

**CITY OF COLORADO SPRINGS PLANNING COMMISSION  
RECORD-OF-DECISION**

**THURSDAY, April 16, 2015**

**CITY HALL COUNCIL CHAMBERS  
107 NORTH NEVADA AVENUE  
COLORADO SPRINGS, COLORADO 80903**

**CHAIRMAN SHONKWILER CALLED THE MEETING TO ORDER AT 8:30 A.M.  
THE MEETING ADJOURNED AT 3:36 P.M.**

**PRESENT:**

Donley  
Henninger  
Markewich  
McDonald  
Gibson  
Phillips  
Shonkwiler  
Smith  
Walkowski

**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 Philips, to approve the March 19, 2015 Record of Decision. Motion passed 9-0

**CITY OF COLORADO SPRINGS PLANNING COMMISSION  
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**COMMUNICATIONS**

Mr. Wysocki announced that requested that items 7.A and 7.B be postponed until the May 21, 2015 City Planning Commission Meeting.

Board member Shonkwiler asked to move item number 5 to the first item reviewed on the New Business calendar.

**CONSENT CALENDAR**

ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p><b>ITEM.: A</b> CPC CU 15-00018 (Quasi-Judicial)</p> <p><b>PARCEL NO.:</b> 6303314001</p> <p><b>PLANNER:</b> Meggan Herington</p>	<p>A request by YOW Architects on behalf of Lexington HP, LLC for approval of a conditional use for Grace Bible Church. The conditional use will allow a church in an existing PIP-1 (Planned Industrial Park) zoned building. The property is 4.84 acres and addressed as 7899 Lexington Drive.</p>	7
<p><b>ITEM.: B.1</b> CPC ZC 15-00001 (Quasi-Judicial)</p> <p><b>ITEM.: B.2</b> CPC CP 15-00002 (Quasi-Judicial)</p> <p><b>PARCEL NOS.:</b> 7336300004,7336300013</p> <p><b>PLANNER:</b> Lonna Thelen</p>	<p>A request by NES Inc., on behalf of Pueblo Bank and Trust for approval of the following development applications:</p> <ol style="list-style-type: none"> <li>1. A rezone of 7.04 acres from OC/cr/HS (Office complex with a condition of record and hillside overlay) to OC (Office complex) and a rezone of 3.8 acres from PUD/HS (Planned unit development with hillside overlay) to OC (Office complex).</li> <li>2. A concept plan for an office development (Southwest Centennial and Fillmore).</li> </ol> <p>The consists of 10.8 acres and is located southwest of Centennial Boulevard and Fillmore Street</p>	14

**CONSENT CALENDAR**

**CITY OF COLORADO SPRINGS PLANNING COMMISSION  
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**DATE:** April 16, 2015  
**ITEM:** A  
**STAFF:** Meggan Herington  
**FILE NO.:** CPC CU 15-00018  
**PROJECT:** Grace Bible Church

**DECISION OF THE PLANNING COMMISSION**

Moved by Commissioner Henninger, seconded by Commissioner Gibson, to approve **Item A-File No. CPC CU 15-00018**, the conditional use for Grace Bible Church, based upon the finding that the conditional use complies with the conditional use findings in City Code Section 7.5.704 and development review criteria in City Code Section 7.5.702.B, subject to compliance with the following condition and technical plan modification:

Condition of Approval:

1. Prior to Certificate of Occupancy, the site landscaping shall be brought into conformance with the existing landscape plan or a new plan submitted and approved.

Technical Modification:

1. Add file number CPC CU 15-00018 to the bottom right corner of all plan pages.
2. Show locations of all fire lanes on the plans.

Motion passed 9-0

April 16, 2015  
Date of Decision

\_\_\_\_\_  
Planning Commission Chair

**CONSENT CALENDAR**

# CITY OF COLORADO SPRINGS PLANNING COMMISSION

## RECORD-OF-DECISION

**DATE:** April 16 , 2015  
**ITEM:** B.1-B.2  
**STAFF:** Lonna Thelen  
**FILE NO.:** CPC ZC 15-00001  
CPC CP 15-00002  
**PROJECT:** Southwest Centennial and Fillmore

### DECISION OF THE PLANNING COMMISSION

Moved by Commissioner Henninger, seconded by Commissioner Gibson, to approve **Item B.1 - File No. CPC ZC 15-00001**, the zone change from OC/cr/HS (Office Complex with conditions of record and Hillside Overlay) and PUD/HS (Planned Unit Development with Hillside Overlay) to OC (Office Complex) for the Southwest Centennial and Fillmore project, 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

### DECISION OF THE PLANNING COMMISSION

Moved by Commissioner Henninger, seconded by Commissioner Gibson, to approve **Item B.2 - File No. CPC CP 15-00002**, the concept plan for Southwest Centennial and Fillmore, based upon the finding that the concept plan complies with the review criteria in City Code Section 7.5.502.E, subject to compliance with the following technical plan modifications:

#### Technical Plan Modifications for the Concept Plan:

1. Include a note that states that a site specific Geologic Hazard will be required at time of development plan.
2. The Geologic Hazards Evaluation Report by CTL Thompson should include the review letter by the Colorado Geological Survey dated March 11, 2015 as well as any responses from CTL-Thompson.
3. The Geologic Hazards Evaluation by CTL Thompson needs to be referenced on the concept plan with the standard disclosure statement.
4. The following note should be added under the geologic hazard disclosure statement:
  - Foundations must be set back from slope crests a distance of at least 1/3 the height of the slope or 40 feet, whichever is smaller.
  - Development plans should include specific provisions for establishing and maintaining



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ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p><b>ITEM NO.: 4</b> CPC CU 14-00005 (Quasi-Judicial)</p> <p><b>PARCEL NO.:</b> 6416211042</p> <p><b>PLANNER:</b> Ryan Tefertiller</p>	<p>A request by Charliene Renee Simmons representing Set Free God's House on behalf of Joe G. Abeyta for a conditional use to allow the existing commercial space to be used for a human service shelter to provide temporary housing for up to 21 residents. The property is located at 2231 and 2233 E. Platte Ave., is zoned C6/CU (General Business), is roughly 1.2 acres in size.</p>	<p style="text-align: center;">33</p>
<p><b>ITEM NO.: 5</b> CPC AP 15-00026 (Quasi-Judicial)</p> <p><b>PARCEL NO.:</b> 7303203021</p> <p><b>PLANNER:</b> Rachel Teixeira</p>	<p>An appeal by Duane Johnston, regarding the administrative approval for a Hillside Overlay site plan amendment to 2940 Needlecone Lane. The property consists of 0.649 acres and is located northeast of Sawback Trail and Needlecone Lane.</p>	<p style="text-align: center;">50</p>

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<p><b>ITEM NO.: 6.A</b> CPC ZC 15-00004 (Quasi-Judicial)</p> <p><b>ITEM NO.: 6.B</b> CPC DP 15-00005 (Quasi-Judicial)</p> <p><b>ITEM NO.: 6.C</b> CPC NV 15-00027 (Quasi-Judicial)</p> <p><b>ITEM NO.: 6.D</b> CPC NV 15-00028 (Quasi-Judicial)</p> <p><b>PARCEL NO.:</b> 6328200008</p> <p><b>PLANNER:</b> Steve Tuck</p>	<p>A request by Newsome Development and Investments Inc. on behalf of the Joe and Rachel Cressman Trust, the Jo Anne Clark Irrevocable Trust, Kent Rockwell and Elizabeth Lancaster Rockwell for approval of the following development applications:</p> <ul style="list-style-type: none"> <li>A. A zone change from R/HS (Estate, Single-Family with Hillside Overlay) to SU/HS (Special Use with Hillside Overlay).</li> <li>B. A development plan for a 5-story building for 71 dwellings with 157 bedrooms are proposed.</li> <li>C. A nonuse variance to allow a front setback of 10.11' where 25' is required adjacent to Cragmor Village Road.</li> <li>D. A nonuse variance to allow 20 parking spaces to back across a property line adjacent to the public right-of-way of Cragmor Village Road.</li> </ul> <p>The property consists of 2.14 acres and is located at 6 ,8 and 10 Cragmor Village Road.</p>	<p>81</p>
<p><b>ITEM NO.: 7.A -7.B</b> CPC MP 04-00012-A1MJ15 (Legislative)</p> <p><b>PLANNER:</b> Peter Wysocki</p>	<p>A request by the Colorado Springs Urban Renewal Authority on behalf of Gold Cycle Investments, LLC for determination of consistency with the City's Comprehensive Plan of:</p> <ul style="list-style-type: none"> <li>A. An amendment to the Gold Hill Mesa Urban Renewal Plan to exclude the commercially-designated properties from the existing Gold Hill Mesa Urban Renewal Area.</li> <li>B. Gold Hill Mesa Commercial Urban Renewal Plan Area for the commercially-designated properties.</li> </ul> <p>The entire Gold Hill Mesa consists of approximately 200 acres, and is generally located South of Highway 24 and East of 21st Street.</p>	<p>140</p>

**CITY OF COLORADO SPRINGS PLANNING COMMISSION  
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**NEW BUSINESS CALENDAR**

**DATE:** April 16, 2015  
**ITEM:** 5  
**STAFF:** Ryan Tefertiller  
**FILE NO.:** CPC AP 15-00026  
**PROJECT:** Needlecone Lane Appeal

**STAFF PRESENTATION**

City Planning Manager, Ryan Tefertiller filling in for Rachel Teixeira delivered a power point presentation.

City Engineering, Steve Custer continued staff power point to review engineering considerations.

Markewich: if the swell is not marinated over time would the appaliant be able to file a . what is recourse?

Mr. Custer could not answer

Mr. Tefertiller: is a tough question to answer comes down the the lack of mainatence if the nonfunctioning anyone (neighbor) could ask that the City come out and if

Work with the property owner to make sure things are maintained. It would be a challenge for the City to coninutously make sure the sweel is functioning.

Mr. Custer advised

Mr. Smith: page 59 of the bottom of the swell, it would appear the water has overflowen the swell and it appears that the water would head towards the neighbors. Is there someway that water could overflow and can the swell be made large to accomindate?

Mr. Custer: Not prepared to comment about the size of the swell ,  
This is a private

Smith: Is there someone else that can answer this question?

Custer: advised that there is every incentive to maintaibn the swell, if they do not it floods through the basement window well

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Shonkwiler: Is there any city code that speaks to directing water through a public right of way?

Custer: The frequency of the storms and the size of property it drains it doesn't warrant

Shonkwiler: to keep it off the side walk

Custer: spoke on the frequency of flow and the hillside of the lot that makes the water an issue for this property owner .

Shonkwiler: you have looked?

Custer: yes

Tefertiller: Continued powerpoint presentation.

**Appellant Presentation:**

Dwain Johnston 2930 Needlecone property owner:

Delivered a presentation of pictures. (Exhibit A)

Concerns are as follows:

Spoke on conditions for permitting

Nothing else has happened after the ditch was dug, the water was staying in the ditch and He wanted to know if the proper permitting would be pulled to continue the job and make the water flow out from the ditch.

Retaining wall; was permitting required,

Picture 1: the two retaining walls are different from what was approved. The lower wall is 52 inches high,

Picture 2: the top wall, 56 inches with a 4 inch cap 60 inch

Picture 3: the distance between the wall approx.. 40 inch not meeting 48 inches between the walls.

the ditch: the requirements of the 6 to 12 inches deep and 3 inches wide. The ditch is not up to code.

Setiment on his property.

Main concern is that if there is any flodding are the walls going to collapse, and overflow from the ditch and onto my property.

90 degree turn for water is not realistic

Would like to see his neighboring property draining engineering done properly.

Should drain both sides at the house , not one direction.

Outside limits of disturbance

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Tim Wright 2940 needlecone lane property owner: disappointed that this is before CPC.  
His neighbor wont work with him  
As homeowner, I have been involved in the construction of the events;  
Went through the series of events that lead to the destruction of the retaining wall and the construction of the swell  
Appeal to support approval of the Hillside plan

Gibson: Proper Permitting was not done?

Wright: I met with City officials, and we conformed to ever requirement that we were aware of Markewich: retaining wall, and then swell, neither were permitted or brought to CPC. The landscaper may have . Did you speak with the city of LUR department to see requirements?

Wright: called regional building, walls back the way they were, no permit required.

Mark: Do they look the same as before they collapsed?

Wright: they didn't collapse, they were shifting and bowing, landscap opiiion lets do something before they collapse.

Marke: Are the walls that stand today they

Wright: the walls were the same as when we mmoved in 2002,

Mark: Not built according to plan in the first place?

Wright: yes

Peter: retaining walls are not point oif discussion please focus on the appeal the construction of the drainage swell.

Architect: Chuch Wrongley, speacialize in custom homes.

Nove 2013 to observe the start of a swell that was in place after the flood. Intent was to complete asstetic and functional.

Presented

Statement to Item 1 of appeal; the picture disclosed was under construction and not completed

The need for the swell is not due to any changes made by Mr. Wright solely is because of the hill above the property.

The planning Department requested a 9:36

Approved as amended with no objects to the swell.

Item 2.2: All documents were provided to the planning department. The same group was used to analyze/engineer 9:38

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Item 3: It is true however construction did begin prior to the date on the appeal. The landscaper advised of the swell. Not RBD approval was required, so. He was notified he needed to set up a meeting with Rachel and that a permit was not required but that they should amend the site plan. Rachel did a preliminary review and they reviewed

Please note the swell protected Mr. Wright's property.

Item 5: completed by hand to limit the disturbance, immediate need to protect his property. A permit was not required, we completed every task and confirmed there were no further requirements.

The swell does not overflow into Mr. Dwain's property. Referred to the pictures, the potential flooding would be from the hill above his property.

Smith: the attachment 2, it appears that at the end there is some spillover. Assured that minor modifications do not need to be made.

Arit: Please note that this water is well within Mr. Wright's property, there has not been spill over. Used **(Exhibit A)**,

McDonald: For Wright, do you have any photos of damage done to Mr. Dwain's property,

Was categorized as a 500 event, with no pictures of damage to Dwain's property?

Wright, Confirmed this is correct.

**Supporters of Appeal:** none

**Opponents of Appeal:** None

Mr. Wright Submitted letters for the record **(Exhibit B)**

**Applicant Rebuttal:** None

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**COMMISSIONER DISCUSSION**

Donley: I think its important to not RBD , we should not consider retaining walls in review. There is a need to have the water draoined . we need to rely on the professional engineers . this is a private issue and privately Maintenance will be critical, the setiment that overtime there is a risk that it can go on to surrounding lots.

The appalnt was not able to substantiate that the staff didn't follow the rule, it is clear that the safe trans10:01 I am hopeful they can work with one another and I am opposing the appeal.

**DECISION OF THE PLANNING COMMISSION**

Moved by Commissioner Donley, seconded by Commissioner Henniger to approve **Item No. 5 - File No. CPC A 15-00026**, the zone change from A/AO (Agriculture with Airport Overlay) to R-5/AO (Multi-family Residential with Airport Overlay) for the Barnes Center Apartments Filing No. 1 Plan, based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B. Motion failed 9-0

April 16, 2015

Date of Decision

Planning Commission Chair

**CITY OF COLORADO SPRINGS PLANNING COMMISSION  
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**NEW BUSINESS CALENDAR**

**DATE:** April 16, 2015  
**ITEM:** 4  
**STAFF:** Ryan Tefertiller  
**FILE NO.:** CPC CU 14-00005  
**PROJECT:** Set Free

**STAFF PRESENTATION**

Planner Manager, Ryan Tefertiller Stated that Has made the correction that 2233 should be 2235, the proper notifications were made at the correct address. Mr. Tefertiller delivered a power presentation.

Today; the human service shelter located at 2235 and 2231

Shonkwiler: Confirmed the area is in yello,

Tefertiller: Yes

Tefertiller: Continued presentation

Please note, The tenants of the shelter have recently been evicted due to health/safety concerns.

Additional photograph provided by code enforcement not included in packets.

**APPLICANT PRESENTATION**

Charlie Simmons, Senior Pastor of Set Free Gods House. Passed out packets to the CPC **(Exhibit C)**

Started Set Free God's House to help the homeless, she understands that a lot of thing done with the property were done without proper permits. 10:31

10:55

Smith: Do you have reason to inquire about the finances

Sue: We cannot get into financial because we make sure the public is protected and the codes and standards are met.

Marc: If there is a motion to approve, a condition of approval is to submit the Purpose plan is to further clarify the the purpose of the plan.

Mark: if denied what are the capabilities of other areas in CS to provide service for the people currently at Set Free Gods House

Sue: I cannot speak to this, I am aware of the lack of service to homeless.

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Tefertiller: Confirm that the planning department has met with Aimee Cox, and we recognize the lack of housing for homeless, however,

Smith: I would like more information from fire and code on what was encountered on the premises.

Donley: opened without a permit and we are voting to correct this ?

Tefertiller: Correct

Jennifer Lewis, CSPD; in reviewing the 2231 property 1-1-2013 47 calls regarding neighborhood disputes . Sex Crime units that failed to register, when we came back they were no longer on premises. Pastor Murphy and the gentlemen that was staying inside the computer store.

The 7 calls minus the 47, is this on the same track as other shelters?

Lewis: I cannot speak to this due to my work area.

Marke: is the police department involved in eviction process?

Lewis: Eviction process goes through the county, I have not been to service calls for this location, however they have been in process since 2013. The man who is incarcerated was just not leaving.

Loren Zimmerman: Code enforcement (**Exhibit D**) : have been contact 2231 regarding living conditions, contacted Mr. Murphy, received a tour. Main doors on South side of building. Large open area with microwave and sink. Large area with 13 beds on street level. All beds were made, there were a few occupied. Downstairs, in the basement

Shonkwiler: Is there an exhibit?

Two stairwells Only 1 was functional.

11:07

11:10: Concerned with: if they had to get out.

Mcdonald: who contacted you?

Zimmerman: Patrol Officer

Phillips: if condemned how long to bring back to code?

Zimmerman: no date, as long as it is not occupied with residents.

Shonkwiler: Residential Use subject to certain conditions, are you familiar?

Zimmerman: I am not familiar with this.

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Gibson: The basement area, was this used for storage and not for living, would this help with your concerns.

Zimmerman; yes.

Shonkwiler: any codes if the basement is used for storage.

Zimmerman, Storage only would have to have clear stairways.

Shonkwiler: there are certain requirements for the number of exits required if below ground level.

Marc: point out to commission we are reviewing a conditional use and we are overlapping sections of the code. You are analyzing substantial compliance with the conditional use.

Markewich: Mr. Tefertiller said it must meet fire code and building ordinances so it is pertinent.

Marc: they have to comply no matter what.

Marke: it is important for us to understand.

Marc: it is a requirement by law requiredless to conditional use modifications..

Shonkwiler: we will continue:

Jacob Polfer: CSFD:

Shonkwiler: why the eviction?

CSFD: was gave sease and disced, they didn't meet the requirements of residential. Cannot have below grade without two starways. Change of occupancy

### CITIZENS IN FAVOR

- 1) Medical Director at Set Free God's House: Crisis management , Daily Bible Study,
  - a. Wanted to clarify a concern Health related issues/ there is someone available to be on call and on site, 24/7
- 2) Cit
- 3) Cit
- 4) : This is a place that unlike other shelters , We go far beyond a place to sleep, we guide and empower people to overcome their past and teach about Jesus Christ. Search your hearts and help us.
- 5) Michael Wilbe: homeless for a year, came to set free and was asked do you want to change your lifestyle for the better. In my time I have been able to get hope back, further gifts from God, the shelter part is a big deal in helping people better their lives, give us our place back.
- 6) Lee Brown: little over a year , provide Bible studies, work and help better myself.
- 7) Jeremy: the second I stepped in this place there was something different about it.
- 8) Craig : introduced to Set Free in 2012 and has been there ever since, without Set Free, who knows where I would be. They have changed my life.

**CITY OF COLORADO SPRINGS PLANNING COMMISSION**  
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- a. SHonkwiler: living quarters shut down, where are you now?
  - b. Has taken a lot of the people in his home.
- 9) 11:55, Drug addict, after three weeks at Set Free, I didn't want it anymore.
- 10) Chris Phillips; 11 months at Set Free, his life was dark, being at Set Free has changed and saved my life.
- 11) , just a bed to sleep in, set free has helped me live sober and gave me structure.
- 12) Steve Abata : Speaking for Dad and self co owners of building on Platt, when they first rented the building he was questionable, mixed use, and was concerned about complaints coming in. In the last three years min. complaints, prompt with rent payment. All minor issues are taken wcareiof , they are filling a need in the community.
- a. Shonkwiler: code issues ; stairway and exits, have you been a partiispent in bringing to code?
  - b. We are willing to help in any way we need to, it was not brought to our attention what the problems were. My understanding there are two exits going up, one is blocked because of the computer shop going up.
  - c. Shonkwiler: kind of two way street, as a leasor you have an obligation to make sure they are following the zoning codes. If you are rented to somone that is in violation of operation, you have a role in code compliance.
  - d. It has not been brought to our attention, we were not aware that the codes were broken, weare willing to help out, some improvements need to be made, will help bring to code.
  - e. Computer store, your renting or sublet?
  - f. Originally, they had a man that did computer work, so they made it apart of the ministries. There is no written agreement between them, now it is an issue.
  - g. Shonk: no formal sublease?
  - h. Correct.
- 13) Meggan obostor: Been with Set Free for ten years in Sandigo: Set Free this is my family and I couldn't make it without God or this family. We will do his work no matter where we are at.
- 14) Karen : Set free , second time. I was abused, taken advantage of, molested. Set Free opened the doors for us. They provide a safe environment and all my needs are met. This is my family and home. Where they go I go.
- 15) Kimberly Bosserman; we had nowhere to go and I was pregnant, we were told about Set Free, they opened their door and hearts. People should not be told they can't be somewhere to worship.because of Set Free I have found God again.

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**CITIZENS IN OPPOSITION**

none

**QUESTIONS:**

None

**COMMISSIONER DISCUSSION**

Markewich: thank you for spending so much time, we appreciate. If we approve the conditional use with the conditions. The site will be brought up, the landlord has committed to helping with tat. If they do not meet the conditions of records they cannot move back in. I am in support of the application.

Gibson: thank you, I am in support , couple sttod out, safe environment, through officers that the previous nusionses have left the property. I would like to see the management plan as an condition of approval. Occupancy be mindful.

Walkowski: Thank you, you have been heard and we understand. I think that things may not have gone right with setting up with the conditions in place they can be corrected. If you will review the conditional use items, good for neighborhood, and public welfare. Support.

Mcdonald: thank you, for time and efforts on this item, I am happy to have heard from the owners, if they are satisfied as a quailtly tenant for this long I am inclined to approve.

Henninger: Thank you for support, I have looked at the conditional use criteria and the three main that should be fulfilled will be a benefit to the neighborhood and positive for the community. Mixed use, can be supportive in that relem. Agrees with comprehensive plan for the City am in support.

Smith: I have been involved with affordable housing for years, not homeless but there is a need for this facility and orginally I was not in favor but during the testimony I have changed my mind because I feel it is the landlords duty and benefit to help bring to code as much as he can. This is a big element in approving this conditional use. The three additional conditions for approval will have to be met and technical modifications, I am in support.

Donley: Easy, entirely appropriate in terms on location, conforms comprhansive plan. Not just a sheler they are providing intervention. Relyay on enforcement , fire , police code enforcement. Sit with Sue Matz and her staff , come up with a conticeny plan. When you have an issue how to handle. Support.

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Phillips: I was homeless myself, I support.

Shonkwiler: going to support and rely on landlord that he and father will be active participants in bringing to code. If you don't then you no longer have a tenant. Make sure the landlord, will be active, community that will work for individual and whole community. Heavy on my mind. Supported.

### DECISION OF THE PLANNING COMMISSION

Moved by Commissioner Walkowski , seconded by Commissioner Gibson, to approve **Item No. 4 -File No. CPC CU 14-00005**, the conditional use development plan, based upon the finding that the conditional use complies with the conditional use findings in City Code Section 7.5.704 and development review criteria in City Code Section 7.5.702.B, subject to compliance with the following conditions of approval technical and/or informational plan modifications:

#### Condition of approval to the conditional use development plan:

1. Approval of the conditional use is contingent on submittal and approval of a "management plan" addressing client management, security, and safety issues to ensure that there won't be impacts to the surrounding neighborhood.
2. Prior to occupancy, the property must meet building code and fire code requirements.
3. Obtain the necessary administrative human service permit from Planning and Development Department.

#### Technical modifications to the conditional use development plan:

1. Modify the plan to clarify the name and affiliation of the applicant
2. Correct the parking table reflect the existing and proposed uses and parking requirements
3. Provide documentation that the cross access easement exists as required by the 2007 conditional use granted on the site.
4. Add a note that signage is not approved and sign permits will be required for all new signage.
5. Add a note stating that the conditional use plan does not relieve the need to gain approval from the Fire Marshal and Pikes Peak Regional building.
6. Correct the address to state:

Motion Passed 9-0

Commissioner Shonkwiler read into the record the City Appeal Process.

April 16, 2015

Date of Decision

Planning Commission Chair

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**NEW BUSINESS CALENDAR**

**DATE:** April 16, 2015  
**ITEM:** 6.A – 6.D  
**STAFF:** Steve Tuck  
**FILE NO.:** CPC ZC 15-00004  
CPC DP 15-00005  
CPC NV 15-00027  
CPC NV 15-00028  
**PROJECT:** Look out at Cragmor

**STAFF PRESENTATION**

Planner, Steve Tuck delivered a power point presentation.

**APPLICANT PRESENTATION**

Mr. John Almeida of Newsome Development presented PowerPoint slides. (Exhibit E)

Commissioner Walkowski asked if the complexes were sold in the future how the business model would be kept.

Mr. Newsome stated the designs in which the units will be constructed are not dormitory style rooms and they would not accommodate double occupancy per room.

Commissioner Phillips asked City Transportation Manager Kathleen Krager to speak on the tight corner on Regent Circle.

Ms. Krager, stated the critical point is at the Regent Circle and Austin Bluffs intersection, which was analyzed as part of the Austin Bluffs construction to provide increased capacity. The issue is maintaining a roadway system where traffic moves slowly. Due to the use and location this facility will not be a major trip generator.

**CITIZENS IN FAVOR**

- 1) Mr. Kent Rockwell, one of the lot property owners selling to the developer, stated it is easier to travel east on Austin Bluffs and advised that because of this he is not concerned about the traffic aspects and supports the project.

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### CITIZENS IN OPPOSITION

1) Mr. Al Rohr voiced the following concerns

- Lack of citizen support.
- Too high of a density for the area.
- Out of State developers.
- Disruption to the neighborhood.
- Erosion control
- Traffic delays
- Limiting to one exit from the area
- Higher fire danger risks
- Destruction of a historic neighborhood
- Elimination of views
- Noise disruption
- Lowering of property values

Commissioner Walkowski asked Mr. Rohr if he discussed the master plan with UCCS?

Mr. Rohr stated he attended an evening discussion hosted by UCCS related to traffic issues in their neighborhood. In that meeting, UCCS displayed their new master plan, but it had already been approved by their board.

2) Denise and Larry May voiced the following concerns:

- The units could be rented to additional citizens not registered with UCCS, who may drive a car and congest the roads near her home.
- Wild fire increase and being limited to one way out of the area in case of an emergency.
- Requested that Cragmor Road be fixed to Regent Circle.

3) Mr. Philip Sidney voiced the following concerns:

- The roads and neighborhood infrastructure are not in compliance with the Colorado Springs Fire Code safety requirements.
- Flooding caused by construction in the neighborhood.
- Requested storm sewers be installed to assist with potential flooding.
- Requested no smoking be enforced to avoid a fire disaster in the complex or surrounding neighborhood.

# CITY OF COLORADO SPRINGS PLANNING COMMISSION

## RECORD-OF-DECISION

- 4) Mr. Brian Herbert voiced the following concerns:
- Injury to existing property values
  - No proposed enforcement from the University to address conduct in the apartment complex.
  - Increased traffic congestion.
  - Suggested swapping land with UCCS for day use parking on the northern edge and place the apartment structure further south to avoid noise pollution into the existing neighborhood.
- 5) Mr. Edward Gass voiced the following concerns:
- No overflow parking for the apartment complex.
  - The height exceeds the proposed 60 feet maximum.

Commissioner Shonkwiler requested clarification of Mr. Gass' concern on exceeding the maximum height.

Mr. Tuck stated the R-5 zone allows a maximum height of 45 feet, and the SU zone height maximum is 60 feet. City Code states that the top 5 feet of a hip or gable roof is not included in the height measurement.

- 6) Ms. Sally Von Breton voiced the following concern:
- Increase of the soil erosion in the neighborhood due to rain downpour.
- 7) Mr. Luis Young voiced the following concern:
- Agreed with the previous citizens and suggested an R-5 zone opposed to the SU zone for this area.
- 8) Ms. Bonnie Rochette voiced the following concerns:
- Stated most of the neighborhood was not aware of this development and public meeting.
  - Concerns with having only one entrance and exit into the neighborhood.

### APPLICANT REBUTTAL

Mr. Almeida and Mr. Newsome addressed the following concerns:

- All of the City's posting and deadline requirements were followed.
- Those not notified were outside the notification radius.

## CITY OF COLORADO SPRINGS PLANNING COMMISSION RECORD-OF-DECISION

- Flooding and erosion control will be maintained by the applicant with detention ponds and will be monitored by the City and EPA.
- They are not opposed to the idea of a second access point to the site, but this is at the will of the City Traffic Department.
- The site is purpose built and will mainly house UCCS students with on-site management.
- All uses and densities comply with the Comprehensive Plan, especially near a growing university.

Commissioner Gibson asked what hours the onsite management will be available with regards to the neighbors concern with noise control.

Mr. Newsome advised that Monday thru Friday the management team will be open from 10 a.m. to -6 p.m., and on Saturdays from 10 a.m. to 4 p.m. He further advised that the management team is always on call 24/7 and that private security is always an option.

Commissioner Gibson asked Mr. Almeida to speak to the erosion concerns on Cragmor Road.

Mr. Almeida advised that if the erosion on Cragmor Road is going to be a problem for the neighbors and cause it to come down into their property then they too would be concerned with this and it would need to be fixed. However, there is not the concern that erosion will occur from their property into the surrounding neighborhood.

Commissioner Shonkwiler asked for clarification on the flood mitigation/Stormwater drainage efforts, as to address the neighbor concerns regarding the runoff and debris from the parking lot.

Civil Engineer, Mr. Quentin Armijo stated there will be no net increase to historic flows heading north.

City Engineering Program Manager, Mr. Steve Kuehster confirmed Mr. Armijo's statement. He advised there are existing hillside runoff issues in the neighborhood, which is typical of hillside development. Mr. Kuehster clarified that when stormwater generates from private property and then comes into the public right-of-way, it becomes the City's responsibility.

Commissioner Walkowski inquired if the SU zoning has been historically granted to private entities?

Mr. Tuck stated yes, although the zone is not commonly used in the City it is not restricted to university use. He referenced two locations within the City near Cache la Poudre that contains

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## RECORD-OF-DECISION

privately owned homes (Colorado College and east of the college to Shooks Run) and the northeast corner of Fountain and Academy that is a privately owned SU-zoned property.

Commissioner Markewich asked Mr. Tuck if UCCS were to acquire the site and build on it, would they have height restrictions or if they could choose to build it higher on the ridge.

Mr. Tuck responded that there would be no restriction on how high, how large or how much closer to the property line the University could choose to build because the university is not subject to the City's zoning requirements.

### **QUESTIONS:**

None

### **COMMISSIONER DISCUSSION**

Commissioner Walkowski: Is opposed to the project because he struggles with categorizing this private development as a university process due to the fact that it is a private development on private land. He does not think that the project meets the development review criteria to minimize the bulk of the development and is conflicted with that.

Commissioner Henninger: Is in support of the project, he believes that the development complies with the City's Comprehensive Plan. He is impressed with the concept of a private business complimenting a State School system. The location and topography of UCCS itself is a challenge, causing no concern about the projects location. He stated that he is in support of the zone change, as it will allow for growth in this area.

Commissioner Smith: Is in support of the project and agreed with Commissioner Henninger's statements.

Commissioner Markewich: Is in support of this project, He finds that the development complies with the review criteria for all applications. He is not concerned about the traffic on Cragmor Road, as it will be a dead end. He is empathetic to the neighborhood's concerns but advised that this development may be a better alternative to the University developing in this area.

Commissioners Gibson: Is in support of the project, and feels all of her concerns have been met.

Commissioner McDonald: Is in support of the project, and feels that all aspects were covered.

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Commissioner Phillips: Will support the development however, he hopes the City Traffic Engineering Department will analyze the sharp turn on Regent Circle.

### DECISION OF THE PLANNING COMMISSION

Moved by Commissioner Markewich, seconded by Commissioner Henninger, to approve **Item No. 6.A -File No. CPC ZC 15-00004** the zone change from R/HS (Estate, Single Family with Hillside Overlay) to SU/HS (Special Use with Hillside Overlay) for The Outlook on Cragmor, based on the finding the request complies with the review criteria in City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries). Motion passed 7-1 (Commissioner Walkowski opposed and Commissioner Donley excused.)

Moved by Commissioner Markewich, seconded by Commissioner Henninger, to approve **Item No. 6.B -File No. CPC DP 15-00005** the development plan for The Outlook on Cragmor, based on the finding the plan complies with the review criteria in City Code Section 7.5.502.E (Development Plan Review Criteria) and Section 7.3.504.D.3 (Hillside Development Plan Review Criteria) subject to compliance with the following technical and/or informational modifications to the development plan:

1. Note the City file number of CPC DP 15-00005 in the lower right corner of sheets 6, 7 and 8.
2. In the nonuse variance notes on sheet 1 reference the appropriate City file number for each request: File No. CPC NV 15-00027 for the front setback variance and CPC NV 15-00028 to allow unparking vehicles to back across the property line.
3. On sheet 3 revise the 25-foot side setback to a 25-foot rear setback (along the north property lines).
4. As required by Engineering Development Review extend the improvements to Cragmor Village Road adjacent to the site along the north property line and extending to the driveway entries of the parking areas. If appropriate show a guardrail.
5. Where Cragmor Village Road is adjacent to the south side of the site provide a minimum pavement width of 22 feet measured from the face of the curb on the north side (or past the angled parking) to either the edge of pavement or face of curb on the south side.
6. Relocate the mailboxes for 23, 24 and 29 Cragmor Village Road to the west of the retaining wall (between the curb and the retaining wall).
7. Provide side and rear elevations of the trash enclosure noting the height and materials.
8. Note the height in feet of the highest portion of the roof (previously shown but deleted from revised plan).
9. Revise the photometric drawing to reflect the reduced height of the exterior lights.

**CITY OF COLORADO SPRINGS PLANNING COMMISSION**  
**RECORD-OF-DECISION**

10. On sheet 4 note the preservation area in the northeast portion of the site as a preservation area

easement. Note that prior to the issuance of either a building or grading permit the preservation area shall be fenced off from the remainder of the site and shall remain in place during construction.

11. Note that a 6-foot wide path shall be constructed from the west property line of the project to the existing sidewalk located at the intersection of Cragmor Village Road and Regent Circle. Note the location of the sidewalk shall be coordinated with UCCS and shall be completed prior to the issuance of the Certificate of Occupancy.

Motion passed 7-1 (Commissioner Walkowski opposed and Commissioner Donley excused.)

Moved by Commissioner Markewich, seconded by Commissioner Henninger, to approve **Item No. 6.C -File No. CPC NV 15-00027** the nonuse variance to City Code Section 7.3.104 of the City Code to allow a front setback of 10.11 feet where 25 feet is required adjacent to Cragmor Village Road based on the finding the request complies with the review criteria in City Code Section 7.5.802.B. (Criteria for Granting a Nonuse Variance). Motion passed 7-1 (Commissioner Walkowski opposed and Commissioner Donley excused.)

Moved by Commissioner Markewich, seconded by Commissioner Henninger, to approve **Item No. 6.D -File No. CPC NV 15-00028** the nonuse variance to City Code Section 7.4.205.B of the City Code to allow 20 parking spaces that will allow the backing of vehicles across a property line adjacent to the public right-of-way of Cragmor Village Road based on the finding the request complies with the review criteria in City Code Section 7.5.802.B. (Criteria for Granting a Nonuse Variance). Motion passed 7-1 (Commissioner Walkowski opposed and Commissioner Donley excused.)

Commissioner Shonkwiler read into the record the City Appeal Process.

April 16, 2015

Date of Decision

Planning Commission Chair

**CITY OF COLORADO SPRINGS PLANNING COMMISSION  
RECORD-OF-DECISION**

**NEW BUSINESS CALENDAR**

**DATE:** April 16, 2015  
**ITEM:** 7.A -7.B  
**STAFF:** Peter Wysocki  
**FILE NO.:** CPC MP 04-00012-A1MJ15  
**PROJECT:** Gold Hill Mesa Urban Renewal Plan

**DECISION OF THE PLANNING COMMISSION**

Motion moved by Commissioner Markewich, seconded by Commissioner Smith, to approve the postponement of **Item 7.A-7.B File No. CPC MP 04-00012-A1MJ15:**

- A. Approval of the Amended Gold Hill Mesa Urban Renewal Plan to the City Council based on the finding that it is consistent with the City's 2001 Comprehensive plan; and,
- B. Approval of the Gold Hill Mesa Commercial Area Urban Renewal Plan to the City Council based on the finding that it is consistent with the City's 2001 Comprehensive Plan.

Motion passed 9-0

April 16, 2015  
Date of Decision

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Planning Commission Chair