted land use within the PBC zone. The PBC zone is a very extensive commercial zoning district in the sense that it allows much more intensive uses that could be developed on this property. Staff's perspective and knowing what is distilled in PlanCOS is that the multi-family product with it's proposed 36 units

is a very reasonable transitional use to the adjacent single-family units.

Mr. Sexton said he would note that many of the concerns about lighting and fencing and landscaping were brought up well before the project was submitted. There was a neighborhood meeting held on this project, but he could not speak as to whether the residents participating today were at that meeting, but there were several HOA meetings that were held at the police substation. Both staff and the applicant have actively engaged the community in that dialogue to mitigate any potential offsite impacts.

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

Commissioner Slattery stated to the neighbors that she understood they were concerned with changes within the community, as it is a desirable community and folks want to live there. Commissioner Slattery agreed with city staff that a transitional use of multifamily is better than planned business use. There's often concerns from neighbors about crime and terrible things that may happen because there is multi-family. People who rent or live in multi-family developments do not turn people into criminals.

**Motion by Commissioner Rickett, seconded by Commissioner McMurray, to approve the conditional use development for Villas at Pony Tracks, based upon the findings that the request meets the review criteria for establishing a development plan, as set forth in City Code Section 7.5.502(E), and the findings for authorizing a conditional use, as set forth in City Code Section 7.5.704. The motion passed by a vote of 6:0:3:0**

**Aye:** 6 - Commissioner McMurray, Commissioner Wilson, Chair Graham, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

**Absent:** 3 - Commissioner Raughton, Vice Chair Hente and Commissioner Eubanks

**5. UNFINISHED BUSINESS - None**

**6. NEW BUSINESS CALENDAR**

**Lorraine Views**

- 6.A. [CPC SW 19-00159](#) Lorraine Views Subdivision Waiver to City Code Section 7.7.605.C, allowing two lots gaining primary access from an alley in lieu of a public street, located at 318 West Cheyenne Road.

(Quasi-Judicial)

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

**Staff presentation:**

Lonna Thelen, City Planning, presented a PowerPoint with the scope and intent

of this project.

**Applicant Presentation:**

Joseph Alessi, Land Surveyor for the property, discussed the platted lot and the background on the property.

**Questions:**

Commissioner Almy asked if the alley in question was also referred to as Lorraine Court. Ms. Thelen said there is a little bit of confusion on this alley, one of the other homes on the alley was addressed off Lorraine Court. We have been through enumerations, and they have determined and that it is not considered Lorraine Court. So, that is an incorrect labeling of the street. It is just an alley.

Commissioner Almy asked if it was maintained by the city. Ms. Thelen answered that it was maintained by the city.

**Supporters:**

None

**Opponents:**

Jennifer Hickman, resides at 331 ½ Cheyenne Boulevard, which is across the alley, slightly west of the proposed duplex

- Biggest concern is the traffic through the alley
- Many people go 40 to 50 miles per hour
- Having more traffic coming in and not minding the speed limit is a concern
- Would like that addressed by having speed bumps added to the alley
- Parking problem with potentially three cars per duplex

Robin Dillon, resides at 319 Cheyenne Boulevard directly behind the proposed duplex

- Concerned with having a non-resident owner not caring for the property
- Allowing the alley to be the sole access to that property is dangerous
- Alley has never been maintained by the city and has never been plowed; city only paved it over
- Alley is very busy and is frequently damaged with the heavy traffic
- Alley has no curbs, no sidewalk, and no drainage
- Was never intended to be a major thoroughfare
- She bought her residence in 2003 knowing it was zoned R2 and to be in the scope and nature of the neighborhood to build a single-family home so it couldn't be developed into R2
- The duplex is a money grab
- This is destroying the neighborhood

Scott Dylan, 319 Cheyenne Boulevard

- By allowing a duplex here, it creates a negative impact with increased traffic and an increased number of vehicles
- Previous duplex had no garage or covered parking and no parking for

visitors

- Single-family home would be better, and duplex exceeds the capacity of that alleyway as designed

**Rebuttal:**

Mr. Alessi discussed the state of the property prior to the foreclosure and that things were rundown. There has been an attempt with this proposal to improve the property so that it fits more within the developed neighborhood. People use alley for their garage entrance and for their entrance to their dwellings because it is tough backing into one of those driveways off Cheyenne Boulevard and that is why we seen the traffic use of the alley

**Questions of Staff:**

N/A

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

Commissioner Rickett voted no and stated if the plan maintained the access off Cheyenne Road, he would have approved the project, but because the access is off the alley and already busy, he would not support the project.

Commissioner Almy agreed with Commissioner Rickett and said the fact that it does not have access off a street per se, he did not consider that the alley met the requirement. He also mentioned that the area is pretty jammed up and he was concerned about public safety for the two units in the back.

**Motion by Commissioner Slattery, seconded by Commissioner Wilson, to approve the subdivision waiver to City Code Section 7.7.605.C allowing two lots gaining primary access from an alley in lieu of a public street, based on the finding that the subdivision waiver to design standards complies with the review criteria in City Code Section 7.7.1302. The motion passed by a vote of 3:2:3:0**

**Aye:** 3 - Commissioner Wilson, Chair Graham and Commissioner Slattery

**No:** 2 - Commissioner Rickett and Commissioner Almy

**Absent:** 4 - Commissioner Raughton, Commissioner McMurray, Vice Chair Hente and Commissioner Eubanks

- 6.B.** [AR PFP 19-00735](#) Lorraine Views subdivision preliminary/final plat subdividing 14,400 square feet into three lots in the R2 (Two-Family Residential) zone, located at 318 West Cheyenne Road.

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development

**Motion by Commissioner Slattery, seconded by Commissioner Wilson, to approve the preliminary/final plat for Lorraine Views based upon the finding that the preliminary/final plat complies with the review criteria in City Code Section 7.7.102, 7.7.204 and 7.7.303, subject to compliance with the following technical and/or informational plan modifications:**

- 1. Show on the plans that an address sign will be placed along the street from which these lots are addressed to indicate where the lots are located and if necessary to indicate how to access the lots.
- 2. Include a public ingress, egress and emergency access easement on the west 9' of the lot from Cheyenne Road back to Lot 2.
- 3. Revise the page numbers on the preliminary plat to be X of 3 and include the following notes:
  - a. Lots 2 and 3 will be addressed off of Fenmoor Place.

The motion passed by a vote of 3:2:3:0

- Aye:** 3 - Commissioner Wilson, Chair Graham and Commissioner Slattery
- No:** 2 - Commissioner Rickett and Commissioner Almy
- Absent:** 4 - Commissioner Raughton, Commissioner McMurray, Vice Chair Hente and Commissioner Eubanks

**Selby Ranch**

- 6.C. [AR CP](#) [08-00639-A2](#) [MJ19](#) Selby Ranch concept plan amendment to change 13.19 acres from commercial to multi-family in a C6 (General Business) zone, located at the southeast corner of Silver Hawk Avenue and Hancock Expressway.

(Quasi-Judicial)

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

**Staff presentation:**  
Meggan Herington, City Planning, presented a PowerPoint with the scope and intent of this project.

**Applicant Presentation:**  
Katie Whitford, Altitude Land Consultants, representing the owner and developer Rockwood Homes, presented a PowerPoint with the scope and intent of this project.

**Questions:**  
None

**Supporters:**  
(Inaudible name), Soaring Eagle Community

- Great idea to convert the land from commercial to residential

- Concerned about traffic, agrees with a traffic light at the intersection of Silverhawk and Hancock Expressway; feels it will be much safer
- Concerned about parking at the entrance to Silverhawk and wanted to know if the city would do anything about that
- Will there be any actions to prevent noise and dust to protect the residents in the area?
- Does not look reasonable or acceptable to have three-story townhomes beside five single homes
- Generally, thinks this is a good plan

**Opponents:**

None

**Rebuttal:**

None

**Questions of Staff:**

None

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

None

**Motion by Commissioner Rickett, seconded by Commissioner McMurray, to approve the concept plan amendment from commercial to multi-family, based upon the findings that the request complies with the concept plan review criteria set forth in City Code Section 7.5.501(E). The motion passed by a vote of 6:0:3:0**

**Aye:** 6 - Commissioner McMurray, Commissioner Wilson, Chair Graham, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

**Absent:** 3 - Commissioner Raughton, Vice Chair Hente and Commissioner Eubanks

**6.D.** [CPC CU 19-00147](#) Selby Ranch conditional use development plan for a 163-unit townhome complex in a C6 (General Business) zone, located at the southeast corner of Silver Hawk Avenue and Hancock Expressway.

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development

See Item 6.C. (AR CP 08-00639-A2MJ19)

**Motion by Commissioner Rickett, seconded by Commissioner McMurray, to approve the conditional use development plan for 163 townhome units, based upon the findings that the request complies with the conditional use review criteria set forth in City Code Section 7.5.704 and the development**

plan review criteria set forth in City Code Section 7.5.502(E), subject to the following technical modifications:

1. Please add the following note to the conditional use development plan "Prior to construction plans approval, the developer is required to remit the amount of \$75,000 for the future anticipated traffic signal at the intersection of Hancock Expressway with Silver Hawk Avenue."
2. Receive final approval of the Drainage Report.

The motion passed by a vote of 6:0:3:0

**Aye:** 6 - Commissioner McMurray, Commissioner Wilson, Chair Graham, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

**Absent:** 3 - Commissioner Raughton, Vice Chair Hente and Commissioner Eubanks

**Code Enforcement Appeals**

- 6.E. [CPC AP 20-00146](#) An appeal of the Planning Commission’s decision to uphold the Notice and Order to Abate for violation of a carport in the 25-foot front yard setback on a residentially zoned (PUD) property located at 930 West Nolte Drive.

Quasi-Judicial

Presenter:

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

Peter Wysocki, Director of Planning and Community Development

**Staff presentation:**

Kurt Arnoldussen, Senior Code Enforcement Officer, presented a PowerPoint with the scope and intent of this Notice and Order to Abate.

- The property is zoned PUD and is located 930 W Nolte Dr. (Planned Unit Development)
- Front yard setback for the PUD 18-25 feet

Courtesy Letter

- September 30, 2020 Neighborhood Services responded to a complaint about a carport in the front yard setback.
- September 30, 2020 a Courtesy Letter was issued for the carport in the front yard setback. The Courtesy Letter explained the violation, and the City of Colorado Springs Code that prevents Structures in the Front Yard Setback.
- The Courtesy Letter requested the carport be removed or contact with Planner or Code Enforcement by October 16, 2020.
- October 21, 2020 the carport was not removed and there was no contact with the owner.

**Notice and Order to Abate**

- October 21, 2020 there was no change to the property and a Notice and Order to Abate issued
- Notice and Order set a deadline of November 6, 2020 to abate the violation
- On October 28, 2020 the owner filed for an Appeal of an Administrative Decision to the City Planning Commission.

Staff is asking Planning Commission to:

- Deny the appeal, uphold the Notice and Order, and set deadline for 30 days to have the Carport removed

**Appellant Presentation:**

Robert Gallagher, 930 Nolte Drive

- This was all new to us than that there was a setback.
- This carport has been up for 10 years. And we have never been challenged or questioned.
- The complaint was not directed at my court. The complaint was actually directed at a different of plaintiff on this case. That was where the initial complaint came from. I don't know why they said I had the initial complaint that wasn't bound towards me and was actually them.
- Mr. Gallagher questioned the right of way comment and said there was no right of way blocked from either direction.
- Mr. Gallagher said he is on a corner lot and you can see right through.
- It was mentioned that backing up becomes a problem, and that is not the case.
- Mr. Gallagher said initially when they were told to break it down, that the city employee had mentioned that we have no case. We could appeal it, but you're going to lose.
- The city employee said you could go through any systems you would like to appeal and you're just going to lose.
- Mr. Gallagher wanted to know when the setback of the front was established and by whom
- He said he was not part of an HOA
- And, and I do concur with whoever that was that spoke earlier about the fact that we the setback location in some cases is a you know, past the yard as the actual frame of the house.
- They mentioned garage use and Mr. Gallagher has a single car garage. This is not an expensive area, we're kind of a low-income area
- His garage holds a motorcycle and he cannot fit a motorcycle and a car into a single car garage

- To protect his assets from the hailstorms, he bought the carport
- We need to relook at the zoning and the setback because citizens are being told that they cannot protect their own assets in their own yard that they pay taxes on
- Mr. Gallagher said he was in the service for over 20 years, and served four times in the protection of our assets for our country, and yet he cannot protect his own vehicles in his own yard
- Mr. Gallagher said he was curious about the timeline. Why now? Why do the structures need to come down now like it is all of a sudden an emergency? With COVID-19, with the holiday season here and with winter, they're telling us in the middle of winter to go ahead and tear it down.
- It took a four-man crew to put Mr. Gallagher's carport together and put it up.
- Mr. Gallagher said he does not have the financial or physical ability to take the carport down.
- Mr. Gallagher said he was told by Mr. Arnoldussen that it was not his concern and that that they're going to tear it down if we couldn't.
- Even when Mr. Gallagher mentioned that he was a veteran with 60% disability and would need help to do it again. Mr. Arnoldussen told him it doesn't matter. He didn't care it needed to come down.
- Mr. Gallagher said that we just really need to relook at the zoning and the setback and that the citizens of Colorado Springs have the right to protect their own vehicles.
- We need whatever process there is to start to get this changed.

**Questions:**

Commissioner Rickett asked if the carport was within the 18-foot setback would it be considered an auxiliary structure that would need to be permitted or not permitted or what's the status of the structure itself?

Mr. Arnoldussen said if the carport was 18-feet back, it would be up to the Regional Building to approve the building permit and the City would look at the lot coverage to see if it would need a permit or variance.

Commissioner Rickett verified if it would be a permitted structure. It's not like a 10 by 10 shed under 100 feet that you don't have to permit. So, the carport itself would be a permitted structure, is that correct?

Mr. Arnoldussen said they would have to take a look at the height of the structure, the total lot coverage and what's allowed for the PUD development plan.

Ms. Meggan Herington, Assistant Director of Planning & Community Development, added that there is no allowance for any type of accessory structure in a front yard setback. And that front yard setback is 25 feet. So, it wouldn't require a building permit if it were under 200 square feet in size. But the zoning code would not allow it in the front yard setback, regardless of the size.

Commissioner Rickett thanked Ms. Herington and said that was an even better explanation.

**Citizen Comments:**

Gerald Miller

- Has a complaint against code enforcement officers
- They come in like stormtroopers (Star Wars reference)
- They help murderers, drug dealers, bank robbers, car thieves but they can't help the disabled
- Has stuff in his yard that is not bothering anybody, but they come after him and not the neighbors
- Filed a complaint with the police department on the code enforcement officers and the police refuse to respond
- City Council and the Mayor have stopped talking to him
- Under new senate bill 20-217 no one is immune from prosecution anymore, not even the judges

Larry Stewart

- Has received one of the letters from Code Enforcement as well
- Lives in the Pikes Peak Park area on Dogwood Drive
- There have been about 6+ letters sent out for the exact same thing
- This is happening Nolte Drive neighborhood and in the Pikes Peak Park neighborhood
- Mr. Stewart said in his mind, code enforcement is going after a few people, and you have to go after everybody in Colorado Springs
- Why can't people protect their assets from hail damage, when you've had cars totaled two years in a row and then you have to replace it and lose \$16,000 to \$20,000 in equity. It just does not make sense.
- The comment Mitch Hammes made on TV makes no sense about obstruction of view. A carport does not obstruct the view if it is built correctly and there are no sides on it
- When you talk about obstruction of view when backing out of the driveway, well, people have trees in the front yard by the sidewalk, there are vehicles parked in the street that you cannot see past
- Hazard to pedestrians because of a carport - what about the sidewalks that are sticking up and are trip hazards, if pedestrians are crossing into

his yard, they are trespassing

- Where does it come into effect that a carport is an obstruction and a nuisance to pedestrians?
- Let us revisit this code because this is a removable structure. If it was a permanent structure, then yes, it needs permitted
- If Mr. Stewart ever moves, he will be taking his carport with him
- The carport actually adds value to the house

Jack Richards

- Mr. Richards lives on Dogwood Drive in the Pikes Peak Park neighborhood
- Concurs with everyone else
- His carport does not obstruct the view, it is wide open, and does not even go up to the sidewalk
- Mr. Richards is 80-years old and handicap and is not able to get around very well
- In the wintertime, if he had to walk to his car through the snow to get to his vehicle and fell, he would have to lay there until someone came by to help him because he can't get up on his own
- Mr. Richards put the carport up more than 15 years ago and nothing has ever been said about it until now
- Mr. Richards wants this code to be reevaluated

Sharon McGee

- Ms. McGee lives at 3640 Dogwood Drive
- Ms. McGee would like to know if there was any way for them to just pay a fee once a month or once a year to keep the carports
- People are more than willing to pay a fee to keep the carports to protect the cars
- When Ms. McGee bought her home, the garage had already been turned into a den with only 20% of the garage remaining, which her car will not fit into
- Before the carport was built, she would have to run outside and cover the car with blankets and towels
- Before she built the carport, she consulted with the city to see if there was licensing required, and there was nothing (inaudible)
- This is the first time of her hearing about a code
- Ms. McGee asked if the carport violations are just for the south part of town, or for the entire Colorado Springs area? Ms. McGee just wants to make sure they are not being singled out
- Ms. McGee said she was just asking because with all of the suffering and the people dying and people trying to feed their families that this is a

real issue

- The entire city should not have to pay because somebody had a dispute with someone else
- The south part of town is where the working poor live and asked for a chance for them to keep their carports

Kathy (inaudible)

- Kathy lives on Dogwood with the seven other homes on the block that have carports and they are not unsafe
- Anyone who says they are afraid they will hit my carport should be that far up on her driveway because they are trespassing
- The city staff who was taking pictures of everybody's houses was very rude and did not really want to explain what he was doing, but said he would see us next week
- Kathy's truck will not fit in her garage with the motorcycle inside as well as the lawnmower and other items
- On Social Security and does not have the money to have the carport removed
- Kathy thanked everyone for listening

Carol Graham, 4975 Web Drive

- Completely agrees with everyone who has been speaking
- Late husband put the carport up and it has been up for 17 years and no one has ever said a word
- Ms. Graham said she had no complaints about the city staff who came to her door and that he was nice
- Why are we doing this now during COVID
- Ms. Graham said is she expected to get a bunch of people to come to her house to give her estimates to remove her carport
- Money is just not flowing freely right now, why are you doing this?
- Believes there is one person out there who has an issue with somebody in their neighborhood and that caused the system to go after all of us
- Seems like the southeast is always getting picked on and we get belittled for where we live
- Ms. Graham said her house and carport are very nice
- Nobody has trouble backing out of her driveway
- It's the cars on the street that you have to watch out for because you can't see around them
- Something needs to be done to address this and asked for a moratorium

Collette Cook, 4975 Nolte Drive North

- Received complaints on her house because of the carport
- Has sent in pictures showing there are gutters on her carport that drains in her yard
- It is the thickest metal that anyone can use
- Has a chairlift in her garage because she takes care of her disabled daughter
- Has taken care of several people and had been able to get them into the house without the snow, hail or rain
- Been told by the city that carports are trashy, and City Council does not like them
- Has gone around to get signatures from everybody in her neighborhood in the range of her house and not one of them have said that my carport was trashy
- There are no issues backing up
- Prior to putting up her carport she went to Pikes Peak Regional Building and spoke to Mike Maloney and asked him if a permit was required for the carport, and he said as long as you are five feet away from your next door neighbor's property line you are good

Renee Gallagher, 930 Nolte Drive

- When they first got their carport, they had city zoning come out and measure the carport and they said it had to be a certain foot above the sidewalk, they measured it and it was fine
- That carport has protected the property for the last 10 years and there have been no issues
- City staff informed the Gallaghers that they had 15 days to remove the carport and Ms. Gallagher had COVID at the time and would not have been able to help her husband
- Due to this stressful situation they have lost sleep
- Does not make sense that someone can come to your home on your property and tell you what you can and cannot have in your yard
- Just doing their best to protect what little bit of property they have

Bill Hoffman,

- Mr. Hoffman said he has had his carport for approximately 17 to 19 years
- It has saved vehicles many times during the time of the hailstorms
- Wants to know why everybody in the city doesn't have to get rid of their carports
- Why isn't everyone getting a notice at the same time to remove their carport, which should be an exact date for everybody
- Carports are not a nuisance; they save money as far as insurance goes

Sharon Walden, Dogwood Drive

- Had carport for about 20 years now
- Has two cars, one goes in the garage and the other under the carport
- Have had no complaints from anyone
- There is nothing wrong with carports and we need them to protect our car from the hail
- Thinks it is wrong to make people take their carports down because they are needed to protect property
- Agrees with what everyone else said

Sarah Brown, 4975 Nolte Drive

- Mother, Collette Cook spoke earlier
- Said the carport protects the driveway from getting rain, snow and ice, which she would not be able to get up the driveway on her own and that's frustrating
- The complainant does not understand the struggles she goes through and why they need the carport
- The carport is designed so that people walking past her home can walk safely on the sidewalk without fear of falling on ice or slipping
- There has to be some kind of protection for the homeowner
- Take into consideration the elderly or the handicapped because they are unable to get into their home

Michael (inaudible)

- Put in a carport in 2016 after the really bad hailstorm that caused over a billion dollars' worth of damage
- Having a hard time understanding why our representatives are attacking us for trying to protect our property from something like that
- Agreed with what everyone else said
- Thinks the planning and zoning commission should revisit this issue due to all the elderly and handicapped who have already spoken
- If we can't get the setback rules changed, would like to visit the possibility of getting some sort of a compromise in the form of an exception for carports of a specific build as long as they are safe and not encroaching on neighbor's property

Chair Graham wanted to thank all of the citizens for their comments and that he appreciated them taking the time to do so.

**Questions of Staff:**

Commissioner Rickett asked Ms. Herington to re-read the code that does not

allow any structures in the front setback of a house. Commissioner Rickett said he was asking that because he wants the citizens to understand what the code is. Commissioner Rickett also said he will probably go against the ruling, but because he did not want to sit through 60 of these appeals for carports, he suggested we take a look at this again and maybe make this somehow more of a PR campaign.

Commissioner Rickett said basically, here is the code and everybody needs to understand that code. He agreed with the COVID comments and said because of the time and because of what is going on, he thought maybe a short moratorium but that everybody needs to understand by "x" date the code will be enforced.

Mr. Ben Bolinger, City Attorney's office, said when we have these appeal hearings, we are not setting policy and we are not writing a new ordinance about (inaudible). We are just deciding if there is a violation or not. So the fundamental question is, on this one instance, this before us, not all the people who spoke and their carports that we know nothing about, the one thing before us is did this gentleman who received a notice of order, does he have an accessory structure in the setback in a manner that violates code.

Commissioner Rickett said that yes, we know that.

Mr. Peter Wysocki, Director of Planning and Community Development said the relevant code section regarding the setbacks or accessory structures and the front setback is 7.3.105 paragraph one, basically, states that accessory structure cannot be located in the front yard setback. For that matter accessory structures cannot be located in any setback, notwithstanding whether they need a building permit or not.

Mr. Wysocki said he wanted to echo Mr. Bolinger's comments that we're not here to debate whether or not carports are good, bad or indifferent. We're here to discuss the appeal, and there's obviously very clear appeal criteria that have been provided in your packet. There are criteria that relate to whether or not we error in our interpretation or enforcement of city code, whether it was unreasonable. So, you will need to make those findings to grant the appeal. We can discuss how we process code complaints, but you also have to remind yourselves, and I need to remind you to is that we also have a party that filed a complaint. And that party expects the city to enforce the city's code. So, keep that in mind as well. But there is another side of this argument that we have residents, city residents that have filed a complaint and they expect us to follow the code

Commissioner Rickett said that is exactly what we are here to do to follow the

codes and provide feedback.

Mr. Wysocki said one other thing is we've kind of concentrated on the issue at hand, which is a carport within a front yard setback. The code doesn't prohibit individuals to build sheds, outside the setbacks to store lawn mowers, motorcycles, bicycles, a whole bunch of things. Homeowners have the ability to build sheds within the proper setbacks, to provide additional space in their garages to park their vehicles. So, let's kind of look at this a little more comprehensively that, in this case, yes, carports are being used for parking of vehicles in the driveway, because there is no space in the garage. Well ask yourself, how can one make more space in one's garage? And there are other remedies for those instances. I'm not here advocating how you should vote, but just something to think about as you render a decision.

Commissioner McMurray said he knew that we are focused just on a single situation here, but it sounds like we have a fairly large number of these. Do we have a sense of how many carports in total we are dealing with in this situation?

Mr. Arnoldussen said since the appeal started, they have received about 33 complaints that were issued letters for between yesterday and Monday, and today five more complaints were received. Mr. Arnoldussen said he thought all of those except one were anonymous.

Commissioner McMurray wanted to know if those 33 complaints were for the same property or for different carports. Mr. Arnoldussen said it was 38 carport complaints in total for individual properties. He said he was unsure where the number 60 came from, but it is 38 roughly.

Commissioner McMurray asked if the complaints were all within the general geography of these two properties. Mr. Arnoldussen said the complaints were initially on the southeast side, but now they are coming up to Murray and Galley and spreading throughout the city.

Commissioner McMurray said the only criteria that he was interested in getting a better understanding of is about the reasonableness of the decision. How do we interpret unreasonable? Do we have any precedent or understanding terms of where that standard has been applied? Is there anything you can help us to understand or how we should consider that term?

Mr. Wysocki said these review criteria for appeals are very generic in nature. The most common interpretation of that would probably be on sort of a rough proportionality or Nexus for development, exactions, i.e., conditions that may not be warranted by a project. How they apply to a code enforcement case, there is no clear, decisive answer other than if there was some room for interpretation

or if our enforcement was a little capricious or inconsistent, that may best apply in the case of that particular criteria on to a code enforcement appeal.

Mr. Bolinger added that you should not interpret it to mean that you think that the code itself is unreasonable. The City Council writes the code and that is the code that we live with. They can change it if they are motivated to do so by citizen complaints or something. But for purposes of an appeal, it would only be if there was some unreasonable interpretation of evidence or an unreasonable interpretation of the code.

Commissioner McMurray said some of the commenters noted the financial hardships. Mr. Bolinger said financial hardship would not fall under the unreasonable category. The city code itself probably has reasonable accommodations for people with disabilities and those kinds of things, but that is not what was raised up. The specific issue that is in question is whether there is an accessory structure in the front yard setback.

Commissioner Almy said he agreed with all of the discussion that's going on. He said the commissioners charge is clearly to decide if this is a code violation or not and whether the appeal has any merit. He said that is fairly straightforward. Commissioner Almy mentioned that some people talked about a temporary structure and knows there are some carports that are nothing more than metal and you stick them into the ground, and you can pull it up and move it pretty much any old time. Commissioner Almy asked whether there is a difference between that and the carports that appear to be permanent structures.

Mr. Wysocki asked if he meant it was attached or like an open garage. Commissioner Almy said that some of them almost look like a tent but it is made out of metal that is fairly light. One of the callers mentioned the fact that he would take his with him if he moved. Commissioner Almy wanted to know if that had any bearing on the use of the setback area.

Mr. Wysocki said no, not in this instance. Mr. Arnoldussen added the carports being talked about today, as the owners have mentioned, were on the property for about 10 years, so it is not really temporary.

Commissioner Almy said that was his other point. That we're talking about some of these things having been in place for 10 plus years. It's sort of interesting that all of a sudden, we've started paying attention to it from code enforcement. That does not make the code enforcement wrong at all, in fact, the technical part of it is fairly clear. The fact that it's been there that long, again, What's the rush? And can you work out some sort of plan of action to get the thing rectified? In other words, you may not have to take down the whole

carport, you may have to just lop off 10 feet and basically rebuild it. As the city attorney offices has suggested there are political sides. We've got a neighborhood that's getting a lot of attention, trying to boost it up, and it doesn't have a lot of spare money floating around. In fact, the people who have been charged with violations do have the option to go through their city council member to make their case on that side, regardless of which way this appeal goes. So again, it's pretty much the technical side of it now, what's the law? It's pretty easy to judge that, but we still have a human dimension to this that has to be addressed somewhere along the way.

Mr. Wysocki wanted to share that this is not personal. We certainly recognize the needs of our citizens, and we're here to help. This topic has come up to city council. There are a number of constituents that contacted Councilwoman Avila. The council discussed whether or not to direct staff to amend city code to address specifically carports. At this point, there has been no direction given to staff from city council to either initiate a code amendment or to issue any type of moratorium on enforcement of the carport due to COVID or other circumstances. So, this issue did gravitate already outside of the appeal process up to City Council, and again, there's been no direction given to staff to change code or to stop enforcement.

Chair Graham said the code is pretty clear and now our job as commissioners is just to make sure we are following what that code is. With that being said, Chair Graham feels that city council should look at this and make a determination. Chair Graham said he thought that some of the citizens' points of view are valid concerns when it comes to the protection of their property and the higher insurance premiums because of hail damage. Looking at it from their point of view, Chair Graham said he would be a little upset too, and the fact that we have let these carports exist for 10 to 20 years and now all of a sudden it is an issue. Chair Graham said he thinks city council needs to address this and that the citizens need to talk to their respective council representative to voice their concerns on this particular issue. Chair Graham reiterated that the commissioner's job is to say whether there is a violation of code or not.

**Rebuttal:**

Mr. Gallagher said he wanted to emphasize that he liked the code amendment idea. Right now, there are only 38 just in the immediate area but when you expand it throughout the city, you are going to go into the hundreds. The complaints that are coming in are directed by one person, not several. The additional complaints that came in again are being directed by one person. Mr. Gallagher mentioned the gentleman who said this needs to be addressed with the entire city, not just the in this particular area. What about the grandfather clause? Several carports have been there 15 to 20 years. And there are people with handicaps.

Mr. Gallagher said he heard everybody say it is just about what the code says. It doesn't mean that it is right. We need to look at that and fix it. Mr. Gallagher re-emphasized the fact there is the timeline. No one understands nor does anybody know why now and why the structures need to come down now. We would like to see adding at a minimum an exemption and for this to be relooked at.

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

Commissioner Rickett made the motion to deny the appeal and uphold the Notice and Order to Abate with the caveat that he does not want to make the citizens take these down at this time. He wants this to go before city council to address hundreds if not thousands of these carports that around the city.

Commissioner Graham asked for the city attorney to advise if the date can be extended on when the carports need to be taken down. Mr. Bolinger said he gets this question every time there is a hearing on a Notice and Order. Mr. Bolinger said that no, it is an administrative function for the code enforcement to work with the property owner to work through the appropriate remedies. The commissioners are just finding yes or no there was a violation.

Commissioner Rickett said he was struggling with this one, but he will keep the motion as it is written.

**Motion by Commissioner Rickett, seconded by Commissioner Slattery, to deny the appeal and uphold the Notice and Order to Abate the land use code violation issued at 930 West Nolte Drive on October 21, 2020, and issue a compliance date of December 19, 2020, based on the finding that the appeal does not meet the criteria for granting an appeal as outlined in City Code Section 7.5.906.A.4 and 7.5.1007. The motion passed by a vote of 5:0:4:0**

**Aye:** 5 - Commissioner McMurray, Chair Graham, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

**Absent:** 4 - Commissioner Raughton, Commissioner Wilson, Vice Chair Hente and Commissioner Eubanks

- 6.F. [CPC AP 20-00147](#) An appeal of the Planning Commission's decision to up hold the Notice and Order to Abate for violation of a carport in the 25-foot front yard setback on a residentially zoned (PUD) property located at 4975 North Nolte Drive.

Quasi-Judicial

Presenter:

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

Peter Wysocki, Director of Planning and Community Development

**Staff presentation:**

Kurt Arnoldussen, Senior Code Enforcement Officer, presented a PowerPoint with the scope and intent of this Notice and Order to Abate.

- The property is zoned PUD and is located 930 W Nolte Dr. (Planned Unit Development)
- Front yard setback for the PUD 18-25 feet

Courtesy Letter

- September 30, 2020 Neighborhood Services responded to a complaint about a carport in the front yard setback.
- September 30, 2020 a Courtesy Letter was issued for the carport in the front yard setback. The Courtesy Letter explained the violation, and the City of Colorado Springs Code that prevents Structures in the Front Yard Setback.
- The Courtesy Letter requested the carport be removed or contact with Planner or Code Enforcement by October 16, 2020.
- October 21, 2020 the carport was not removed and there was no contact with the owner.

Notice and Order to Abate

- October 21, 2020 there was no change to the property and a Notice and Order to Abate issued
- Notice and Order set a deadline of November 6, 2020 to abate the violation
- On October 28, 2020 the owner filed for an Appeal of an Administrative Decision to the City Planning Commission.

Staff is asking Planning Commission to:

- Deny the appeal, uphold the Notice and Order, and set deadline for 30 days to have the Carport removed

**Appellant Presentation:**

Collette Cook, 4975 Nolte Drive N

- Ms. Cook has had her carport up since 2013
- Was told by Pikes Peak Regional Building that there was no other rule and she did not know about the other rules until code enforcement came
- Code Enforcement informed her and said that her carport was within 25 -feet of the front yard setback, and she does not even have 25-feet in her front yard
- Code Enforcement is telling me I can't do anything in my front yard
- She is paying property taxes for her font yard that the City is telling her she can't do anything in
- Ms. Cook has the carport because her daughter is disabled
- Cannot do anything from the rear of the house because of a drainage ditch

- The complaint just said she had a carport; not that it was broken or in disrepair or anything
- The pictures show that it is a very well-fixed carport and there is no reason it should be brought down
- Believes they are being singled out because there are thousands of carports in Colorado Springs
- If you make one person take it down, then you make everybody take theirs down
- Ms. Cook said she is an essential worker working 57 to 60 hours a week during COVID and she has not time to take her carport down
- Ms. Cook said she is a 60-year-old woman and cannot take the carport down by herself and where will she find someone to take it down with the city shutting down and keeping people away
- If this was a reasonable complaint, if the carport was trashy or unsafe, then by all means come after her
- The carport is not blocking anything, it's a clear shot, lives on a straight street, and backing up has never been a problem
- Knows her appeal will be denied
- People need to stop and dig deep into themselves because that rule is bull
- There should be a passage of time for all the carports that have been up as long as they have
- In 2013, the city came to her house and told her the water was draining off the carport and going onto the sidewalk making ice and she needed to fix that and she did, but the person never told her anything about the 25-foot front yard setback and did not have any other issues. Why did that person not tell her about the carport and the setback then?
- Ms. Cook is just trying to make it a safer place for her daughter and to protect her assets
- Believes she should have more time to take her carport down because there is no way during this COVID-19 that she would be able to get it down
- Her carport is not a stationary building and it can be moved but has no where to move it to
- Carport has been replaced twice by insurance and she has sustained over \$32,000 worth of damage to her house, but because of the carport, the vehicles were fine allowing her to go to and from work
- There is a chairlift in the garage for her daughter and there is no room for a car

Chair Graham thanked Ms. Cook for her comments and assured her the Planning Commission heard her. Chair Graham explained to Ms. Cook that the

Planning Commissions' job was not to change code and that they did not have the authority to do so. Changing code is under the purview of City Council. The Planning Commission's task is to interpret code and determine whether there is a violation of the code as written. Chair Graham recommended Ms. Cook to address this with the city council member in her district for a code change or a moratorium. Chair Graham also let Ms. Cook know that the Planning Commission is sympathetic to her concerns.

Ms. Cook told Chair Graham that she did consult with City Council about the carports and that somebody jumped up and said they are retooling that.

Mr. Wysocki said he would address that during rebuttal.

Commissioner Slattery expressed to Ms. Cook that the Planning Commission is sympathetic to her circumstances; however, as other commissioners have stated, that we are here to interpret the code. Commissioner Slattery mentioned the code enforcement letter indicated she could explore a variance if she felt that appropriate for her case and circumstances. So, there are other avenues to explore beyond this meeting.

**Citizen Comments:**

**Chair Graham explained to listeners that we would be taking public comment, but only if it is addressing this specific property.**

Leanna Miles

- This is my grandmother's property
- Said the pictures Mr. Arnoldussen produced were old pictures and that the carport does not go to the sidewalk; it cuts off before it gets to city property
- Grandmother has followed all the rules and worked with code enforcement and Regional Building
- Does not block traffic

**Questions of Staff and Discussion of the Planning Commission:**

Commissioner Rickett asked if the amendment process could be explained to the listeners.

Mr. Wysocki, Director of Planning & Community Development, asked Commissioner Rickett if he meant amendment to the code or a variance. Commissioner Rickett said he meant variance.

Mr. Wysocki said any property owner has the ability to apply for a variance to conventional standards. That would include placing accessory structures within

the setbacks. One of the remedies to the appellants here today is to file a variance application that would essentially reduce the front yard setback to place the said carports within the front yard setbacks. Variances are site specific. That is the time when the property owner can make their argument that there are specific restrictions or conditions of their property that limit the use of the property that other properties in the same zoning districts have, and they do not have.

There is also the opportunity to sort of address those variances on a case by case basis. That is an administrative remedy for them to pursue notwithstanding the outcome of the appeal. It is an administrative action, as variances are reviewed administratively. They do not go to public hearings. We do notice to the adjoining property owners so we don't know what the property owners' comments would be, but we take that under consideration. It's basically processed like a development plan, essentially, then our decision can then be appealed by either party. So, that is still an option for both of these appeals.

Commissioner Rickett said he was going to vote to deny the appeal, but he would ask code enforcement to work with these folks. Understanding that we do have COVID they have to deal with, and things might not get done as quickly as it might have been in the past. Commissioner Rickett asked the citizens that have been on the call to please get in touch with your city council members. Commissioner Rickett said he agreed with the comment that if we are going to do this for one, we do it for all, so there could literally be thousands of these coming in.

Commissioner Rickett said he wanted everybody to understand what could be coming down the road. He asked Peter if there was something he could do to be able to get this in front of City Council and say we've got to deal with this for one and for all, and how do you want to do that? But the quicker we can do that, the better. Commissioner Rickett said he didn't know if that could be done by the middle of December, or the middle of January, if we can get that on the agenda with a request that we do that, and the code enforcement holds off until that process is complete.

Mr. Peter Wysocki, Director of Planning and Community Development said the relevant code section regarding the setbacks or accessory structures and the front setback is 7.3.105 paragraph one, basically, states that accessory structure cannot be located in the front yard setback. For that matter accessory structures cannot be located in any setback, notwithstanding whether they need a building permit or not.

Mr. Wysocki said he could definitely take back to the city council the discussion

we had today. During their informal council luncheons, we can discuss topics like that, that are kind of not necessarily agendaized for their work sessions or regular council meetings. But to take that step further. He thought the staff could commit that we will approach this topic during the rewrite of chapter seven. One speaker had alluded to a retool, and we will bring this to our consultant and to our steering committee to address the issue of carports. He said he could not guarantee what the outcome will be whether there'll be changes, but we can certainly have a discussion on this topic during the retool process.

Now, having said that, obviously retool is slated to conclude sometime in early to mid-2022. Mr. Wysocki said he hesitated to take on the parallel code amendment process, knowing that this is obviously a can be a sensitive topic and will likely bring forward a number of opinions. Those for or against carports. Obviously, this is a city-wide issue. This is not a geographic issue specific to any particular area of the city. We can't zone by demographic or groups or have overlays to allow those carports and let's say less affluent neighborhoods, but not in more affluent. This would be a city-wide discussion. We definitely can address this during retool, see what the committee pleasure is regarding carports and we can report back to you as we move forward through all the different modules. A separate process, he anticipated probably would take six to nine months running parallel. Mr. Wysocki said he did not know if that was really more efficient.

The second question is yes, the time allowance for abatement is within the purview of the administrative branch. We will definitely work with these property owners for a timeframe that is somewhat reasonable. We will take under consideration the COVID situation and the holidays, and so on and so forth. We are already prepared to do that, so Commissioner Rickett's comments are noted.

Mr. Arnoldussen said he is glad to work with people to communicate. The lack of communication led us to this point.

Mr. Wysocki said we need to have this discussion with Council of Neighborhoods and Organizations (CONO) whether or not they can assist us with some neighborhood outreach and public education regarding carports. We do use CONO frequently to do some public engagement. So, they can reach not only the HOAs, because there are a number of neighborhoods in the city that don't have HOAs, but have some organized, informal neighborhood or organization. So, we'll definitely work with CONO and see how they can assist us to get the word out.

Commissioner Rickett asked that at a minimum that before any more notices or the opinion of the violation abatement is finalized that we get a response from

City Council and they say yes or no. Code is so therefore there'll be 1000 plus violations out there that the city is going to have to deal with. We just need to know that that that's coming.

Mr. Wysocki to follow sound parliamentary procedures, unless there is an objection, he will take Commissioner Rickett's request, as there's a consensus by the entire Planning Commission, or at least majority, for him to convey that message to city council. Mr. Wysocki said he could then report back at one of the Planning Commission's formal meetings and on what the response is.

Chair Graham said he believed that would be a majority of the Commissioners and asked for anyone that objects to please note that now.

Commissioner Almy said there was one other thing he has noticed in these last two cases, and it really doesn't have much to do with what we are determining, but the citizens and homeowners need to understand that ignoring code enforcement notifications does not help your case at all. If there was a response the first time and you asked how I can get myself in code, this probably would wind up in a completely different direction.

**Motion by Commissioner Rickett, seconded by Commissioner Almy, to deny the appeal and uphold the Notice and Order to Abate the land use code violation issued at 4975 North Nolte Drive on October 21, 2020, and issue a compliance date of December 19, 2020, based on the finding that the appeal does not meet the criteria for granting an appeal as outlined in City Code Section 7.5.906.A.4 and 7.5.1007. The motion passed by a vote of 6:0:3:0**

**Aye:** 6 - Commissioner McMurray, Commissioner Wilson, Chair Graham, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

**Absent:** 3 - Commissioner Raughton, Vice Chair Hente and Commissioner Eubanks

**SWENT Code Amendments**

**Present:** 6 - Commissioner McMurray, Commissioner Wilson, Chair Graham, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

**Absent:** 3 - Commissioner Raughton, Vice Chair Hente and Commissioner Eubanks

- 6.G. [CPC CA 20-00144](#) Ordinance No. 21-02 amending Section 504 (HS - Hillside Area Overlay) of Part 5 (Overlay 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 grading and erosion control.

Presenter:  
 Erin Powers, Senior Technical Engineer  
 Richard Mulledy, Stormwater Enterprise Manager

**Staff presentation:**

Erin Powers, Senior Technical Engineer with the Colorado Springs Stormwater Enterprise, presented a PowerPoint with the scope and intent of the code amendments.

- 4 Ordinances related to grading and erosion control
  - CPC CA 20-00144 - Ordinance\_HS-O
  - CPC CA 20-00148 - Ordinance\_SS-O
  - CPC CA 20-00149 - Ordinance\_Drainage Facilities
  - CPC CA 20-00150 - Ordinance\_GECP\_SQCP
- 2 Ordinances also related to stormwater quality
  - CPC CA 20-00149 - Ordinance\_Drainage Facilities
  - CPC CA 20-00150 - Ordinance\_GECP\_SQCP
- Changes are being proposed to align code with new stormwater criteria as required by the State

#### **CPC CA 20-00144**

- **Section 7.3.504: HS - Hillside Area Overlay**
  - Updated language to match new terminology
  - Updated references to align with changes in other sections of code
  - Removed conflicting language and replaced with references where appropriate

#### **CPC CA 20-00148**

- **Section 7.3.508: SS - Streamside Overlay Zone**
  - Updated language to match new terminology
  - Updated references to align with changes in other sections of code
  - Removed conflicting language and replaced with references where appropriate
  - Removed Prudent Line concept since it is no longer applicable in criteria

#### **CPC CA 20-00149**

- **Part 7.7.9: Subdivision Drainage Facilities**
  - Updated language to match new terminology
  - Updated references to align with changes in other sections of code
  - Removed conflicting language and replaced with references where appropriate
  - Removed detailed stormwater quality requirements and replaced with reference to the *Drainage Criteria Manual*

#### **CPC CA 20-00150**

- **Part 7.7.15: Grading and Erosion Control Permitting and**

**Permanent Control Measures**

- Updated language to match new terminology
- Updated references to align with changes in other sections of code
- Removed conflicting language and replaced with references where appropriate
- Updated code to match requirements in new *Stormwater Construction Manual*
- New GEC Permit
- Revised appeal procedures such that appeals will now be heard by the Public Works Director

**Questions:**

None

**Supporters:**

None

**Opponents:**

None

**Rebuttal:**

None

**Questions of Staff:**

None

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

None

**Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend to the City Council adoption of an ordinance amending Section 504 (Hillside Overlay) of Part 5 (Overlay 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 grading and erosion control. The motion passed by a vote of 6:0:3:0**

**Aye:** 6 - Commissioner McMurray, Commissioner Wilson, Chair Graham, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

**Absent:** 3 - Commissioner Raughton, Vice Chair Hente and Commissioner Eubanks

**6.H.** [CPC CA 20-00148](#)

Ordinance No. 21-03 amending Section 508 (SS - Streamside Area Overlay) of Part 5 (Overlay 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 grading and erosion control.

Presenter:

Erin Powers, Senior Technical Engineer  
Richard Mulledy, Stormwater Enterprise Manager

See Item 6.H. (CPC CA 20-00144)

**Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend to the City Council adoption of an ordinance amending Section 508 (Streamside Overlay) of Part 5 (Overlay 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 grading and erosion control. The motion passed by a vote of 6:0:3:0**

- Aye:** 6 - Commissioner McMurray, Commissioner Wilson, Chair Graham, Commissioner Slattery, Commissioner Rickett and Commissioner Almy
- Absent:** 3 - Commissioner Raughton, Vice Chair Hente and Commissioner Eubanks

**6.I.**     [CPC CA 20-00149](#)     Ordinance No. 21-04 amending Part 9 (Subdivision Drainage Facilities) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to grading and erosion control and stormwater quality.

Presenter:  
Erin Powers, Senior Technical Engineer  
Richard Mulledy, Stormwater Enterprise Manager

See Item 6.H. (CPC CA 20-00144)

**Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend to the City Council adoption of an ordinance amending Part 9 (Subdivision Drainage Facilities) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to grading and erosion control and stormwater quality. The motion passed by a vote of 6:0:3:0**

- Aye:** 6 - Commissioner McMurray, Commissioner Wilson, Chair Graham, Commissioner Slattery, Commissioner Rickett and Commissioner Almy
- Absent:** 3 - Commissioner Raughton, Vice Chair Hente and Commissioner Eubanks

**6.J.**     [CPC CA 20-00150](#)     Ordinance No. 21-05 repealing and reordaining Part 15 (Grading Plans and Erosion and Stormwater Quality Control Plans) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to grading and erosion control and stormwater quality standards and providing penalties and remedies for the violation thereof.

Presenter:  
Erin Powers, Senior Technical Engineer  
Richard Mulledy, Stormwater Enterprise Manager

See Item 6.H. (CPC CA 20-00144)

**Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend to the City Council adoption of an ordinance repealing and reordaining Part 15 (Grading Plans and Erosion and Stormwater Quality Control Plans) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to grading and erosion control and stormwater quality. The motion passed by a vote of 6:0:3:0**

**Aye:** 6 - Commissioner McMurray, Commissioner Wilson, Chair Graham, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

**Absent:** 3 - Commissioner Raughton, Vice Chair Hente and Commissioner Eubanks

**Park Land Dedication Ordinance**

**6.K.** [CPC CA 19-00135](#) Ordinance No. 21-24 repealing and reordaining Part 12 (Park and School Site Dedications) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to park land dedication

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development  
Britt Haley, Parks Development Manager/TOPS Program Manager  
Chris Lieber, N.E.S. Inc.

**Motion by Commissioner Rickett, seconded by Commissioner McMurray, to postpone this item to the December 17 Planning Commission meeting. The motion passed by a vote of 6:0:3:0**

**Aye:** 6 - Commissioner McMurray, Commissioner Wilson, Chair Graham, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

**Absent:** 3 - Commissioner Raughton, Vice Chair Hente and Commissioner Eubanks

**7. PRESENTATIONS/UPDATES**

**8. Adjourn**