

THURSDAY, December 17, 2015

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

CHAIRMAN PHILLIPS CALLED THE MEETING TO ORDER AT 8:38 A.M., ADJORNED AT 3:41 P.M.

PRESENT:

Markewich
Henninger
Gibson
Donley
Phillips
Shonkwiler
Walkowski
McDonald
Smith

ABSENT:

ALSO IN ATTENDANCE:

Mr. Ryan Tefertiller, Urban Planning Manager
Mr. Marc Smith, City Senior Corporate Attorney

RECORD OF DECISION

Motion by Commissioner Shonkwiler, seconded by Commissioner Henninger to approve the November 19 , 2015 meeting minutes. Motion carried 9-0. Check video

COMMUNICATIONS

Item No. 5 on the agenda is being withdrawn. Item 6 will be moved and heard as the last item on the agenda. Item 7.A – 7.B was not posted properly and will need to be postponed until the January 2016, Planning Commission Meeting.

Motion by Commissioner Henninger, seconded by Commissioner Shonkwiler to postpone Item 7.A -7.B to the January 21, 2016, Planning Commission Meeting. Motion carried 9-0

CONSENT CALENDAR

ITEM NO.	PROJECT DESCRIPTION
<p>ITEM NO. A.1-A.2 CPC ZC 15-00120 (Quasi-Judicial)</p> <p>AR CP 08-00639-A1MJ15 (Quasi-Judicial)</p> <p>PARCEL NO.: 6436300015</p> <p>PLANNER: Lonna Thelen</p>	<p>A request by Aeroplaza Fountain LLC on behalf of Edward Scott representing Andrew Bivins, Teel Bivins, Tom Bivins, Mark Bivins, PK Partners LP, Kelvan Wilson, D E R Investments LP, Bivins Teel Custodian to Minors, Katherine Teel Bivins, William T Bivins, Carolyn Family Bivins for the following applications:</p> <ol style="list-style-type: none"> 1. A zone change from C6/P/AO (General Business with Planned Provisional and Airport Overlay) to R1-6000/DF/AO (Single Family with design flexibility overlay and airport overlay). 2. An amendment to the Soaring Eagles Concept Plan to allow commercial uses and single-family residential. <p>The property contains 27.8 acres, is zoned C6/P/AO (General Business with Conditions of Record and Airport Overlay) and located at the southwest corner of Hancock Expressway and Powers Boulevard.</p>
<p>ITEM NOS.: B.1-B.2 CPC ZC 15-00088 (Quasi-Judicial)</p> <p>CPC PUD 13-00048-A2MJ15 (Quasi-Judicial)</p> <p>PARCEL NOS.: 5317116159–5317116191, 5317116193</p> <p>PLANNER: Rachel Teixeira</p>	<p>A request by Classic Consulting Engineers & Surveyors, LLC, on behalf of Rockwood Homes, LLC, for approval of the following applications:</p> <ol style="list-style-type: none"> 1. A zone change from PUD/AO single-family detached units (Planned Unit Development with Airport Overlay) to PUD/AO single-family detached and attached units (Planned Unit Development with Airport Overlay). 2. A major amendment to the Reserve at Indigo Ranch Filing No. 2 PUD Development Plan. <p>The property contains 6.53 acres, is zoned PUD/AO (Planned Unit Development with Airport Overlay) and located southeast of Dublin Boulevard and Issaquah Road.</p>

<p>ITEM NOS.: C.1-C.4 CPC ZC 15-0083 (Quasi-Judicial)</p> <p>CPC ZC 15-0084 (Quasi-Judicial)</p> <p>CPC CP 08-00142-A3MJ15 (Quasi-Judicial)</p> <p>CPC SN 15-00085 (Quasi-Judicial)</p> <p>PARCEL NO.: 6311204095, 6311204096 6311204089</p> <p>PLANNER: Mike Schultz</p>	<p>A request by JR Engineering on behalf of Cook Communications Ministries for approval of the following applications:</p> <ol style="list-style-type: none"> 1. A zone change from OC/AO (Office Complex with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay) 2. A zone change from PIP-1/AO (Planned Industrial Park with Airport Overlay) to OC/AO (Office Complex with Airport Overlay) for 12.99 acres located at the southwest corner of Lee Vance View and Woodmen Road 3. A major amendment to the Cook Communications Ministries Concept Plan. 4. A street name change from Lee Vance View to Lee Vance Drive. <p>The amendment modifies zoning and changes a private street to a public street. Two zone change zone requests comprising of 5.84 acres and 12.99 acres. The property is currently zoned OC/AO (Office Complex with Airport Overlay) and PIP-1/AO (Planned Industrial Park with Airport Overlay). The property is located in the southeast of Rangewood Drive and Woodmen Road.</p>
<p>ITEM NO. D CPC UV 15-00133 (Quasi-Judicial)</p> <p>PARCEL NOS.: 6330200061</p> <p>PLANNER: Hannah Van Nimwegen</p>	<p>A request by Stericycle Inc. on behalf of Merrill Austin, Thunderbolt Mgt. Grp. Inc., for approval of a Use Variance to allow a truck terminal-like use within the Streamside Overlay. The property contains 4.08 acres, is zoned M-1/SS (Light Industrial with a Streamside Overlay) and located at 4120 Mark Dabling Boulevard.</p>
<p>ITEM NO. E CPC CU 15-00125 (Quasi-Judicial)</p> <p>PARCEL NO.: 6301110105</p> <p>PLANNER: Denise Tortorice</p>	<p>Request by Mary Brown, on behalf of KJPC LLC., for the approval of a Conditional Use to allow a dog day care and overnight dog boarding in an existing building use and parked for commercial center uses. The Conditional Use will not allow outdoor exercise or outdoor dog runs. This property is zoned PBC/AO (Planned Business Center with an Airport Overlay), consisting of 1.26 acres, and is located at 5470 Powers Center Point, more particularly described as Lot 12 Powers Center at Research.</p>

NEW BUSINESS CALENDAR

ITEM NO.	PROJECT DESCRIPTION
<p>ITEM NO. 4 CPC CA 15-00128 (Legislative)</p> <p>PLANNER: Ryan Tefertiller</p>	<p>A request by the City of Colorado Springs for approval of an amendment to Sections 7.2.201 and 7.4.102 of the Code of the City of Colorado Springs, 2001, to address multiple changes in the definitions and standards for fences and accessory structures.</p>
<p>ITEM NO. 5 CPC PUD 05-00301-A3MN15(AP) (Quasi-Judicial)</p> <p>PARCEL NO.: 6312405175</p> <p>PLANNER: Rachel Teixeira</p>	<p>An appeal by Elizabeth Wooley, President of the Dublin Townhome Owners Association, Inc., regarding approval of an administrative decision for an amendment to the Dublin Terrace Townhomes Development Plan. The project is for the build-out of the remaining 73 lots of the 142 residential developments. The property is zoned PUD (Planned Unit Development), consists of 12.78 acres and is situated southwest of Powers and Dublin Boulevards.</p>
<p>ITEM NO. 6 FILE NO.: CPC CA 15-00138</p> <p>PLANNER: Carl Schueler</p>	<p>An ordinance creating a new Infill and Redevelopment Chapter within the existing City of Colorado Springs Comprehensive Plan in accordance with Section 7.1.107.B of the Code of the City of Colorado Springs, 2001, as amended.</p>
<p>ITEM NO. 7.A-7.B CPC PUZ 15-00100 (Quasi-Judicial)</p> <p>CPC PUP 15-00101 (Quasi-Judicial)</p> <p>PARCEL NOS.: 7413122001;7413122018</p> <p>PLANNER: Michael Turisk</p>	<p>A request by David Morrison of Land Patterns, Inc. on behalf of Challenger Homes, Inc. for approval of the following applications:</p> <ol style="list-style-type: none"> 1. A zone change from C-6 (General Business) to PUD (Planned Unit Development). 2. A concept plan to develop a 50,000 square foot, four-story, 46 unit apartment building. <p>The properties are .5 acres in total, are currently zoned C-6 (General Business) and are located at 16 and 22 N. Spruce St.</p>

<p>ITEM NO. 8 AR DP 15-00434 (Quasi-Judicial)</p> <p>PARCEL NO.: 5319400016</p> <p>PLANNER: Mike Schultz</p>	<p>A request by Classic Consulting on behalf of Spitting Moose, LLC for approval of a development plan for M.X. Crossing. The development plan proposes 13 single-family lots. The property is located on the West side of Pring Ranch Road between its 2 intersections with Purcell Drive, consists of 4.3 acres and is zoned R-1 6000/CR/SS/AO (Single-family with Conditions of Record and Streamside and Airport Overlays).</p>
<p>ITEM NO. 9.A-9.B CPC ZC 15-00107 (Quasi-Judicial)</p> <p>CPC CP 15-00108 (Quasi-Judicial)</p> <p>PARCEL NO.: 73354000009</p> <p>PLANNER: Mike Schultz</p>	<p>A request by Kimley-Horn & Associates on behalf of Garden of the Gods Club LLC for approval of the following applications:</p> <ol style="list-style-type: none"> 1. A change of zone. The proposed change of zone would rezone the subject property from R/HS (Residential Estate with hillside overlay) and R-5/HS (Multi-family with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay). 2. A PUD concept plan proposes a multi-story facility with a maximum of 266 independent living units, 40 memory care units, 66 assisted living units and 56 skilled nursing units with a maximum building height of 67-ft. <p>The subject property is located south of Fillmore Street and Grand Vista Circle, is currently zoned R/HS (Residential Estate with hillside overlay) and R-5/HS (Multi-family with hillside overlay) and consists of 25.62 acres.</p>

CONSENT CALENDAR

DATE: December 17, 2015
ITEM: A.1 – A.2
STAFF: Lonna Thelen
FILE NO.: CPC ZC 15-00120 and AR CP 08-00639-A1MJ15
PROJECT: Silver Hawk Village

DECISION OF THE PLANNING COMMISSION

Moved by Commissioner Shonkwiler and seconded by Commissioner Gibson to approve **Item A.1, File No. CPC ZC 15-00120** A zone change from C-6 P AO (General Business with a planned provisional overlay and the airport overlay) to R1-6000 DF AO (Single-family residential with design flexibility and the airport overlay) for Silver Hawk Village, 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 Shonkwiler and seconded by Commissioner Gibson to approve **Item A.2, File No. AR CP 08-00639-A1MJ15** concept plan for Silver Hawk Village, based upon the finding that the concept plan complies with the review criteria in City Code Section 7.5.501.E, subject to compliance with the following conditions and/or significant design, technical and/or informational plan modifications:

Technical and Informational Modifications to the Concept Plan Amendment:

1. Remove the R1-9 and R components of the table for Design Flexibility.
2. Under the commercial table for parking include total required and total provided.

Motion passed 9-0

December 17, 2015
Date of Decision

Planning Commission Chair

CONSENT CALENDAR

DATE: December 17, 2015
ITEM: **B.1 – B.2.**
STAFF: Rachel Teixeira
FILE NO.: CPC ZC 15-00088 and CPC PUD 13-00048-A2MJ15
PROJECT: Reserve at Indigo Ranch

DECISION OF THE PLANNING COMMISSION

Moved by Commissioner Shonkwiler and seconded by Commissioner Gibson to approve **Item B.1, File No. CPC ZC 15-00088** a zone change to PUD/AO for The Reserve at Indigo Ranch Filing No. 2, based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B. and 7.5.603.

Motion passed 9-0

Moved by Commissioner Shonkwiler and seconded by Commissioner Gibson to approve **Item B.2, File No. CPC PUD 13-00048-A2MJ15** amendment to The Reserve at Indigo Ranch Filing No. 2 Development Plan, based upon the finding that the project complies with the PUD Development Plan review criteria in City Code Sections 7.5.502.E and 7.3.606, subject to the following technical and informational plan modifications:

Technical and Informational Modification to the PUD Development Plan:

1. Provide the following note to the development plan: "Prior to issuing the building permits, the developer is required to escrow the amount of \$62,500.00 for the future anticipated traffic signal at the intersection of Dublin Boulevard with Issaquah Road."
2. Please add the following note to the development plan, "Prior issuing the building permits, the developer is required to escrow the amount of \$62,500 for the future anticipated traffic signal at the intersection of Dublin Boulevard with Issaquah Drive."

Motion passed 9-0

December 17, 2015
Date of Decision

Planning Commission Chair

CONSENT CALENDAR

DATE: December 17, 2015
ITEM: C.1 – C.4.
STAFF: Mike Schultz
FILE NO.: CPC ZC 15-0083, CPC ZC 15-0084, CPC CP 08-00142-A3MJ15 and CPC SN 15-00085
PROJECT: Cook Communications Ministries

DECISION OF THE PLANNING COMMISSION

Moved by Commissioner Shonkwiler and seconded by Commissioner Gibson to approve **Item C.1, File No. CPC ZC 15-00083** a zone change from OC/AO (Office Complex with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay) for 5.84 acres located approximately 1,000 feet east of the intersection of Rangewood Drive and Woodmen Road 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 9-0

Moved by Commissioner Shonkwiler and seconded by Commissioner Gibson to approve **Item C.2, File No. CPC ZC 15-00084** a zone change from PIP-1/AO (Planned Industrial Park with Airport Overlay) to OC/AO (Office Complex with Airport Overlay) for 12.99 acres located at the southeast corner of Rangewood Drive and Woodmen Road; 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 9-0

Moved by Commissioner Shonkwiler and seconded by Commissioner Gibson to approve **Item C.3, File No. CPC CP 08-00142-A3MJ15** a major amendment to the Cook Communications Ministries Concept Plan where the amendments propose modifying the zoning for two (2) parcels, the conversion of Lee Vance View from a private street to a public street, reconfiguration of lot lines and relocation of a proposed access off Woodmen Road based upon the findings that the concept plan meets the review criteria as set forth in City Code Section City Code Section 7.5.501.E.

Technical and Informational Modifications to the Concept Plan:

1. Change Cook Campus Point to Cook Commons Drive
2. Show the required 30' PUE for the water main in Lot E that runs north through the parking lot.

Motion passed 9-0

CONSENT CALENDAR

DATE: December 17, 2015
ITEM: D
STAFF: Hannah Van Nimwegen
FILE NO.: CPC UV 15-00133
PROJECT: Stericycle Inc. Medical Waste Transfer Facility

DECISION OF THE PLANNING COMMISSION

Moved by Commissioner Shonkwiler and seconded by Commissioner Gibson to approve **Item D, File No. CPC UV 15-00133** Use Variance to allow a transfer station within the M-1 zone district and Streamside Overlay at 4120 Mark Dabling Boulevard, based upon the finding that the request complies with the Use Variance review criteria in City Code Section 7.5.803.B, subject to compliance with the following condition and technical modifications:

Condition of Approval

1. An application to Land Use Review for a Certificate of Designation as required under Chapter 6 of the City Code shall be made no later than June 30, 2016. The Certificate of Designation must be finally approved by the City of Colorado Springs no later than December 31, 2016. If these actions are not fully completed by December 31, 2016, the City may take any applicable enforcement action permitted under the City Code.

Technical and Informational Modifications to the Master Plan Amendment:

1. Provide a note on sheet three stating "An application to Land Use Review for a Certificate of Designation as required under Chapter 6 of the City Code shall be made no later than June 30, 2016. The Certificate of Designation must be finally approved by the City of Colorado Springs no later than December 31, 2016. If these actions are not fully completed by December 31, 2016, the City may take any applicable enforcement action permitted under the City Code."
2. Provide a note on sheet three stating "All gates onsite shall utilize Knox padlocks for Fire Department access."

Motion passed 9-0

December 17, 2015
Date of Decision

Planning Commission Chair

NEW BUSINESS CALENDAR

DATE: December 17, 2015
ITEM: 4
STAFF: Ryan Tefertiller
FILE NO.: CPC CA 15-00128
PROJECT: Fence & Accessory Structure Code Change

STAFF PRESENTATION

Mr. Ryan Tefertiller, Planning Manager, presented PowerPoint slides (**Exhibit A**).

Questions of staff:

Commissioner Shonkwiler stated if you have a lot of at room it seems in an urban setting and you have a 5-foot setback on both properties on the property then if you're required to set back 3 feet that leaves you with only 2 feet between your house and the fence; So that gap where weeds can grow no one will take care of it. Why would we want something like this especially in a side set back area to leave a property owner with only 2 feet between their own house and a fence? This is especially concerning when you have a narrow lot and every square foot is used for urban living. Commissioner Shonkwiler stated he felt they were moving in the wrong direction.

Mr. Tefertiller stated he agreed that construction of a 6 foot fence with three foot back from a retaining wall providing minimal separation is not the ideal situation. This is not their only option. They can have a shorter fence on top of the retaining wall which allows you to have full use of that 5 foot side yard area. Mr. Tefertiller stated that the intent of these restrictions is to provide air, light, circulation, and openness between those properties. Or to meet accessory structures setbacks you could push that fence back 3 feet or even 5 feet to meet setbacks.

Commissioner Shonkwiler stated he felt that fences make good neighbors but because of what you're saying one property owner is not allowed to have a portion of another property owner's property as a zone for your own privacy. You are entitled to have privacy on your own property. If you have an entirely flat property that is can be acceptable, but we have a lot of places especially in urban areas that are not that way.

Commissioner Shonkwiler also asked if you put a three or four foot fence instead of six then you can go ahead and proceed without a variance. Mr. Tefertiller stated that was correct. Mr. Tefertiller stated if the fence was within 3 feet of a retaining wall the height of the fence is measured from the bottom of the retaining wall to the top of the fence. So the height of the retaining wall will determine the height of your fence.

Commissioner Shonkwiler said if you have a 6 foot retaining wall could you put anything on it according to this ordinance. Mr. Tefertiller said you could. You can put landscaping something like shrubs, but as far as a fence or wall no you could not do that not without a variance. Mr.

Tefertiller stated in urban settings it's rare to see a six-foot retaining wall between two homes that are only 10 feet apart. Retaining walls between property owners are rare but they are out there. The other point he would make is that typically homes that are 10 feet apart are designed so that they do not have a lot of windows or privacy concerns on the side of the house. Mr. Tefertiller stated he thought the bigger the privacy issues are more likely to be in the back yard. Commissioner Shonkwiler stated he felt maintenance was also an issue.

Commissioner Gibson stated her concern was maintenance as well. So she wondered if there is communication between the neighbors regarding a fence that is going up or any kind of agreement that is signed between the neighbors. Mr. Tefertiller said communication would be great, but there was nothing in code that would require the two neighbors to work together.

Commissioner Smith asked at what height is a guardrail required on a retaining wall. Mr. Tefertiller stated he was not aware that City Zoning code has any provision on that. That would be more building code situation but he is speculating about that. It could be that the homeowner's insurance provider could have some type of interest in providing some sort of guardrail. However if a retaining wall is more than 6 feet in height it needs to be setback and meet accessory structure setback standards.

Commissioner Markewich stated that the intent for this is if all items are parallel to one another. But if they are perpendicular to one another the face of the retaining wall is toward the front of the wall and there could be a conflict with this code. If that was the case you couldn't put a certain height of fence in that area.

Mr. Tefertiller stated that if that perpendicular fence was on top of the retaining wall then yes, as that fence gets within 3 feet of the top of that wall, then that fence would have to taper down. Commissioner Markewich would prefer it would say if it was within 3 feet of a parallel retaining wall to clarify it in order that the perpendicular face does not interfere with any one building there.

Mr. Tefertiller stated he has a hard time envisioning a situation where there was a retaining wall going along a side property line and you would want to do a rear 6 foot fence and wanted to take it all the way to the top of that retaining wall then turn 90°. So if I was a property owner I would stop short 3 feet from that retaining wall then turn 90° and have my 6 foot fence continue parallel to that wall. Mr. Tefertiller said practically speaking, he did not see anyone wanting to put a perpendicular fence that all the way to the top of a retaining wall.

Commissioner Markewich stated that what they were trying to do is create clarity and the way he reads it was that the face of the wall whether it's perpendicular or parallel it is the face of the wall and then you have to build a fence accordingly. So if it said parallel there will be no issues. Mr. Tefertiller stated working with zoning codes no code will ever be perfect. There will always be some situation out there that cannot be accommodated through a few sentences of regulation.

Commissioner Markewich asked could there be a drawback by adding a statement that says fences within 3 feet of a parallel face, would that cause a problem. Mr. Tefertiller stated he

didn't know but the more specific you get the potential is actually to have it become more confusing

Commissioner Shonkwiler stated that if this could be changed to the way that he is suggesting under an item number two, on page two – “if the fence was located within 3 feet of the face of the retaining wall and the height of the fence is measured from the top of the fence to the finish grade at the top of the retaining wall,” would that accomplish his theory. What he's trying to do, especially in urban areas, is not taking property rights away from one property owner and give them to another. Mr. Tefertiller stated he understood and he also stated that zoning codes are to protect the rights of one property owner from another property owner.

Commissioner Henninger stated a fence less than 6 feet does not require a building permit correct? Mr. Tefertiller said that was correct. Commission Henninger ask why is it 6 feet. Ryan stated he did not know. Commissioner Henninger stated a 6 foot retaining wall is a grounded management structure; we don't have any restriction on heights of retaining walls. Mr. Tefertiller stated he disagreed that they do. Because if a retaining wall is over 6 feet in height it is considered an accessory structure has to meet accessory structure setbacks. Commissioner Henninger again asks why 6 feet. Mr. Tefertiller said cities use 6 feet as a limit to fences to provide some level of privacy along the adjacent properties.

Commissioner Henninger asked if there is anything in our zoning as far as if you put a fence along a property line how it should look. He also said if this is a visual thing, and there are a lot of visual things we need to think about.

Commissioner Donley offered an example on Commissioner Markewich's comment. The scenario could be a retaining wall that runs along the property line, and then a perpendicular property line happens to run along that and you are trying to manage a dog or some other sort of security. In his mind you probably come and ask for a variance because you have a specific situation and you probably go with it, but he does believe that is a legitimate question we need to have thought through before they go too far.

Commissioner Donley stated the rest of his comments are more grammatical in nature. He wants to make sure that they get this right. Commissioner Donley stated he is reading the accessory structure definition and at the end of it, it says, “and that of other similar buildings and fences and walls that exceed 6 feet in height.” Commissioner Donley stated it reads to him, because there is no comma there, that it is saying 6 feet in width for the buildings. Because with no comma it infers that 6 feet refers to both of those. Commissioner Donley stated he would suggest that maybe there is a new sentence that states fences and walls that exceed in width are accessory structures. You see where the confusion could happen? Mr. Tefertiller stated first to clarify you said width a couple of times where I think my editorial may have confused you and it should be height. Commissioner Donley agreed it should be height. Mr. Tefertiller stated that he could see where confusion could happen, so an additional comma after the word buildings or as you suggested a period and a new sentence would be fine. Commissioner Donley stated he thought it would help.

Commissioner Donley stated the next one was very minor but the word detached putting 3 feet in parentheses would make it consistent with how you have done it elsewhere. You have the word three feet and the everywhere else you've done a 3 foot in parentheses. Mr. Tefertiller stated they can correct that. Commissioner Donley wanted clarification regarding a breeze way, that it can be any length? Because he has seen one in Italy that is 2 miles long. So is there a limit of how long a breeze way can be? Tefertiller said no, the current code does not put a maximum length of a breeze way; but if the breeze way is open and less than 12 feet in height and less than 6 feet in width, it is considered detached. Commissioner Donley stated to be clear it could be 100 feet long. Ryan stated yes, but it would still be detached. Ryan stated now if it was enclosed and wide and tall, then it's basically a room. It would become a corridor of your house connecting to two separate wings.

Commissioner Donley stated the last one under the definitions of fences and wall, the latest building materials for fences is plastic; we should have that in the list of materials. He would like to exclude it but he does not believe that is going to happen. So for materials you have listed wood, brick, stone, stucco, concrete, wrought-iron, chain link; plastic is almost as common as anything else. Mr. Tefertiller agreed he thought plastic could certainly be added. Commissioner Donley stated that or composites is another suggestion that Commissioner Henninger made and he was fine with either of those. Mr. Tefertiller said they do have a statement of other similar product, however Commissioner Donley was correct.

Commissioner Donley said his final item with regard to editing was that he had to agree with Mr. Tefertiller that a fence is about privacy and perhaps to some extent security. As it gets in excess of 6 feet in height he stated he felt it imposes on someone else, it's a negative impact. But he has no problem putting a fence on top of a wall otherwise so let's push it back and realized if you are in tight conditions by putting it that high you are really affecting the pedestrian environment, you are creating an enclosed difficult space. So those were his observations.

Commissioner McDonald stated she wanted to clarify that Mr. Tefertiller stated that with any code someone can find an error or it might not apply to every situation, is that correct? Mr. Tefertiller said yes. Commissioner McDonald said the variance process is for those types of situations in the event that there is an extraordinary circumstance. Mr. Tefertiller said that was correct

Commissioner Walkowski stated he is assuming that the examples that were showed and other areas around the city are grandfathered in. Mr. Tefertiller stated that was correct. Mr. Tefertiller said fences that were legally built under an old or unclear section of code they would be legal non-conforming under this proposed change. Commissioner Walkowski asked about repair or upkeep of those that are non-conforming, what does that look like? Mr. Tefertiller said the non-conforming section of code allows for maintenance and upkeep of legal non-conforming structures including fences. If you were to entirely knock down your whole fence and want to replace it with a brand new fence you would have into compliance with the current code.

Commissioner Walkowski said all of this is regulated by code enforcement, correct. Mr. Tefertiller said yes.

Commissioner Markewich asked is there ever specific language in the code that says that prior to a specific date fences are grandfathered in or do we do that or not do that? Mr. Tefertiller stated the code does not establish specific dates for before or after as far as compliance. But if something was established legally under the code it existed at the time then its legal nonconforming. So it's up to the planning staff to research to understand when something was built. We look at a zoning code for that time frame to determine whether it was built legally or not. City Attorney Marc Smith stated to Commissioner Markewich that Mr. Tefertiller did a great job describing it. There are certain, usually very controversial circumstances, where we might put a specific date in that could give people time to comply. However, if we were to put that kind of language in every single code change it would become more confusing.

Commissioner Markewich stated if I have a very long fence, but only three panels has fallen down. Do I have to replace the entire fence in order for it to then rise to the new code? Or if I replace just those panels a portion of my fence am I still able to keep it at the previous level? Mr. Tefertiller said zoning code establishes a 50% value threshold. So if a legal non-conforming structure is damaged to more than 50% of its value for replacement and it's replaced, when it's replaced it needs to meet current code. It depends on the percentage of damage if it's less than 50% you can just replace the area that was damaged and have it remain current to the code at the time it was originally built.

Supporters of the application:

Leland Pilger stated he approved of good work Mr. Tefertiller and the zoning code department has done. They spoke with a lot of people in different areas of about the overall benefit of good code regarding fences and structures.

Opponents of the application:

None

Additional Comments / Questions of Staff:

Commissioner Smith stated with regard to what was handed out, he's looking at page one under the definitions of detached, and the bottom sentence says, "If an unenclosed breeze way shall be considered detached the breeze way is less than 12 feet in height and less than 6 feet in width and you wanted to change that to height, correct? Mr. Tefertiller said no; the version he handed out this morning had the correction that was necessary and that was that the last word of the accessory structure definition. The version that was in their packets inadvertently had that last word as width and it should've been height. Mr. Tefertiller clarified he was speaking about the accessory structure definition.

DECISION OF THE PLANNING COMMISSION

Commissioner Phillips stated to the Commissioners that if they were going to make a motion to be sure that it was clear so that they would not have to make a lot of amendments to what was stated.

Commissioner Markewich said there have been a number of things have come to light in hearing and he was not sure if by motion and amendment they would be able to consider those various things. He would like to see the parallel language in their he's just not sure how difficult this is going to get with the motion and he does not know if this is a time sensitive item. It's an amendment to the code, a legislative item.

Commissioner Henninger stated he felt we were manipulating something that they don't totally have their hands around and thought what they currently had worked for the majority. They are addressing this for a particular situation and he did not see the value addressing it for a unique situation if a unique situation is not part of the decision. The randomness of what we have in fences is probably phenomenal. However, we need fences, they can be a problem but he is not sure they having anything of substance here to vote on today.

Commissioner Gibson thanked Ryan for his work on this item. She respectfully disagrees with her fellow commissioners, she believes there is enough to move forward to and make a motion on this at this time. They have the variance process for isolated specific situations. She is concerned about maintenance; it could present a futuristic problem. But she is ready to move forward on the item.

Commissioner Donley stated that if staff wanted to table the item, he would be open to that but he is not sure that it is necessary at this stage. He recognizes the power of variances and they do take care of those individual situations, and while he understands Commissioner Markewich's comment he thinks the variance is the way to take care of that particular an amendment or edit to the text. In terms of retaining walls and fences combined that are in excess of 6 feet he thinks that is inappropriate. He thinks that 6 feet provides adequate privacy, screening and security. It could be an affront to neighbors if it's taller than that and it limits light and air. Commissioner Donley stated he did have the three text and grammatical amendments, so if were headed toward a motion he hopes they can be incorporated and if he needs to make that motion to let him know. But otherwise he is supportive of the idea and thinks they can proceed. Finally, it would be useful if in every one chimed in on these particular amendments so they can start to craft a motion that can pass on the first reading.

Commissioner Shonkwiler stated he was in agreement with several of the Commissioners that they have adequate information to move forward. He felt the changes that were suggested by Commissioner Donley is acceptable. However, he really feels that the flaw is the question of retaining walls. He would offer maybe a compromise perhaps on the retaining wall for it to read, "If the retaining wall exceeds 4 feet in height, and then the overall the height of the fence would not exceed 10 feet in height with a retaining wall." But the whole question is of property rights to him. He would propose either in the motion or a proposed amendment to the motion that they change the maximum height of a retaining wall and a fence to 10 feet and this would be a way to take care of some of the maintenance issues also the ownership issues.

Commissioner McDonald stated she felt that Mr. Tefertiller had done a lot of homework on this and talked to a lot of different people and she is sure he had many suggestions on how to word this change. They could send it back again and again and never ever hit every scenario. She is fully prepared to move forward as written, if Commissioner Donley wants to add some comments that would be fine.

Commissioner Walkowski stated they could make a motion and add a clarification that the board looks at. He is intrigued a little bit about the compromise that Commissioner Shonkwiler mentioned but he is still thinking that through. But then Commissioner Markewich's comments about the parallel makes some sense, but it could really muddy the water so he probably would not support the parallel language, but he is still considering Commissioner Shonkwiler's interesting proposal.

Commissioner Smith stated he was ready to move forward with the ordinance as written. He agrees with other Commissioners and does not have anything else to add. If we can have a motion that approves it as written and then that is the way he would propose.

Commissioner Phillips stated he was also in agreement they should move forward with this to include the changes Commissioner Donley suggested.

Commissioner Donley prefaced his statement regarding the motion that he would not include Commissioner Shonkwiler's proposed amendment. He suggested he make his motion with the three items that he had, then Commissioner Shonkwiler could make a proposed amendment to that, then they can vote on it, and precede to voting on the whole thing. Did that make sense to everyone?

Moved by Commissioner Donley, 2nd by Commissioner Smith to approve **Item 4 CPC CA 15-00128 – Fence and Accessory Structure Code Change**, based on the fact that the procedures described in 7.5.602 have been met with three amendments:

1. That the accessory structure definition will have a new sentence at the conclusion that references only fences and walls and their 6 feet height.
2. The definition of detached will add a numeric 3 feet in parentheses added to the text that says three feet.
3. That the fence and wall definition shall add materials that include plastic, composite, vinyl.

Mr. Tefertiller wanted to clarify that the changes that were made were to Figure 1 that was handed out this morning and not the one in the packet. Commissioner Donley said that correct.

Moved by Commissioner Shonkwiler and 2nd by Commissioner Walkowski for a proposed amendment to the motion that would make paragraph two on page 2 say "if the fence is located within 3 feet of the face of a retaining wall exceeding 4 feet in height; the height of the fence is measured from the top of the fence to the finish grade at the bottom of the retaining wall."

Mr. Tefertiller adds that if the Commission wishes to accept Commissioner Shonkwiler's change, he would request for a postponement so he could take this proposed change back to their stakeholder group – specifically CONO and HBA to understand whether they would

support that that change. Because it is a fairly different than the communication he had with them. They would also probably want to work with the attorney's office to make sure that the proposed language meets their needs and has all the clarity that is needed on it.

Commissioner Phillips asked City Attorney Marc Smith regarding their first motion; do they need to vote on that first? Mr. Smith said they needed to vote on the motion as amended.

Commissioner Markewich asked for clarification if they vote on the amendment as Commissioner Shonkwiler presented it and it passes then staff is going to request that this be tabled and go back so we would not be voting on the primary motion. Commissioner Phillips stated that was correct.

Motion as amended: 3 – 6; Motion failed.

Motion by Commissioner Donley and 2nd by Commissioner Smith,

Motion passes 7 – 2.

December 17, 2015

Date of Decision

Planning Commission Chair

NEW BUSINESS CALENDAR

DATE: December 17, 2015
ITEM: 6
STAFF: Carl Schueler
FILE NO.: CPC CA 15-00138
PROJECT: Infill Comp Plan Chapter - CS

STAFF PRESENTATION

Mr. Carl Schueler, Comprehensive Planner, presented PowerPoint slides (Exhibit A).

Comments

Commissioner Donley stated that as Planning Commission your goal is to follow the Comprehensive Plan and how it will help you make your decisions. Think of it in the context of the decisions that were made today or a month ago and how that is going to answer those questions better. We have this trendy word that is called "Infill" that we use on every single project to approve so does this document help us or not and does it get us to where we want to be.

Commissioner Donley stated that a small percentage of what is listed on the spreadsheet is not really relevant to the Planning Commission. So spend your time review the Infill document.

Commissioner Donley stated that the enclave discussion got a lot of discussion at their Infill Committee Meetings and there was a conscience decision to not go there. He knows there is a desire to keep that on the table so understand they had not forgotten it.

Commissioner Shonkwiler stated it was probably a combination of not really having the time to deal with it and also it was a bit of a sensitive issue and there was some discussion as to whether it should be dealt with as changing the comprehensive plan and technically it wasn't Infill. It needs to be addressed whether it's in this chapter or in the Comprehensive Plan chapter.

Commissioner Walkowski asked if the map was going to be a part the document. Mr. Schueler said the one in the book was more like a placeholder, but to imagine the one like he handed out today. Commissioner Walkowski said as he understands it then every parcel of the City of Colorado Springs is an Infill.

Commissioner Donley said the colors indicate density and how much infill could take place – the additional potential development that could occur.

Commissioner Markewich asked if they are prioritizing and Mr. Schueler said they are not.

Commissioner Walkowski asked how the Planning Commission was supposed to use the map. Commissioner Donley said it gives context and measurements to the infill study. Treat it as something that tells you where things could go, it's a piece of information rather than any type of guidance, it is just informational. Mr. Schueler said no single map can capture all the detail. There will need to be clearer information. Commissioner Shonkwiler stated that detailed neighborhood planning will also have to be a part of this.

Mr. Schueler said they can bring updates to them possibly next month. So on the schedule there are numerous meetings and as they happen they can update as they go along. Then when they come back next month they hope to have all of that incorporated for your consideration. At informal on 1/14/16 we will give more information and then prepare for the item on 1/21/16 Planning Commission meeting. Commissioner Donley said that on 1/19/16 the Infill Steering Committee will meet just 2 days before we meet for Planning Commission on 1/21/16. After that meeting on 1/19/16, Mr. Schueler may send out an email with changes that are being made. On 1/21/16, you have the ability to say we need to continue this, as we get this input

Commissioner Gibson stated she wanted to thank Commissioner Donley, Commissioner Shonkwiler and Mr. Schueler for all this work on this committee. From when she used to be on the committee she felt they have won on many points

Commissioner Shonkwiler said if they needed a special meeting that could be easily done.

Commissioner Phillips said he thought that might be a good way to go so they can make sure they understand what is being discussed. City Attorney Marc Smith said if they did a special meeting they would just need to notice it.

Discussion and Decision of the Planning Commission:

Moved by Commissioner Shonkwiler and seconded by Commissioner Gibson to continue Item 6, File No. CPC CA 15-00138 formal action on this ordinance to the January 21, 2016 Planning Commission hearing.

Motion passed **9-0**

December 17, 2015

Date of Decision

Planning Commission Chair

NEW BUSINESS CALENDAR

DATE: December 17, 2015
ITEM: 8
STAFF: Mike Schultz
FILE NO.: AR DP 15-00434
PROJECT: M. X. Crossing

Mr. Donley stated that in 1984 he worked for the developer of Stetson Hills, but he had no direct involvement in this project. He feels that this experience will have influence on my decision today.

STAFF PRESENTATION

Mr. Mike Schultz, Principle Planner, presented PowerPoint slides (Exhibit A).

Applicant:

Steven Milken who is representing the applicant and Mark Horton with Classic Development who is representing the landowner.

Mr. Horton stated he has been involved with the project a little over two years. The project is 4.29 acres, an infill parcel, still under private ownership, the zoning is R-1 6000/AO/SS (single-family residential with Airport and streams side overlays). The site is adjacent to sand creek both the main channel and the east fork of Sand Creek just to the north of it; as well as the existing residential use to directly to the south and across Pring Ranch Road to the east. The parcel has direct access to the public roadway which is Pring Ranch Road, as well as the utility infrastructure is in Pring Ranch Road along with a sewer outflow just north of the property someone is situated in the east part of the north sand creek. The site has been partially graded throughout the years, the entire parcel is out of the 100 year flood plain.

Some of the history of this area: it was zoned R-1 6000 (single-family residential) in 1982 as part of the Stetson Hills Master Plan with multiple amendments to that master plan between 1984 and 1995. The parcel has been continually shown during that time as zoned single-family residential and available

The master plan proposed 43.3 acres of open space along sand creek; per the assessor's page there is 53.7 acres of open space along this stretch of Sand Creek but not including this parcel.

The parcel was acquired as part of a tax sale by the previous owner in 1999; at that time the acres were 7.9 acres. In June of 2000 the city wanted to do some improvements to that area of Sand Creek and the owner was agreeable to deeding a 3.6 acres of that 7.9 for those improvements. The improvements were completed in 2000.

There has been involved for four separate neighborhood meetings that Mr. Horton has been involved in ranging from November 2013 to September 2015. The first couple of meetings in 2013 in 2014 were to understand the neighbors' concerns but no plans were presented. In the latter couple of meetings they presented some plans to the neighbors. The last meeting in September of 2015 they presented the formal plans that were submitted to you today.

Some of the plans discussed with the neighbors had a plan B and a plan C; one of them had 16 lots, one of them had 17 lots. What they tried to commit to and continued to commit to is providing a buffer for those neighbors directly adjacent on the south. That buffer is shown as a no build area on lot 13.

One of the other neighborhood concerns was traffic along Pring Ranch Road. They approached city traffic and offered some traffic calming devices. Speed bumps or something along that line. The city wasn't eager on having those in the city right of way.

On the very north end of the property there is an existing public storm sewer that crosses the property, and this project will provide an easement for that storm sewer. It serves the neighborhood and will also connect their on-site water quality to that facility.

City Parks asked them provide additional landscaping along the Pring Ranch Road frontage in the form of additional trees so they are going to provide two trees per lot along that frontage

They are proposing 13 to residential lots and that density is 3.6 units per acre. The average lot size is nearly 12,000 SQ feet; compared to the surrounding lots it is sizably larger as far as the average lot size. R-1 6000(single-family residential) requires a minimum lot size of 60 feet.

At the two tracks one in the southwest corner and one on the north corner are for open space and drainage purposes. One will be owned and maintained by the city and the other owned and maintained by the HOA, and these total almost 0.5 acres. The project maintains stream side buffer zones and must meet stream side criteria due to the fact that they are adjacent to Sand Creek.

The development is compatible with the surrounding neighborhood. It is single-family residential use the same as what is around it. The average lot size is significantly larger. They are able to maintain if not all of the existing vegetation. They are providing the 30 foot buffer for no build zone adjacent to the property on the south. The proposed development is lower in elevation than homes across the road along Pring Ranch Road.

The zoning lends itself to this particular type of development. This parcel has always been shown as R-1 6000 and available for residential development. The master plan open space within this reach of sand creek has been met.

Planning staff finds this development compatible with the surrounding developments, meets the development plan criteria and they recommends approval of the development plan. We agree and will comply with the three technical modifications.

Questions:

Commissioner Phillips stated that will be two or three other subdivision HOA's out in that master plan. Mr. Horton he did not believe there are any HOA's in this localized area. Commissioner Phillip said across of the whole master plan because you're subdivision is going to have several covenants but it is going to be up under that master plan correct? Mr. Horton said yes. Commissioner Phillips wanted to know what the HOA will actually cover. Mr. Horton said it will cover the maintenance of the storm water quality facility. Then probably establish some general covenants of homebuilding.

Commissioner Gibson asked what were their traffic calming ideas along Pring Ranch Road. Mr. Horton said they initially showed speed bumps and not the normal speed humps the wider ones. City traffic felt uncomfortable having those installed with the various city maintenance needs, one being snowplowing.

Commissioner Donley stated he was looking at the water quality feature and is kind of confused about how it's going to benefit this project; it's upstream of the project. He asked Mr. Horton to , describe how that will work. Mr. Horton said that it is actually downstream. Pring Ranch Road is fairly flat, at that particular point and anything south of this point will drain toward Barnes and anything north will drain a different way that is away from the area.

Commissioner Donley said the applicant showed various site design alternatives, but didn't see a suggested design using the Smaller Lot standards. Commissioner Donley asked Mr. Horton if he was familiar with those. Mr. Horton said no. Commissioner Donley stated he was disappointed they did not get a design with that option it is definitely a gap in design alternative that were out there.

Commissioner Shonkwiler said this is an infill project, the potential zoning for housing here is 22 units it's just a philosophical thing why you went with smaller lots and fewer units in an infill project that is master planned for 22 units. Mr. Horton stated they did it mainly because of the adjacent neighbors. Mr. Horton stated could we fit 22 units on their but we want to be amenable to what the neighbors wanted. They told them they didn't want any units so they came up with compromise. Commissioner Shonkwiler said he appreciated what they were trying to do with a compromise but they have zoning and master plans and we're trying to infill instead of spreading out.

Commissioner Markewich asked Mr. Schultz to describe open space that is adjacent to Barnes; is there a park improvement plan, or is it just going to be a plane open space or trails. Mr. Shultz deferred to Connie Perry. Ms. Perry with Planning Department but representing Parks and she stated there are no current plans for improvements on those open spaces.

Commissioner Markewich stated their packets contained a letter from an attorney. The attorney stated, "Despite the current zoning the planning department has taken the erroneous position that the property should not be developed for single-family residential use." Commissioner Markewich stated that the letter was dated February 19, 2015. It seemed like staff opposed this project altogether originally. Mr. Schultz stated that the original planner was Steve Tuck. Mr. Tuck's position was he felt it was intended to be open space and the master plan was the

overriding document for that. However since Mr. Tuck retired this project was reanalyzed and determined it was appropriate for single-family residential development. Mr. Schultz referred to Mr. Tefertiller for further clarification; Mr. Tefertiller stated the application was not under formal review as of February 19, 2015. Mr. Schultz stated that was correct. Mr. Tefertiller stated the communication that was happening between Mr. Tuck and the applicant was in the relatively informal pre-application stage. The city staff does not take a formal position on an application until the application has been submitted and analyzed. Mr. Schultz stated that this project started out on an administrative track.

Supporters of the application:

None

Opponents of the application:

Earl Copley he lives along South Purcell Drive. When he bought his home in 1993 all the documents given to him and shown to him indicate the original plan was for this to be open space. Mr. Copley stated that he paid extra for a lot that had a view and now that is going to be blocked. To him it has always been open space. Mr. Copley said the plan submitted on September 2, was the best because it shows open space between his lot and lot 13. Mr. Copley said he sent an e-mail and asked for the actual reason why SIMD and Parks and Rec turn this down but he got no response. He stated he is not getting the answers he needs. He could live with this plan in those two areas were left open space but he admitted he wants nothing built there because everything that he has indicates this was always intended as open space and nothing else.

Commissioner Smith asked where was Mr. Copley's lot? Mr. Copley stated the third lot in. Commissioner Smith also wanted to know what the location was of those open spaces. Mr. Copley showed Commissioner Smith where was located on the slide presentation up on the screen. Mr. Copley again reiterated that he felt the September 2 plan was the best compromise.

Sandy Bailey lives on South Purcell Drive adjacent to the south of this new proposal. She has attended all the neighborhood meetings and worked very closely with Steve Tuck the original planner assigned to this project and it was only recently that Mr. Tefertiller came one of their neighborhood meetings, introduced himself and they would have someone else to work with them which would be Mr. Schultz.

She also bought her home with the understanding this would be the open space. She sees all the traffic and congestion that that area has concerns her very much for the safety of the kids who attend Stetson Hills elementary. Today was the first time she had ever heard that Falcon School District 49 did not have any problems with this development attended the neighborhood meetings and were opposed. Ms. Bailey said they have no idea that the land had been sold She's concerned about the noise; they've lost all their privacy. So as a homeowner who

purchased that lot knowing that it would be open space she is highly disappointed it's turned out the way it is. She knows they are talking about a buffer area, but who will maintain this buffer and she could see trash collecting there. She would really like for them to look it something for in this area remains open space as it was originally intended. Commissioner Gibson asked Ms. Bailey where her lot was on the map. Ms. Bailey stated it was 2nd one in.

Questions of staff:

Commissioner Shonkwiler asked if this parcel ever been in public ownership. Mr. Schultz said looking back through the assessor's records it does not appear it was ever under city ownership, it was always privately held.

Commissioner Shonkwiler stated so the only reason it is considered open space was because there was some indication on the master plan at some point in time. It's been zoned for residential the entire time. So if in order to actually make it open space somebody would have to pay money for it, and have it designated as open space, is that correct? Mr. Schultz stated that would be correct.

Commissioner Donley said he referenced the small lot standards, could Mr. Schultz briefly summarize what those might be and how they might apply in this situation. Mr. Schultz said there are several different options, they can do this small lot PUD which would involve a zone change or they can do the D-Faze standard. Mr. Schultz stated he thought the option of going that route with the applicant was that they wanted to avoid having to go through that zone change process. Mr. Schultz stated the one thing to not lose sight of with this property was it has not been developed at all with no lots and now we're gaining 13 lots. Of course you would like to encourage some additional density but through those negotiations and those processes that were agreed on it went from 22 lots down to the 13 that we have presented before you.

Commissioner Donley said his hope would be the number of units and overall density would stay is same but we come up with a design that is more sensitive to the neighborhoods and more sensitive to the site perhaps more open space. If they come back at a future date it would be useful in his mind to show them that document that summarizes those small lot rules.

Mr. Schultz said he wanted to clarify that the September 2 plans that Mr. Copley referenced, They ended up going before parks department and SIMD with the idea of them taking the option on two tracks as well as engineering but neither expressed any interest in accepting responsibility for maintenance or for park dedications requirements. So with no one accepting those tracks they didn't have any other options other than having private property allowing public access. This not amenable to the applicant so they decided to roll that area into lot 13 and create that 30 foot no build buffer area.

Commissioner Smith asked with regard to right now what type of maintenance is happening in this channel. Mr. Schultz said the agreement between Engineering and Parks is that Parks maintains the park property and the trail, city engineering maintains the drainage way portion of that open space. It's very natural, not intended to be mowed but there could be occasions when they could actually go out there and mow certain areas.

Commissioner Walkowski said he's still trying to understand the movement of the designation of this area from open space to residential because when they bought their house the master plan showed it with open space behind them when did it go to residential.

Mr. Schultz stated that the entire area was rezoned R-1 6000 shortly after the adoption of the master plan in 1984. Commissioner Walkowski asked if it included this parcel. Mr. Schultz said it did. It wasn't until 1985 or the late 1980's the city adopted the PK designation. So a lot of our Parks still have that single-family or some other type of zoning. We has not rezoned all of the parks with the PK designation, so there could be approximately 30 to 40% of those Parks that are zoned your typical residential zone on it.

Commissioner Markewich asked Mr. Schultz if he could describe the character of the 30 ft. set back because it seemed to him that if there is going to be of 30 foot setback between the neighbors to the south their fence to the property line due north that is basically going to be the open space. Mr. Schultz said he intent is to keep principle structures back 30 feet.

Commissioner Markewich said Mr. Copley described that outside of his fence trees were planted and he has put in a sprinkler system so are technically the sprinkler system and the trees going are in lot 13's yard? Mr. Schultz said they could be

Commissioner Markewich that Mr. Copley may have been trespassing on the property if that is the case. Mr. Schultz said he hoped that between the applicant and Mr. Copley they could come to some agreement that would be worked out.

Commissioner Markewich stated the applicant is merely the developer. If someone purchased lot 13 that becomes their property and the new owners would become responsible for those trees and the sprinkler system. So once it becomes their property they can do whenever they want. If they wanted to rip it all out and just leave a space they could or they could put grass and there whenever they wanted to do. Mr. Schultz said that was correct.

Rebuttal:

Mr. Milken stated that is an Infill project, an infill projects are challenging. They try to bring something that has 100% support; but that's not always possible. When you're proposing to build a project completely surrounded by buildings that already exist, it's hard to accommodate everyone's ideas and requests. However the city's policy is that we should encourage infill development; Infill development is supposed to be good. The code states infill and redevelopment projects in existing neighborhoods make good use of the city's infrastructure and if properly designed these projects can serve an important role in achieving quality, mixed use for neighborhoods. In some instances sensitively designed, high quality infill and redevelopment projects can help stabilize and revitalize existing neighborhoods.

This area is in private ownership and it has been zoned R-1 6000 (single-family residential) and available for residential development. We have had 4 neighborhood meetings and they have made significant effort to try and identify what the concerns were and then address them. Mr.

Milken felt that they tried very hard but as they got to the end the only thing that was really acceptable was that no development should occur in this area.

Mr. Milken said that there had been a question about how that open space designation happened. Mr. Milken stated that it was his letter in the file and had initially stated that the attitude was this is open space on the amendment to the master plan in 1998 and therefore could not be develop. This plan has been amended many times and the open space did not come until that the 1998 amendment to the master plan and this amendment was far away from this property where they were converting from industrial to residential. Master plans are flexible and change over time. Mr. Milken stated that the real question before you is whether this development is compatible with the surrounding developments. The comprehensive plan gives some guidelines on what that should look like and it says is, is it compatible in scale and design with the surrounding neighborhood. As previously pointed out to you the average lot size is almost 12,000 SQ feet, and that is in contrast with the adjoining developments which average 4500 sq. ft. or as much as 8750 sq. ft. So we are significantly higher in lot size and they did give consideration to a plan that was 22 lots but a met a lot of resistance and they have made an effort to make it as compatible and acceptable to the neighbors as they could.

Mr. Milken stated they are not changing the use this is not a zone change, it's the same as the surrounding areas. We will put adequate buffering around the property. They actually have 35% of the ground in open space and they think that is over one third which is good.

Mr. Milken said they heard concerns about the designation of open space. It's zoned single-family residential R-1 6000 and it is in private use and can be developed. Ultimately at the end of the day this is kind of like a property rights issue.

Mr. Milken said they really tried hard to work with the neighbors. They think it's a good plan a plan that the Commission can support and we would encourage you to support planning staff's recommendation.

Questions of the applicant:

None

Further questions of staff:

Kathleen Krager Transportation Manager with the City of Colorado Springs.

Commissioner Markewich asked what is the status along Pring Ranch Road for parking? Ms. Krager said unless they put up no parking signs then parking is allowed on both sides of residential streets. Commissioner Markewich said so having this developed will not changing anything for someone to park on either side street. Ms. Krager said that was correct with the exception of excluding some parking areas because of the restriction of parking in front of the driveway or within 10 feet of a driveway

Commissioner Markewich asked Ms. Krager to address any concerns she has about the additional traffic that will be going through the area due to the development or the hazardous to children walking to school as well as traffic calming.

Ms. Krager stated there had been a lot of discussion as to whether this is a local street or collector street. Ms. Krager said their functional classification map does not distinguish between local and collector streets. According to the functional classification map they are all residential streets. They have two ways in deciding if it is a local or collector. One is by whether or not there driveway cuts because you cannot have driveway cuts on collector streets. The second is by volume. By volume this remains a local street and not a collector street. As far as pedestrian traffic goes with regard to the school there are a relatively small number of students to truly walk to school from their house. Most of the students walk from where they are dropped off. So it's short walking distance. Most of the pedestrian traffic accidents that occur are at mid-block locations or from jaywalking on busy streets. Far down on the list of pedestrian accidents are accidents of a pedestrian being hit on the sidewalk by someone backing out on a driveway. So she doesn't have a concern.

Ms. Krager stated as far as traffic calming goes it's a toss-up. The neighbors this is a local street but yet it has that design look of a collector street that allows people to speed on it so simply putting some driveways on it and giving it a local look may possibly slow down some of the traffic. They do not want to put in speed bumps for a number of problems including the fact that emergency response really does not want speed bumps. So even though they're not approving speed bumps they do have other traffic calming criteria. What they use for transportation traffic calming criteria is to determine if there is more traffic on the residential street than should be there. Some of the things they can do are bumped out into the street to that make easier pedestrian crossings at intersections; they may do the medians in the middle of street were short distance just too narrow down the street and cause traffic to slow down as they go in that narrow part. And in this neighborhood there is actually there are quite a few examples of those types of things. So they might look it doing one of those if it has more traffic on it than it really should in the future.

Commissioner Donley stated the width of street is 55 feet of the right-of-way and yet isn't that a collector standard? Ms. Krager stated it was probably designed that way but what she is saying we do not keep track of functional classifications for collector or local streets, they're all simply residential streets once it gets to traffic engineering. Commissioner Donley stated schools are located on local streets or collector streets typically. Ms. Krager stated unfortunately the schools of Colorado Springs are located on local, collector, minor arterials, and principle arterial streets. Commissioner Donley said it would be desirable to have school on more collector streets rather than on local streets it least it seems like to him. Ms. Krager stated they seem to cause problems no matter where they might be located.

Commissioner Donley stated the last question is somewhat unrelated but if you do a cul-de-sac is there an option to shorten the length and not do a bulb on the end of it for fire turnaround. Ms. Krager stated if it has a minimal number of houses it does not have to have a turnaround and she would have to check that. Commissioner Donley stated he says that it seems like it

was 150 feet. Ms. Krager stated it is based on the number of houses that you can put on it that will not allow you to do any turnaround and you also have the option of designing a hammerhead rather than a bulb.

City Attorney Marc Smith stated that in all fairness they needed to offer the applicant the opportunity to refute any of the information that has been brought up and discussed.

Mr. Milken stated they had no further comments.

Discussion and Decision of the Planning Commission:

Commissioner Smith stated there have been a number of things addressed here. First it's been confusing that the property was in private ownership but he is satisfied that it has been addressed that it is private property. The child safety issue was addressed and they are only adding 13 homes. Those children could easily walk to school and we don't even know if the people in these houses will have children so he does not see there is an additional child safety problem. The parking on the street has been satisfied. The lots and the houses are compatible with the surrounding area and homes. He thinks the homes that are opposite whose backyard that see the front of these homes are higher so is no problem with views and really views are to be considered we do not have any rules about them being guaranteed. The lot sizes are larger and he kind of prefers the plan that was brought forward with the open space but the fact that there is no ownership there, and Parks does not want it neither does this other maintenance organization doesn't want. He thinks the channel is a mess, and there is nothing you can do about it. He is satisfied that the plan meets the criteria that they have to work with so he will be supporting the application.

Commissioner Walkowski stated he agrees with Commissioner Smith that the review criteria for the development plan has been met, it is compatible with the surrounding neighborhood, the larger lot size was tried to be mitigated, 22 lots down to 13 for the neighbors, he knows there are members of the commission that would like to see it go the opposite way for infill. Again this is an infill lot and they're very cognizant of that. City traffic did not have problems with the health, safety, and welfare of this development especially for the pedestrians as they walk up and down the street. The 30 foot buffer is an item that helps the development and it helps the neighbors; even though it's not an open space. The September 2 plan the neighbor that brought that up was an interesting plan but, like Commissioner Smith said no one was willing to take responsibility for the land and as Mr. Shultz mentioned there is the issue of public access on private land, so the compromise that they came up with was reasonable. Also in conformance with the master plan, a bit confusing and he is sorry for the neighbors that thought they bought their home with open space behind them but by going back through the records it shows it's always been zoned as residential so zoning has to stand. So he will be in support of the project

Commissioner McDonald stated she would be in support of the project as brought forth to the commission and Commissioner Smith and Commissioner Walkowski covered all the major points and she is in agreement with them.

Commissioner Shonkwiler stated he agrees with everyone that has spoken and would be in support of the project.

Commissioner Donley stated master plans are not zoning and it changes. However at the same time he thought changes too frequently and thinks this is problematic but that is the nature of what they seem to be up against, it probably should have been amended correctly in 1997 or in 1999. The bottom line is that Parks and the metro district don't want the land so there is a problem of who's going to maintain it. There was no financially viable use of the land and we as the Planning Commission need to respect that and recognize it. So he is supporting it and wishing we have a better design. An observation for anyone who is thinking about a project; sometimes to do black or white or yes or no is not the strategy to take. It is better to say these people have a property right whether I agree with it or not, now I need to figure out what design will work best for me and negotiate with that developer and get something that meets your expectations. You are never going to like it completely but least you can get something you can live with.

There was no financial viable use of a land and we as the planning commission need to respect that and recognize it. So we are pushed into a corner where nobody is out there to take care of it and thus that right to be able to use the property for some financial use ends up being residential uses. That said he thought they had the wrong design here, he really wished that a more creative design had been used. He thinks there should be open space that maintained by the HOA, he thinks that's just part of the process. He thinks they could have used smaller lots perhaps 10 or 12 or something in that range but regrettably that did not happen in the design. Finally it is an infill project and what we're looking to do is to more efficiently use the infrastructure investment that the city has made. Therefore as someone who fully believes in infill and believes it is important and having been given a design I have to either accept or deny and this is one he has to accept, very reluctantly, he does not think it's a good design but it is what they have. So he is supporting it.

Commissioner Gibson stated she would be supporting the project. She is disappointed about the traffic calming but she understands as they get more people coming in there is really no way to determine who will have kids or by these houses and not utilize the school. But she wished there was some sort of way that they could provide the traffic calming feature.

Commissioner Henninger stated he is a firm believer and when we sit up here and analyze request by developers we have to take their request and look at it and analyze it and not redesign it. He does see this as an infill project on a vacate area with an opportunity and after many years the opportunity is being taken by a private entity. It is up to them what they bring to us. Colorado Springs is very proud of its open space, he just hopes that someday we do not get crowded out of open space by infill but time will tell. He thinks the project is good, next to a school and any school in this town will always have traffic challenges. So he thinks all of his answers have been addressed all comments that everyone brought up our good. He will be supporting this project.

Commissioner Markewich thanked the neighbors for coming and making sure their voices were heard. It's not always the cleanest process and it's kind of one other reason that we are here is

to hear concerns a kind of be a mediator. Regarding the master plan he could see where your concerns about purchasing property, seeing that there's open space so that's what it is going to be like forever, not knowing that master plans change and there is really not a lot he can do about that. He felt that the project will ultimately be a property rights discussion but it's always been privately owned and we're not changing the zoning all we are really looking at is whether or not this development fits the criteria of our city code regarding development plans. He believes it fits those requirements and complies with the comprehensive plan and with our desire to do infill. He will be supporting the plan

Moved by Commissioner Shonkwiler and seconded by Commissioner McDonald to approve **Item 8, File No. AR DP 15-00434** the development plan based on the finding the request complies with the development plan review criteria in City Code Section 7.5.502.E subject to the technical and informational modifications listed below.

Technical and Informational Modifications to the Development Plan:

1. Finalize drainage report with City Engineering that also demonstrates long-term maintenance of the proposed water quality facility (Tract 'A').
2. Lot 8 is a corner lot; clarify the secondary front yard setback of 25-feet on that side, R-1 6000 zone district requires a 25-foot front yard setback on all front yards.
3. Correct Site Plan Note #4 to state: "Tract 'A' is intended for water quality purposes and will be owned and maintained by the M.X. Crossing HOA. Tract 'B' to be owned and maintained by the City of Colorado Springs for drainage and open space purposes".

Motion passed 9-0

December 17, 2015

Date of Decision

Planning Commission Chair

NEW BUSINESS CALENDAR

DATE: December 17, 2015
ITEM: 9.A – 9.B
STAFF: Mike Schultz
FILE NO.: CPC ZC 15-00107 and CPC CP 15-00108
PROJECT: Sentinel Ridge

STAFF PRESENTATION

Mr. Mike Schultz, Principle Planner, presented PowerPoint slides (Exhibit A).

Applicant:

Jonathan Carey Senior Vice President with Lifestyles Corporation and Sentinel Ridge Senior Living. With him today is Ryan from Terracon, Megan Turner from Kimley-Horn, Gene Gerkowski from AG Architecture and Maggie Illiff with AG architecture.

Lifestyles Corporation was founded after their first senior living home was opened in Dallas and 2002. They are not for profit developer and the 29th largest not for profit senior developer. They operate five communities in Texas and one in Carmel Indiana.

In every city that they go too they want to elevate the senior care that is available. They contended a significant amount of market investment in every community they introduce themselves to and provide a minimal impact to the infrastructure of each city while providing a very small impact on the traffic of that city and they are also a provider of jobs.

Their proposed site plan for Sentinel Ridge is being worked through the final details of the project. The development would be approximately 400,000 SQ feet, provide 144 independent living units, 48 assisted living units, 20 memory care units, and 40 skilled nursing units. They have designed it for the possibility of expansion. They expect that this community will initially between 25 and 150 jobs for the community.

There are heights concerns with the independent living portion of the building and have done efforts to minimize the impact of the site while respecting the constraints of the site and the needs of our residents.

Gene Gerkowski with AG Architecture gave further technical detail. Mr. Gerkowski speaks about what a continuing care retirement community is in general. Typically these types of communities involve a number of different components. One, they provide the opportunity for people to live independently in an apartment like setting; another piece of it is to provide supportive living; to some degree each one of those components involve some amount of 24 hour care. These types of components generally have commons area that are the central gathering point.

The site has its challenges. The building is laid out in a way to respond to the challenges of the lay of the land itself and to take advantage of the views.

With their plans they're always trying to create two main points of access. One is relating to that independent living component. So their design layout is to take advantage of the relatively flat area on top of the mesa. Their secondary point of access is from the plaza building.

They're also trying to take advantage of the views. So as you walk into the building they want to have some type of transparency and as you're dropped off and you walk into the common area to be able to see the views. The wan that same idea with development of the independent living apartments. With the independent living they have arranged them to create as many units as they can that look west, north, and south. In addition we need to be prudent in terms of planning of expansion.

The site is further complicated by the main slopes and steep slopes. We have been very respectful of the edge of the steep slope and respected the setbacks required in order to maintain those steep slopes. We are also creating an emergency path around the building. We've made reference to enclosed parking close to the building that is adjacent to the independent living areas.

Maggie Illiff discussed the building elevations and the variety and heights. At the north end at Grand Vista is the three story plaza building which has similar heights of the multifamily development across the street. In the center is a one story commons building and they have a partial five story independent living building. The site is continuously sloping downhill from the north to the south for a total of over 20 feet at the building location as you move away from the road. So even though the building down toward the south is five stories the roof peak elevation is about the same elevation as the three-story building on the north side. Only a certain part of the plaza building is actually five stories and that part of the building is looking primarily east. Measuring the building height on a complicated site has been a little bit of a challenge and they have worked to establish a common grade plain.

The independent living grade building is 65 feet maximum load of that average grade plain. However they had been looking at recalculating it at the existing grade and that actually does raise the average grade plain but not a significant amount.

Mr. Gerkowski stated this aspect is critical to their design. There are challenging ways to measure on sloped sites. For the independent living building the average grade plane is 64 feet plus or minus. So if you measure to the highest point into that pitch roof that is where you get the 65 feet. Some of the reasons they might think they could exceed the height limitation are the extraordinary physical conditions that do not exist in the surrounding district. Most of the area adjacent to this development is flat so this is a very unusual piece of land. Secondly the long linear nature of this buildable area limits the viable configurations.

The most important thing though has to do with the quality of life. Their typical resident entry age is now 82 years old. So when you are at this age long walking distances are hard for older people. So the main reason they have to make things vertically is to reduce those walking

distances. Yes you probably could make it lower in height but it comes at the cost of the residents who would have to walk farther. Their increased height limit is a relatively small section of the overall development. The receding nature of the topography helps mitigate the effect of the tall building and the height of it especially from the adjoining street.

Megan Turner with Kimley-Horn & Associates said they are trying to put together an overall plan that has a good design perspective.

They are pursuing a PUD with hillside overlay so with that they would allow for a use consistent with the R5 zoning which has already covering part of the site; the setbacks would also be consistent with that. Density would be consistent with the comprehensive plan as well.

The land use proposed is also consistent with your 2020 land use map. One other thing they wanted to point out from a traffic is with senior living there is significantly less residential traffic.

The site is very unique in its being adjacent to mesa valley open space as well as with the topography that accompanies the east and west edges. They worked with Terracon and proposed a typical 40 foot offset from the top of any steep slopes per the 2012 IBC. Additional slope study measures will be provided per Terracon's recommendations. They are also continuing to work with Colorado Geologic Survey (CGS) to address concerns to perform additional test for analysis.

They are donating approximately 8.4 acres to the city for Parks and open space.

With PUD concept plan review criteria it is really important they are consistent with the comprehensive plan, consistent with the 2020 land use map, consistent with the intent of the zoning code, and promote stabilization of existing or planned uses, that the provided use is complementary, the transition of uses are provided with the proposal, the uses and landscaping is consistent with code, there are no detrimental use relationships, the modes of transportation are appropriate for the project, there is no through traffic that will be generated by the project, and it will be safe and convenient for auto pedestrian travel, plus provided parking, open space dedication is planned, infrastructure is sufficient for planned use, and significant natural features will be preserved.

In summary they are asking that the commission all the recommendation of staff to recommend approval of the project with the height designated as has been discussed

Questions:

Commissioner Shonkwiler asked if the proposed future expansion, he appreciates what they are saying regarding mobility, so how do you propose to get people from the independent living units to the common area in that area.

Mr. Gerkowski stated it would be connected with a series of corridors and walking paths. The maximum distance traveled would be about 600 feet that people would walk. For the future they are looking at possibly connecting the buildings with a sky bridge. Commissioner Shonkwiler asked if they would anticipate a sky bridge with elevators that would get a from a lower level to an upper level, then walk through, then back up again so that people who have mobility issues would be able to get to these areas somehow.

Mr. Gerkowski said the building is all interconnected with corridors, three or four different locations for elevators and the ability to tie in these two buildings together with a sky bridge. Commissioner Shonkwiler said you are anticipating that or that is part of the design now. Mr. Gerkowski said they are anticipating it now by strategically locating a elevators, points in the building that that will naturally become corridors and connecting points.

Commissioner Shonkwiler asked if Mr. Gerkowski was comfortable with the zoning that is being recommended. Mr. Gerkowski stated in their experience that some sort of PUD (Planned Unit Development) is usually the best way to go with something like this.

Commissioner Donley said he was looking at the heights of the building in particular the independent care / independent living building - it appears to him as if the slope declines by 15 feet going from the north to the south and yet there is an absolutely flat roof all the way across that face. He does not understand why we cannot step that building down one story halfway through in order to decrease the impact to the mesa or open space.

Mr. Gerkowski said as they have talked about this and thinks that considerations like that are noteworthy and the as they continue to look at their design perhaps there is a way they can do that.

Commissioner Smith asked what the height of future expansion was. Ms. Illiff said the future expansion is not fully planned yet. With the zoning request they are asking that it be consistent with the independent living building which has a 67 foot limitation, however, that would decrease as you go along with the grade.

Commissioner Smith asked if they had considered flat roofs as opposed to pitch roofs. Ms. Illiff said a lot of the character of the neighborhood and the high level design that they're trying to implement is what determines that. Mr. Gerkowski also stated that the decision makers as SQ LC feel that a pitched roof is appropriate for the Colorado area. They are trying to find a way to integrate the height of the building because they are looking for the best way to transition between two particular areas and they felt the sloping roof was a better way to do it.

Commissioner Walkowski following up on Commissioner Donley thought process of a stepped up look, and that is going to be very important as you're looking from the mesa up. He thought that was critical. Since the expansion facility has not been designed yet what is the slope differential between that and the building next to it. How far down does that slope.

Ms. Illiff said it's going down significantly. What they might envision for that expansion is a similar approach to the three building masses that they have presently. Commissioner

Walkowski stated so if he was hearing her right you are suggesting that it very well could have a stepped up look. She said that was correct

Commissioner Walkowski also asked regarding interconnected activity, part of the issued the PUD review criteria calls for connecting pedestrian trails, with the open space is there a connection to the open space. Mr. Thyrst said no, and the reason is for the safety and security of their residents. They are providing them with a secure environment and that includes the entire site and property that they have on.

Commissioner Shonkwiler stated that if it's somebody is living in the independent living unit they wouldn't be able to have access to the public trail system? Mr. Thyrst said no but there will be a trail system or some type all walk or pathway within the property boundaries that would be limited to the use of residents only. Commissioner Shonkwiler clarified he was asking whether the residents would have access to the trails and open space because he would think that you would want your independent living people to have access to those trails for their own purposes. The applicant stated he understood but having been on the property many times they would not advise that due to the steep nature of the trails in that area.

Commissioner Henninger said one concern at he has is in order to get to the site there are two access point that come around the apartment complex and then you get down and you have continuing access to these facilities, however in an emergency response situation do you feel you have enough access. Mr. Thyrst said yes they are limited from a public right of way standpoint. They are just getting access off of Grand Vista Circle in two locations. They do have an access road that is going the entirety of the perimeter of their buildable area as well as in the future expansion. This provides both for emergency vehicles, fire access, and possible walking paths things such as that; so from an access stand point they have the two at the right-of-way and their location throughout. While the access they provide throughout the site might feel a little tight, there is a good distance between these two points so if for whatever reason one access point was blocked there would be access through the other.

Supporters:

None

Opposition:

Tad Foster, Mesa Road property owner. The Back of his home adjacent to Sonderman Park. They are able to see the VA hospital roof area and the future development of the new Penrose Hospital. They will probably not be able to see any of the proposed development. However, they have been on the mesa since 1977 and spent extensive time spent in Sonderman Park and open space. He feels he speaks for a lot of people who live in this area and this type of development was only noticed to 1000 feet of inquiry of the neighborhood.

He stated would like this to be adjourned for a later date to allow for a larger neighborhood input.

When they talk about Sentinel Ridge, it's a ridge seen from many different directions. A PUD (Planned Unit Development) as being asked for. A PUD is supposed to allow for innovation, efficiency and compatible uses. Compatible uses should also mean the open space and uses that are a joining it. We heard from the planning department that the zone change is being requested instead of a variance where hardship might be too difficult to prove. So what are the criteria that you should be considering when you are considering a height variance in the context of a PUD? There is no criteria in your attached the appendix as to what is applicable to height. A PUD concept plan criteria does not address height explicitly. It refers to bulk.

Your comprehensive plan Chapter 6 is probably one way of addressing ambiguity and absences of criteria. That Chapter 6 is not even included in your appendixes of criteria. James Kin sent you a letter that lists some of the criteria. When talking about height have to really measure the risks. Height can be a significant problem; height on a ridge line is considered bad planning.

He recommended that your consideration of concept plan criteria #7 which requires a development to provide a gradual transition between uses. He also recommends that you look at 7.3.605 paragraph 7, does the development plan provide an appropriate transition between uses. Paragraph G are the bulk requirements compatible. Paragraph Q are the areas with unique or significant natural features preserved and incorporated into the design of the project.

His final comment is regarding the stability of that hillside. You should also recall that there is some major sewer interceptor along that road. Any significant amount of pressure or weight on that hillside should be a concern to both the developer and the city and its potential instability.

Allen Strass, La Mesa street property owner which is due south of proposed project. He has direct line of sight to development. His concern is not about the direct line of sight but the impact to character of the mesa in general. He is supports the development in general but their needs to be a discussion of the building height along the mesa. The renderings do not show what it is from the south. When they finish their development and you walk the trails system you are going to look up at the mesa that has a high-rise structure. To him that is not protecting the unique characteristics of the mesa. There can be development on the mesa like the VA facility which has a height of 42 feet. It is designed in a way that is compatible and doesn't destroy the nature of the mesa

He also has a process issue. Did anyone look at the Chapter 6 of the comprehensive plan, go through the objective policies and strategies that this development is supposed to be compatible with and say what does it mean and how is this project compatible with this process.

He doesn't see how you could approve this without some analysis as required by the code regarding compliance with the comprehensive plan of which chapter 6 is a part of. Strategy 101.B, specifically says height controls to protect significant views. There has been no analysis. He did not think a PUD should be approved until height issue is specifically addressed. He would encourage the commission that it is premature to approve this, but you need a more in depth concept plan before going forward.

Questions of staff:

Commissioner Markewich asked Mr. Schultz with the current zoning what is the height allowance with a hillside overlay and zoning without any change. Mr. Schultz stated R5 would allow the 45 foot height maximum, R Estate he believes is 35 feet. Commissioner Markewich stated so part of this area is R Estate and what part of it is R5. Mr. Schultz said that just that northern one third is R5.

Commissioner Markewich said if we change to PUD with Hillside Overlay what is the maximum height allowed there? Mr. Schultz said they are requesting the 67 feet allowance.

Commissioner Markewich said that what was being asked for is a PUD with Hillside Overlay 67 foot. Mr. Schultz said yes. Commissioner Markewich said if we had PUD without the Hillside what would be the maximum. Mr. Schultz stated he thought his recommendation that if we do change that would be to go down to the 60 feet maximum height. That would allow them to do some grading and finished grade rather than existing grade.

Commissioner Markewich said ultimately if they did with or without the Hillside Overlay you are going to end up being about the same height within a couple of feet. Mr. Schultz said yes. Mr. Schultz said if you remove the hillside the only difference is that they have the ability to do more over lot grading on the property whereas in hillside you still have those restrictions and they still have to meet that intent with the hillside overlay of trying to minimize those impacts.

Commissioner Henninger stated that looking at the area up there between Fillmore and Mesa Ridge/Drive; has the Commission approved another project in there for multi-family use? Mr. Schultz said yes, The Main Street Project which is another assisted living facility. Commissioner Henninger said they took off the hillside overlay for that site, Mr. Schultz stated it was actually removed prior to that project. Commissioner Henninger asked what's the height for that area in there. Mr. Schultz said 45 feet.

Commissioner Donley said he was trying to understand slope analysis. There are multiple lines on drawing that denote 33% , 40% with so many feet offset. Commissioner Donley wanted to focus on the area past the trash enclosure. What is the max slope being impacted in that area. Mr. Schultz said his understanding for the slope analysis setback with a 3/1 slope, there is only one small portion impacted. Commissioner Donley said there is an area impacted but only small area in the overall development plan. Mr. Schultz said with further analysis they could make the determination does that building have to be pulled back does the analysis actually allow for a slight encroachment, so with that further analysis they will be able to make that determination and remember again, concept plan at this level of the stage of development.

Commissioner Donley stated it's great they are donating the ground to the Mesa Open Space but if there is slope failure occurs, it's no longer their problem because land belongs to someone else so there is a disconnect there that is troubling to him.

Connie Perry with Parks Department stated that one clarification that needed to be made is that a proposal has been set forward for 8.4 acres of open space in lieu of paying fees is under consideration, but not determined. They usually settle that process with the plat and that plat

application will come in after this concept plan. So whether its preservation in the area or actual open space is yet to be determined. Commissioner Donley stated regardless as to whether this applies towards fees, the Park Department is interested in accepting this as an open space track. Ms. Perry said yes. Mr. Chris Lieber and Ms. Perry drove the site as part of the pre-application and he was willing to entertain that idea before for the concept plan was scheduled to come to you. They got a proposal for 8.4 acres and they are set up in January to follow up on and will be working with city engineering on the issues and asking for reports.

Commissioner Shonkwiler stated that from the write up the staff feels they have the most comfort level, cooperation and flexibility with the PUD and hillside overlay zone. Mr. Schultz said yes. Commissioner Shonkwiler stated staff feels this way because? Mr. Schultz said the reason for the switch to the R5 and not the nonuse variance is that staff did not feel comfortable that the variance would actually meet the review criteria. They have rezoned multiple properties in this zone with the PUD rather than the R5 because of the height allowances allowed with that. So they felt under the PUD that they would meet that criteria but the property was unique enough to warrant the PUD Zone Change.

Commissioner Shonkwiler said when you look at the community benefits there are many. Mr. Schultz says there is not a weight all of those uses, site set up as a multi-family facility, being close proximity to several schools. It would be more of a benefit if there were people moving in with school age children. But it meets the intent of multi-family facility and provides benefit to community so that it still meets those criteria.

Commissioner Shonkwiler it's still multi-family just a different age group so you look at the community benefits with PUD's and so forth it seems like they are relevant and this has all of those things. It has hospitals, a VA clinic, shopping, and traffic connections so it's hard to approve something all by itself. Mr. Schultz said we do have an aging population and given the last couple of years we have seen more applications in last year for assisted living facilities than the previous 5-6 years.

Commissioner Smith said the response to criticism not look at Chapter 6, what about that. Mr. Schultz said in their staff reports we outline what we feel what each project meets in comprehensive plan criteria. We are required to provide that.

Commissioner Walkowski follows up on evacuation routes with this area regarding Centennial Blvd expansion and when it would be completed. Ms. Krager said that Centennial Blvd between Fillmore and Fontanero interchange is under design. There is funding for project and hope to start construction in 2016. Ms. Krager added that with regard to their questions about emergency access to this property. She has no concerns for a typical type, but if they build here it will be very important to work with OEM to have an emergency plan for evacuation if entire building needed to be evacuated.

Commissioner McDonald asked Mr. Schultz about the analysis for recommendations for geological hazard report, is it in play with the planning department. Mr. Schultz said it is still in play, they will ask for revisions, continue discussions with Terracon and CGS and if notes are

necessary and restrictions are placed on the plan those would be done per the recommendation of the geologic hazard report.

Commissioner McDonald said stability is in question through entire report. So say it comes back and the stability is not there and they just cannot meet criteria to keep it stable, what then does planning department do at that point. Mr. Schultz stated that Terracon could probably answer. But if that were the case they could relocate buildings, use different foundations or footers to stabilize that area. So there are different alternatives that can occur in those areas. Commissioner McDonald said she was sure they don't want building to slide down the hill either. Mr. Schultz said as much as possible avoidance is preferred and any steps beyond that is taken into consideration.

Commissioner Markewich stated Commissioner McDonald's questions regarding slope stability. There are two reports in agenda, Terracon and CGS reports. Mr. Schultz provided the review to Terracon's report and the second letter is the respond to CGS's letter.

Commissioner Markewich said CGS recommended to not go forward with this site. Mr. Schultz said yes, that during his presentation he had a follow-up email with CGS that they were comfortable with the correspondences they had received with Terracon on addressing some of those issues and they were more comfortable moving forward with the zone change and the concept plan knowing that they still have to get the full document and the geologic hazard report approved and the development plan submitted to them for review.

Commissioner Markewich said it's uncomfortable when you have conflicting geological reports and you are asking us to approve zone change and concept plan without knowing additional information. It makes him very uncomfortable voting for something that is obviously in question. Mr. Schultz stated that if you read CGS first paragraph in their letter they indicate they believe that the site is suitable for development but that additional analysis is required.

Commissioner Markewich wanted to know if they were taking in consideration that you are putting on a 67 ft. high building on the site. Mr. Schultz stated the received a copy of concept plan for their review and a copy of the development plan that had been submitted earlier.

Commissioner Markewich said that he was up there and couldn't remember if there were traffic signals on both ends of Grand Vista Circle. Ms. Krager said no signals are warranted but they will keep an eye on it and check volumes and if needed they can signalize at least one of them. Commissioner Markewich stated that right now there are both ends of Grand Vista Circle are full movement. Ms. Krager said yes there are no restrictions.

Commissioner Donley said he heard Mr. Schultz say that the development plan had already been submitted and is in process. Mr. Schultz said the development plan has been submitted they felt like if they could have postponed this review another month they could have come back in January or February with both the concept plan and the development plan but this item was on the rapid response.

Commissioner Donley was thinking about asking for a rendering from Sonderman Park Mesa, somewhere in there from the view from their side and it's interesting to note that in your list of

comp plan items they are LU items and use items and not CC items which are the environmental criteria. Commissioner Donley both are important considerations; if you think about Biedelman and if you put a building up Rampart Range that is undesirable in his opinion. He recognizes we don't protect views, but open space has another level of support in the comp plan. Commissioner Donley stated he just wanted to back up and asked if they have that option to have the development plan come back to the Commission. Commissioner Donley said he was more looking at it in terms of the fast track side of this. Mr. Schultz said if they kept it on the fast track they could probably make decision in next few days to get on the January agenda. So they could refer development plan at a later date but he would not be sure what that would do to the applicant's time frames.

Commissioner Markewich stated that regarding comprehensive plan, our task is to review the full Comprehensive Plan and not including the CC section in Chapter 6 intentionally, those are just as important considerations and the LU part so why leave them out. So why would you leave something like that out intentionally.

Commissioner Phillips stepped in and stated that he did not believe it was intentional and 2nd of all as Commissioners we all have been over the Comprehensive Plan so he did not think it was unknown to us.

Mr. Schultz responded that when they present the comprehensive plan information in the staff report it's supportive for staff and what is positive and usually not combative because that can make the project more confusing. So if staff is lending support and we have gone on through the Comprehensive Plan chapters it's benign, vague and broad and we pick and choose what supports our position. Commissioner Markewich said that having this information in front of him is important and whether it gets put into our packet as part of the appendix are important considerations.

Rebuttal:

Meggan Iliff stated just one point of clarification. As they have these comments up here the protection of the view to the west are of the 3 story building; the 5 story building is looking east is generally only the vantage point you would see that.

Geological

Terracon – Ryan Thyrst will make some statements. He performed the hazard study for the site. They have been working with CGS and coming to a resolution on some of the outstanding issues on this site. Some of their comments is more of a cleanup issue but the overall stability of the site is feasible. With regard to the comments with regard to the weight of the structure although it looks big it's not much weight in the grand scheme of things but it is taken into consideration as part of the stability analysis.

On the west side where it crowds that slope they intentionally put the slope right next to the building; the global stability is greater than the minimum safety factor accepted of 1.5. There's clean up on the western side and they have asked that we do some global stability analysis on the eastern side of the slope. The crest of the slopes are 100 ft. away from the development so they are going to be doing some additional exploration; CGS agrees with our methodology for the supplemental exploration and that will be occurring in the next month or so.

Commissioner Smith asked if they have given any recommendations or considerations to the foundation systems you would be using; what kind of preliminary work have you done. The mesa has an oliveal cap of about 50 ft. of sand and gravel is a fairly dense material so the native soils are good. Drill piers are not needed for the foundation and the spread footing is what you would typically use. When you are analyzing global stability you are looking at circular failures of that slope and that cuts through that sand and gravel layer as well as the bedrock. The bedrock is approximately 30-40 ft. above the creek level. Commissioner Smith asked if the bedrock is expansive. Mr. Thyrst said it was but it is 50 ft. down but not a concern for this site.

Meggan Herrington Planning Land Use Review Manage, said if there was some consideration to have the development plan come back next month or a later date and there are pieces you want to see I'd ask that you in your deliberations to explain what you would want.

Continued Rebuttal:

Meggan Illiff said one specific item with regard to zone change and concept plan and the fact that they are on the rapid response time frame, they respectfully ask to leave the development plan with the staff and as they move forward to the various considerations and work with them through the process to address any concerns that might be brought to the table. From a timing perspective it's hard to move forward if we push it out further.

Discussion and Decision of the Planning Commission:

Commissioner Shonkwiler said he fully supports the development. The location geographic wise, the mixed use concept but does not think it worth their while to bring it back for another review. Mostly what is being discussed is from a geotechnical point of view and not a design issues. Also this project has a tight time line but he trusts the staff to be able to the necessary analysis. The PUD with the Hillside overlay gives the most protection to the site, the neighborhood, and also to the process. So he thinks they have the most control by doing that so he is in favor of all those kinds of issues.

Commissioner Donley said that he was supportive of the use and supportive of the high density project but the thing he is struggling with is the 67 ft. height that is part of it. This is a really steep site and it's got some heavy impacts on adjacent open space. His first preference would be to simply see a stepped building that would have a 60 ft. height maximum and in fact as it gets further south he would like to see it step down even further to 45 ft. so that you're looking from below you are stepping down but suffice to say that 60 ft. is the maximum in his mind. If in fact there is a desire to do to the 67 he wants it to come back to planning commission so that we

can review the development plan. He is supportive of the land use, it's a good infill but he is not going to support a 67 ft. height.

Commissioner Gibson stated she also has reservations about the height. She appreciates the project coming forward it is something we do need in Colorado Springs but given the bulk and scale of the project she is looking at their criteria and she does not think it meets the 7.5.603B and she does not think it meets the 7.3.605 that they have in front of them. Mr. Schultz made a comment that the geological report said it was suitable for development but doesn't mean that it is suitable for this particular development. So with that she will not be supporting the project.

Commissioner Henninger said there was lots to consider. The location, matching it with the comprehensive plan and the master plan he thinks it fits in with the all the them. The whole mesa area is going to change over time. There will be another change in the area once Centennial starts to run down through it and other projects that are going to be infilling. He thinks it's an interesting design, it's laid out well on the area that is defined. He does have concern about geology but with the recommendations with the people that say it's ok he will be supporting this project.

Commissioner Markewich stated that at this point he was not really sure whether he was in support of the project or not. He echoes Commissioner Donley's comments about the missed opportunity to step the building down. He looks at 7.5.603 which is the establishment or change of zone and # 2 is the proposal consistent with the goals and policies of the comprehensive plan. Yes it is consistent with the LU part of the comprehensive plan but can easily see that CCA points that are in front of us that it is not consistent. That is troubling to him. When you get to the concept plan review criteria is specifically states are permitted uses, bulk requirements and required landscaping appropriate to the type of development in the neighborhood and community. He is specifically looking at the bulk requirements and it just doesn't seem like you've done enough to minimize the bulk requirements and that 67 height also troubling to him. If they were to lower it and if you designing with the contours of the landscaping you could do substantial minimization of the bulk. Then does the proposed development promoted the stabilization and preservation of existing properties in adjacent areas and Sounding residential neighborhoods. He is not sure if it meets that criteria either. So at this point he is torn because he thinks the site needs developed, it's a perfectly appropriate use, he just wished you could take some off the top and go forward with a change.

Commissioner Smith said he spent an hour on the site; he also looked at Centennial and Fillmore and looked at the perspective that was provided. He was at the intersection of Fillmore and Mesa Rd and looked at it and he thinks it should be noted that there is potential for development at the southwest corner, at Fillmore and Centennial for a 60 ft. high project. There is going to be development at the corner of Fillmore and Mesa Rd and these developments are going to mask what will be seen with view. He is satisfied with the geological issues, so he will be in favor of the project

Commissioner Walkowski said that he felt the PUD criteria is generally met; the Comprehensive Plan is generally in compliance too except for if he was going to carve out the design he thinks there is great effort made towards the design but there could be better effort made to step it

down or offset the look so that it is not so bulky and he thinks the bulk is driving a lot of this conversation so he thinks he will hold and see what Commissioner Donley proposes.

Commissioner McDonald said she was going to vote in favor of this proposal. Sentinel Ridge is a good project. It's met review criteria required. She feels they have built several projects that all have made a name for this type of a project and they are not going to build something on there that will be detrimental to our area, it will fit in, and it's going to be a beautiful building. As far as the height of building, she has a little different view of 60 – 67 ft. the buildings are so big any way it doesn't make that big a difference. Voting in favor as it has come forward.

Commissioner Phillips said he agrees with Commissioner McDonald. He will be supporting the project and he believes that Commissioner Shonkwiler would like to make a motion.

Commissioner Henninger stated the thing he likes about this project is as you drive around the town the senior care requirements are being met in many types of different neighborhoods and areas and has no difficulty with this type of facility in this particular location and would fit quite well.

Moved by Commissioner Shonkwiler and seconded by Commissioner Smith to approve **Item 9.A, File No. CPC ZC 15-00107- change of zone to PUD**. A zone change from R-5/HS (Multi-family Residential with Hillside Overlay) and R/HS (Residential Estate with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay) to allow a maximum of 266 independent living units, 40 memory care units, 66 assisted living units and 56 beds for skilled nursing care and a maximum building height of 67-feet consisting of 25.62 acres. This recommendation is 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 **5-4**

Moved by Commissioner **Shonkwiler** and seconded by Commissioner **Smith** to approve **Item 9.B, File No. CPC ZC 15-00108** the concept plan for Sentinel Ridge Senior Living facility based on the finding the plan complies with the review criteria in City Code Section 7.3.605 (Review Criteria for PUD Concept Plans) subject to compliance with the following significant and technical and/or informational modifications to the concept plan:

An Amendment by Commissioner Donley and seconded by Commissioner Walkowski to have the Development Plan come back to the Planning Commission that would include a rendering from locations to the south specifically Biedelman Center and further north on the Mesa Open Space.

Motion for the amendment failed 3-6

Vote on the original motion with the Technical and Information Modification listed:

Significant Modifications

1. Continue coordination with the Colorado Geologic Survey and City staff regarding acceptance of the geologic hazard report. Place a note on the Concept Plan stating "Site design and layout may be altered based on the conclusions and outcome of the geologic hazard report".

Technical and Informational Modifications to the Development Plan:

1. Finalize an agreement with the City Parks Department on parkland dedication and to the requirement to rezone land dedicated to the PK (Public Park) zone.
2. Provide a note on the plan stating "Off-site signage not approved with this plan".
3. Show and callout the speed line of sight with the adequate sight distance length (footage) for the proposed accesses off of Grand Vista Circle.
4. Show and callout the appropriate location(s) of the proposed gate(s) for each access.
5. Add the anticipated plat name to the Concept Plan.
6. Show and call out the detached sidewalk and entrances along Grand Vista Circle (note: public improvement easement will be necessary where the sidewalk goes outside the ROW).
7. Label all streets as either private or public.
8. Label and identify Grand Vista Circle, the right-of-way width, classification, and clarify the property boundaries.
9. Pull back the median, at the eastern entrance, behind the City's R.O.W. and assure it does not obstruct the pedestrian crossing.
10. Label existing storm sewer pipes and structures.
11. Assure the concept plan reflects any changes made to the drainage report.
12. The Geologic Hazard Report was missing a few details. Contacted the Engineering Consultant who is waiting on the revised Geologic Hazard Report.
13. CSU acceptance of the Wastewater Master Facility Report is required prior to development plan approval.
14. Vacation of the existing utility easement for the 20-inch water main will be required after relocation is complete.

Motion passed **6-3**

December 17, 2015

Date of Decision

Planning Commission Chair