



City of Colorado Springs

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

Meeting Minutes - Final Planning Commission

Thursday, July 15, 2021

8:30 AM

OPEN TO THE PUBLIC

1. Call to Order

Present: 8 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery, Commissioner Eubanks and Alternate Griggs

Excused: 2 - Commissioner Rickett and Commissioner Almy

2. Approval of the Minutes

2.A. [CPC 21-383](#) Minutes for the May 20, 2021 City Planning Commission meeting

Presenter:

Reggie Graham, Chair, City Planning Commission

Motion by Commissioner Raughton, seconded by Vice Chair Hente, to approve the minutes for the May 20, 2021 City Planning Commission hearing. The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery and Commissioner Eubanks

Absent: 2 - Commissioner Rickett and Commissioner Almy

3. Communications

Peter Wysocki - Director of Planning & Community Development

4. CONSENT CALENDAR

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

TOWNSHIP SUITES

4.A. [CPC ZC 21-00026](#) Ordinance No. 21-69 amending the zoning map of the City of Colorado Springs pertaining to 1.61 acres located west of Kelly Johnson Boulevard and Goddard Street from PIP-1 (Planned Industrial Park 1) to PBC (Planned Business Center).

(Quasi-Judicial)

Presenter:

Andrew Bowen, Senior Planner, Planning & Community Development

Peter Wysocki, Planning Director, Planning & Community Development

This Ordinance was referred on the Consent Calendar to the City Council.

- 4.B. [CPC DP 21-00027](#) A Development Plan for the TownPlace Suites Hotel on 1.61 acres located west of Kelly Johnson and Goddard Street.

(Quasi-Judicial)

Related Files: CPC ZC 21-00026, CPC NV 21-00028

Presenter:

Andrew Bowen, Senior Planner, Planning & Community Development

Peter Wysocki, Planning Director, Planning & Community Development

This Planning Case was referred on the Consent Calendar to the City Council.

- 4.C. [CPC NV 21-00028](#) A Nonuse Variance from City Code Section 7.3.204 to increase the building height to 55 feet-9 inches from the required 50 feet for the TownPlace Suites hotel located west of Kelly Johnson and Goddard Street consisting.

(Quasi-Judicial)

Related Files: CPC ZC 21-00026, CPC DP 21-00027

Presenter:

Andrew Bowen, Senior Planner, Planning & Community Development

Peter Wysocki, Planning Director, Planning & Community Development

This Planning Case was referred on the Consent Calendar to the City Council.

ASCENT AT QUAIL BRUSH

- 4.D. [CPC PUZ 21-00017](#) Ordinance No. 21-73 amending the zoning map of the City of Colorado Springs relating to 3.68 acres located northwest of Adventure Way and Quail Brush Creek Drive from A (Agricultural) to PUD/AO (Planned Unit Development: Single-family Residential, 10.1 DU/AC, 36-foot maximum building height with Airport Overlay).

(Quasi-Judicial)

Related File: CPC PUD 21-00018

Presenter:

Katie Carleo, Planning Supervisor, Planning & Community Development

Peter Wysocki, Planning Director, Planning & Community Development

This Ordinance was referred on the Consent Calendar to the City Council

4.E. [CPC PUD 21-00018](#)

A Planned Unit Development for the Ascent at Quail Brush creating a 37-lot, single-family residential development consisting of 3.68 acres located northwest of Adventure Way and Quail Brush Creek Drive.

(Quasi-judicial)

Related File: CPC PUZ 21-00017

Presenter:

Katie Carleo, Planning Supervisor, Planning & Community Development

Peter Wysocki, Planning Director, Planning & Community Development

This Planning Case was referred on the Consent Calendar to the City Council.

RUSTIC HILLS REDEVELOPMENT

4.F. [CPC ZC 20-00172](#)

Ordinance No. 21-76 amending the Zoning Map of the City of Colorado Springs relating to 19.4 acres located at 3910 Palmer Park Boulevard and 1605 North Academy Boulevard from PBC/SS (Planned Business Center with Streamside Overlay) to M1/cr/SS (Light Industrial with Conditions of Record and Streamside Overlay).

(Quasi-Judicial)

Related File: PD DP 64-62-A39MJ20

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

This Ordinance was referred on the Consent Calendar to the City Council.

- 4.G. [PD DP 64-62-A39MJ 20](#) A major amendment to a Development Plan for the Rustic Hills Redevelopment project changing the use of the site to a mix of commercial and industrial uses with site changes located at 3910 Palmer Park Boulevard and 1605 North Academy Boulevard.

(Quasi-Judicial)

Related Files: CPC ZC 20-00172

Presenter:
 Daniel Sexton, Planning Supervisor, Planning & Community Development
 Peter Wysocki, Director, Planning & Community Development

This Planning Case was referred on the Consent Calendar to the City Council.

SKYVIEW VILLAGE

- 4.H. [CPC PUZ 21-00019](#) Ordinance No. 21-74 amending the zoning map of the City of Colorado Springs relating to 7.32 acres located at the northwest corner of Powers Boulevard and Hancock Expressway from PBC/AO (Planned Business Center with Airport Overlay) to PUD/AO (Planned Unit Development: Single-family Residential, 9.9 dwelling units per acre, maximum building height of 35-feet with Airport Overlay).

(Quasi-Judicial)

Related File: CPC PUD 21-00020

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

This Ordinance was referred on the Consent Calendar to the City Council.

- 4.I. [CPC PUD 21-00020](#) A Planned Unit Development for Skyview Village creating a 73-lot, single-family residential development consisting of 7.32 acres with lots ranging in size from 2,224 to over 3,000 square feet located at the northwest corner of Powers Boulevard and Hancock Expressway.

(Quasi-Judicial)

Related File: CPC PUZ 21-00019

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

This Planning Case was referred on the Consent Calendar to the City Council.

TOOL ZONE

- 4.J. [CPC UV 21-00067](#) A Use Variance Development Plan for the Tool Zone project to permit a construction sales and services use type in the OC (Office Complex) zone district, located at 1316 North Academy Boulevard.

(Quasi-Judicial)

Presenter:
William Gray, Senior Planner, Planning & Community Development Department

Motion by Vice Chair Hente, seconded by Commissioner Raughton, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of

Approval of the Consent Agenda

Approval of the Consent Agenda

Motion by Vice Chair Hente, seconded by Commissioner Raughton, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of

Aye: 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery and Commissioner Eubanks

Absent: 2 - Commissioner Rickett and Commissioner Almy

ITEMS CALLED OFF CONSENT

5. UNFINISHED BUSINESS

CREEKSIDE AT ROCKRIMMON

- 5.A. [CPC PUD 20-00109](#) Postpone a PUD development plan for the Creekside at Rockrimmon project to the October 21, 2021 Planning Commission meeting.

(Quasi-judicial)

Presenter:
Kerri Schott, Planner II, Planning & Community Development

Motion by Vice Chair Hente, seconded by Commissioner Raughton, to postpone to a date certain to the Planning Commission hearing on August 19, 2021. The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery and Commissioner Eubanks

Absent: 2 - Commissioner Rickett and Commissioner Almy

6. NEW BUSINESS CALENDAR

DOWNTOWN FLYING HORSE

- 6.A.** [CPC MP 06-00219-A1 0MJ21](#) A resolution of the City Council of the City of Colorado Springs approving a Major Amendment to the Flying Horse Master Plan illustrating changes to Parcels 13 and 17 to medium and high-density residential and regional commercial consisting of 67.41 acres located north and northwest of the New Life Drive and Interquest Parkway intersection.

(Legislative)

Related Files: CPC PUZ 19-00153, CPC PUP 19-00154

Presenter:

Hannah Van Nimwegen-McGuire, Senior Planner, Planning & Community Development
Peter Wysocki, Planning & Community Development Director

Staff presentation:

Hannah Van Nimwegen, City Planning, presented a PowerPoint with the scope and intent of this project.

Applicant Presentation:

Clay Roby and Cole Henley with Stillwater Capital presented a PowerPoint with the scope and intent of this project.

Questions:

Commissioner Raughton said he did not see mass transit addressed in the site plans that would connect this urban center to other parts of the city. Mr. Henley said they are currently evaluating if that will be a use that can be handled, but there is an allowable use within the PUD concept plan. Ms. Van Nimwegen added that Mountain Metro does not currently have service to this area, but confirmed that if service were to be extended, transit shelters are a permitted use in the proposed PUD.

Commissioner Raughton said he saw that there would be a mix of retail office and residential within one structure and wanted to know if there would be a three-dimensional use structure that has office, residential, and retail uses in one building. Mr. Henley said they would need to evaluate whether to have a mix of rental versus condominium and office all in the same structure, but at this point it is not designed yet.

Commissioner McMurray wanted to know what the minimum and maximum floor area ratio (FAR) for the project as a whole, as well as Parcel D's FAR being set at .25. Commissioner McMurray wondered if it was set at a suburban density to allow for flexibility, and if there was anything that would prevent the minimum from being increased.

Mr. Roby said it was important to keep the views on the northwest side towards the Front Range. Mr. Roby said the FAR was not set in stone, and if it made sense to reconfigure for additional density, and still find a way to capture some of those views, they would be open to it. Mr. Roby added they were trying to balance an appropriate amount of density for the site and not to overdo or underdo it.

Commissioner Hente asked if the thought was to replicate a downtown area, why would we not use the Form-Based Code. Ms. Van Nimwegen answered that the existing Downtown Form Based Zone was written specifically for the downtown area. Staff would need to write a Form-Based zone, have that adopted by the City Planning Commission and City Council, then use it as a zone district for the property. In order to streamline the project, staff felt a PUD zone could accomplish the same thing with less steps. The proposed PUD mimicks a form-based zone in a way without having to adopt a form-based zone.

Commissioner McMurray wanted to know why we would need to write a form-based code for this area instead of just adopting the form-based code that is already existing.

Peter Wysocki, Director of Planning & Community Development, said the current form-based zone is specific to the downtown area. For example, there is no height limit in the majority of downtown which would not be appropriate for this development, as well as open space requirements.

Commissioner McMurray said the zoning framework that's been created was thoughtful and provides the vehicle necessary to get to what was being shown. His concern with using this zoning tool was that in the very long run, what we're doing by using this zoning framework is creating what he would call a "regulatory straight jacket," to get us to what we're wanting right now. It will make it difficult in the future for this site if the market changes and commercial offices are not the thing anymore, we will have to come bring it back for public hearings and rezones. Whereas the form-based zoning downtown as it currently stands allows for that to be reactive and very flexible. Commissioner McMurray said he recognizes this was a good project but was interested in thinking through what the pros and cons of doing this and the mindset of thinking towards the very long run.

Commissioner Raughton added what we need is a transit-oriented zone, and build in the potential for mass transit, or bus terminals or whatever, in a zone like this. There are parking lots and some pedestrian ways, but what has not been thought through is the linkage to the rest of the community.

Mr. Roby said they do have that mass transit facilities as an allowable use within the plan. He said they would be happy to have a dialogue with city officials about if and how that might be integrated.

Mr. Wysocki explained that with RetoolCOS, which is the rewriting of zoning code, the city is trying to find ways to have mixed use developments. The mixed-use districts that are being proposed with Retool would automatically allow those uses being proposed today as a use by right and would not have to have a planned unit development (PUD).

Ms. Van Nimwegen said the transit shelter, and transit center was a permitted use in most of the block areas. If transit services were to ever be extended to this area of town, it could be easily adapted into this development. She added since this is only a concept plan, there would be future development plan applications, which would be reviewed administratively. But those specific site plans, which, depending on how things move forward may include a transit component, there would still be that regulatory opportunity to include it in the development.

Commissioner Slattery pointed out that we needed to readdress the fee in lieu for schools as the number of residential units increase, since the update fee in lieu for parks and schools were bifurcated. At some point, that needs to get updated to be more in line with the current market.

Commissioner Slattery asked a few questions that were inaudible, but generally asking about the sequencing with open space and retail, the traffic signaling, and how does this development interact with what is existing around it.

Mr. Roby explained there is a significant amount of infrastructure that needed to be put in place on the front end. The expectation is to start with a residential project, some infrastructure, work through some of the site grading and detention and start the ball rolling with that. Then we would proceed to a much larger phase in the next one to two years that would be comprehensive of multiple uses. The secondary phase would include the open space, restaurant, retail, potentially different residential, and the hotel. The activation around that green space is a large project would be in the short to medium term. Mr. Roby said the office space is subject to leasing and if that happens quickly, then they would start on the offices.

Mr. Henley said a traffic study was conducted and will be installing acceleration and deceleration lanes as appropriate. A traffic signal will be installed and will be reevaluated at each phase with the city. It will be a pedestrian friendly development with ways for people to walk from the single-family surrounding neighborhoods over into the green space to experience the development, and there are no plans screening ourselves off from the surrounding area. Mr. Henley said there would be no vehicular connection from this site to the single-family residential to the north because there are restrictions tied to Black Squirrel Creek.

Ms. Van Nimwegen pulled up the Flying Horse Master Plan and showed there was a proposed pedestrian connection from parcel 10, crossing Black Squirrel

Creek, through parcel 28 (which is currently undeveloped and not within the scope), directly into the Downtown Flying Horse project. The concept plan shows a road that would eventually connect to parcel 28 that would have a pedestrian connection over to the pedestrian bridge, which would connect parcel 10 to 28 and on to Downtown Flying Horse.

Supporters:

N/A

Opponents:

(Unknown Caller)

- Wanted to know if the impact of the light and noise was considered for the surrounding neighborhoods

Questions of Staff:

N/A

Rebuttal:

Ms. Van Nimwegen addressed the light and noise concern and stated the zoning code states that all site lighting needs to be fully shielded and fully cutoff not allowing direct rays of light to fall onto neighboring properties. Ms. Van Nimwegen also noted that the City Code outlines it's noise ordinance that's applicable to all properties. Other than the noise ordinance, there's nothing in the zoning code that further restricts noise. The applicant could potentially cut off outdoor music at a certain hour, but there's nothing in code that requires this beyond the noise ordinance.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

See above.

Motion by Commissioner McMurray, seconded by Vice Chair Hente, to recommend approval to the City Council the major amendment to the Flying Horse Master Plan, based upon the finding that the major master plan amendment complies with the review criteria found in City Code Section 7.5.408. The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery and Commissioner Eubanks

Absent: 2 - Commissioner Rickett and Commissioner Almy

- 6.B.** [CPC PUZ 19-00153](#) Ordinance No. 21-71 amending the zoning map of the City of Colorado Springs pertaining to 67.42 acres, located north and northwest of the New Life Drive and Interquest Parkway intersection, from A (Agriculture) and PUD (Planned Unit Development: Single-family Residential, 35-foot maximum building height, 4.45 du/ac) to PUD/CR (Planned Unit Development with Conditions of Record: Mixed-Use with 125-foot maximum building height).

(Quasi-judicial)

Presenter:

Hannah Van Nimwegen-McGuire, Senior Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

Motion by Commissioner McMurray, seconded by Vice Chair Hente, to recommend approval to City Council the rezone of 67.42 acres from A (Agriculture) to PUD/CR (Planned Unit Development with Conditions of Record: Mixed-Use with a 125-foot maximum building height), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B), as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603.

Conditions of Record:

Block	Height Maximum (feet)	Type	Density (du/ac) or FAR
A	N/A	Detention Pond/Open Space	N/A
B	125	Residential	12 du/ac
C	125	Residential	12 du/ac
D	125	Mixed-Use	0.25 FAR
E	125	Open Space/Commercial	25% maximum coverage
F	125	Residential	12 du/ac
G	125	Office/Commercial/Residential	12 du/ac; 0.25 FAR
H	125	Office/Commercial/Residential	12 du/ac; 0.25 FAR
I	125	Residential	8 du/ac

1. Build-Within Zone: A 15-foot Build-Within Zone is established for all parcels which front Block E (the open space parcel). The front Build-Within Zone applies to principal building but may not include entryway features or signage. The front Build-Within Zone shall apply only to the lower 30 feet, or first two (2) stories, whichever is less, of a building, and higher portions of the building may be stepped back farther from the front property line.

2. Outdoor storage of materials: outdoor storage of materials is prohibited; except the outdoor storage of Promotional merchandise as long as a clear path of at least 36-inches is provided for ADA compliance.

3. Restaurants with drive-through windows and fueling stations are not permitted unless adjacent to New Life Drive or Interquest Parkway, or as an attached end cap to a row of other tenants.

4. Big box stores, movie theaters, parking structures or other single tenant uses greater than 50,000 sf shall be partially wrapped with other commercial use spaces on the street side of the structure. The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery and Commissioner Eubanks

Absent: 2 - Commissioner Rickett and Commissioner Almy

6.C. [CPC PUP 19-00154](#) A Planned Unit Development Concept Plan for 67.42 acres of mixed medium to high density residential, commercial, hospitality, and

office land uses located north and northwest of the New Life Drive and Interquest Parkway intersection.

(Quasi-judicial)

Related Files: CPC MP 06-00219-A10MJ21, CPC PUZ 19-00153

Presenter:

Hannah Van Nimwegen-McGuire, Senior Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

Motion by Commissioner McMurray, seconded by Vice Chair Hente, to recommend approval of the Downtown Flying Horse Concept Plan, based upon the finding that the PUD concept plan complies with the review criteria for establishing a concept plan as set forth in City Code Section 7.5.501.E as well as criteria for establishment of a PUD concept plan as set for in City Code Section 7.3.605. The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery and Commissioner Eubanks

Absent: 2 - Commissioner Rickett and Commissioner Almy

TWEEDLIFE

6.D. [CPC CU 21-00032](#) A Conditional Use Development Plan for the Tweedlife project illustrating the change of use from general retail to medical marijuana facility with optional premises cultivation operation and infused product manufacturing (nonhazardous) in an existing 62,700 square foot commercial building and ancillary site changes, located 3525 and 3555 S Citadel Drive.

(Quasi-Judicial)

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Motion by Commissioner McMurray, seconded by Vice Chair Hente, to approve the conditional use development for the Tweedlife project, 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 review criteria for granting a conditional use, as set forth in City Code Section 7.5.704. The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery and Commissioner Eubanks

Absent: 2 - Commissioner Rickett and Commissioner Almy

OPCO - 555 N MURRAY

- 6.E. [CPC CU 21-00061](#) A Conditional Use Development Plan for the 555 North Murray OPCO project to permit a medical marijuana optional premises cultivation operation use, located at 555 North Murray Boulevard.

(Quasi-Judicial)

Presenter:
William Gray, Senior Planner, Planning & Community Development Department

Motion by Commissioner Slattery, seconded by Commissioner Raughton, to approve a Conditional Use Development Plan for the 555 North Murray OPCO project, based upon the findings that the Conditional Use meets the review criteria for establishing a conditional use, as set forth in City Code Section 7.5.704 and the development plan review criteria, as set forth in City Code Section 7.5.502.E. The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery and Commissioner Eubanks

Absent: 2 - Commissioner Rickett and Commissioner Almy

MVS CENTENNIAL EAST

- 6.F. [CPC MPA 00-00103-A3 MJ21](#) A resolution of the City Council of the City of Colorado Springs, Colorado approving a major amendment to the Mesa Springs Community Plan located southeast and southwest of the Centennial Boulevard and West Van Buren Street Intersection.

(Legislative)

Related Files: CPC ZC 21-00041, CPC PUP 09-00128-A2MJ21, CPC CP 21-00043

Presenter:
Gabe Sevigny, Planning Supervisor, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Staff presentation:

Gabe Sevigny, City Planning, presented a PowerPoint with the scope and intent of this project.

Applicant Presentation:

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

Questions:

N/A

Supporters:

N/A

Opponents:

Jason James, resident to the north of the proposed site in Indian Hills Village

- Concerned because the residents have always been told by the city there would be no commercial access on Van Buren
- Traffic analysis did not reference the charter school at the bottom of Van Buren and Chestnut, which has increasing amounts of traffic
 - There should be no access onto Van Buren
- Road surface was not considered in the traffic study
 - Road is one of the worst in Colorado Springs
- Worried the developer is trying to get a foothold for commercial that could potentially change that area into a commercial only should the religious tenant back out
- The traffic report is from 10 years ago and much has changed since then
- Wanted to know why there were no drawings or representation of what the area will look like

Stephanie Peters, homeowner and on the Board of Directors for the Indian Hills Village HOA

- Said the city planner refused invitations from the neighborhood and HOA to come out and look at the condition of Van Buren Street and consider in person the effect of having a new egress on Van Buren
- Traffic study was completed 10 years ago and said about 7,000 to 10,000 cars pass through Centennial a day, but that did not include any commercial egresses onto Van Buren Street
- Would be unethical to approve a new egress from a commercial zone onto a residential street based on an outdated parking study that did not include the existence of an egress on Van Buren
- Code requires a buffer between commercial and residential and that area does not allow for any sort of buffer of noise
- Nothing has been considered with the hundreds of cars coming in and out on Sundays when people in the neighborhood are trying to sit on their patios in the back that is immediately across for this
- Neighbors can't enjoy a Sunday afternoon with hundreds of cars going back and forth

Questions of Staff:

Commissioner McMurray said there was a list of prohibited uses on this proposal, but for the benefit of the neighborhood, what would be allowed? Mr. Sevigny recommended that anyone wanting to compare what is prohibited or allowed could go to city code and look at the table with the permissible uses.

Rebuttal:

Andrea Barlow, N.E.S.

- The concept plans from the onset have always shown an access from the northern property line of this area onto Van Buren and has always been envisioned as an access point
- The traffic impact study might not make specific reference to the charter school, but it includes all background traffic in its analysis including the existing schools and any other exiting uses in the area
- The applicant does not have any control over the road conditions and is a matter for the City of Colorado Springs
- The applicant is not trying to get a foothold to put commercial on the church site there is a church ready to go in as soon as the plans are approved
- The church's only request is to have a coffee shop and there is no intent to do anything other than a church
- The church has been part of the plans since 2009
- The applicant is willing to accept a restriction on the concept plan if necessary, to state that this will be a church use and would require additional review if it were to go full blown commercial
- Because this is a concept plan, there is not any real representation of what this could like and that is why Mr. James is not seeing that visual representation
- The fire department does not generally require two points of access
- The reason for the additional access it to provide better circulation for the church site
- Olson plumbing does have an approved access to the south of their property onto Van Buren because in the context of the multi-family residential that is being worked on to the west, the alignment had to be aligned with the proposed accesses there
- The coffee shop is effectively commercial, but it is not going to generate that same level of traffic
- There is no buffer to the north and the city's landscape architect did not indicate a buffer was required there
- There is a standard whereby if there is a street of a certain classification between the two uses that the buffer is not required
- There will be a more significant setback for building setback and a landscape setback along that street, which will address some of those concerns

Gabe Sevigny, City Planner

- There was no evidence that there would be no access on Van Buren
- Believed the miscommunication that has happened is the promise that no access to Van Buren will be allowed until Centennial has been constructed to Fontanero
- Mr. Sevigny said he was willing to meet in person, but due to COVID, the city was locked down and he did not feel comfortable meeting in person at that time
- Mr. Sevigny said he is very familiar with the site and has gone by several times

- The City requires detailed plans during the development plan process and not at the concept plan process
- There is not a buffer on the north side, it is just the landscape setbacks

DISCUSSION AND DECISION OF PLANNING COMMISSION:

See Above

Motion by Commissioner Eubanks, seconded by Vice Chair Hente, to recommend approval to City Council the major amendment to the Mesa Springs Community Plan, based upon the finding that the master plan amendment complies with the review criteria in City Code Section 7.5.408. The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery and Commissioner Eubanks

Absent: 2 - Commissioner Rickett and Commissioner Almy

6.G. [CPC ZC 21-00041](#)

Ordinance No. 21-70 amending the zoning map of the City of Colorado Springs relating to 9.09 acres located southeast of the Centennial Boulevard and West Van Buren intersection from PUD/SS (Planned Unit Development: Attached and Detached residential, 4-20 dwelling units per acre with a maximum of 411-units, religious institution, 35-foot maximum height with Streamside Overlay) to PBC/cr (Planned Business Center with conditions of record)

(Quasi-Judicial)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Motion by Commissioner Eubanks, seconded by Vice Chair Hente, to recommend approval to the City Council the zone change of 9.09 acres from PUD (Planned Unit Development [Residential. Attached and detached [4-20 du/ac, maximum of 411 units] religious institution, 35-foot maximum height] with Streamside Overlay) to PBC/CR (Planned Business Center with conditions of record), based upon the findings that the change of zoning request complies with the three (3) criteria for granting a zone change as set forth in City Code Section 7.5.603(B) with the following conditions of record:

Prohibited Uses: The following uses shall not be permitted within the applicable areas of the plan:

1. Human Service Establishments: Domestic Violence Safe House
2. Agricultural Sales and Service
3. Bar
4. Campground
5. Hotel/Motel
6. Liquor Sales
7. Medical Marijuana Center

- 8. Retail Large Retail Establishment
- 9. Sexually Oriented Business
- 10. Educational Institutions: College and University
- 11. Educational Institutions: Public Schools
- 12. Social Service Center
- 13. Parking Lot/Surface Parking: Public
- 14. Commercial Greenhouse
- 15. Residential: Detoxification Center
- 16. Human Service Establishments: Drug or Alcohol Treatment Facility
- 17. Residential: Single-Family Detached Dwelling on Individual Lot
- 18. Residential: Manufactured Home
- 19. Residential: Two-Family Dwellings on an Individual Lot
- 20. Automotive and Equipment Services: Automotive Repair Garage
- 21. Automotive and Equipment Services: Automotive Sales
- 22. Funeral Services Crematory Services (As an Accessory Use)
- 23. Hookah Bar
- 24. Kennels Indoor
- 25. Medical Marijuana Infused Product Manufacturer - Nonhazardous
- 26. Medical Marijuana Optional Premises Cultivation Operation
- 27. Teen Club/Young Adult Club
- 28. Civic Use Cemetery
- 29. Mining Operations: Temporary Surface and Open Pit
- 30. Mining Operation: Underground (Activities Under)
- 31. Parking Structure Public

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

Aye: 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery and Commissioner Eubanks

Absent: 2 - Commissioner Rickett and Commissioner Almy

- 6.H. [CPC PUP 09-00128-A2 MJ21](#) An amendment of an existing planned unit development concept plan to remove single-family residential use from the eastern side of Centennial Boulevard located southeast of the Centennial Boulevard and West Van Buren Street Intersection.

(Quasi-Judicial)

Related Files: CPC MPA 00-00103-A3MJ21, CPC ZC 21-00041, CPC CP 21-00043

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Motion by Commissioner Eubanks, seconded by Vice Chair Hente, to recommend approval to City Council the PUD concept plan amendment, based upon the findings that the PUD concept plan amendment meets the review criteria for granting a PUD concept plan amendment as set forth in City Code Section 7.3.605 and meets the review criteria for granting an

amendment to a concept plan as set forth in City Code Section 7.5.501(E). The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery and Commissioner Eubanks

Absent: 2 - Commissioner Rickett and Commissioner Almy

6.I. [CPC CP 21-00043](#)

A concept plan for MVS Centennial East for 4.2 acres as religious institution and commercial, and 4.9 acres as commercial and office, located southeast of the Centennial Boulevard and West Van Buren Street Intersection.

(Quasi-Judicial)

Related Files: CPC MPA 00-00103-A3MJ21, CPC ZC 21-00041, CPC PUP 09-00128-A2MJ21

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Motion by Commissioner Eubanks, seconded by Vice Chair Hente, to recommend approval to City Council the concept plan for MVS Centennial East, based upon the findings that the concept plat meets the review criteria for granting a concept plan as set forth in City Code Section 7.5.501(E). The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery and Commissioner Eubanks

Absent: 2 - Commissioner Rickett and Commissioner Almy

MARK DABLING COTTAGES

6.J. [CPC ZC 21-00029](#)

Ordinance No. 21-72 amending the zoning map of the City of Colorado Springs relating to 12.78 acres located at 6550 and 6650 Mark Dabling Boulevard from PIP-2/cr/SS/HS (Planned Industrial Park with conditions of record and Streamside and Hillside Overlays) to R-5/SS/HS (Multi-family Residential with Streamside and Hillside Overlays).

(Quasi-Judicial)

Related Files: CPC CP 21-00030

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Staff presentation:

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

Applicant Presentation:

Brian Bucher with Bucher Design Studio presented a PowerPoint with the scope and intent of this project.

Questions:

Commissioner Slattery asked if these units were for rent units and if the property owner would be responsible for irrigating and maintaining the lawn? Mr. Bucher confirmed they were rentals and there would be an HOA. He added it would be low water usage and very sustainable in terms of xeriscaping.

Chair Graham asked how far the units were from the train tracks? Mr. Bucher said the closest residential unit would be at an absolute minimum of 75 feet with the 25-foot landscape buffer, plus the 100 foot right of way.

Commissioner Slattery asked how the developer was accommodating for the speeding traffic on Mark Dabling and turning left into the community. Mr. Sexton said they do anticipate once the development plan comes in that there would be additional offsite public improvements. He explained this segment of Mark Dabling has no curb and gutter now sidewalks presently, so those improvements will be expected of the developer that will be finalized in terms of detail through the development plan.

Mr. Todd Frisbie, City Traffic Engineering, said the applicant completed a traffic study, which the city has reviewed. The number of turns expected did not meet the criteria to provide turn lanes on Mark Dabling. Mr. Frisbie said by adding the curb and gutter and sidewalk it can sometimes be a deterrent to speeding on a roadway.

Commissioner Slattery asked if there would be pedestrian access across to the Santa Fe Trail. Mr. Bucher said they are hoping to connect to the trail. Mr. Bucher said they would also like to work with the city to encourage use of bus traffic as well.

Supporters:

N/A

Opponents:

Buddy VanOrden (unknown spelling)

- Lives close by the proposed site
- Concerned about the people who will live there and the noise level for them to endure
- Thinks at this proximity, there is no real noise mitigation possible
- Mr. VanOrden said he lives about 250 feet away from the train tracks

and said when a train goes by a conversation in the open air is a challenge

- There are 29 trains a day and all freight, very heavy trains
- This kind of sound can cause physical damage to people
- The study needs to include the vibration the trains produce

Questions of Staff:

Commissioner Raughton asked what the rental rates on the units will be? Mr. Sexton said the applicant will be asking for approximately 80% of current market rental rates, which is about \$1,600 a month. Since this is a concept plan, the rate is speculative at this point since the applicant has not completed final design and finishes.

Chair Graham asked what the speed of the trains are? Mr. Sexton said they are supposed to be 20 miles an hour, but because they are coming down off the hill, that might not be correct. However, BNSF will continue to be a reviewer and that conversation can be done during the review.

Commissioner McMurray asked what the timing would be for the noise analysis. Mr. Sexton said that would be a part of the development plan review as an administrative application, but the public would have the opportunity to review and comment that during the standard public notice.

Commissioner McMurray asked at what point the noise threshold would become an issue. Mr. Sexton said city code does not have any noise threshold standards. The only benchmark we have would be for a project that is utilizing federal funds using a 65-decibel level threshold for types of affordable housing units. We will be relying on the applicant's consultant in their presentation of their information to have to make a judgment call whether it is a negative impact or not. The city only had a handful of projects that have ever been required to provide a noise study.

Commissioner Slattery asked if the noise study would be the impact on adjacent neighbors to the west of the tracks and not to the development in the property itself? Mr. Sexton said it would both. The developer is committed to look at the impacts on proposed future residents as well as upslope established residents to the west.

Commissioner Slattery asked if there was no threshold for noise and the analysis comes in at 120-decibels, since there is nothing in our legislation, would it be approved? Mr. Sexton said that staff would take the opportunity to make a reasonable judgment on that. There are some decibel thresholds for other types of activity under the city's noise code and staff would look at all the information and make an informed decision.

Rebuttal:

N/A

DISCUSSION AND DECISION OF PLANNING COMMISSION:

See Above

Motion by Vice Chair Hente, seconded by Commissioner Slattery, to recommend approval to City Council the zone change for 12.78 acres of land from Planned Industrial Park with Conditions of Record and Streamside and Hillside Overlays (PIP-2/cr/SS/HS) to Multi-Family Residential with Streamside and Hillside Overlays Planned Business Center with Streamside Overlay (R-5/SS/HS), based upon the findings that the review criteria for a change of zone, as set forth in City Code Section 7.5.603. The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery and Commissioner Eubanks

Absent: 2 - Commissioner Rickett and Commissioner Almy

6.K. [CPC CP 21-00030](#) A Concept Plan for the Mark Dabling Cottages multi-family residential development on 12.78 acres, located at 6550 and 6650 Mark Dabling Boulevard

(Quasi-Judicial)

Related File: CPC ZC 21-00029

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Motion by Vice Chair Hente, seconded by Commissioner Raughton, to recommend approval to City Council a Concept Plan for the Mark Dabling Cottages project, based upon the findings that the amended plan meets the review criteria for establishing a concept plan, as set forth in City Code Section 7.5.501(E). The motion passed by a vote of 7:0:2:0

Aye: 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery and Commissioner Eubanks

Absent: 2 - Commissioner Rickett and Commissioner Almy

7. PRESENTATIONS/UPDATES - None

8. Adjourn