

City of Colorado Springs

*Regional Development Center
2880 International Circle
Colorado Springs, CO 80910*



Meeting Minutes - Draft

Wednesday, August 9, 2023

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, Commissioner Foos, Chair Hente, Commissioner Rickett, Alternate Cecil, Commissioner Hensler and Commissioner Slattery

Excused: 2 - Vice Chair McMurray and Commissioner Raughton

2. Approval of the Minutes

Motion by Commissioner Rickett, seconded by Commissioner Briggs, that this be accepted 2. Approval of the Minutes The motion passed by a vote of

Aye: 4 - Commissioner Briggs, Chair Hente, Commissioner Rickett and Commissioner Slattery

Absent: 1 - Commissioner Hensler

Recused: 2 - Commissioner Almy and Commissioner Foos

2.A [CPC 23-392](#) Minutes for the July 12, 2023, Planning Commission Meeting

Presenter:

Scott Hente, Chair of the City Planning Commission

3. Communications

Peter Wysocki - Planning & Community Development Director

Peter Wysocki gave an update on the Launchpad project that went before City Council, yesterday, August 8th. City Council voted to deny the appeal on the project, so Planning Commission's approval was upheld.

After some recent presentations to City Council and lengthy discussions, Peter recognized the work of Planning staff for their hard work, professionalism, and dedication to their community.

4. Changes to Agenda/Postponements

Item 9.A was pulled from the agenda today. This item will be presented at the next informal meeting on September 7, 2023.

5. 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.)

- 5.A. [MAPN-23-00](#)** Establishment of the 5470 E. Pikes Peak Avenue/Stockpile
[03](#) Investments Land Use Plan for proposed Commercial and Industrial

uses consisting of 12.56 acres located at 5410 E. Pikes Peak Avenue.

(Quasi-Judicial)

Related Files: ZONE-23-0013

Presenter:

Kyle Fenner, Senior Planner, Planning & Community Development

- 5.B. [ZONE-23-0013](#) A zone change consisting of 8.02 acres located at 5410 E. Pikes Peak Avenue from BP/APZ-1/SS/AP-O (Business Park with Accident Potential Subzone-1, Streamside and Airport Overlay) to LI/APZ-1/SS/AP-O (Light Industrial with Accident Potential Subzone-1, Streamside and Airport Overlay).

(Quasi-Judicial)

Related Files: MAPN-23-0003

Presenter:

Kyle Fenner, Senior Planner, Planning & Community Development

Approval of the Consent Agenda

Motion by Commissioner Rickett, seconded by Commissioner Almy, that this be approved Approval of the Consent Agenda The motion passed by a vote of

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

Absent: 2 - Vice Chair McMurray and Commissioner Raughton

6. Items Called Off Consent Calendar

- 5.C. [MAPN-23-0004](#) Establishment of the Mesa Highlands Land Use Plan for proposed religious institution, multi-family residential and office uses consisting of 28.9 acres located southeast of the West Fillmore Street and Centennial Boulevard intersection.

(Quasi-Judicial)

Related Files: ZONE-23-0011

Presenter:

Tamara Baxter, Senior Planner, Planning and Community Development

Commissioner Rickett pulled these items because he had a concern about the height of the structure and he was opposed to the project.

Senior Planner Tamara Baxter deferred the question about the height to the applicant. Only a land use plan is being considered at this time, not a development plan.

Andrea Barlow with NES said it is currently zoned PUD, which does include high-rise. The limit is 65 feet and, if adjacent to an arterial street, it goes up to 85 feet. Per the land use plan, a religious institution is being proposed on the northern portion of the site, but it will not be that high. The current approved land use plan does include office high rise.

Commissioner Rickett said there was some information provided that the site for the VA hospital was 60 feet and the rest of the site that is now being changed to MX-L was 45 feet, even though the master plan identified high rise. He was concerned about the change from 45 feet to 85 feet towering above a residential area with no transition except for the hillside.

Ms. Barlow said that the residential area to the east is about 100 feet lower than the site down the slope a fair distance from the property. Buildings will be set back, because there is drainage and open space, reducing visibility from the area below. She added that there has been no opposition to this project from neighboring areas. They believe the MX-L is appropriate for this site, as it sits at the intersection of two major arterial streets, which is what this zone was intended to accommodate.

Commissioner Almy asked for confirmation of the difference between the current zoning and the zoning being proposed.

Ms. Baxter showed a slide from her presentation that shows the maximum height of 45 feet for the current PUD. The maximum height for the MX-L is 65 feet and can go up to 85 feet, because it is adjacent to an arterial street. Commissioner Rickett asked and Ms. Baxter confirmed that structures on both Fillmore and on Centennial can go up to 85 feet because they are arterials.

Commissioner Slattery asked that with the zone change of the religious institution on the northern half, they wouldn't necessarily be beholden to that use with the zone change, it's just a proposed use, and staff confirmed.

**Motion by Commissioner Slattery, seconded by Commissioner Hensler, that this Planning Case be accepted Proposed Motion:
Recommend approval to City Council the Mesa Highlands Land Use Plan based upon the findings that the proposal complies with the review criteria for Land Use Plans as set forth in City Code Section 7.5.514. The motion passed by a vote of**

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

No: 1 - Commissioner Rickett

5.D. [ZONE-23-00](#) A zone change consisting of 28.9 acres located southeast of the West
[11](#) Fillmore Street and Centennial Boulevard intersection from PUD

(Planned Unit Development) to MX-L (Mixed-Use Large Scale).

(Quasi-Judicial)

Related Files: MAPN-23-0004

Presenter:

Tamara Baxter, Senior Planner, Planning and Community Development

Motion by Commissioner Slattery, seconded by Commissioner Hensler, that this Planning Case be accepted Proposed Motion:
Recommend approval to City Council the zone change of 28.9 acres from PUD (Planned Unit Development) to MX-L (Mixed Use Large Sale) based upon the findings that the request complies with the criteria for a Zoning Map Amendment as set forth in City Code Section 7.5.704, with the following technical modifications:
1. The zone change encompasses the entire property and the tract for the open space area should not be called out separately.
2. Correctly label the bearings and distances to reflect the legal description on all sheets of the exhibit.
3. Depict and label West Fillmore Street right-of-way correctly. The motion passed by a vote of

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

No: 1 - Commissioner Rickett

Absent: 2 - Vice Chair McMurray and Commissioner Raughton

8. New Business

- 8.A.** [APPL-23-0003](#) An appeal of an administrative decision that approved a minor development plan amendment allowing site modifications along Union Boulevard in association with the Fox Bridge on Union project, located at 8015 Siltstone Point.

(Quasi-Judicial)

Presenter:

Molly O'Brien, Planner I, Planning and Community Development

Staff Presentation:

Planner I Molly O'Brien presented the facts about the Fox Bridge on Union project. Since this application was submitted before June 5th, 2023, the minor amendment approval decision was made under the previous Chapter 7 code. The development plan was approved in 2019 as a multi-family residential use type. Since this approval, there have been three amendments and modifications to the original plan. The one being discussed today was a modification to the retaining walls.

Public notifications were completed, with both a poster on site and postcards sent out to all property owners within a 1,000-foot radius. Staff received five written comments and a number of phone calls. None of these included any comments about noise associated with the new section of the retaining wall.

The City Landscape Architect asked the applicant to show how landscaping would be used to soften the look of the new section of retaining wall. The applicant complied by providing proposed changes, which staff found to be satisfactory and subsequently recommended approval. This minor amendment complies with both the previously approved concept plan and development plan.

The appeal was filed on July 3, 2023. Because it was filed after June 5, 2023, the appeal procedure is subject to UDC requirements. The focus of the appeal is that there was no noise mitigation study conducted for the new section of retaining wall. The appellant stated that the traffic noise will increase significantly, impacting the quality of life for neighborhood residents.

Ms. O'Brien stated that a noise mitigation study is not required per code for a retaining wall, nor is it standard practice. Staff recommended that the administrative decision be upheld, thus rejecting the appeal on the basis that the application complies with review criteria and that the appeal criteria have not been met.

Appellant Presentation:

Appellant Laura Evans is a resident near the Windjammer neighborhood. She stated that the City did not comply with zoning requirements, because they failed to initiate comprehensive studies, including increased noise levels resulting from construction of a retaining wall within 25 feet of a major traffic thoroughfare prior to approval.

Applicant Presentation:

Applicant Jason Alwine with the Matrix Group stated that this amendment includes connecting two existing retaining walls and also widening the entrance to accommodate delivery and fire trucks. He clarified that the final landscape plan is the one showing the specific details. There are trees and large shrubs both above and below the wall. It was decided to connect the existing walls for maintenance reasons.

Questions/Discussion:

Commissioner Rickett said that the approved plans in the staff report do not include the last revised or new retaining wall in the landscape plan.

Ms. O'Brien replied that the scope of the changes were not to the extent that they would need a full amendment.

Commissioner Rickett questioned the placement of the trees on both sides of the retaining wall.

Commissioner Foos said some of the citizen comments mentioned the sidewalk was getting pushed closer. Ms. O'Brien replied that was referring to a previous amendment in 2022, but that is not happening.

Commissioner Rickett said this particular appeal mixes Chapter 7 and the UDC and he asked how the appeal should have been filed. Mr. Wysocki answered that since the appeal was filed after the effective date of the UDC, it follows those rules.

Commissioner Rickett said the staff report noted that the landscape architect asked the applicant to show how they would soften the new section of the wall and the applicant complied. He asked how this will be accomplished. Mr. Alwine answered that there are 9-10 trees spread out along the entire length of the wall and larger shrubs where the wall is closer to the sidewalk.

Commissioner Briggs asked for clarification that there are two large buildings across the street. Mr. Alwine said to the west there is both single family and multi family housing.

Commissioner Hensler asked about the height of the wall. She asked if five feet was recommended, is it possible to make it shorter, and what is the structural integrity for the homes above. Mr. Alwine said they are simply connecting one wall to the other and keeping a flat plane across while maintaining an appropriate slope as it goes toward the existing sidewalk on Union. There is approximately 41 feet between the proposed wall and the sidewalk.

Commissioner Hensler asked Mr. Alwine to speak to absorption of noise between grass and a wall. Mr. Alwine said he is not an expert on noise and a noise study was not required. He did speculate that with the amount of turf and the length of setback that it would soften the noise.

Commissioner Hensler asked about the siding of the structure and whether it is a softer material. Mr. Alwine said it will be siding with stone accents.

Commissioner Slattery asked about the level of maintenance and whether there is a fencing requirement that defines connectivity to the park. Mr. Alwine said the owner felt that two separate areas would be easier to maintain and this is a better long-term solution. There will be a safety railing across the top of the retaining wall because there are significant grade changes and safety was a concern about people jumping off the wall. There is an ornamental iron fence between this property and the park.

Commissioner Briggs asked for clarification on the applicant's statement whether City Ordinance 91-30 should be applied or not. City Attorney Trevor Gloss answered that it should not be. The comprehensive plan and Ordinance 91-30 are aspirational and they are designed for the entire city and not necessarily applicable to individual sites.

Several Commissioners commended the appellant for her well thought-out presentation and for being willing to bring this forward.

Public comment:

Laura Evans asked for clarification on whether the trees will be spread out or clumped together and she questioned the height of the wall. Mr. Alwine said there are nine trees below the wall and additional trees above the wall. The landscape is continuous along Union Boulevard. The connecting wall will be five feet tall.

Motion by Commissioner Hensler, seconded by Commissioner Rickett, that this Planning Case be accepted Proposed Motion:
Deny the appeal thus upholding the administrative approval based on the findings that based upon the findings that the application complies with the review criteria set forth in City Code Section 7.5.502(E) and that the appeal criteria of UDC 7.5.415(A)(2)(a)(2) are not met. The motion passed by a vote of

Aye: 6 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Chair Hente, Commissioner Rickett and Commissioner Hensler

No: 1 - Commissioner Slattery

9. Updates/Presentations

9.A [23-419](#) Public Hearing Comment Management

Presenter: Jen Cecil, Alternate Commissioner

This item was pulled from the agenda today and will appear on the agenda for the next Informal Planning Commission meeting on September 7, 2023.

10. Adjourn