City of Colorado Springs

Regional Development Center (Hearing Room)
2880 International Circle

Meeting Minutes - Draft

Wednesday, February 14, 2024

9:00 AM

Regional Development Center (Hearing Room)
2880 International Circle

Planning Commission

1. Call to Order and Roll Call

Present: 8 - Commissioner Almy, Commissioner Briggs, Vice Chair Foos, Commissioner Hensler, Commissioner Hente, Commissioner McMurray, Commissioner Cecil and Chair Slattery

Excused: 1 - Commissioner Rickett

2.A Approval of the Minutes

2.A.A. CPC 24-056 Minutes for the January 10, 2024 Planning Commission Meeting

Presenter:
Andrea Slattery, City Planning Commission Chair

Attachments: CPC 1.10.24 minutes draft

Motion by Commissioner Hente, seconded by Commissioner Briggs, to approve the minutes for the January 10, 2024 Planning Commission Meeting. The motion passed by a vote of 6:0:2:1.

Aye: 6 - Commissioner Almy, Commissioner Briggs, Commissioner Hensler, Commissioner Hente, Commissioner Cecil and Chair Slattery

Recused: 2 - Vice Chair Foos and Commissioner McMurray

2.B. Changes to Agenda/Postponements

3. Communications

Peter Wysocki - Planning + Neighborhood Services Director

Peter Wysocki, Planning + Neighborhood Services Director, announced he will not be attending the March City Planning Commission meeting. He announced Mike Tassi's departure from Planning and thanked him for his time with the department and expressed appreciation for his work and dedication.

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.)

Mark Dabling U-Haul Rezone

4.A. ZONE-23-0029 A Zone Map Amendment (Rezoning) to change the conditions and restrictions established in Zoning Ordinance No. 82-95 to make mini-storage warehouses and accessory outdoor storage uses allowed in the BP (Business Park) zone district, consisting of 6.26

acres located at 6910 Mark Dabling Boulevard (Quasi-Judicial)

Presenter:
William Gray, Senior Planner, Planning + Neighborhood Services

Attachments: Staff Report
Land Use Statement
Ordinance No. 82-95
Exhibit to Ordinance No. 82-95
Zone Map
Context Map
Zone Map Amendment Legal Description
Zone Map Amendment Exhibit
Corporate Centre Filing No 2
Conditional Use Development Plan
Mineral Estate Owner Notification Certification Affidavit
Self-storage project 6910 Mark Dabling
7.5.704 ZONING MAP AMENDMENT (REZONING)

This Planning Case was accepted on the Consent Calendar.

Les Schwab

4.B. CUDP-23-0020 A Conditional Use to allow an auto and light vehicle repair use in the Mixed-Use Medium Scale (MX-M) zone district consisting of approximately thirty-four thousand (34,000) square feet located at 7752 Barnes Road.

Presenter:
Allison Stocker AICP, Planner II, Planning + Neighborhood Services

Attachments: CUDP-23-0020_Staff Report
CUDP-23-0020_ProjectStatement
CUDP-23-0020_LandUseStatement
CUDP-23-0020_Vicinity_Map
CUDP-23-0020_Presentation_ADS
7.5.601 CONDITIONAL USE

This Planning Case was accepted on the Consent Calendar.

5. Items Called Off Consent Calendar

RMHCS PACE Center at Quail Lake

4.C. CUDP-23-0024 A Conditional Use to allow a Large Adult Daycare Center use in the Business Park (BP) zone district consisting of an existing approximately 9,562 square foot building located at 1420 / 1450 Quail Lake Loop.

Presenter:
Chris Sullivan, Senior Planner, Planning + Neighborhood Services

Attachments:
Report_PACE Center at Quail Lake CUDP_CS
CUDP-23-0024_Project Statement_Land Use Statement
CUDP-23-0024_Vicinity Map
PlanCOS Vision Map
7.5.601 CONDITIONAL USE

Commissioner Hensler pulled off item 4.C. due to her conflict of interest as her company is involved on this project.

Motion by Commissioner Hente, seconded by Commissioner Briggs, to recommend approval of the conditional use to allow a Large Adult Daycare Center use in the Business Park (BP) zone district consisting of an existing approximately 9,562 square foot building located at 1420 / 1450 Quail Lake Loop based on the applications conformance with City Unified Development Code Section 7.5.601.

6. Unfinished Business

7. New Business

Black Forest Road Addition No. 2

7.A. ANEX-23-0017 Black Forest Road Addition No. 2 Annexation located along existing Black Forest Road from south of Research Parkway to the intersection with Old Ranch Road consisting of 21.879 acres.

Presenter:
Katelynn Wintz, Planning Supervisor, Planning + Neighborhood Services Department

Attachments:
1. Staff Report_BF Add2_KAW
2. Exhibit A_BF Add2
3. Exhibit B_BF Add2
4. Project Statement_BF Add 2
5. Public Comment_BF Add 2
6. Public Comment Response_BF Add 2
7.5.701 ANNEXATION OF LAND

Katelynn Wintz, Planning Supervisor, presented the scope of the project to the commission. Jeff Bailey, representing Public Works, presented the scope of the project to the commission.

Commissioner Cecil asked for clarification, as the city already owns the right of way, but the right of way is technically part of El Paso County which was given through a quit claim deed.

Motion by Commissioner Hente, seconded by Vice Chair Foos to recommend approval to City Council the annexation of 21.879 acres as the Black Forest Road Addition No. 2 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in Unified Development Code Section 7.5.701. The motion passed by a vote of 8:0.

Aye: 8 - Commissioner Almy, Commissioner Briggs, Vice Chair Foos, Commissioner Hensler, Commissioner Hente, Commissioner McMurray, Commissioner Cecil and Chair Slattery

2312 W. Pikes Peak Ave.

7.B. NVAR-23-0055 A Non-Use Variance to City Code Section 7.2.205.B to allow a 6'9" front setback where 10' is usually required located at 2312 West Pikes Peak Avenue.

Presenter:
Ann Odom, Planner II, Planning + Neighborhood Services

Attachments:
- 2312 W Pikes Peak - CPC Staff Report
- 2312 W Pikes Peak_Project Statement (Front setback)
- 2312 W Pikes Peak Ave _Plans
- 2312 WPP_Vicinity Map
- PlanCOS Vision Map
- 7.5.526 NON-USE VARIANCE

Ann Odom, Planner II, presented the scope of the project to the commission. Charles Ferrell, the applicant, and Jeremy Whiteman on behalf of the developer, presented the scope of the project to the commission.

Questions from commissioners

Vice Chair Foos expressed concern, stating that it seemed the lot could have accommodated the project without variances, questioning why they were not pushing the lot to get approval without variances.

The applicant responded, explaining that there were a couple of reasons for seeking variances. They were relocating utilities on the east side, within the 10 feet allowed. Additionally, the neighbor's structure was arguably over the lot line. The financial impact, coupled with the effort to adhere to the original design, made it

challenging to move the entire house over. This would likely require a full tear down, which was not the initial goal. Moving the house would be labor-intensive and accessing equipment for the relocation would be problematic. The absence of a driveway at 2312 was noted, with the possibility of gaining one through a variance with City Engineering. The applicant expressed a willingness to explore this option after addressing the current matter.

Commissioner Hensler asked about the side setbacks, seeking clarification on dimensions. The applicant confirmed that they were not adding any width, only height and at the back. However, a variance was required due to existing setbacks.

Commissioner McMurray expressed interest in understanding the interaction of the house with the streetscape, particularly regarding the height of the front door. The existing home had a low profile and Commissioner McMurray wanted insights into the design process. The applicant explained that the stairs were diverted eastward, deviating from the original plan of a driveway on the east side. This adjustment aimed to accommodate the flow of the driveway and address off-street parking difficulties. The raised height was intended to allow more natural light. The developer emphasized that, for the client's design preferences, egress and natural lighting were crucial. The garden level provided a safer means of evacuation. The front porch was not frequently used due to its proximity to the noisy street. To install an egress window, the porch had to be reduced, prompting the addition of a deck on the back side for outdoor sitting and leisure.

Commissioner Briggs inquired about the examples shown, asking if they were rental properties. The response indicated that 2310 had the same owner since the 90's and was a single-family residence and 2317 West Bijou was also designated for single-family use.

Commissioner Almy sought clarification on whether the actual footprint of the house was changing. Additionally, he questioned if a simple foundation repair, without expansion, would have required a variance. The applicant expressed uncertainty, suggesting that such repairs might have gone straight to a building permit for structural repairs. Ann Odom stated that if the repair costs did not exceed 50% of the replacement cost of the entire structure, it could have been handled administratively through a building permit. Commissioner Almy then confirmed that the same structural design and variance issues would have arisen in that scenario. He further inquired about any historical significance of the building, to which Ann Odom clarified that there were none within city jurisdiction.

Commissioner Cecil sought clarification regarding the impracticality of shifting the property due to utility location on the east side. The developer explained that the gas line was on the west side, essentially in the neighbor's driveway. The goal was to relocate everything down the rear of the property, with connections on the east side, given the constraints of the mudroom, egress windows, and other design elements.

Commissioner Hente commended the applicant and developer for their well-prepared presentation and expressed support for the non-use variance.

Commissioner Cecil clarified that the increase in height was out of character with the neighborhood. She expressed concern that the porch configuration would detract from the neighborhood's character, believing it would interfere with the area's aesthetic value.

Motion by Commissioner Hente, seconded by Commissioner Almy, to approve the Non-Use Variance to City Code Section 7.2.205.B allowing a 6'9" front setback based upon the findings that the request complies with the criteria as set forth in City Code Section 7.5.526.E The motion passed by a vote of 7:1.

Aye: 7 - Commissioner Almy, Commissioner Briggs, Vice Chair Foos, Commissioner Hensler, Commissioner Hente, Commissioner McMurray and Chair Slattery

No: 1 - Commissioner Cecil

7.C. NVAR-23-0056 A Non-Use Variance to City Code Section 7.5.802.A to allow a 1'2" side setback (east side) where 3'3" is usually required located at 2312 West Pikes Peak Avenue.

Presenter:
Ann Odom, Planner II, Planning + Neighborhood Services

Attachments: 2312 W Pikes Peak - CPC Staff Report
2312 W Pikes Peak_Project Statement (Side setback)
2312 W Pikes Peak Ave _ Plans
2312 WPP_Vicinity Map
PlanCOS Vision Map
7.5.526 NON-USE VARIANCE

Chair Slattery expressed agreement with some sentiments regarding the project being out of character with the neighborhood. She conveyed an understanding that reducing the front porch on the west side could address concerns. Chair Slattery acknowledged that the second floor would comply with regulated lot lines, but she found the garden level and addition to the historic first floor level to be overbearing for the neighbors. She concluded by stating that her explanation clarified how she would be voting for the next two.

Vice Chair Foos echoed some sentiments, expressing a belief that they could achieve the project within the code without issuing variances. He stated that he would not be supporting the side setback variances.

Commissioner Cecil highlighted that failing to rectify the compliance of the property with the side setback requirements would interfere with future property owners' ability to develop similarly close to the lot lines. For that reason, she said

that she would vote against the additional variances.

Commissioner Hente noted that his previous comments still applied to this one. As a former builder, he expressed sympathy, understanding the challenges of fitting things in and working with the existing confines of the lot.

Motion by Commissioner Hente, seconded by Commissioner Almy, to approve the Non-Use Variance to City Code Section 7.5.802.A allowing a 1'2" side setback (east side) based upon the findings that the request complies with the criteria as set forth in City Code Section 7.5.526.E The motion passed by a vote of 5:3.

Aye: 5 - Commissioner Almy, Commissioner Briggs, Commissioner Hensler, Commissioner Hente and Commissioner McMurray

No: 3 - Vice Chair Foos, Commissioner Cecil and Chair Slattery

7.D. NVAR-23-0060 A Non-Use Variance to City Code Section 7.4.203.A to allow a 6" roof eave setback where 2' is usually required located at 2312 West Pikes Peak Avenue.

Presenter:
Ann Odom, Planner II, Planning + Neighborhood Services

Attachments: 2312 W Pikes Peak - CPC Staff Report

2312 W Pikes Peak Ave__Project Statement (Eave Projection Setback)
2312 W Pikes Peak Ave_ Plans

2312 WPP_Vicinity Map

PlanCOS Vision Map

7.5.526 NON-USE VARIANCE

Motion by Commissioner Hente, seconded by Commissioner Almy, to approve the Non-Use Variance to City Code Section 7.4.203.A allowing a 6" roof eave setback based upon the findings that the request complies with the criteria as set forth in City Code Section 7.5.526.E The motion passed by a vote of 5:3.

Aye: 5 - Commissioner Almy, Commissioner Briggs, Commissioner Hensler, Commissioner Hente and Commissioner McMurray

No: 3 - Vice Chair Foos, Commissioner Cecil and Chair Slattery

Centennial Townhomes

7.E. CUDP-22-0014 A Conditional Use to allow for multi-family residential development consisting of 20 attached townhomes in the MX-M (Mixed-Use Medium Scale) zone district consisting of 1.62 acres located at 4113 Centennial Boulevard.

Presenter:

Tamara Baxter, Senior Planner, Planning + Neighborhood Services

Attachments: Staff Report_Centennial Blvd Townhomes_TPB
Project Statement
Conditional Use Development Plan
CONTEXT MAP
Public Comments
Public Comment Responses
7.5.704 Conditional Use Review
7.5.502.E Development Plan Review

Tamara Baxter, Senior Planner, presented the scope of the project to the commission. The developer, Gavin Light, presented the scope of the project to the commission.

Questions from commissioners

Commissioner Briggs inquired about visitor parking, to which the developer responded that the project was not designed with visitor parking capability.

Commissioner Hensler expressed a lack of visibility on building design components and questioned if there were driveways leading up to the garages. The developer confirmed the presence of driveways but emphasized that they were not intended for regular parking; instead, they were designated for emergency vehicles such as fire trucks.

Commissioner Hensler sought clarification on whether the properties would be for rent or for sale. The developer explained that individual lot lines were incorporated into the design, considering the possibility that laws might change in the future. The developer clarified their intention not to sell any of the properties.

Public comment

Marcia Wick, citizen, spoke in opposition of this project. Her comments included concern for overflow parking, the increase level of noise, the impact of her view of Pikes Peak, and drainage issues.

Applicant Rebuttal

The developer conveyed that he couldn't control where people parked, emphasizing that if individuals parked improperly, they had the option to be towed. Acknowledging the possibility of one-car households, the developer mentioned that, as per code requirements for three-bedroom residences, they had provided two parking spots. Expressing reservations about a fully gated community, the developer raised concerns about maintenance issues such as mowing and trash pickup, favoring a more open community. He believed that an open community would be better but was open to discussing the matter. Addressing concerns about parking, the developer pointed out that Holly Springs, a public road, was nearby,

suggesting it as a potential area for guests to park. Regarding drainage, he assured the presence of a detention pond to minimize pooling, and new sites were designed to manage their own drainage.

Additional comments from commissioners

Chair Slattery addressed the concept of being a good neighbor and proposed the idea of putting conditions on the development plan. She suggested working collaboratively to establish these conditions, particularly questioning the need for a back fence and its potential impact on utility easements.

The developer expressed the belief that making the area attractive would be beneficial for the community, including the appearance of fences. However, he admitted to not having the specific fence locations memorized.

Commissioner Cecil raised concerns about pedestrian access onto the property, seeking clarification on the site plan. Tamara Baxter provided information about the location of the sidewalk connecting to the ADA portion of the property.

Commissioner Hensler expressed a lack of favor for the project due to insufficient development plans and information. She suggested that with better articulation of the plans in the future, she could support the project.

Commissioner Briggs commented to the developer that he was unprepared for the presentation.

Commissioner Hente expressed a desire for more information on various aspects of the project, such as drainage and parking. He sympathized with both the citizen's concerns and the developer's issues, proposing a postponement to provide more time for preparation and discussion. The developer, however, requested a vote on the project on the same day instead of waiting for a postponement.

Motion by Commissioner Briggs, seconded by Commissioner McMurray, to deny the Conditional Use based upon the finding that the request does not comply with the criteria as set forth in City Code Chapter 7 Section 7.5.704 and City Code Chapter 7 Section 7.5.502.E due to a lack of specificity The motion passed by a vote of 8:0.

Aye: 8 - Commissioner Almy, Commissioner Briggs, Vice Chair Foos, Commissioner Hensler, Commissioner Hente, Commissioner McMurray, Commissioner Cecil and Chair Slattery

UDC Annexation Section Amendment

7.F. 24-106 An ordinance repealing and re-ordaining Section 701 (annexation of land) of Part 7 (Policy Decisions by City Council) of Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development

Code) of the Code of the City of Colorado Springs 2001, as amended, pertaining to annexation.

(Legislative)

Presenter:
Peter Wysocki, Director of Planning + Neighborhood Services
Renee Congdon, Utilities Division Chief, City Attorney's Office

Attachments: Attachment 1 - UDC-AnnexationORD-2024-01-03

Attachment 2 - Table with Proposed Changes to the Annexation Section

Attachment 3 - CSU-ExclusiveProviderExceptions-ORD_2024-01-02

Attachment 4 - CSU-OutsideCityService-ORD_2024-01-02

Attachment 5 - CSU-WaterServiceCh12-ORD_2024-01-09

Attachment 6 - CSU-outside city wastewater service 12.5

1-Annexation-Related Code Changes Presentation for CPC 2-14-24

Renee Congdon, City Attorney, presented the scope of the code to the commission. Chair Slattery expressed a concern about the potential difference between the Utilities Board and the nine members of the City Council. She suggested adjusting the language in the code to account for this potential difference, particularly if the composition of the board differed from the City Council. Ms. Congdon clarified that the City Council ultimately controls the code and serves as the approving party, allowing them to make changes to the code.

Commissioner Hensler remarked that "utilities board" is a generic term, but even if it is generic, the language in the statute would still be correct.

Commissioner Briggs raised a procedural point, noting that they would vote on Chapter 7 while the Utilities Board would vote on Chapter 12, and all the sections would then go to the City Council for consideration.

Motion by Vice Chair Foos, seconded by Commissioner Hente, that this Ordinance be accepted The motion passed by a vote of 8:0.

Aye: 8 - Commissioner Almy, Commissioner Briggs, Vice Chair Foos, Commissioner Hensler, Commissioner Hente, Commissioner McMurray, Commissioner Cecil and Chair Slattery

8. Updates/Presentations

8.A. CPC 2201 Post Occupancy Analysis of the Ridge

Presenter: Katie Sunderlin, Senior Affordable Housing Coordinator – Housing and Community Vitality Department

Attachments: The Ridge Analysis_02142024

Katie Sunderlin, Senior Affordable Housing Coordinator, presented the scope of Post Occupancy Analysis of the Ridge to the commission.

Commissioner Hente reflected on his interim time on the council and planning commission, mentioning that neighbors opposed to the project approached him. Initially supportive, he started second-guessing his decision as he met with them, and his opinion further shifted with the project's increasing publicity. The turning point came during a fire incident, though he remained uncertain about the rumors surrounding its cause. Hente expressed satisfaction when projects approved despite neighbors' opposition turned out positively.

Commissioner Briggs brought up the idea of replicating the process in other locations, referring to it as data point one. Ms. Sunderlin explained that the project discussed was one of their newest older projects and expressed a desire to recreate it with the now-established methodology. Commissioner Briggs acknowledged the usefulness of the process, emphasizing the importance of gathering more information for the benefit of the body and the public.

Commissioner Cecil commended the presentation as a great first step in destigmatizing negative associations with integrating affordable housing. She highlighted the humanizing aspect of associating occupations with affordable housing and emphasized the value it brings to the community, stating that affordable housing is not synonymous with unemployment.

Peter Wysocki, Planning + Neighborhood Services director, thanked Ms. Sunderlin for her work and suggested that, sometime in late spring or early summer, the staff and Planning Commission should visit completed projects.

Commissioner Briggs found the idea useful and proposed attending a sound check at Sunset Amphitheater before the first meeting.

9. Adjourn