

**THURSDAY, JANUARY 21, 2016
CITY HALL COUNCIL CHAMBERS
107 NORTH NEVADA AVENUE
COLORADO SPRINGS, COLORADO 80903
CHAIRMAN PHILLIPS CALLED THE MEETING TO ORDER AT 8:30 A.M.
THE MEETING ADJOURNED AT 2:09 P.M.**

PRESENT:

Markewich
Henninger
Gibson
Donley
Phillips
Shonkwiler
Walkowski
McDonald
Smith

ABSENT:

ALSO IN ATTENDANCE:

Mr. Peter Wysocki, Planning and Development Director
Mr. Marc Smith, City Senior Corporate Attorney

RECORD OF DECISION

Moved by Commissioner Markewich, seconded by Commissioner McDonald to approve the December 17, 2015 Record of Decision.

Motion passed 9-0.

COMMUNICATIONS

Mr. Wysocki introduced Elena Lobato to her first formal City Planning Commission meeting and would like to recognize Cindy Hurst and Sue Matz for stepping in and helping out with the Administrative Technician position.

There was a slight issue with the posting of the Short Agenda, basically the Table of Contents. The Short Agenda was not posted with the City Clerk's office until 2:30 p.m. yesterday, January 20, 2016. We did post the entire packet and the agenda on the City's website, it was noticed in the paper and of course all the public notices for the quasi-judicial items were mailed to the appropriate property owners. What we would ask the Planning Commission to do is make a finding that given all the other notices were met the agenda was fully noticed in a timely manner.

Mr. Smith added it appears we probably have from what Peter told us as evidenced by several dozen people in the crowd here, six or seven different forms of public notice, I believe between

the informal meeting, the postcards that have gone out, and everything else that has gone out. The statute does not explicitly require we post in the City Clerk's glass case, which was what Mr. Wysocki was talking about. If we could get a motion that the commission believes that we have provided full and timely notice, we could proceed with the meeting, otherwise, we would need to wait until 2:30 to start the meeting or we would need to postpone to another date.

Chairman Phillips asked for Mr. Smith to clarify what was being asked of the Commission. Mr. Smith explained it would be a motion to take notice of the fact that the meeting has been fully and timely noticed and we would proceed as noticed on the agenda.

Moved by Commissioner Walkowski, seconded by Commissioner Smith, to approve the January 21, 2016, City Planning Commission meeting was fully and timely noticed.

Motion passed 9-0.

COMMUNICATIONS (cont'd)

Mr. Wysocki requests that Item 4A be heard first after the Consent Calendar. Also Item 8 which is an Ordinance amending Chapter 7 of City Code pertaining to marijuana consumption clubs be postponed to the February 18, 2016, Planning Commission.

Mr. Smith stated with the postponement public comment should be allowed on the postponement not anything specifically to the marijuana consumption clubs item.

Moved by Commissioner Markewich, seconded by Commissioner Gibson to postpone **Item 4.A CPC CA 15-00138**; Mr. Smith asked if there were any public comments on the marijuana consumption club ordinance. No public comments or discussion.

Motion passed 9-0.

CONSENT CALENDAR	
ITEM NO.	PROJECT DESCRIPTION
<p>ITEM: A.1 CPC ZC 15-00118 (Quasi-Judicial)</p> <p>ITEM: A.2 CPC CP 15-00119 (Quasi-Judicial)</p> <p>PARCEL NO.: 6401100053</p> <p>PLANNER: Mike Schultz</p>	<p>A request by FN, LLC (Joy Focht) for the approval of the following applications:</p> <ol style="list-style-type: none"> 1. A change of zone from PIP-1/AO (Planned Industrial Park with Airport Overlay) to C-6/CR/AO (General Business with conditions of record and Airport Overlay). 2. A concept plan for an automotive sales lot. <p>The subject property is located at 2420 Victor Place and is 8.69 acres.</p>

<p>ITEM: B CPC CU 15-00090 (Quasi-Judicial)</p> <p>PARCEL NO.'S: 6305103002</p> <p>PLANNER: Mike Schultz</p>	<p>A request by Sonic Development, Inc. on behalf of Harwal, Inc. for approval of the following application:</p> <p>A conditional use for an automotive sales lot consisting of a 9,037 square foot dealership/service facility building, a freestanding 1,073 square foot car wash and an outdoor display of vehicles.</p> <p>The subject property is 5.83 acres and is located at 1626 & 1650 Jamboree Drive.</p>
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NEW BUSINESS CALENDAR

ITEM NO.	PROJECT DESCRIPTION
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<p>ITEM: 5.A CPC ZC 15-00109 (Quasi-Judicial)</p> <p>ITEM: 5.B CPC DP 15-00110 (Quasi-Judicial)</p> <p>PARCEL NO.'S: 6428106042</p> <p>PLANNER: Lonna Thelen</p>	<p>A request by Circle K Stores Inc., for the approval of the following development applications:</p> <ol style="list-style-type: none"> 1. A zone change from OC (Office Complex) to PBC (Planned Business Center) to allow a 4,480 square foot convenience store with gas and a car wash. 2. A development plan for a convenience store with gas and a car wash. <p>The property is 2.4 acres and is located at 1715 and 1735 Monterey.</p>
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<p>ITEM: 6.A CPC ZC 15-00122 (Quasi-Judicial)</p> <p>ITEM: 6.B CPC DP 97-00346-A1MJ15 (Quasi-Judicial)</p> <p>PARCEL NO.: 7412100020</p> <p>PLANNER: Lonna Thelen</p>	<p>A request by Steve Rodriguez on behalf of Colorado Springs Utilities for approval the following applications:</p> <ol style="list-style-type: none"> 1. A change of zone from PK/PF/R/HS (Parks and Recreation, Public Facilities, Estate Single-Family Residential; all with Hillside Overlay) to PF/HS (Public Facility with Hillside Overlay). 2. A major amendment to the development plan for the Little Mesa Tank Relocation. The project will add a new tank location. <p>The property is 17 acres and is located southeast of the intersection of Manitou Boulevard and Mesa Road at 1410 Manitou Boulevard.</p>
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<p>ITEM: 7.A CPC ZC 15-00140 (Quasi-Judicial)</p> <p>ITEM: 7.B CPC DP 15-00141 (Quasi-Judicial)</p> <p>PARCEL NO.'S: 745200096</p> <p>PLANNER: Conrad Olmedo</p>	<p>A request by Andrea Barlow of N.E.S., Inc., on behalf of Judy Henley, for approval of the following applications:</p> <ol style="list-style-type: none"> 1. A zone change from R1-6000 (Single-Family Residential) to OR (Office Residential). 2. A development plan for an Office/Medical Use. <p>The property consists of 15,782 square feet and is located at the northwest corner of the intersection of S. 8th St. and Cheyenne Blvd. at 802 Cheyenne Blvd.</p>
<p>ITEM: 8 CPC CA 15-00145 (Legislative)</p> <p>PLANNER: Peter Wysocki</p>	<p>An ordinance amending Part 3 (Land Use Types and Classifications) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) and Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs, 2001, as amended, pertaining to marijuana consumption club facilities.</p>
<p>ITEM: 9 CPC CA 15-00144 (Legislative)</p> <p>PLANNER: Peter Wysocki</p>	<p>An ordinance amending Section 303 (Final Plat requirements) of Part 3 (Final Platting Procedures) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the reference of declarations of common interest communities.</p>

CONSENT CALENDAR

DATE: January 21, 2016
ITEM: A.1-A.2
STAFF: Mike Schultz
FILE NO.: CPC ZC 15-00118
CPC CP 15-00119
PROJECT: 2420 Victor Place zone change and concept plan for an automotive sales lot.

DECISION OF THE PLANNING COMMISSION

Moved by Commissioner Henninger and seconded by Commissioner Markewich to approve **Item A.1, File No. CPC ZC 15-00118 – Zone Change**, a change of zone from PIP-2/AO (Planned Industrial Park with Airport Overlay) to C-6/CR/AO (General Business with Conditions of Record and Airport Overlay) based on the finding the request complies with the review criteria as set forth in City Code Section 7.5.603.B. (Establishment or Change of Zone District Boundaries) with the following Conditions of Record:

1. The following building standards apply:
 - a. Setbacks
 - i. Front: 25-foot
 - ii. Rear: 25-foot (minimum 100-foot building setback adjacent to residentially zoned property)
 - iii. Side: 10-foot
 - b. Maximum Building Coverage: 40%
2. The following uses are prohibited:
 - a. Body and fender repair services;
 - b. Equipment storage yard;
 - c. Sexually oriented business;
 - d. Construction and/or contractor yard;
 - e. Industrial laundry services (large scale activity).
3. The following activities are prohibited:
 - a. Use of outdoor intercom system.

Motion Passed 9-0.

Moved by Commissioner Henninger and seconded by Commissioner Markewich to approve **Item A.2, File No. CPC ZC 15-00119**, a concept plan at 2420 Victor Place based upon the findings that the concept plan meets the review criteria as set forth in City Code Section 7.5.501.E contingent upon addressing the technical and informational modifications listed below:

Technical and Informational Modifications to the Concept Plan:

1. Place the City File Number in the lower right hand corner of the plan page (CPC CP 15-00119).
2. Note the Conditions of Record on the concept plan (make corrections to legend information if necessary).
3. Graphically depict the 100-foot building setback along the western 100 feet of the site.
4. Correct the landscape setback along the westerly property line to 15 feet.
5. Correct the landscape setback along Powers/Victor frontage to 25 feet (Powers and the Victor frontage are classified as Expressways).
6. Graphically note that an 8 foot high masonry wall will be required between the western property line and 15 foot landscape setback at the time of construction (details of this can be determined at the time of development plan).
7. Under the legal description, provide the current legal of the property and note "(to be platted prior to issuance of a building permit)".
8. Label Powers Boulevard just beyond and to the east of Victor Place.
9. Show the Rock Island Trail (8 foot concrete) along the west side of Victor Place, along this properties frontage. The City Trail (per City Parks Dept. approved plan) is anticipated to cross the property line. Show a Public Improvement Easement on the concept plan to be implemented at time of Plat application.
10. Please label the existing entrance width dimension and distance from the southern property line.
11. All substandard curb and gutter which possess a safety hazard will need to be removed and replaced. An inspection can be scheduled by calling 385-5977.
12. Comments for the Final Drainage Report are being coordinated with the Drainage Engineer.
13. Please show and label all existing and proposed sidewalks. Pedestrian ramps will need to be shown at the Development plan level.
14. Please label Victor Place as 'public'.
15. Permission to construct storm sewer on adjacent private property will require the permission of the adjacent property owner.
16. Please place the anticipated plat name on the concept plan.
17. Please show and label the WQ (FSD) pond and the proposed public and private storm pipes (please label as public or private).
18. Please add all existing and proposed easements. Please provide all necessary drainage easements.
19. Please show the proposed wall along the residential properties on the west side of this project.
20. Please call out what is proposed for the NW corner of the parcel.
21. Please show and callout "on the Plan" the speed line of sight with the adequate sight distance length (footage) for the proposed access off of Victor place.
22. If the concept plan is to also be utilized as the development plan (If a separate development plan is to be provided, please indicate so on the concept plan.), please provide the following:
23. Add the General Utility Plan Notes on the Preliminary Utility Plan.
24. Per City Code the public water main in Victor Place shall be extended the length of the property from the closest water main, at the southern property line, to the furthest property line.

25. An easement shall be provided for the water main crossing the proposed development to the owner of the water main.

Motion passed 9-0

January 21, 2016

Date of Decision

Planning Commission Chair

UNFINISHED BUSINESS CALENDAR

DATE: January 21, 2016
ITEM: 3.A – 3.B
STAFF: Michael Turisk
FILE NO.: CPC PUZ 15-00100
CPC PUP 15-00119
PROJECT: 22 Spruce Apartments

STAFF PRESENTATION

Mr. Michael Turisk, Planner II, presented a PowerPoint slide presentation (**Exhibit A**).

Applicant:

Bryan Kniep gave a presentation regarding the project for a 4-story apartment complex with studio, 1 and 2 bedroom apartments with underground parking. The apartments would be upscale in design. Amenities would include a coffee shop/café for residents, a roof top garden, Wi-Fi throughout, and onsite management. The targeted groups to live in these apartments based on the market study are young professionals, millennials, and those wishing to be close to downtown. The design is to be market rate housing with rent from \$ 900- \$1300 per month.

They've had neighbor meetings to address neighborhood concerns such as traffic, parking and the height of the building. Generally everywhere it's the 48 feet in height where the elevator shaft is located is just under 60 feet height maximum but other areas will be the lower height.

Jeff Hodston completed a parking analysis for this project. There will be more than enough parking with onsite and adjacent streets. This use allows 64 spaces. They are only 2 spaces short when you consider on site and adjacent street parking on the same side of the street as the site. They completed a parking inventory where they went in the field and counted / estimated the available spaces within a couple of blocks of the site. They counted the available spaces in the morning and at late at night. They found there was more than enough parking to accommodate those 2 needed spaces. There are about 200 total spaces available, only 39 spaces were occupied.

Commissioner Gibson asked if the applicant had an agreement with the county to use the parking at their building. Mr. Hodston clarified he was referring to the on-street parking. Commissioner Gibson asked when Mr. Hodston did those parking observations and he said 10 a.m. and 10 p.m.

Commissioner Donley said he wanted to go through the math with the onsite parking and the adjacent parking. Onsite is 46, Mr. Hodston said 47. On Kiowa with the diagonal spaces that added how many spaces? Mr. Hodston said 6. Commissioner Donley suggested they look at the staff presentation that showed the parking. Mr. Turisk said that he believed parking on Kiowa is 12 spaces and the reverse angle proposed along Spruce is 15. Commissioner Donley still asked for the slide with the graphic to be pulled up. Mr. Hodston said that when their parking analysis was completed they did not have the site plans with the back angled

spaces they used the parallel spaces; Commissioner Donley said that is what they needed to work through. Mr. Hodston said the 6 on Kiowa for the head-end angled spaces and the 15 back-end angles spaces on Spruce and one additional parallel space south of the alley. Mr. Hodston said he counted 62. Commissioner Donley said he came up with 68 and asked if everyone else had the same and the board members agreed it was 68. Commissioner Donley said he is reluctant to assign spaces that are not adjacent to the applicant's property. It appears as though there is enough spaces if you include onsite and immediately adjacent. So the number they are looking for is 64 and they have 68. The parking occupancy analysis for the rest of the neighborhood was unnecessary and in his opinion inappropriate.

Commissioner McDonald said they had the 8 spaces across the alley next to the building are there a couple of additional spaces there by the building. Mr. Kniep said they were 2 additional parking spaces. Commissioner McDonald said they were really had 70 spaces with those 2 extra spaces.

Commissioner Walkowski asked if the reverse angle parking was on the city street right-of-way. Mr. Kniep said it was. Commissioner Walkowski asked about the improvement structures – the landscaped areas and the bump out, is that something they would construct? Mr. Kniep said they would. Commissioner Walkowski said these are not dedicated parking places, they are public parking places. Mr. Kniep said that was correct.

Commissioner Shonkwiler asked about roof top amenities. Mr. Kniep said they will have a small roof top patio on the northeast corner – a small deck with a barbeque grill. Commissioner Shonkwiler asked if there was elevator access to that and Mr. Kniep said they did. Commissioner Shonkwiler said elevators are exempt from height limits but you've included that in your height limits because you have an elevator for the amenities and what you have up there. Mr. Kniep said that was correct.

Commissioner Markewich said with the small patio next to the café on the ground level, he did not see anything regarding noise so his primary concern was if there would be any amplification of music or any live music. So when they got closer to a motion he would want there to be requirements to put limits on any outdoor amplification. Mr. Kniep said he did not see live music being a real potential for this type of development and he could also see limiting any outdoor speakers or something like that on the patio area. Commissioner Markewich said then Mr. Kniep would be ok if they put that as part of the condition of record. Mr. Kniep said that would fine.

Supporters of the application:

Walter Palmer said he was in support of the application with modifications. He said he thanked Ms. Gibson for asking about the parking because 70 parking spaces sounded much better. Reverse angle parking sounded odd to him and asked where else in the city is there back angle parking. He thinks it is an opportunity to improve the neighborhood not just by adding a building and since parking is such a concern why not include the angle parking all of Kiowa and along Spruce. It eases the parking not only for this project but also for the neighborhood. They are trying to attract families and young professionals to the area but if there was a park that didn't cross a major traffic intersection it could be a good idea and done

within a few block of that area. To find 200 parking spaces within walking distance of this project would include an agreement with the county to use their large parking spot otherwise you are walking a very long distance and he did not believe that type of parking agreement with the county is a wise one.

Opponents of the application:

Dena Levin stated she is a supportive opponent. She is glad of the development. She is pleased with the changes from the original plan because diagonal parking all along Kiowa would take away their bike lanes. Her biggest opposition is the four-stories because it will overwhelm the neighborhood visually. Also 47 units most of the 450 square feet – tiny housing is attractive and an adventure but people will find they need more space. So they move out, then you get lower scale tenants and you get people in there doubling up to make rent. They are already overcrowded and they have crime in the neighborhood so they are concerned how this will affect them down the road. The neighborhood has begun to improve and if this turns into a four-story slum then all the progress that has been made will be lost and they will be stuck with it. The owners of the apartments can sell and move on without losing anything. They are concerned about maintenance and what will be done to prevent that type of downgrading. Her other concern is the alley. She didn't understand what was meant by creative drainage but children play in that alley. So whatever is done to slow the traffic in the alley needs to be aggressive because it's not if there will be a tragedy it's when.

Ralph Sheets – lives in the area. This is an area with a high concentration of homeless people. Spruce Street is a corridor from the creek over to the Bijou Bridge. He would estimate there is about 200 homeless people a day that walk up and down this street or the homeless people just hanging around drinking and drugging. He picks up trash every day. He and his neighbor across the alley have cleaned up human waste more than once. They are worried about this place degenerating and having 5-10 people living in the same apartment to make the rent. He said he could see the developer getting first and last month rent and then 12 months of no rent. He likes the idea of infill but Family Dollar could not make it in this neighborhood; the car lot has been empty for 15 years and never been occupied – it looks like a car lot, it isn't that but since it looks like that, that is why he calls it that. He would like professional people to move in, people with money but doesn't see how it could be maintained. So his summary is too many, too much, too big.

Commissioner Shonkwiler said he understood about the homeless in this area but did he think having more people living in the neighborhood would be beneficial or leaving it empty would be better. Mr. Sheets said no leaving it empty would not be better. Commissioner Shonkwiler's said he understood his concern about risk about whether the place is not successful. Mr. Sheets said the neighborhood but it is improving but the history is people moving in and out very quickly because of evictions in the rental homes. Commissioner Shonkwiler's said that one building isn't going to solve the problems of the neighborhood. But if there were a number of high quality investments into the neighborhood maybe that would have some beneficial effect. Mr. Sheets said he would like to see that but where are the homeless people going to go because this is a corridor and he would rather not see the homeless people in his neighborhood.

Commissioner McDonald asked Mr. Sheets if he was aware they would be having onsite management for the apartment building. Mr. Sheets said he had not been aware of that and was very encouraged to hear it. Commissioner McDonald said that having that will be a real benefit which will make it different than a rental home.

Additional Comments / Questions of Staff:

Commissioner Markewich wanted to confirm if they do the zone change and the concept plan with the exception on the parking and this project were not to go forward; the zone change is already done, but if the concept plan, development plan and the project never goes forward, the parking modification would go away correct? Mr. Turisk said the rezoning is tied to the concept plan and even more specifically the development plan. So any parking modification would be tied to zoning, concept and development plan.

Commissioner Walkowski asked if Mr. Turisk could help him understand process because he had put the height in the zoning change. So should that be in the zoning change or in the PUD Concept plan. Because if we approve the zone change and it doesn't happen we've approved a zone change with a PUD 60 foot height limitation. Is that correct? Mr. Turisk made an affirmative response. Commissioner Walkowski asked if that was typical. Mr. Turisk said the applicant came forward with the PUD application and concept plan and several weeks later submitted a development plan and final plat. So any changes and modifications such as height or parking those changes would be memorialized in the zoning ordinance and the approved development plan. Commissioner Walkowski said that he thought the concern was if they approve the zone change but this project doesn't go forward which can happen, you still have this 60-foot height allowance on this particular zone change, correct. Mr. Turisk said that was correct. Meggan Herrington, Land Use Review Planning Manager offered some clarification for the Commissioners. She said that it is typical in a PUD ordinance that height, type and density are what go into the ordinance and any time project say a concept plan would expire a particular number of years the zoning is an entitlement of the property they would have height, type and density through the ordinance and then they would need to come back with a new concept plan and that is fairly typical and written into the code. All the other site analysis and site standards such as setbacks, landscape, buffering, parking requirements those are specific to the plans and usually aren't specifically written into the PUD ordinance.

Commissioner Walkowski asked Mr. Turisk about technical modification # 2. – He didn't understand what 335 feet of line of site for the alley meant. Mr. Turisk said that technical modification came from traffic engineering. They wanted to see on the concept plan and the development plan. Zaker Alazzeah with Traffic Engineering said for Spruce Street it is 30 MPH and requires 335 feet of line of site. They asked the applicant to provide this on the development plan. Commissioner Walkowski clarified Mr. Alazzeah was talking about the intersection of the alley to Spruce Street. Mr. Alazzeah said that was correct, 335 for both sides. Commissioner Walkowski said wasn't there reverse angle parking there and doesn't that get into your line of site. Mr. Alazzeah said it will, but if the cars are not considered for blockage for line of site plus it's reversed so technically the front of the car is lower than the back.

Commissioner Gibson thanked Mr. Turisk for pointing out the public transit because she was going to ask that. She wanted to know how big the café space was. Mr. Turisk said he did not have that information and deferred to the applicant. Mr. Kniep said it was fairly small it set up to have 2-3 bistro tables with 3-4 seats each. It's not set up for being open to the public it's more of a gathering space within the building for the residents.

Commissioner Henninger asked with regard to the alley; he understood the builder will take care of around the building but will the builder pave the alley. Mr. Turisk that was correct the developer would improve that alley.

Commissioner Shonkwiler said they were going from C-6 zoning but didn't that type of zoning allow residential. Mr. Turisk said it was allowed. Multi-family in C-6 zoning requires a conditional use. That was discussed in pre-application meetings with the applicant. It was determined that rezoning to the PUD would be the best option due to the number of modifications to site standards that would be needed.

Commissioner Shonkwiler said he hope progress could be made so people could build in C-6 zone, a business zone. Commissioner Shonkwiler said he noticed that the height limit in the C-6 zone is 50 feet and asked if that was the other reason for the zone change was because this building was higher than that. Mr. Turisk said it was. Commissioner Shonkwiler said on the northeast corner of the building is where that height would be and that was because of the elevator and it was at 60 feet. So from 3 sides of the building you will not reach that 60 foot height you will be at the 48 ½ feet height. Mr. Turisk said that was correct. Commissioner Shonkwiler said that technically that was the allowed zoning in the existing C-6 property. Mr. Turisk said that was correct.

Commissioner Shonkwiler asked a follow-up question regarding the 335 feet line-of-sight, was that correct for the alley. Mr. Turisk said it was. Commissioner Shonkwiler said that was way past this property and did not see the need for that length of site limit for this site. Zaker Alazzeah answered Commissioner Shonkwiler by explaining that the site limit was based on the speed limit on Spruce Street which is 30 MPH. It goes from the alley to Spruce Street. So as you are exiting the alley and looking down Spruce Street either north or south you must have 335 feet of clearance.

Planning Director Wysocki stated that one of the things done today was approval of a new Infill Chapter. These are the type of projects and circumstances that are part of infill. What makes Infill successful is making our very suburban centric concept of what an apartment is or a multi-family development is mixed use. This project is a very good example of Infill.

Rebuttal:

Mr. Kniep said regarding the back end angled parking, they met with Kathleen Krager discussed a fog of the street to cover all the stripping and they would restripe in front of their building and the city would restripe the other areas all the way to Bijou. This is the same type of parking in front of Ivywild School.

Mr. Kniep also addressed condo for this development. They are building in other areas in Colorado that are apartments with the ability to condoize them later if need be.

With regard to the size of the apartments; the bulk of the apartments are one bedroom apartments averaging about 625 square feet. Studios are 450-500 square feet and then the 2 bedrooms will be about 900 square feet.

Regarding the maintenance and speed in the alley way – they will improve the alley and they will also be undergrounding utilities that are running along the alley currently and along Spruce Street in front of the development. They are already working with CSU regarding costs and undergrounding. When he made his comment about the creative drainage, one of the things Kathleen Krager mentioned to him during one of their meetings they try to not advocate speed bumps in alleyways but they are not opposed to them using some hump devise to direct their drainage down the alley as they need to. So it would still act as a traffic calming devise.

He also agrees with Commissioner Shonkwiler's concern about the homeless because it was a problem any time they were at the site. So hopefully this helps the neighborhood.

Commissioner Smith asked Mr. Kniep to address the neighborhood concerns about slum conditions, and/or overcrowding. How would the onsite manager handle this and what criteria will you use to look at to handle this. Mr. Kniep said they use a professional management company for their apartment complexes. They will require a credit check to ensure tenants can pay for it and are not criminals. The onsite manager will look at how many keys are available to a unit to limit the number of people that have access. If you try to have 10 or more people in an apartment it will be fairly obvious. If anything like that happened they would have to terminate that person's lease.

DECISION AND DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich said he likes the project and it's good they are trying to invigorate this area. The owner operate will need to keep this area clean and keep the occupancy stable. He is not concerned about that because there is incentive to make the project successful. When they get to the motion he would like to add a technical modification that will include a prohibition on live or amplified music or audio on the bistro patio and roof top garden patio. Commissioner Smith said he's in favor of the project. It complies with the comprehensive plan. It's a really good example of Infill Chapter. It's close to the downtown so people can either walk or bike to work. He thinks it's an economic benefit to the City. He likes having a manager on site. He agrees with Commissioner Markewich's comment about noise technical modification condition. \$900- \$1300 per month rent you will get a more satisfactory renting. He will be supporting the project

Commissioner Henninger said he will also support the project. It will fit well into the neighborhood. He sees nothing but positive with this project. The one thing he wanted to bring up is the noise situation. This is right close to I-25 and there is a pronounced noise of highway traffic. So he would not be for any restrictions on this particular property.

Commissioner Shonkwiler said if they put restrictions on noise to have something about amplified music on the roof top and have a time would be good, but on the main level sidewalk café he doesn't have any concerns there. It's on the northeast side of the project and this is turning into an area where there is night life. So if there is the addition of this modification you direct it more to the roof top. On the overall project is the epitome of what Infill is trying to accomplish in the urban areas of Colorado Springs. It meets almost every standard in the code. The whole idea is to take empty property in urban area and make them attractive. So having some amenities will hopefully help for other development in the area and spill out into the neighborhoods. He enthusiastically supports it and if the modification is offered hopes that it is specific and fairly reasonable.

Commissioner Donley said he was completely in favor of counting adjacent on street parking toward the amount of parking requirements for a site. He is opposed to analyzing the vacancy in surrounding areas. In this case he thought it completely met the requirements for parking with those parking spaces that are immediately adjacent to the project. He felt it is an exciting project because they are getting a nucleus of activity in this area with the Holiday Inn and Pro Cycle and other activities. He recognized this is a quiet separated enclave unto itself and change is hard. You become comfortable where you are then all of a sudden you have a four-story building next to you. But recognize that this is reinvestment and in the end it will be a positive for the people that live in the area. It will create more activity; there will be eyes on the street which will help with the homeless problem. In general this entire area will have the opportunity to redevelop to a greater extent. He will be supporting the project, it's a great Infill project, he understands the concerns of the neighborhood but in his mind he felt it will be a plus overall.

Commissioner Walkowski said with the clarification of how PUD zoning goes, he felt the rezoning was appropriate especially with the height and density. According to the review criteria he did not feel it was detrimental to the public interest and consistent with the comprehensive plan. As far as the concept plan he also felt it met the review criteria and echoes everyone else's comments about it being very positive for the neighborhood. The bulk sometimes is always an issue but a lot of times that is a result of economic viability as well. It's difficult to put a project on that small of a parcel without going higher just to make it economically viable so it might not be able to be developed without going higher with a little bit of bulk there. He is in support of the project.

Commissioner Gibson thanked the neighbors for coming to the meeting. She understands that change like this is difficult but she is encouraged by what she sees and the potential for the overall neighborhood. The onsite property management is very important and to have someone who is going to monitor noise and see residents coming in and out, looking at trash around and on the property will be an added benefit. What she was able to glean from everyone that spoke today there was a common thread and that was they wanted to see the neighborhood improve and this will play a vital part in this. She was also pleased with the city doing the angled parking so she will be in support of this project.

Commissioner McDonald will be supporting the zone change and the PUD concept plan. She felt Challenger had done a great job designing this for the neighborhood. She liked the fact

that the rear parking spaces have the gated area and will be a benefit to the single family residence next door keeping it a self-contained safe area. She likes the parking situation and the way it's worked out it's going to be a benefit to the apartment location and will be supporting that. She was not in support of any technical modification to the sound. She felt with the onsite manager and the management company they can figure out if people are misusing their patios and roof top decks and as Commissioner Henninger mentioned there is a significant amount of noise that comes to that neighborhood from the traffic from I-25 and so she didn't feel that putting a technical modification on a PUD Concept Plan regarding any sort of noise did not make sense to her so she will not be supporting that portion of it but she really likes the project.

DECISION AND DECISION OF THE PLANNING COMMISSION:

Motioned by Commissioner Markewich and seconded by Commissioner Shonkwiler to approve **Item No: 3.A, File No. CPC PUZ 15-00100 – Zone Change** from C-6 (General Business) to PUD (Planned Unit Development) to allow for an approximately 59-feet in height, 46-unit apartment building (90.4 dwelling units per acre) on 0.509 acres located at 16 and 22 North Spruce Street at the southwest corner of West Kiowa Street and North Spruce Street based on the finding the rezoning complies with the review criteria in City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries) and Section 7.3.603 (Establishment and Development of a PUD Zone).

Motion Passed: 9-0

Motioned by Commissioner Markewich and seconded by Commissioner Smith to approve **Item No: 3.B, File No. CPC PUP 15-00101 – PUD Concept Plan** for 22 Spruce Street located on 0.509-acres located at 16 and 22 North Spruce Street at the southwest corner of West Kiowa Street and North Spruce Street based on the finding the concept plan complies with the review criteria in City Code Section 7.5.501.E (Review Criteria for Concept Plans) and 7.3.605 (Review Criteria for PUD Concept Plans) with the technical and informational modifications listed below and to include or adding an additional modification # 4 which will state, prohibit live music and amplified audio on the roof top garden patio after 10 p.m.

Technical Modifications to the Concept Plan:

1. Callout the type of City Standard public improvements (sidewalk, cross-pans and pedestrian ramps) along North Spruce Street and West Kiowa Avenue. Show modified bump-outs to allow storm runoff through and into the inlet next to the driveway and the radial inlet at the corner of West Kiowa Street and North Spruce Street.
2. Show 335 feet line-of-sight for the alley located off of North Spruce Street.
3. Indicate that the project is to be parked at a 1 stall: 1 unit ratio.

Motion Passed: 7-2

January 21, 2016

Date of Decision

Planning Commission Chair

UNFINISHED BUSINESS CALENDAR

DATE: January 21, 2016
ITEM: 4
STAFF: Carl Schueler
FILE NO.: CPC CA 15-00138
PROJECT: New Infill and Redevelopment Chapter within Comprehensive Plan

STAFF PRESENTATION

Carl Schueler, Comprehensive Planning Manager, presented a PowerPoint slide presentation (**Exhibit A**).

Questions of Staff:

Commissioner Walkowski thanked Mr. Schueler for all his work he appreciated it. Commissioner Walkowski said some area have been identified as priority areas. How do you look at those compared to the rest of other Infill areas? Mr. Schuler said it was action focused and how city focuses its resources.

Commissioner Shonkwiler said the entire city was actionable and they want to improve the whole city all these identified areas. So basically the entire city limits are Infill so that areas are improved financially, socially and economically.

Mr. Schueler said the map is to provide some type of context. Mr. Schueler said there would be emphasis on potential for redevelopment density. With regard the mapping project Mr. Donley has helped significantly. It's an attempt to give context not to say if you are on a particular area that there is a different status and standing.

Supporters of the application:

Craig Bluett Transit Services Manager they are in support of the application. As part of his role as the Transit Services Manager he serves as the director for METRO. As part of the Infill action plan on item # 6.B.1 – said to focus on Infill strategies for high frequency transit corridors. Mr. Bluett provided a map – red lines on the map were the high frequency corridors.

- What does high frequency traffic mean – a bus every 15 minutes
- Measure of success is the ability to implement plans or investing in transit to make these plans happen.
- 15 minutes service implemented on Platte/Boulder corridor in the Spring of 2015. This has increased ridership by 26% which means they've attracted new riders.
- Plane to implement the 15 minute service in 2016 on Nevada Avenue corridor between UCCS and Southgate Road on the south.
- Continuing to invest in high frequency corridors
 - Hope to Implement this on the Academy Corridor in 2017.

- Transit supports density and density supports transit. They want transit and infill to be mutually supportive.
- Specific recommendations
 - 6. B. – 2B. 2
 - 6.B.1
- Support overall effort to collectively recognize the mutually supportive role between transportation and land use.

Commissioner Shonkwiler – thanked Mr. Bluett for participating regarding transit and positive input.

Chris Lieber Park Development Manager; he is also in support with regard to the recommendations that have come forward.

- Parks systems great bones and we looking forward to being able to leverage against a lot of the existing infrastructure.
- Infill can reinvigorate some of the parks
- Infill can help to improve parks with new opportunities to renovate.
- Parks change over time and meet the needs of neighborhood and become supporters the benefits of infill that takes place around them
- Need to take a look at the Park Land Dedication Ordinance
 - Originally authored in the late 70's and early 80's and it's focused on greenfield development.
 - With Infill you need additional land has already been met. We have that good system.
 - Opportunity to look at the ordinance and right size that for infill development and recognize the needs infill will bring
 - Keep the direct dollars in the infill areas because there is a direct connection between those fees and where they are applied.
 - The board will formerly being considering the recommendations at the February meeting.
 - Looking forward to working with stakeholder as they get to the implementation part.

Mark Trummel has worked with Carl on the infill plan. As an architect and AIA member he complimented Peter and Carl for all their work and as an architect community they support this work and are in favor of the project.

Council Member Ms. Jill Gaebler – was there to support infill and redevelopment plan.

- She thanked the Commission for hosting a 2 hour luncheon to discuss this.
- Thanked Commissioner Shonkwiler and Commissioner Donley who spent the last to serve on this committee along with other community members.
- This group gave so much time and really did give an entire year of their lives working on this plan.

- Group was well represented by the different groups within the city. This allowed for the different voices of the entire community to be heard.
- Looks forward to it being brought to council as a foundation for the comprehensive plan which will have work started on this year

Commissioner Shonkwiler thanked Ms. Gaebler for being co-chair of the Infill Committee as well as Council Member Pico provided leadership and guidance and would have been more difficult without their guidance.

Opponents of the application:

None

Questions of staff or additional comments:

None

DECISION OF THE PLANNING COMMISSION

Commissioner Donley acknowledged Ms. Rachel Beck's presence. Ms. Carolyn Fahey was key to getting the document designed and made presentable and Mr. Schueler already acknowledged her hard work but wanted her to know he really appreciated her hard work on putting this together. Mr. Carl Schuler and Mr. Peter Wysocki were instrumental in putting this together. From a practical standpoint this is the core of what the Planning Commission tries to accomplish. It gives us guidance as we make decisions and more frequently we are hearing items are of an infill character and reinforces why infill is important. Commissioner Donley also appreciated Commissioner Shonkwiler's assistance along with Commissioner Gibson's, Council Member Gaebler, Council Member Pico and the rest of the Infill Committee. He felt they had a good document that will guide them in the future.

Commissioner Gibson thanked fellow commissioners for their work on the committee. She also thanks Mr. Tim Seibert. He asked good questions that she would be thinking about at the same time. She is looking forward to seeing what it will become and working hard on the Comprehensive Plan.

Commissioner Markewich appreciated all the hard work. He felt it was the obvious first step Colorado Springs was taking for that comprehensive plan that will begin soon. It's been a long time coming and this will integrate well looking forward to further discussions about the big picture of how Colorado Springs will grow and be sustainable in that growth.

Commissioner Henninger thanked Mr. Schuler for all the work and bringing it forward for this commission. This commission has always had policy of looking at every issue with all the different issues that have been brought before them. This brings some of that together as far as reemphasizing and reinvigorating some of the thoughts. He hopes the word and direction provided in this document gets out to the community to help them understand what they are

trying to do. He would especially like to encourage that the action items with time lines get acted on so that it becomes a more ingrained process as they go forward. He also thanked everyone who worked on this.

Commissioner Walkowski said there is significant argument for this infill process for economics and efficiencies and reinvestment to the city. He's very pleased with the document and what he really likes about it is that the word infill generates a thought of density, but it goes beyond density. It integrates land use mix, design, connectivity and transit which he thought was very important. So as they look at infill projects as they come up it's not just about density but integration of all the different characters that are present in the document. He appreciated the work and the outcome of this project.

Commissioner McDonald said she felt the Infill Committee did fabulous job bringing all the stakeholders as well as getting feedback from all of them and implementing portions that were going to affect this in a positive way. There is a huge list of people who worked on this outside of the committee that were stakeholders and some that are not even on there. She really appreciated how they pulled everyone from the community and made this a collaborative effort.

Moved by Commissioner Shonkwiler, seconded by Commissioner Smith to approve **Item No: 4A, File No. CPC CA 15-00138 – Code Amendment** to recommend a resolution endorsing the use and maintenance of the Infill Action Plan and also the Infill and Redevelopment Chapter within the existing City of Colorado Springs Comprehensive Plan in accord with Section 7.1.107.B of the Code of the City of Colorado Springs, 2001, as amended.

Motion Passed: 9-0

January 21, 2016

Date of Decision

Commission Chair

NEW BUSINESS CALENDAR

DATE: January 21, 2016
ITEM: 5.A – 5.B
STAFF: Lonna Thelen
FILE NO.: CPC ZC 15-00109
CPC DP 15-00110
PROJECT: Circle K

STAFF PRESENTATION

Lonna Thelen, Principal Planner, presented a PowerPoint slide presentation (**Exhibit A**).

Applicant Presentation:

Justin Seiger with Circle K.

- Regarding Landscape buffer – there is a 15 foot minimum requirement for landscape. Due to condos they made the landscape buffer to be 28.8 foot to reduce noise.
- Traffic – they tried to reduce the amount of traffic with the surrounding roads which.
- Current building is 41 years old office building.
- They will purchase vacant land next to the site for their car wash.
- The back view to the site is a fire access easement with the city so fire trucks can get to that area. This area is in somewhat current disarray.
- They will replace all fire lanes and redo a full drive for access to this area as well as the landscaping buffer mentioned previously
- Proposing building 4480 sq. ft. building with ten pumping stations, car wash and a car wash stand area
- There will be 6 spots for vacuuming and covered canopy for after the car goes through the car wash they can circle back around. This location is a decent way from the store to cut down on traffic but have given full access sidewalks on the southern area of the site
- There are full access sidewalks over to the property
- 19 available parking sites across the front with two handicap accessible spots
- 40 foot clearance from the pump to the back of the parking stall
- 40 foot from curb line to back of canopy. This give full access turns for fueling trucks
- They do an additional 20 feet between pumps to allows cars to pass through
- They meet all landscaping requirement and then go over and beyond of what is required for all their landscaping on their sites
- When selecting sites they look at what services they can offer in the community to the area
- Within this area there are four convenience stores within a 1 mile radius.
 - Of these some offer fuel some do not
 - Buildings are older and smaller
- Feel their format and location is great for the area and community

- They do not franchise out their properties.
- They will invest quite a bit of money on this site. They take care of all of their sites
- 24 hour a day employees watching the property and taking care of it
- Understand concerns of bring down property values but since they will become part of the neighborhood they feel it will be a great addition and it will become their property value as well as and do not want to do anything to bring that down.
- They are open, visible and well lit.
- Use directional lighting to keep all lighting on the property so that it doesn't expand into outer areas
- They will bring in revenue and jobs. They will provide 10 sales associates and 3 managers

Questions

Commissioner Markewich asked that the current configuration there is a connection between the current office building and the condos, Mr. Seiger confirmed that and clarified that was the fire easement that he spoke of earlier. Mr. Seiger said right now it is changed off with a dumpster in front of it; the drive area back there is in poor shape. Mr. Seiger said they will be tearing all of that out but the lane will stay there because it is a fire easement and redoing all of the fire lanes for full access for fire trucks to the condo park.

Commissioner Markewich stated that there will continue to be a barrier. Mr. Seiger confirmed that as well. If the condos want to keep the chain fence they will do that, if they want a gate they will work with the fire department to see what is needed. They cannot put up a permanent gate because the fire trucks will not have access.

Commissioner Markewich asked if the barrier was on their property or their property. Mr. Seiger said it's in a mutual access so technically it's on both. Commissioner Markewich asked if Mr. Seiger had had any conversations with the fire department as to what that access should be. Mr. Seiger said they have and indicated it just has to remain and asked them to improve conditions. Commissioner Markewich again asked what will be the determination of what that area will be – a chain with a key. Mr. Seiger said it would be what is needed based upon the rezoning.

Commissioner Markewich asked about the wall and if it was something they would install and what materials, because it looked fairly solid. Mr. Seiger said they usually do block walls masonry type wall and have a coating that matches the appearance of the store.

Commissioner Gibson stated they were definitely installing the wall. Mr. Seiger said yes the wall will be built.

Commissioner Walkowski asked for confirmation that there would not be any signage on the back. Mr. Seiger said no there would be no signage. Two small sconce type lights on the back of the building aiming down to keep lighting from going into the neighborhood and community. Commissioner Walkowski asked if it will be a 24 hour facility. Mr. Seiger said yes.

Commissioner Shonkwiler asked if they plan on redoing the broken curbs on Legacy Loop. Mr. Seiger said they will replace or improve curbs, roads, easements, sidewalks in that area as

well as along Monterey. If the easements need to be located farther east along Monterey would be brought up to code as well. Mr. Seiger said they would. Any existing sidewalks along Monterey and west of the property along Circle will all be brought up to current standards.

Commissioner Shonkwiler said that wall on the south side that will be built, what will be the heights. Mr. Seiger they will match with what the code is for maximum height

Commissioner Shonkwiler asked if the entrance to car wash south going north. Mr. Seiger said that was correct. Commissioner Shonkwiler said then the lights would be shining to the north then when they go through the car wash. Mr. Seiger said they would. The full landscaping with trees buffer on the back side to cut down on any headlights

Commissioner Shonkwiler verified that the access easement was southwest and Ms. Thelen confirmed this. Commissioner Shonkwiler said there was a large dumpster and there has been some discussion with regard to what to do there but it might be convenient for the people living in the condos to use that to go and get their gas. Mr. Seiger said yes but they put the gate there for the condos benefit if there are any concerns regarding cars driving through their property and cutting through that area. Commissioner Shonkwiler said there was another access along Legacy Ridge Road. Mr. Seiger said that was correct.

Supporters of the application

None

Opponents of the application

Sonia Carvalho – condo owner. Concern with the type of element this will bring to the neighborhood especially in the summer with a 24-hr convenience store. She was concerned about the storage of gas. She said that many of the property owners did not get a postcard. She also stated that ambulances come to the nursing home and they block the way. She personally delivered 4 letters opposing the Circle K project. She was concerned of bringing the value down of condo. There is a 7-11 is there, and four gas stations in the range of 1 mile, 2 have car washes so she doesn't understand why there needs to be another one within such close proximity to all the others. Her letter states a lot of the reasons for opposition.

Commissioner Shonkwiler on Legacy Ridge Road that goes north and south along Monterey that enters into the condos on the east side of that there is a nursing home. If he heard her correctly when the ambulances come to help people in the nursing home that sometimes that road is blocked, is that correct. She said that was not correct it was not blocked. Basically the way to go to her complex is next to that narrow way that the ambulances use and that is the only way for them to go in and they are concerned about the traffic. It will be a nightmare coming in and out and if an ambulance is leaving we are going to be sitting there waiting for and there is no way to maneuver. Commissioner Shonkwiler said there is a legal access recorded on the southwest corner of project that would provide a secondary emergency access to your condos in case Legacy Ridge was closed. So he's hearing her say is they want that closed off so there is not spillover into the condos. Ms. Carvalho said they would like to be encased. They do not want any transients. They are also concerned with fence and wall they do not want people hanging out there. Commissioner Shonkwiler said he was asking her about the particular vehicular access and you want it closed off except for emergency traffic. She said that was correct.

Angela Bastille she owns a business on Monterey. She has about 88 clients. Due to the type of business many of her clients have to walk to her building. She was hoping the office build would stay an office building. She understands the build needs work. The reason there is no businesses is due to no advertising and the offices have not been kept up. Concerned because there clients would not be able to go to a different place with relocation and her to move her business will take a great deal of money for her to relocate.

Questions of Staff:

Commissioner Markewich wanted to discuss Legacy Ridge View – its private road not a city road correct? Yes a private access easement. Commissioner Markewich will they be improving the road or just their half of the road. Ms. Thelen said since it is a privacy access road they will be working privately with those owners but her assumption would be that they would upgrade the portion of the roadway that would allow them access and then maintain a 24 foot wide drive isle for only driving, not parking. Commissioner Markewich asked who owns the private road. Ms. Thelen said she did not have a clear understanding of who owned it. Commissioner Markewich said he would get that clarification then during rebuttal.

Ms. Thelen stated when they discussed the access way on the southwest corner, currently on the plan there is nothing shown there and is an open access way, if they wanted to be some type nox box where it can just be the fire department to open it for emergency access you need to make that a technical modification to be added to the plan and she would also want Smitty their fire reviewer to make sure he is in agreement with that access point. To be clear as of right now there is nothing blocking that access way.

Secondly there is currently no fence proposed by the applicant on the southern boundary. There is an existing 6 foot fence if you would like them to add a fence please add that as a technical modifications with 7 foot masonry fence

Thirdly they did do notification to 500 feet and so it did not hit all the property owners in the condos just those to the south of the building.

Commissioner Donley said to make sure we thought through the notification process; 500 feet includes most of Legacy Ridge Condos but not all of them, is that correct. Ms. Thelen said that was correct it did not include all the southern condos but doesn't know if even 1,000 feet would have hit everyone. Commissioner Donley asked if Ms. Thelen was confident the postcards were mailed and it was just to a limit to how many people received them. Ms. Thelen said she sends out postcard and there are a few that were returned during the first mailing and the second mailing. Commissioner Donley stated then they were going to assume notifications were done correctly.

Commissioner Shonkwiler he keeps coming back to the access deal and said the actual writing says, "per easement perception number – the access drive at the southwest corners shall remain open an act as a secondary access to the property to the south." Commissioner Shonkwiler said that told him that that road would have to remain open. If it's proposed to be closed with some kind of a gate he felt they needed to be careful that we make sure that the property owners in that area and the fire department is really signed off on that. Ms. Thelen

said that is why they had the discussion up front. She did speak with Smitty the city's fire department reviewer and he asked that it remain open. She thinks he would be ok as long as they had assess with a nox box but what they did not hear from the neighborhood or any of the reviews was they wanted it closed. There is one neighborhood representative here and Ms. Thelen is not sure she is able to speak for the entire community to whether they want it open or closed. But at this point it is opened and approved per private agreement. Commissioner Shonkwiler says if 25 of the owners of those condos want it open and 25 want it closed it's a problematical issue especially since you've got individual ownership as opposed to apartment ownership. So if there is an amendment it needs to be very carefully worded to accommodate that. Ms. Thelen said that's why they left it open

Rebuttal:

Mr. Justin Seiger stated that the comment was requested by the fire department to be left on the plan to not necessary show if there is access but to leave the drive there itself because it is a fire access. So they will have to get clarification on the fire access. It is a fire access in and out for tenants according to the fire department. Commissioner Shonkwiler said if the process goes forward it seemed they had some legal liability to legally provide access thru your property to there so you might want to have some kind of a process that accommodates the neighbors to the south. His guess is they don't want it open but it needs to be carefully addressed. Mr. Seiger said if that is what they wish and the fire department willing to agree to that they have no problem with that

Commissioner Markewich said to clarify on this southwest access, were there neighborhood meetings with the residents of the condos. Mr. Seiger said no they did not his understanding with the city was that it was an apartment complex there were not actual property owners they were only informed of this recently.

Commissioner Markewich said whatever the fire department tells you has to be done is what you do but what he would suggest is have a meeting with property owners directly adjacent and all of the property owners on Legacy Ridge because that is there secondary access if there is an emergency. You need to have a meeting with all the property owners in the condos to determine whether or not that will stay open or closed, if there is going to be a gate that the fire department has access to and just residents. Secondly with Legacy Ridge Drive, are your intentions with regards to the improvements, is it to do half or all of the road. Mr. Seiger stated they are in conversations with the nursing home to get a mutual agreement on who will pay for what but as of right now, just half but negotiating with nursing home so it will take it almost to the parking area. Commission Markewich said so then the full drivable area going into the condos would be improved. Mr. Seiger said yes. Commission Markewich asked what happens when get to the southeast corner of the line and you are not the property owner is this where the improvements would end. Mr. Seiger said yes because that is where their legal coverage responsibility ends. Commission Markewich said so that small area is the condos responsibility and you improve your area and not theirs I would suggest you have this as part of your discussions as well in a neighborhood meeting.

Commissioner Smith said so the fence was not in initial plans. Mr. Seiger said it was not in the original drawings but in later ones because they said it was a good additional step to block out any sound. Commissioner Smith said there is an existing fence along the condo property

would there be a space between your wall and condo fence. Mr. Seiger said they would have to look at the existing property line but they will try to get it as close as possible. They will have cameras on all four corners of their buildings, it will be well lit and very visible so if not an issue now, it definitely not be an issue not be later because of security, lighting, and someone on the property for 24 hours a day. Commissioner Smith asked if they would be willing to create a barrier from the end of your fence to the end of their fence. Mr. Seiger said they did not have a problem with that. Commissioner Smith said with regard to crime, since you will be there 24 hours and have security you do not believe this will be a problem and will be able to resolve any of these types of issues. Mr. Seiger said that was correct and their sale for alcohol in the state is less than 1% of all sales they do.

Commissioner McDonald said she wanted clarify the south entrance there is a note on the plan that says that it remain open was requested to be put there by the fire department and that is why you it that way on the plan because you've already discussed this with them and that is what they recommended. Mr. Seiger said yes, they recommended it stay open as far as it being existent. As far as the actually ability access that is a discussion they will need to have. Commissioner McDonald said as of to date you have done what the fire department has requested. Mr. Seiger said yes

Commissioner Walkowski said Legacy Review View is a bit of an issue. He knows they do truck/traffic analysis as to how your gas trucks will come in and out what is the flow on this site. Mr. Seiger said the trucks would come off Monterey with a full 40 feet entrance and a 40 foot clearance. There is plenty of room for trucks so they can go back on to Monterey. There is another access down on the southeast end of the site that is a concern but that is just a secondary access they estimate 10 % of their entire daily traffic will pass through that area but not their gas trucks. It is also an access that if they want to get a car wash and then change their minds they will be able to just pull out.

Commissioner Shonkwiler asked where their access point for deliveries? Mr. Seiger said on the east side but will enter from Monterey.

Commissioner Gibson asked if they will sell diesel fuel. Mr. Seiger said not as of right now, no it they were to do that it will be on the outside pumps not interior pumps and it will not be large tractor trailers but just small trucks and 15 foot trailers.

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich in general this will improve the neighborhood. He is concerned there has not been more discussion or a determination made on how the improvements will be done on Legacy Ridge in cooperation with condo owners. He is also dismayed they've had two explanations on the secondary access on the southwest side. He was concerned there was no conclusion before it was brought to the before voting on something like this. Regarding the comments on the type of business that will be on this property their limited in what they do and that is not in their prevue. They have to make a determination whether or not the project meets city code, the comprehensive plan and cannot take into consideration the type of business that will occupy this area. They do not have the ability to do that. He would like to see a technical modification on the masonry fence on the south side running the full length of the property but he does not know how to handle the fire access.

Commissioner Henninger said he saw this is an improvement to the corner, positive for the neighborhood. Even with the tight living situation behind it is not something they can address at this time but he is in favor of the project.

Commissioner Gibson said thanked the neighbors for coming and speaking. She was in support of a technical modification for the fence. I would prefer to see an office building; any improvement is a good improvement. When she drove through the neighborhood and she saw what it was lacking she wished there had been better upkeep and more options. She is reluctant to approve this; it's no reflection on the people developing the Circle K. She is looking at our community and looking at the needs of the folks around the neighborhood but she will be approving.

Commissioner Donley said he supported a masonry fence along the property. He's glad there is no access on Circle. He was concerned about the Legacy Ridge Drive but it's a private matter and they figure it out for themselves and fire will do what they want so that is more than likely outside of their prevue. The office is a loss and regrettable, but there is not a market there for it. The project will have a greater impact from a traffic standpoint but having an investment in the area and the focus the new owners will have will be a plus overall on the neighborhood and the masonry wall is a big part of that. It is consistent with the criteria and it is not an easy support but he will support it.

Commissioner Shonkwiler said if specific on masonry fence we should say where it starts and stops. If a motion is made it should say it starts on the easterly edge of the southwest access point and go easterly to roadway right-of-way for Legacy Ridge Road to be specific and it be a masonry construction/building product and the maximum height allowable. In favor of if the condo owners want that access to be closed and fire is in agreement with it he is in favor of it being just an emergency access. He also thought the 24-hour 7 day a week use will energize that corner and has security camera is could improve the area instead of be detrimental. So with some reluctance approving it but wished there wasn't a gas station on every corner of the city but it would be better than what is at the area at the present time.

Commissioner McDonald said she was support the project. I like what Circle K has done about the landscape buffers and you comment about how you overdo the landscaping is quite evident with that she thought it would help that corner of the city and make attractive. It will be a place where people will stop and frequent and help the help economics of that area and there will be new jobs in that area. If there is going to be a gas station and convenience store next to condos and she likes that Circle K does not sell that or franchise that or lease it that they actually run it themselves as a corporation, that's a real benefit. There is a lot of positive points to this development and she will be supporting it.

Commissioner Walkowski also agrees he wished there was a vibrant market for an office right there, but there does not appear to be one. He felt it was appropriate to go from OC (Office Complex) to PBC (Planned Business Center). He felt the review criteria was met for the zoning change, he didn't think it was detrimental to the public interests there are some real positive reinvestment aspect to this project. It is also consistent with the comprehensive plan. The development plan also meets the review criteria especially the design; they did a lot of work pushing the building as far away from condos adding additional landscaping buffer. The

tuck access and turning radiuses is appropriate it doesn't affect Legacy Ridge View so he will be in support of the project as well.

Commissioner Smith said he was in support project and meets infill and to him it is an infill project. It's different from what they heard earlier today. He was not concerned about the fire access fire department will do what is needed and that's up to them. When he first drove to the area of where the project is he thought it was an undesirable looking area. It's not kept up, it's over grown with weeds, Legacy Ridge is not maintained, and the office building is a mess. He is echoing what everyone else has said and he thinks it will be an improvement for the area. He will support the project.

Commissioner Shonkwiler said Commissioner Smith made a comment about the condos to the south but was pleasantly surprised at the condition of those buildings. Some of the properties to the north of Monterey are fairly bad shape but the ones that have the condos there exemplary and an asset for the neighborhood. So ironically this could help.

Commissioner Smith said he wasn't downgrading the Legacy Apartments at all he was just mentioning street down Monterey that Circle K will be occupying.

Commissioner Phillips asked for a motion but advised when they got to 5B he would like to have it read as is. Then he will take amendments if need be.

Moved by Commissioner Walkowski and seconded by Commissioner Henninger to approve **Item No. 5.A, CPC ZC 15-00109 – Zone Change** for Circle K, based upon the finding that the zone change complies with the zone change review criteria in City Code Section 7.5.603.B.

Motion Passed: 9-0

Moved by Commissioner Walkowski and seconded by Commissioner Henninger to approve **Item No. 5.B, File No. CPC DP 15-00110 – Development Plan**, for the Circle K Development Plan, based upon the finding that development plan complies with the development plan review criteria in City Code Section 7.5.502.E, subject to compliance with the following technical and/or informational plan modifications:

Technical and Informational Modifications to the Development Plan:

1. Include the file number on pages 12-15.
2. Include the Ordinance number for the zoning.
3. Call out note S30A as bike rack.
4. The resubmittal letter indicates that the hydrant disapproval comment was "Acknowledged"; however nothing appears to be changed on the plans. Hydrant still appears to be obstructed and no notes on the landscape plans found, revise.
5. The fire lane markings were removed where requested and kept as requested, however the legend item referencing the fire lane was also removed. Please replace the legend and add the note back at the remaining fire lane locations.
6. Revise the note on Page 9 to one of the two options listed below:

- a. A final landscape plan, to include an irrigation plan, with applicable support material, shall be submitted at the time of building permit application. Review and approval of these plans shall occur thirty (30) days subsequent to building permit issuance or prior to issuance of a certificate of occupancy, whichever occurs first.
 - b. Upon request by the applicant, an irrigation plan, with applicable support material, shall be submitted ninety (90) days subsequent to building permit issuance and approved prior to issuance of a certificate of occupancy.
7. Title pages 9 and 10 as “Final Landscape Plan” in the title block.
 8. Label the south 15’ landscape buffer as buffer on the site plan page and the landscape page, not setback.

Motion Passed: 9-0

Commissioner Walkowski amended his motion and seconded by Commissioner Shonkwiler to add a technical modification # 9 which would state – requiring adding a 7-foot masonry fence along the southern property line starting at the eastern edge of the fire access lane continuing along the southern property line to the intersection of Legacy Ridge View Road allowing for a line-of-site view triangle at that intersection.

Commissioner Donley asked for clarification regarding requiring the 7-foot height for the fence; that is not what is require now but that is what it will be. Is that correct? Planning Director Mr. Wysocki stated they were working with two different things. The 7-feet is actually the building code amendment it is not an amendment to the city zoning code. So that’s 2 different things. The item that was presented to the Commission last Thursday by Mr. Tefertiller is different. Commissioner Donley said his suggestion would be have the amended motion say – the maximum allowed height.

City Attorney Marc Smith said they had a motion that was seconded and then an amendment that was seconded but not by the original person who seconded. Therefore Commission Henninger, is Commissioner Walkowski’s amendment acceptable to you? Commissioner Walkowski could you please state your amended, amended motion.

Commissioner Walkowski revised his amendment to state add a masonry wall to the maximum allowable height along the southern property line starting at the eastern edge of the fire access lane continuing along the southern property line to the intersection of Legacy Ridge View Road allowing for a line-of-site view triangle at that intersection. Commissioner Henninger said that was acceptable.

Commissioner Shonkwiler said he wanted to make another amendment to that amended motion because he doesn’t want the wall to go to above 7-feet because if the code allows for 8, 9, 10-feet he didn’t want that.

City Attorney Marc Smith stated he felt Mr. Wysocki should look up the code to verify what the code allows for height before voting.

Mr. Wysocki stated that per the city code its 6-feet, but the building code, if adopted by council, if we adopt RBD's code will allow a 7-foot. It will define that anything less than 7-feet as not a structure but our code still defines a 6-foot fence or walls on private property. So they would have to come back with a text amendment to allow a taller fence. The RBD code is whether or not you need a building permit to go above 6-feet.

Motion Passed: 9-0

January 21, 2016

Date of Decision

Planning Commission Chair

NEW BUSINESS CALENDAR

DATE: January 21, 2016
ITEM: 6.A – 6.B
STAFF: Lonna Thelen
FILE NO.: CPC ZC 15-00122
CPC DP 97-00346-A1MJ15
PROJECT: Little Mesa Tank

STAFF PRESENTATION

Lonna Thelen, Principal Planner, presented a PowerPoint slide presentation (**Exhibit A**).

Applicant

Melanie Jolett – CSU

- 5 mil gallon tank, 32 feet in height with a flat roof
- This is the only tank for the low lying pressure zone
- Serves the entire city south of Uintah, including the Broadmoor out the airport
- Airport sees the lowest pressure
- Tank is critical to maintain pressure out at the airport
- New tank to be built southeast of the existing tank
- Old tank will be demolished once new tank is in service
- Tank is 50 years old
- Decay in the steel and steel is very thin
- Proposing to replace with a pre-stressed concrete tank
- A domed roof on the new tank
- New tank will be somewhat taller than existing tank
- Using concrete has no columns on the inside and is less costly to maintain and a life span of 100 years
- Currently zoned PK (Park Facility) looking to change zone to PF (Public Facility)
- Addressed comments from the public
- Adding a new fence
- Trying not to relocate electrical
- Trails will be rerouted to go around the perimeter for the new tank site on the north and south
- Existing fence line and access gate are to the south – these will be moved closure to the new tank
- Moving this will allow neighbor who has shared access to have more access and will not be impacted as the gate opens to get into the tank site
- To the east is the overflow for the existing tank and will remain the overflow for the new tank
- Existing antenna will stay
- Domed roof is about 18 feet taller than the current tank

- Once current tank is demolished, old tank site will be turned over to the parks department and be reseeded and graded
- Project must substantially completed in 2016
- Need tank to be active in the winter for shut downs and when needs are low
- December/January will be the turnover from the old tank to the new tank
- Demolished of old tank and reclaiming of the area will be in the first quarter of 2017

Questions of applicant:

Commissioner Markewich asked about the retention area is there enough area for containment for the full 5 million gallons. Ms. Jolett said for a full catastrophic failure, no. Commissioner Markewich ask if there were rules or regulations to follow that state you have to have X number of gallons of overflow space. Ms. Jolett there are rules that say they are required to have an overflow capacity but not for the full 5 million gallons.

Commissioner Shonkwiler said 6,196 feet is shown on their plans; does she know what is the existing first floor elevation is on the current tank. Ms. Jolett said she wasn't sure, what they're concerns are with is the overflow elevation to maintain that hydraulic grade line throughout the low lying pressure zone. Possibly could be a foot or two different. The height of the new tank without the dome is roughly 24-30 feet high plus another almost 20 feet with dome.

Commissioner Walkowski asked where the water comes from. Ms. Jolett said the Mesa Treatment Plant at Garden of the Gods.

Supporters of the application:

Raymond Savely Jr. – lifelong resident sharing access with utilities to tank. Emailed comments were given to Lonna. He will be meeting with Melanie and Steve at property tomorrow.

Concerns:

- 1. When roadway was paved it made the driveway very steep. Legal agreement for a joint driveway. Vehicles drag on the driveway. Would like the angle of the driveway to lowered**
- 2. Would like the fence to stay where it is and have the gate remain the same.**
- 3. Generally supportive of the new tank.**

Commissioner Smith asked why did he want fence to stay in the same place if the new tank will be moved and this tank demolished. Mr. Savely said the existing fence was in place prior to the current steel tank. The fence continued around reservoir three that is now the overflow and now part of the location of the new tank. That fence was removed when the new tank was installed. It increased motorcycle traffic cutting across through the property and as a result they had to put up a 6-foot chain link fence across the back. There is a cut in the fence now from people cutting through. They have historically mowed and maintained the property up to the fence. It would be easier to maintain if it remained the same. The city has never mowed on the west side of the fence and the actual property line is where the power line goes through between the properties currently.

Mr. Richardson lives on Mesa road north and east of the existing tower. Water is our lifeline in Colorado Springs. He would like a historical plaque or sign to show the importance of water to

Colorado Springs, something similar to the Xeriscape gardens. Schools could hike up there showing where Colorado Springs started with a water delivery system in Colorado Springs.

Opponents of the application:

None

Questions for Staff:

None

REBUTTAL:

Commissioner Smith asked what about leaving the original fence in place. Ms. Jolett said it was not their intention to leave it but they will work with Mr. Savely to come to an agreement and working with him. Part of the concern is part of the area will be turned back to the parks department and they had some plans for doing some trails in that area. Ms. Jolett said it was feasible but they will discuss it with him.

Commissioner Smith asked what about driveway fixing. Ms. Jolett said they did not plan on touching the access. They might be able to fix the driveway pan

Commissioner Shonkwiler asked if some of the existing fencing was removed would that conflict with the proposed trail improvements. Ms. Jolett said they would reroute the trails to outside of the fence line and how the rerouting who happen and they would coordinate with parks.

Commissioner Markewich said with regard to the educational esthetic of the area, is that something that is the parks department would do or would it be CSU or a combination. Ms. Jolett said Brooks Williams and discussed establishing a neighborhood friends group and his company may be will to donate a gazebo or benches to help with some of the improvement on that because that would lie within the parks department

Connie Perry: representing the Parks Department and she is following up regarding Commissioner Markewich's question. The Parks does plan on engaging in a master plan process for this site. Tentatively it may not happen until 2017 and they can probably incorporate all of these items.

DISCUSSION DECISION OF THE PLANNING COMMISSION

Commissioner Markewich said he has no problems with zone change or he proposed new tank. It complies with all their rules and regulations so he is in support.

Commissioner McDonald said she is pretty happy about the new tank it looks like a great project

Moved by Commissioner Smith seconded by Commissioner Gibson to approve **Item No. 6.A, CPC ZC 15-00122 – Zone Change** from PK/PF/R/HS (Parks and Recreation, Public Facilities, Estate Single-Family Residential with Hillside Overlay) to PF/HS (Public Facility with Hillside

Overlay), based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B.

Motion Passed: 9-0

Moved by Commissioner Smith seconded by Commissioner Gibson to approve **Item No.6.B, File No. CPC DP 97-00346-A1MJ15 – Development Plan**, amend the development plan for the Little Mesa Tank Relocation Project, based upon the finding that the development plan complies with the review criteria in City Code Section 7.5.502.E, subject to compliance with the following technical and/or informational plan modifications:

Technical and Informational Modifications to the Development Plan:

1. Clearly show the existing gravel private driveway that accesses the new water tank on all pages and include a reference to the recorded access easement.
2. Under general note #3 define what Tract A is and include the maintenance responsibility for the tract.
3. There is an access connection from the water tank site to Manitou Boulevard platted as part of the plat. Show this connection on the development plan.
4. The project boundary includes TSN 7412100020, 7412114028, and 7412400012, but does not include TSN 7412114026. Remove reference to that TSN under the legal description.

Motion Passed: 9-0

January 21, 2016

Date of Decision

Planning Commission Chair

NEW BUSINESS CALENDAR

DATE: January 21, 2016
ITEM: 7.A – 7.B
STAFF: Conrad Olmedo
FILE NO.: CPC ZC 15-00140
CPC DP 15-00141
PROJECT: 802 Cheyenne Blvd

STAFF PRESENTATION

Conrad Olmedo, Planner I, presented a PowerPoint slide presentation (**Exhibit A**).

Applicant

Andrea Barlow with NES

- Use of property built in 1909 most of that time has been in commercial or office use
- OR (Office Residential) is a transitional zone and accommodates a variety of residential and office type uses.
- A development plan is required at the time of the establishment of an OR zone district
- Emphasis is the development plan review will be placed on the compatibility of the development to the immediate surrounding property.
- Access to property is off 8th street.
- Extensive parking area. 7 spaces per standards but could be room for additional space.
- Lower intensity medical use.
- Well maintained, mature landscaping.
- All activity is off 8th street.
- 1600 square feet office building
- For medical office building parking spaces is 8 and they are asking for 7
- Meet setback requirement but a little short on landscaping on side which is a shared access driveway
- Very well screened.
- Issue with client trying to sell the property.
- Interior space is fairly restrictive.
- Point in showing interior space is to show it is very much an office use. Geared more to a therapy business rather than a full blown doctors or dental practice which would require you to completely redo the interior to meet building code requirements that have sterilized areas and sinks in the office.
- They received 3 letters in support with one caveat about the access. Letters in support were closest to or boarding the property
 - Caveat was there be no use of the driveway entrance on 8th Street since you would have to drive around the back of the site.
 - Around the back is private property and no reason for anyone to go that way
 - Owner can post that it is private property and no thru access

- Received 2 letters in opposition
 - One lives west of the property one street over. This owner felt it was an incursion of business used into the neighborhood on the west side of 8th Street
 - One lives southeast of the property and they felt it would increase traffic that is already heavy and at a busy intersection. They didn't want people cutting through their neighborhood.
- The property has been used as a business for many year and they aren't changing it.

Questions:

Commissioner Gibson said they looking for an alternative for landscape buffer? Ms. Barlow said it was called alternative compliance. It means they do not have to comply with landscape requirements. They would have to give a justification. Their reasons are they cannot do anything with landscape because it is a shared access driveway and so they couldn't actually plant there. The back of the building is fairly heavily landscaped so it's screened in itself. Then at the northwest corner there is a fence line that screens the building from the residents to the north and that residential property is set well back from the property line and doesn't actually have a view into this site.

Supporters of the application:

None

Opponents of the application:

None

Additional Comments / Questions of Staff:

Commissioner Donley asked Mr. Olmedo about the parking requirements if they were different for office medical office verse regular office. Mr. Olmedo said general office is parked at 1 space per 400 square foot.

Medical is one space per 200 square feet. Commissioner Donley said basically twice as much parking is required and if they were doing the regular office they wouldn't need the variance to allow that extra space. Mr. Olmedo said for 1600 square feet they would need 4 spaces for general office and 8 for a medical office so that is why they are asking for the administrative relief for the parking relief.

REBUTTAL:

None

DISCUSSION AND DECISION OF THE PLANNING COMMISSION

Commission Smith said he support the projects.

Commissioner Walkowski said he support the project. It's a transitional property. All previous uses were office and we're just codifying what has happened over the years. It meets the criteria for zone change as well as the development plan and he will be in support.

Commissioner Donley said he wrestling with medical office issue. There is a reason the parking standards are higher because there is increased traffic and goes longer into the day. If we limited offices to be non-medical they wouldn't need this additional approval to allow fewer parking spaces. There is the option of him offering an amendment or simply voting against and what he is seeing is people are in general that the medical is fine so he will let it play out in the actual motion.

Commissioner Henninger said the property is a good use for what they are asking for through the zoning. He considered the medical offices that are very intense and others that are less intense which is very appropriate for this facility. So he is in support.

Moved by Commissioner Markewich, seconded by Commissioner Henninger to approve **Item No. 7.A, CPC ZC 15-00140 – Zone Change** for 802 Cheyenne Boulevard, based upon the finding that the zone change complies with the zone change review criteria in City Code Section 7.5.603.B.

Motion Passed: 8-1

Moved by Commissioner Markewich and seconded by Commissioner Henninger to approve **Item No. 7.B, File No. CPC DP 15-00141 – Development Plan**, based upon the finding that the development plan complies with the development plan review criteria in City Code Section 7.5.502.E, subject to compliance with the following technical and/or information plan modifications:

Technical and Informational Modifications to the Development Plan:

1. Include permit file number on site plan.
2. Include the zone change ordinance.
3. Include a note on the site plan indicating that there shall be no through access to Cheyenne Blvd. via the westerly adjacent property.

Motion Passed: 9-0

January 21, 2016

Date of Decision

Planning Commission Chair

NEW BUSINESS CALENDAR

DATE: January 21, 2016
ITEM: 9
STAFF: Peter Wysocki
FILE NO.: CPC ZC 15-00140
PROJECT: Construction Defects – Final Plat requirements and procedures

STAFF PRESENTATION

David Andrews gave a brief presentation regarding construction defects

- Currently a lack of new condo construction
- Municipalities felt local legislation was necessary to try and encourage that type of development
- Before the Planning Commission because you have to advise City Council and make recommendations concerning code changes
- This is part of the city code and would be in the prevue of the Planning Commission
- Requesting a favorable recommendation from the Planning Commission toward the adoption of this change to the city code
- It's a short amendment to the code
 - This will allow on subdivision plats to have a notation they are common restrictions and declarations that apply to these things
 - This will allow for common declarations for all
 - Those who are buying the condos
 - With as much notice as possible will help bolster terms and conditions in the declarations that affect things like arbitration
 - Although minimal change it runs hand in hand with what City Council has already taken up

Questions:

None

Supporters

None

Opponents:

None

Staff Comments:

None

Rebuttal:

None

DECISION OF THE PLANNING COMMISSION

Moved by Commissioner Smith, seconded by Commissioner Henninger to recommend approval to the City Council of an ordinance amending Section 303 (Final Plat Requirements) of Part 3 (Final Platting Procedures) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the reference to declarations of common interest communities.

Motion Passed: 8-0 (Commissioner Shonkwiler excused)

January 21, 2016

Date of Decision

Planning Commission Chair

Record of Decision Minutes were approved February 18, 2016