

City of Colorado Springs

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



Meeting Minutes

Wednesday, January 11, 2023

9:00 AM

Hearing Room - 2nd Floor

Planning Commission

Hope Chapel Addition Nos. 1 & 2 Annexations

- 7.A. **ANEX-22-0010** An ordinance annexing the area known as Hope Chapel Addition No. 1 Annexation located at 2210 Old Ranch Road consisting of 4.6136 acres.

(Legislative)

Related Files: ANEX-22-0010R, ANEX-22-0011, ANEX-22-0011R, ZONE-22-0008, COPN-22-0008

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

Staff Presentation:

Gabe Sevigny, Planning Supervisor, presented a PowerPoint presentation discussing the scope and intent of the project.

Applicant Presentation:

Andrea Barlow, NES presented a PowerPoint presentation discussing the scope and intent of the project

Questions:

Commissioner Rickett asked if an enclave was being created by bringing Old Ranch Road into the city. Ms. Barlow stated it was already a larger enclave and they were taking a small piece of it. Ms. Carleo, Land Use Review Planning Manager, stated the area is a piece of a larger complex enclave. PlanCOS identified this area as a near enclave. The City surrounds the area on three sides.

Commissioner Briggs asked why the small area to the south was not included. Ms. Barlow explained it is not part of the annexation because the annexation petitioner does not own it. Commissioner Briggs confirmed a church was already planned for the area. Ms. Barlow said yes, that Hope Chapel owns the property and will be building the church. Commissioner Briggs asked how traffic changes with 100-units opposed to 120-units, as the applicants reduced the amount of units which reduced their liability to do something with the property. Mr. Todd Frisbie, City Traffic Engineering, explained with less units you lower the trip generation count, and by lowering the trip generation and being the only ones generating traffic at the access on the north side, it put the numbers below the City's criteria to require those things. Mr. Frisbie also stated there were plans to widen Old Ranch Road in the future with Pikes Peak Rural Transit Authority 3 (PPRTA 3) funds.

Commissioner Hensler asked about the timing of the plans to widen the road. Mr. Frisbie said PPRTA3 funding does not begin until 2025. Mr. Frisbie said initial conversation suggested it would be about 5-7 years before improvements are seen along Old Ranch Road. Commissioner Hensler said if the property was annexed, improvements would be made by the developer for sidewalks and gutters and other improvements, but that would be just a small section of a greater road that would not have improvements and asked if that were true. Commissioner Hensler also asked who would manage all the road. Would it be city, county, city, or would it be managed by one entity. Mr. Frisbie said by requiring this annexation to include the annexation of Old Ranch up to the bridge, it brings all Old Ranch Road into the city. So, all maintenance, improvements, pothole repair would now fall solely on the city.

Commissioner Briggs asked if the developer would be required to make the necessary traffic improvements if later they decided to increase the number of units from 100 units to 120 units. Mr. Sevigny said that was correct and the developer would have to go through the planning process, which automatically gets sent to traffic engineering and various other departments for review.

Commissioner Raughton asked if the church was an imminent development. Ms. Barlow confirmed with her client that they intend to develop the church, and possibly simultaneously with the development of the multifamily.

Commissioner Hensler asked what the benefit was of creating this enclave and bringing it into the City if the uses are already allowed within the county. Ms. Barlow explained whether an enclave or near enclave the property has one-sixth contiguity to the city which allows for the annexation. Multi-family residential is not allowed under County zoning but the church is. A general reason to annex is to get on City Services. This has a water tap and if a church was built it would utilize the city's sewer but in the county it would have to be on a septic system. So overall it is beneficial for the property owner to be in the City. Commissioner Hensler clarified the multi-family, and the church were separate uses. Ms. Barlow said they were.

Regarding enclaves, Mr. Sevigny pointed out the goal of PlanCOS is to reduce any enclaves. For any use that requires City Utilities, the city requires the annexation so the boundary can be expanded and have the water rights benefit the City when outsourcing the utility requirements.

Commissioner Raughton stated the strategic long term plan for the City is to close enclaves throughout the City.

Support:

None.

Opposed:

Mark Powers, lives directly south of the site across Old Ranch Road.

- One concern is traffic during 8:00AM and 5:00PM, it is steady traffic. It is difficult now and if you add 100-units nothing changes would change but if you add 120-units some adjustments may happen.
- The other concern is this is a rural area with homes on five acres and this will affect the aesthetics of the area.

Jay Stoner, 5655 Bridal Spur Ridge Place,

- Currently in the process of building a home on 5 acres across from the development.
- This development will lower the value of his home.
- It is not contextual to what is around the area. The density proposed of 14 dwelling units per acre when compared to one on three acres.
- Is there any plan to connect Old Ranch Road to I-25
- What about a stop light for the new site since that would allow people to get on the road.

Rebuttal:

Ms. Barlow with NES stated the big benefit of the annexation is it will bring this remaining section of Old Ranch Rd into the City. Right now, it switches between City and County in several different places. This way it brings the entirety of the road into the City and allow the City to do improvements to Old Ranch Rd with PPRTA 3.

Regarding the contextual nature of the development. They were not suggesting it is contextual in the framework of the rural residential south of Old Ranch Road which are large rural residential lots. The type of use they are proposing is consistent with an infill project. It would be compatible in the context of the city surrounding it and its future location within the City .

DISCUSSION:

Commissioner McMurray asked about signalization on Old Ranch Road along with future improvements and the question raised about possible connection of Old Ranch Road connecting to I-25. Mr. Frisbie said there are no plans to connect Old Ranch Road to I-25. As for the intersection at Otero and Old Ranch Road, bringing that section of Old Ranch Road into the City allows for a signalization at the intersection and the ability to monitor the intersection.

Commissioner Hensler asked what triggers the monitoring for that intersection. Mr. Frisbie stated there is criteria in the manual of Uniform Traffic Control Devices that is followed, It is something that is not mandated or must be done but can become a trigger point for the City to consider a signal. Citizens can also request a study, which Mr. Frisbie said he will initiate to see if criteria are met for a signal at that intersection. If the study shows one is not needed right now, they can leave it on their list and come back in two years with a new study and reevaluate the warrant criteria.

Commissioner Raughton asked if intersection would be designed with

deceleration lanes and for the single entry point into the complex. Mr. Frisbie stated the study provided by the applicant projecting traffic turning in and out does not meet the criteria for left and right turn lanes; therefore, the City is not requiring it with this development. Commissioner Raughton asked about the level of service around the school and if currently there was very slow and disturbed traffic. Mr. Frisbie said the levels of service are for the turn movements for in and out of the access point and in and out of Otero. The study showed level service D operations for those movements, which is an average delay. During peak hours the delay is 35 to 55 seconds. Schools can spike the traffic usually 15 to 20 minutes, which might make it difficult to access the road, but afterward it returns to normal operations meeting standards. It would be the same on Sundays for church when services begin and end, then return to the regular standards.

Commissioner Foos asked if this property were not annexed into the City, a church could be built but tied to well water. Mr. Sevigny said the County has their requirements, but religious institutions would have to apply for certain permits. For this proposal, planning staff is requiring an annexation in order to hook up to city services.

Commissioner Ricket said he has gone through the criteria for annexations and feels it meets the annexation criteria. What concerns him is the development plan, concept plan, and comments from the citizens.

Commissioner McMurray clarified when annexed, zoning must be approved and the development plan goes along with that, like a packaged deal. Ms. Katie Carleo, Planning Manager, clarified this was not a development plan. The establishment of a zone is a requirement with an annexation, as well as a concept plan based on the requested zoning. A development plan and final plat would come later and be handled administratively. Ms. Carleo explained the high level details of the concept plan are the controlling factors for the development plan like height, density, and type. The development plan is the more finite details that follow what is approved on the concept plan.

Commissioner Ricket asked if they could approve the annexation and not the concept plan or were they all together. Ms. Lisa O'Boyle, City Attorney, stated an annexation requires the zone and the zone requires the concept plan under code. The cleanest way to do that is all coupled together, so her advice is to couple them all together.

Mr. Sevigny said since this is a straight zone, code defines parameters for that. Any significant changes to the concept plan could affect other areas and the development code would set the overall parameters for the project.

Commissioner Briggs asked what would happen if there were significant changes to the numbers. Mr. Sevigny said the degree of change would determine that. A substantial change requires a major amendment to the concept plan which would be heard by Planning Commission. Commissioner Briggs asked if that included changes to green space. Mr. Sevigny said yes.

Anything causing a major change especially to the mouse habitat or streamside are considered more of an impact that requires other departments' involvement and not just planning.

Commissioner Almy confirmed with amendments it would go back through all the agencies for review as well as public notice. Mr. Sevigny said yes.

Commissioner Raughton said he's for the annexation since closing enclaves within the City makes sense and is a goal of the Comprehensive Plan. His concern is about traffic flow and traffic congestion related to this project, the church and adjacent or in related schools. The Church is an appropriate use, the residential development is an appropriate transitional use. He's inclined to be in supportive if Traffic Engineering will scrutinize, evaluate and make the appropriate requirements for that intersection and follow up as needed.

Commissioner Almy concerns were related the public having further protection if changes happen. Commissioner Almy said he is convinced that will happen with public notice and the opportunity to give comments. The other concern is with the traffic. The construction traffic will face all the problems being talked about for future traffic. The construction crew will have the first complaints in if there is major disruption to traffic. He is in favor of the project.

Commissioner Rickett agrees about the annexation portion of the project. He's struggling with concept plan and the zoning. It is a perfect place for a church, but with the transition piece and changing the zoning they're creating a transition in a hole with the County on three sides. The concept plan review criteria numbers (4) and (5) reference traffic - traffic circulation, parking, overburden the capacity of existing streets, which today this may overburden the street because of the count and we're not doing a right in / right out. We are not addressing the current issues in this concept plan. Number six (6) says, "does the proposed development promote the stabilization and preservation of the existing properties and adjacent areas and surrounding residential neighborhoods." He didn't think this concept plan met that criteria.

Commissioner Foos said he echoes the traffic concerns, but he is in support of annexation.

Commissioner Hensler understands the concern of the neighbors. She agrees this is a good opportunity to close enclaves and address this whole area for the long term. The transition is a nice approach since it is not a huge multi-family development. It is a good mix and we need housing of all different types. She is in support and does not share the concerns about the concept plan.

Commissioner Slattery agrees with the sentiments of her fellow Commissioners. It makes sense to close enclaves and be consistent with the City's long term goals. Regarding the zone change and concept plan she agrees it is an appropriate use for the area and the church along with the smaller scale residential multi-family use. Multi-family is almost always contentious with the neighbors, however, there is a need for housing diversity

within our city and beyond.

Commissioner McMurray asked Mr. Frisbie that given the nature of Old Ranch Road being between the City and the County that it causes a limiting factor in the City’s ability to address some of these potential concerns in terms of the congestion or operations of the road from a traffic standpoint. Mr. Frisbie said Commissioner McMurray was correct. Ownership of the road makes it easier to make improvements without having to work through the county. This will annex the last piece of Old Ranch Road and remove the gap in the road of ownership. All of Old Ranch Road will be in the City which is what the County wants and it is in the City’s best interests. Commissioner McMurray stated there was not an immediate fix with this potential development but annexing it positions the City to start addressing the problem. Mr. Frisbie confirmed it will move it up quicker. The City could do it on our own but that takes a much longer time. They’d have to get the ownership transferred to the City, without the annexation, which is something they can do and do it regularly, but it takes agreements, and have it approved by the Board of County Commissioners which is all time consuming. This process of annexation is a much smoother method.

Commissioner Briggs stated he was pleased the City will be able to get a baseline for the traffic now and find out what the real traffic flow is with the data. We will more than likely find out this is a much more used artery and is keenly interested in what the baseline will show for the traffic now and going forward.

Commissioner Raughton commented that some of the written comments said the Planning Commission and Council do not reflect on neighborhood concerns. He hoped the debate today showed they do consider neighbors’ comments, reflect on them, and ask that other reviewing agencies also reflect on them. One of the outcomes of these comments is it will affect the future of this road.

Motion by Commissioner Slattery, seconded by Commissioner Rickett, to recommend approval to City Council the Hope Chapel Addition No. 1 annexation consisting of 4.6136 acres based upon the findings that the annexation complies with all the conditions for annexation criteria as set forth in City Code Section 7.6.203. The motion passed by a vote of 8:0:1:0

Aye: 8 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

Absent: 1 - Chair Hente

- 7.B. ANEX-22-00** An ordinance annexing the area known as Hope Chapel Addition No. 2 Annexation located at 2210 Old Ranch Road consisting of 9.8807 acres.
(Legislative)

Related Files: ANEX-22-0010, ANEX-22-0010R, ANEX-22-0011R, ZONE-22-0008, COPN-22-0008

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

Motion by Commissioner Slattery, seconded by Commissioner Rickett, to recommend approval to City Council the Hope Chapel Addition No. 2 annexation consisting of 9.8807 acres based upon the findings that the annexation complies with all the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203. The motion passed by a vote of 8:0:1:0

Aye: 8 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

Absent: 1 - Chair Hente

- 7.C. [ZONE-22-0008](#) An ordinance establishing R5/SS (Multi-family Residential with Streamside Overlay) zone district located at 2210 Old Ranch Road consisting of 11.1073 acres.

(Legislative)

Related Files: ANEX-22-0010, ANEX-22-0010R, ANEX-22-0011, ANEX-22-0011R, COPN-22-0008

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

Motion by Commissioner Slattery, seconded by Commissioner Rickett, to recommend approval to City Council the establishment of 11.1073 acres as R5/SS (Multi-Family Residential with Streamside Overlay) zoned district, based upon the findings that the change of zone request complies with the criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). The motion passed by a vote of 8:0:1:0

Aye: 8 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

Absent: 1 - Chair Hente

- 7.D. **COPN-22-0008** Approval of the Hope Chapel Additions 1&2 Concept Plan illustrating multi-family and religious institution uses, located at 2210 old Ranch Road consisting of 11.1073 acres.

(Quasi-Judicial)

Related Files: ANEX-22-0010, ANEX-22-0010R, ANEX-22-0011, ANEX-22-0011R, ZONE-22-0008

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

Motion by Commissioner Slattery, seconded by Commissioner Rickett, to recommend approval to City Council the Hope Chapel Addition No. 1 & 2 concept plan, based upon the findings that the concept plan meets the review criteria for a concept plan as set forth in City Code Section 7.5.501.E with one (1) condition of approval:

1. Receive final approval from SWENT for the preliminary drainage report.

The motion passed by a vote of 8:0:1:0

Aye: 8 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

Absent: 1 - Chair Hente