

CITY OF COLORADO SPRINGS PLANNING COMMISSION

RECORD-OF-DECISION

THURSDAY, September 17, 2015

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

CHAIRMAN PHILLIPS CALLED THE MEETING TO ORDER AT 8:33 A.M., ADJORNED AT 2:24 P.M.

PRESENT:

Markewich
Henninger
Gibson
Donley
Phillips
Shonkwiler
Walkowski
Smith

ABSENT:

McDonald

ALSO IN ATTENDANCE:

Mr. Carl Schueler, Comprehensive Planning Manager
Mr. Peter Wysocki, Planning and Development Director
Mr. Marc Smith, City Senior Corporate Attorney

COMMUNICATIONS

Chairman Phillips excused Commissioner McDonald.

Mr. Carl Schueler, Comprehensive Planning Manager stated items on the Consent Calendar were going to be pulled (Item A and B). The last item on the New Business Calendar was postponed until next month. Motion will be made about this when the regular new business calendar is heard.

RECORD OF DECISION

Moved by Commissioner Markewich, Seconded by Commissioner Walkowski to approve the August 20, 2015 meeting minutes. Motion carried 8-0 (Commissioner McDonald excused).

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CONSENT CALENDAR

ITEM NO.	PROJECT DESCRIPTION
<p>ITEM: A1 CPC MP 06-00219-A5MJ15 (Legislative)</p> <p>PARCEL NO.: 6200000656</p> <p>PLANNER: Meggan Herington</p>	<p>A request by NES, Inc. on behalf of Pulpit Rock Investments, LLC for approval of a major amendment to the Flying Horse Master Plan.</p> <ol style="list-style-type: none">1. The proposed amendment will eliminate a 25 acre Community Park and replace the land use with 23 acres of residential development at 2 – 3.5 dwelling units per acre2. The proposed amendment will also create a new pocket park and a number of trail connections and other minor changes to parks configurations and land use configurations. <p>The property has 25 acres and is zoned A (Agricultural) and located North of New Life Drive and west of future Powers Boulevard.</p>

DRAFT

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<p>ITEM: B1 CPC PUD 15-00064 (Quasi-Judicial)</p> <p>PARCEL NO.: 6318305067</p> <p>PLANNER: Rachel Teixeira</p>	<p>Request by N.E.S., Inc. on behalf of Pueblo Bank & Trust Company c/o Premier Homes for approval of the following application:</p> <ol style="list-style-type: none">1. The Creekside at Rockrimmon development plan. The proposed development plan will have 71 multi-family units, designed in a townhouse configuration for student housing at 0, 151, 152, and 192 Heavy Stone View. <p>The site is located at the northwest of Delmonico Drive and Rockrimmon Boulevard, has 11.2 acres and is zoned PUD/CR/HS/SS (Planned Unit Development with Condition of Record, Hillside and Streamside Overlays).</p>
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NEW BUSINESS CALENDAR

ITEM NO.	PROJECT DESCRIPTION
<p>ITEM: 4A CPC A 14-00144 (Legislative)</p> <p>ITEM: 4B CPC PUZ 15-00024 (Quasi-Judicial)</p> <p>ITEM: 4C CPC PUP 15-00025 (Quasi-Judicial)</p> <p>PARCEL NO.: 5316000017</p> <p>PLANNER: Meggan Herington</p>	<p>A request by Drexel Barrell and Company on behalf of Peakmark Heights, LLC, The Dominic and Vivian M. Zarraretti Trust and The Walter Family Trust for approval of the following applications:</p> <ol style="list-style-type: none">1. Annexation of the 44.71 acre Mountain Valley Preserve to the city of Colorado Springs.2. Establish the PUD/AO (Planned Unit Development with Airport Overlay) zone district.3. The Mountain Valley Preserve Concept Plan. The concept plan illustrates future development of 141 single family lots at an overall density of 3.77 dwelling units per acre. <p>The annexation is located east of Marksheffel Road and south of Dublin Boulevard. The zone district and concept plan have 37.35 acres located directly east of Marksheffel Road and south of Dublin Boulevard.</p>

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<p>ITEM: 5 CPC UV 14-00126 (Quasi-Judicial)</p> <p>PARCEL NO.: 6434301021</p> <p>PLANNER: Mike Schultz</p>	<p>Request by Neil Olesky of Olesky Investments for approval of the following application:</p> <ol style="list-style-type: none">1. A use variance to permit a landfill (shingle stockpile remediation) within a streamside overlay. <p>The subject property is zoned M-1/SS (Light Industrial with Streamside Overlay), consists of 2.01 acres and is located south at 3320 and 3330 Drennan Industrial Loop.</p>
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<p>ITEM: 6A CPC CU 15-00044 (Quasi-Judicial)</p> <p>ITEM: 6B AR R 15-00310 (Quasi-Judicial)</p> <p>PARCEL NO.: 6414108002</p> <p>PLANNER: Mike Turisk</p>	<p>A request by John Schwab of JPS Engineering on behalf of Bill Darnell for approval of the following applications:</p> <ol style="list-style-type: none">1. A proposed conditional use development plan to establish an indoor RV storage facility on a currently vacant .89 acre property. The project proposes one 17-foot 9-inch building with 11 storage stalls. A conditional use is required because the project site lies within the city's streamside overlay2. An administrative relief to allow for a 15% increase in permitted impervious area/surface within the streamside overlay buffer and to allow for a 15% reduced building setback at the southwest corner of the RV storage facility and the property line. <p>The property is zoned PIP-2/AO-APZ 2/SS (Planned Industrial Park with Airport Overlay with Accident Potential Zone 2 subzone and Streamside Overlay). The property is located at 4750 Town Center Drive.</p>
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<p>ITEM: 7A CPC MPA 04-00043-A2MN15 (Quasi-Judicial)</p> <p>ITEM: 7B CPC PUZ 15-00051 (Quasi-Judicial)</p> <p>ITEM: 7C CPC PUP 15-00052 (Quasi-Judicial)</p> <p>PARCEL NO.: 7336200001</p> <p>PLANNER: Steve Tuck</p>	<p>A request by RTA Architects on behalf of Turtle Creek Grandview Office LLC for the consideration of the following applications:</p> <ol style="list-style-type: none">1. A minor amendment to the Hill Master Plan. The amendment proposes revising the land use designations. The existing master plan designates the area as neighborhood commercial, office and general industrial. The proposed amendment shows hospital and office uses.2. A Zone Change from PBC/OC/PIP-1 (Planned Business Center, Office Complex, Planned Industrial Park) to PUD (Planned Unit Development) for the Penrose-St. Francis New Campus. A hospital, office, and commercial, with 200' maximum building height.3. A concept plan for the Penrose-St. Francis New Campus. A hospital with office and commercial uses. <p>The property consists of 51.05 acres and is currently zoned PBC/OC/PIP-1 (Planned Business Center, Office Complex, and Planned Industrial Park) and is located at the northeast corner of Fillmore Street and Centennial Boulevard.</p>
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CONSENT CALENDAR

Commissioner Markewich pulled item A1 from consent calendar.
Planner, Rachel Teixeira pulled item B1 from consent calendar.

NEW BUSINESS CALENDAR

DATE: September 17, 2015
ITEM: A1
STAFF: Meggan Herington
FILE NO.: CPC MP 06-00219-A5MJ15

PROJECT: FLYING HORSE MASTER PLAN MAJOR AMENDMENT

STAFF PRESENTATION: Principal Planner, Meggan Herington entered into the record an additional piece of correspondence which was a density changes chart and was delivered via email a week prior. Ms. Herington gave a joint staff modified presentation (Exhibit A) with Parks Development Manager Chris Lieber.

Parks Development Manager, Chris Lieber expressed that this was a topic of significant amount of discussion for the Parks & Recreation Advisory Board. The general direction was to think of this in two ways. First, was the immediacy for the evaluation of the Master Plan Amendment and the need to think about the big picture and how it pertains to the northern part of the community and how best to serve this part of the community over time. He stated the Parks Board discussed population projections, service radius, the park system master plan and the needs and expectations that appear in the northern part of the community. Referring to the presentation Service Analysis graphic, this referred to the service area that would be affectively served if particular park sites remained in the master plan which captures most of the northern part of the community. Mr. Lieber stated there is a need for an additional community park in the northern part of the community. What the ideal location for a community park and what the ideal scenario for a community park is what brought of the immediacy of this particular proposal before Planning Commission. With the number of residential units being reduced by 42% and you start applying the park dedication standards, the additional 25 acres for the community park is far and above the required land dedication based on the current number of homes and the projection of the new master plan. Mr. Lieber referred to the Service Analysis and Parkland Dedication Requirements slides in his presentation. Mr. Lieber stated with the reduction it gives a number of options, one being to approach the developer and comment that since it's not required to provide the land dedication is there a scenario whereby the city could acquire that piece of property. Another alternative would to look for other locations in the northern part of the community as additional development/annexations come in how it would be possible to secure that site. Future locations within the vicinity were discussed. Without the community park the developer is meeting the requirements of the park land

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dedication standards. A couple unique things are happening within this particular development which is the abundance of open space between both Kettle Creek and the La Foret Trail and how trail connections would be used to create links to two large neighborhood park sites. The board looked to how in the short term they might be able to provide those services. Mr. Lieber stated that the discussion was then turned on site analysis and looking hard at the quality of the particular site and how well it might meet future community park needs. Even though it's a serviceable site it is not an ideal site. Mr. Lieber referred to the presentation "Existing Community Park Site Analysis" Slope Comparison from the Parks Board presentation. He stated that if you are going to be building soccer fields or baseball fields and other uses that are particularly found within the community parks this site was not necessarily the best for that. With the combination of all those things it lead the Board to unanimously decide that in this particular case they could support the amendment that was brought forward. This does put additional pressure to find an additional site that is definitely needed for the long-term within the northern part of the community but they are in full support of the amendment.

QUESTIONS OF STAFF:

Commissioner Markewich wondered about the bridge that is going over Squirrel Creek, which the proposal stated that it is \$200 per home with 80 homes it would make it \$16,000. He wanted to know if that was enough money to build the bridge. Mr. Lieber responded that the amount comes from two places; one the additional units would pay the park fee as well as an additional \$200. When you add those dollars together it would be enough to provide for the bridge costs.

Commissioner Gibson wanted some explanation for the benefit of the public about the community park that is going away and the pocket parks that are being proposed, if there are amenity changes. Mr. Lieber states that he could not speak of the specifics of what would be included however he gave a difference between pocket parks, community parks and neighborhood parks which he stated are quite substantial. Community parks tend to be destination parks with large gatherings with access and lots of parking with a 2 mile service radius (examples Memorial Park, Cottonwood Park, America the Beautiful Park). Neighborhood parks are intended to serve to the immediate community with no parking and a ½ mile radius. Pocket parks are private and intended to serve the immediate development and in this particular case what was asked from the developer was the need for improved trail connections to be sure that residential areas as well as surrounding areas could easily connect to the public and neighborhood parks that are moving forward or that already exist.

Commissioner Shonkwiler needed some clarification on the math figures regarding the slide in the presentation which shows an original projection of 3,975 units per density and the proposal shows 1,364 with a 42% reduction but Commissioner Shonkwiler calculated 65%. But looking at page 15 of the project statement with a proposed density of 2,304 vs. 3,975 which is 42% he wanted to know if there might be an error. Mr. Lieber responded that he needed to go back and make sure the current master plan is correct and he then

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gave clarification that the current master plan number is 2,304 and does indeed add up to 42%.

Commissioner Shonkwiler referred to the memo that was sent out that shows a 148 unit reduction and 125 of which had to do with the removing of density reduction where the mouse park was going to be and what is shown was about almost 2000 units.

Commissioner Shonkwiler wondered how you go about reducing an area that is designated for a couple thousand units and then all of a sudden they are gone which means they have to go elsewhere, and wanted to know how the city and the planning division put their view on that. Principal Planner, Meggan Herington started off by stating that the Flying Horse Master Plan was adopted in 2004 with a maximum cap and never a minimum and the different land uses and sections that are seen are a density range which range from low to high. When the master plan was originally instated it talked about the maximum units that were allowed but doesn't touch on topography and roads, there was always a reduction in that maximum cap. Ms. Herington stated that the reduction of the number of units was reduced in that original master plan over the past 11 years. There is expectation of that difference of the 142 units with this change but the change will be within the density projections of the master plan and clarified they're not dipping below the range for each land use and that they are reducing density to what the land can actually handle. The numbers are where they need to be and are within the limits of the Master Plan.

Commissioner Donley referred his question to Mr. Lieber and wanted to know about the analysis that evaluated the number of dwelling units that are associated with the Flying Horse development but there are other residential developments north of Interquest and asked how many units there will be at build out rather than the current numbers. Mr. Lieber responded that he did not have the current numbers but it would be something that was looked at. He stated that with the 2 mile service radius, it captures a fair amount of the Air Force Academy that has no residential in that area. It also captures a significant part of unincorporated. He stated that assumptions need to be made that the existing land use/density would remain the same or maybe annexed at some point in the future. Also the amount of people projected to be served by the park is significantly lower compared to the typical community park sites. He added that looking at the Park Land Dedication Standards they looked specifically at that individual developer. Mr. Lieber stated that at the time when the North Gate Master Plan was built the identified parks were intended to serve that specific area and that there was no way of predicting what would become of Flying Horse, it predated that master plan and annexation agreement. He stated they were working with building blocks and so there had to be a lot of assumptions that needed to be made and it is believed that there is a need for a park in that northern part of the community for a community park site.

Commissioner Donley stated with regard to the infill project the infill capacity model calculated the capacity of development. He stated he did some analysis and excluding Flying Horse the numbers that he came up with were 9500 dwelling units and assuming that those densities will be decreased which would be 5,000 dwelling units if dropped by

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half. In addition to the 2300 that are in Flying Horse, it would be up into the 10,000 plus number of residences that will not have a community park serving their neighborhood. We need to see it as a community and not individually and felt that was a concern. Mr. Lieber responded that the Parks Board spent a lot of time discussing and the direction to take was to look for other community park sites in the future and other ways to serve this community.

Commissioner Donley stated they have a site now, wouldn't it make more sense to find the alternative before all access and opportunity is lost to the current site now? Mr. Lieber stated that had been part of their discussion and this same exact question was raised and it comes down to the immediacy of the master plan and how we need to look at the development standards and what the requirements of the developer would be. He stated that it is not unlike other parts of the community where development moves forwards with no parks and open space sites were secured ahead of time.

Commissioner Donley suggested that the multi-family tract # 13 immediately south might be a better candidate for the park with better access and flatter slopes and the site is right there and immediately adjacent to it. He stated there were better alternative sites available and felt they should think about it. He stated it was interesting that the bulk of the park requirements are met by the open space and is interesting that the dedication is mouse habitat (presumed) and feels it is great open space. But the fact that it was sterilized by federal regulations much like a flood plain and he wanted to know if so much of their park dedication was given over to the open space and if that is the right balance and how important is a community park in the overall picture. Mr. Lieber responded that the open space shown is identified on the open space master plan as priority for preservation and is trying to meet the community value that is trying to be met by the master plan process and that credit for the open space was very important in advancing that part of the master plan. He stated that the trail corridor along the open space is important and is something the developer has been talking about. For open space it's a matter of balancing access with preservation and how you find the best line. However, for this particular corridor, because of its topography it's almost canyon like and very beautiful. A linear trail corridor makes a lot of sense and was something that was pushed for that provides that recreational amenity and links to other neighborhood parks. Commissioner Donley responded that he agrees the open space is noteworthy but there is a point at which so much dedication of open space occurs that it's too much but how that cap occurs it isn't in the rules as of now.

Commissioner Donley stated that neighborhood parks are an amenity that is desirable from a developer perspective as contrasted with community parks which are more intensive with more traffic, lights and noise. Commissioner Donley wanted to know about the comment that Mr. Lieber had stated about some of the neighborhood parks are oversized and are somehow a tradeoff and there needs to be a balance that states this is how much is needed for neighborhood parks but we still need to reserve ground for community parks so there is a place for community activities (baseball, soccer, etc) so

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driving distances are reduced for those who participate in those activities and all the benefits that are derived from that community. Therefore, we have to find a place for the community parks because it is an essential service of the community. Mr. Lieber agrees and stated that one of the directions that came out of the park system master plan was that in the future to think less of neighborhood parks as being isolated postage stamps within a large development and really look at how are all the parks linked together via a trail system and/or open space corridor so that more is gotten from a community value from neighborhood parks.

Mr. Lieber stated there are some areas where there wasn't the best job done of linking neighborhood parks together, therefore in some ways what is proposed is somewhat a step in the right direction in that there are real emphases in trails and those connections and the addition of the pocket park. Commissioner Donley wanted to re-emphasize that perhaps the neighborhood parks are oversized in Flying Horse relative to the population and some of that needs to go to the community park.

Commissioner Henninger referred to the slide in the staff presentation regarding traffic flow in the southern part of Flying Horse which has gone from a loop that intersected with Powers and provided access without impacting the too much of the neighborhood to the south and he wanted to know when it was changed. Mrs. Herington commented that there was always a planned connection to Deer Creek to the north and stated that the major road connection has not changed they are just adding a road to accommodate Lizard Leap Park and did not believe it is a road classification change it was just being depicted graphically in a different way, which the applicant can address in their presentation.

APPLICANT PRESENTATION:

Tim Seibert, with NES, representing Pulpit Rock Investments, LLC gave a presentation (Exhibit B).

In his presentation Mr. Seibert referred to the question that was previously asked by Commissioner Shonkwiler about the density of the area and explained that the density that was referred to was the areas of the master plan that changed with this amendment and not the densities that were done from the first master plan in 2004. It focused on what was being changed relative to the current master plan that is in effect. The purpose of the information provided was to focus on the areas that are currently being proposed to change with the master plan.

QUESTIONS OF APPLICANT:

Commissioner Henninger needed some clarification about access to the land that is being taken from the park to be added to residential to match Deer Creek and how they proposed getting to that land. Mr. Seibert responded that physical access will come from New Life Drive, which is just north of Pikes Peak Community College Rampart campus, there are two access points there and then as part of the Highway 83 plan there is some limited access to the commercial part. But the primary access will come off of New Life

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Drive. Commission Henninger also wanted to know where parcel 10 would get their access from. Mr. Seibert stated that parcel 10 will have multiple access points being 3 dedicated roads through the Deer Creek neighborhood. Mr. Seibert also stated that with the master plan it is just showing general access but there will be road connections all the way through parcel 10 as well as parcel 5. Commissioner Henninger stated that Silver Creek Dr. and Black Creek Dr. are coming out of Dear Creek.

Commissioner Henninger referred back to his previous question that was asked of Megan Herington as far as the time frame of the reconstruction of the road from Powers Blvd into Deer Creek. Mr. Seibert referred back to his presentation slide and stated that they would be continuing that collector street north into the Flying Horse development and he continued that there was always an access there as a collector street and their intention was for it to come up and connect with a change in location of Lizard Leap Park. But the road connection changed from coming around the park on the western side to the eastern side and making a more collector road connection through the development to the east.

Commissioner Henninger raised the question regarding the access to the southern part of Flying Horse and all the accesses that are there now with an access at Stone Crossing and the access up by Flying Horse Country Club with a circle, these were the two accesses that would exist until Powers will be built. Mr. Seibert referred to his presentation slide and responded that the Powers connection will only have one access in the Flying Horse development. What was shown on the slide was that it will be a crossing across Powers but will have no access due to the fact that CDOT will not grant access at that location. Mr. Seibert stated there was a request for continued access at Flying Horse Club Dr which is the main access off Highway 83 with several roundabouts and they anticipate access at that location. Commissioner Henninger stated the point of his previous question was missed and wanted to clarify that he was speaking of the southern part of Flying Horse and that the only access to that whole area is the street that goes up to the club house. Mr. Seibert responded that was correct. It comes down from Flying Horse Club Drive and a connection from Stone Crossing which loops through and goes back up to Flying Horse Club Dr, which was originally designed be the main connection to Highway 83 and will service everything north of Black Squirrel Creek besides the small neighborhood connection that exists today.

Commissioner Henninger responded there is a lot of housing for one access and did not see access through Stone Crossing as viable. Mr. Seibert stated that the community in Stone Crossing loves the connection because they are able to get to Highway 83. Commissioner Henninger responded he could understand that. Mr. Seibert went on to add that Flying Horse Club Dr. has multiple connections up to North Gate Road to Flying Horse. Commissioner Henning stated there was still only one access in the whole neighborhood and had made the assumption when Powers would be built the one road in the neighborhood where is looked like a connection to Powers. Mr. Seibert clarified there is a crossing of Powers not a connection which is per the master plan from 2004. Commissioner Henninger commented that he felt like nothing would be done on the southern part when it comes to access. Mr. Seibert commented again that there would be

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no connection to Powers and even today there is no connection to Powers. He stated the road that will be developed there would be adequate access to service the entire community. Commissioner Henninger asked if they were considering building that access that would cross Powers and back up into the other neighborhoods because he just saw a big area that has one road which is Flying Horse Road and did not feel there would be adequate traffic flow.

Mr. Seibert stated that through there traffic analysis for the projects, the design of Flying Horse Club Dr is a four land road with roundabouts that provide more than adequate access. He also commented that there are two parallel roads that provide that access on both sides of Powers Blvd.

Drew Balsick from Flying Horse commented about the previous question that was asked by Commissioner Henninger. Mr. Balsick referred back to the proposed master plan slide of the applicant presentation and gave some clarification of the different access points. He stated that the grading on the south western portion of Flying Horse didn't allow for a street which is the reasoning for the only access point into Flying Horse. Mr. Balsick referred to the area where the Ramtron commercial building is located and stated that there is a forty to fifty foot cliff which made the west side of Dear Creek to the top of the hill inaccessible which continues past Liberty Heights. He also stated that the Old North Gate project was already in and no access was ever provided so the first point of access was at Stone Crossing. Mr. Balsick went on to add that there is only one access on the back of Tuscano and referred to the portion where the park is being removed and stated that there was never access to the west. He commented that they are working with what was already provided in the original master plan.

Peter Wysocki commented the discussion seemed to be digressing from what the application was requesting and felt like it was getting into the broader discussion of the entire master plan. Mr. Wysocki stated all of the access points and transportation were approved in the master plan and stated that the amendment isn't changing any major access points it's in fact reducing the density which theoretically would have less traffic impact. Mr. Wysocki stated if felt they were discussing and questioning the overall redesign of the entire master plan vs. just what the applications were about.

Commissioner Henninger commented that his original question was commenting on the change in the two maps of the transportation and withdrawals the rest of the question.

Commissioner Shonkwiler states that they are dealing with changes in the master plan and changes in density and that this application includes the reduction in density of the 148 units and that the overall reduction in the original projection master plan is 1671 units. He stated that master plan is approximately 1500 acres which means there is a 1 ½ unit per acre density and if 1671 units are taken away at 1 ½ units per acre, then somewhere either in the city or the outskirts of the city 1113 acres will have to be developed and wanted to know where that will be put.

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Mr. Seibert responded that the purpose of master plans on developments of this sort there are the challenges of anticipating the market 10-30 years in advance. He went on to use the example of Briargate which originally was about 10,000 acres and included Wolf Rand. That master plan has seen approximately a 50% reduction in density over time due to no demand and no market for it at that time. Mr. Seibert acknowledged the fact that initial intent of a master plan is to try and put book ends on a piece of property from a land development standpoint then evaluate how things need to be moving forward. Mr. Seibert stated with this project the way they projected the numbers was there had already been a reduction in the master plan before but could there be opportunity for locations increase density. Mr. Seibert referred to other areas of densification in other parts of the master plan communities within the area that were not originally anticipated. He stated that the infill is focused primarily on the core areas of the city and those are opportunities in a more suburban setting to see that density area pick up and provide diversification of housing types. Mr. Seibert state in this particular development and the development of meadow jumping mouse habitat along with the dedication of Powers Blvd., all those things evolved as the master plan evolved which caused reductions in density. He stated that the bigger planning question is that some of the absorption will happen.

Chairman Phillips added that when there a major land use changes, the Commissioners will ask questions. They may not deal with the exactly what it says they are here for but they will ask questions because they look at everything.

CITIZENS IN FAVOR:

None

CITIZENS IN OPPOSITION:

Jim Tedamin, Deer Creek resident stated that he wasn't opposed to the amendment change and only wanted to express his concern about the limited access points to the southern portion of Flying Horse and the construction traffic that may flow through Deer Creek namely Snowflake Drive and Silver Creek Drive to build the southern portion of Flying Horse. Mr. Tedamin stated his concern was the two limited access points and if the southern portion of Flying Horse will eventually connect to the northern part of Flying Horse suggested that the road connection between the northern and southern part of Flying Horse should be built before the development of the southern portion and use Deer Creek as a stepping stone in that direction. Chairman Phillips asked if Mr. Tedamin felt his question might have been answered. Mr. Tedamin responded that Commissioner Henninger had addressed some of his concerns.

ADDITIONAL QUESTIONS OF STAFF:

None

DECISION OF THE PLANNING COMMISSION:

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After Rebuttal, Commissioner Donley had questions of Mr. Lieber. Commissioner Donley's questioned Mr. Lieber about the proposed Larry Oaks Sports complex. Commissioner Donley asked what the difference between a sports complex and community park; and what facilities are missing from a community park. Mr. Lieber states that a sports complex is heavily programmed. Tournaments would take place at the complex. There would be an emphasis on soccer fields, rugby fields, baseball fields, etc. A community park is a place where the community meets in large gatherings it has a blending of amenities (ex. large shelters, 4th or July gatherings, symphony in park, etc.). A couple of examples are The Sky View Complex down by the airport or the Leon Young Complex. 100% of those uses are active sports. Contrast that with Memorial Park or Cottonwood Park you see a blending of different activities. The master plan states it should be a 50/50 mix, 50% active and 50% passive (community gathering spaces).

Commissioner Donley stated perhaps the Larry Oaks Sports Complex will meet the sports active component of the community park function. Commissioner Donley questioned if the other facilities such as the oversized neighborhood park and open space can serve other functions that a community park would offer. Mr. Lieber responded yes, and explained that in the near future those types of facilities are already proposed and some are already built. Mr. Lieber referred to his original statement regarding the immediacy of evaluating the proposed master plan and stated as the city continues to develop and grow that for the long-term it is important that there continue to be a community park site on the master plan for the future. However, in the short-term there are passive recreational opportunities along the open space along with the trail corridor. There is the two 10-acre neighborhood park that has both the active and passive features. The proposed park in Flying Horse will have both of those features along with natural features that already exist. Hence in the short-term there will be other ways to meet those needs and the Larry Oaks Complex will provide some relief and added opportunities for more active use.

Commissioner Donley referred his next question to Kathleen Krager and inquired about the collector connection to Deer Creek and expressed his concern about the Flying Horse access that goes through Deer Creek cutting over to Voyager.

Transportation Manager, Kathleen Krager, stated that it is common that they request a way through adjacent neighborhoods because it provides a secondary access and expressed it was a good idea. She stated that it is good to put that connection onto a collector street that does not have any houses fronting on to that street. Ms. Krager expressed that it is not a great need and isn't going to be used a lot and explained that there are about 800 homes on that SW side of Powers which could possibly generate about 8000 vehicles a day but our the collector streets can handle about 10,000 trips a day or more. Mrs. Krager stated they will be putting in the street that goes across Powers with the development of this site. Powers does not need to be built in order to do so. Mrs. Krager noted that they have been crossing the Powers right of way consistently with their streets and when Powers is eventually built, then the bridges and overpasses necessary so the two will not connect. So that street can go in long before Powers and will be the primary

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access. She stated with regard to access from that site you could use Deer Creek and do the convoluted way over to Voyager but you can also easily get up to Highway 83 which will get you to Voyager and Interquest Pkwy which you can continue on through to Interquest to I-25. Or take south Voyager can get you to a place where you can get onto Powers Blvd or to Northgate if you're heading to the schools. Mrs. Krager stated there may be travel but that it was anticipated when Deer Creek was originally developed and that is why the cross access is there.

Commissioner Donley expressed he felt that it is great to have cross connections.

Peter Wysocki added that Flying Horse connects to the other existing neighborhoods very similarly on the NE & NW area through Grey Hawk, Stone Creek that connects into that subdivision. It's interconnected in the neighborhood and not just an island.

Commissioner Markewich asked if the new configuration on the street, south of the neighborhood park, would it be considered a collector street that is connecting to the connector that goes through Deer Creek. Kathleen Krager responded yes and clarified that the street being referred to is the one going passed the multifamily homes. Commissioner Markewich also asked if there will be house frontage and driveways on that area. Kathleen Krager responded eventually when it gets into the subdivision it might switch over to a local street once it's to a point that will not have much traffic. Ms. Krager also stated that any section of roadway that they think will have that amount of traffic, where it would be a collector street they do not allow house frontage on that collector street.

Commissioner Markewich wondered if at this point they will be requiring this roadway to be designated as a collector and asked if it would be later designated as the development plan comes along. Mrs. Krager responded yes, once she sees the house plans. Most collectors that go into a neighborhood will at some point become a local street only because there is not enough traffic to be a collector street. Commissioner Markewich asked if collector streets allow parking on the street. Mrs. Krager stated there are two standards for collector streets. One allows parking and one does not. Commissioner Markewich asked what the standard is for Deer Creek since he felt looking at the layout a lot of people using the connection and going through Deer Creek to get to Voyager. The street would likely be heavily used and at what point the do you determine what the status of parking will be. Mrs. Krager stated that she has not checked the cross section of the collector in Deer Creek and noted that it was brought in before she came to the city, but stated that the standard for a no parking section on a collector street didn't come into effect until 2009 which was after Deer Creek was completed. She assumed parking is allowed there, but noted that if a collector with parking becomes an issue they can go back and restrict parking.

DISCUSSION:

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Commissioner Henninger stated he thought it was a good plan, that it got laid out and it was positive for the environment up there and appreciated Commissioner Donley bringing it up.

Commissioner Markewich stated looking that the plan and the conditions that they are required to review a project like this, he felt it met the criteria of city codes and comprehensive plan criteria. He stated he wished the community park would have been moved to the place where the neighborhood park was, thus he is disappointed that the amount of parks space will be scaled down and would rather see a community park where the neighborhood park is going to be. Nevertheless with densities and parks board approval he stated he saw no reason to vote the item down but would have liked to have seen that neighborhood park grow a little bit and become a community park.

Commissioner Gibson stated she would be supporting this project. The Park Land Dedication exceeds the required amounts for the standards, what they have and what they are offering and please to see it come forward.

Commissioner Shonkwiler stated that this is a legislative issue rather than a quasi-judicial issue and stated the need to look at the entire equation of what was being done, especially with it labeled a master plan amendment. The larger question is raised of what is good for the city and bad for the city. Commissioner Shonkwiler stated that this includes a reduction in density by 148 units and overall reduction of 1671 units and referred to another master plan amendment done a year ago that had a reduction of 433 units at the farm. In order to replace that number of units at 1 ½ units per acre it requires subdividing 1407 acres somewhere east, north or south of the city. Commissioner Shonkwiler added that there is not enough money to pay for the roads, infrastructures, bridges, etc., from the tax space. He expressed that he is through voting for reductions in densities of master plans and will be voting against this item.

Commissioner Donley stated he'd given a lot of thought and spent the last couple of day to try and understand the community park issues. He felt the presentations were useful to help him to understand how they arrived where they are. He deferred to the Parks Board decision, stating they've thought it through, and he can understand their logic and will be supporting the project as a master plan amendment.

Motion by Commissioner Henninger, seconded by Commissioner Gibson to approve the major amendment to the Flying Horse Master Plan based upon the finding that the amendment meets the review criteria for master plan amendments as set forth in city code 7.5.408. Motion passed 7-1, with Commission McDonald excused.

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September 17, 2015
Date of Decision

Planning Commission Chair

DRAFT

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DATE: September 17, 2015
ITEM: B1
STAFF: Rachel Teixeira
FILE NO.: CPC PUD 15-00064

PROJECT: CREEKSIDE AT ROCKRIMMON

STAFF PRESENTATION: Rachel Teixeira, Planner II, gave a staff presentation (Exhibit A). Ms. Teixeira handed out a revised technical modification list for the Commissioners prior to the meeting.

Commissioner Shonkwiler stated when Informal happened he had asked if the drainage engineer had signed off on the project and if the revised list meant that these are the things that are required. Ms. Teixeira stated for this phase of the project that was correct.

Commissioner Markewich asked as question regarding the list of the technical modifications as to what the substantial differences were with the updated list and what was in the agenda. Ms. Teixeira stated that 1-9 on the site plan and in the staff report 2-9 are removed; new modifications 2-6 are landscaping comments; 7-13 are engineering comments. Ms. Teixeira stated the major differences were creating financial assurances for single and street improvements for Rockrimmon Blvd and Tract C was to be dedicated to the City. However, on the plat and concept plan it is the owner/developer that is to have that and City Engineering did not want the responsibility for Tract C. Tract C is the open space next to Phase 4. Commissioner Markewich asked what Tract C was zoned. Ms. Teixeira stated PUD (Planned Unit Development) the use is open space drainage purposes. Commissioner Markewich asked if there were plans for any development on that Tract C. Ms. Teixeira stated there was not.

Commissioner Smith asked if Tract B was also to be given to the City. Ms. Teixeira stated that under the concept plan, Tract B is for open space and preservation. Steve Kuehster, City Engineering stated the tract was parallel to the channel. The City and Public Works were agreeable with taking that tract and maintaining it. Tract C was more open space criteria and went all to the street so it really was not part of the channel. Mr. Kuehster stated both Parks and the owners felt the best solution was to make Tract C private open space.

Commissioner Markewich asked Mr. Kuehster about the stability of the creek along this area due to some substantial problems further to the west of the site and wanted to know what had been done or that will be done in this area and the proximity of this project to help mitigate future problems. Mr. Kuehster stated initially with the concept plan channel improvements were looked at for the entire reach of the channel. The designer's engineer agreed that it would remain a natural channel with some minor improvements along the

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bends as well as controlling the grades. Many meetings were held with the Core of Engineers along with Fish and Wildlife to try and ensure that what will be done was maintainable and kept with the character of the natural channel. The developer put together a plan for a resilient channel and the design was approved. There are financial assurances to ensure this completed. The building of the channel improvement is during the actual construction of this phase of the project.

Commission Markewich asked if the character of this area adjacent to this property was similar to the character upstream where they have had all the problems. Mr. Kuehster stated the channel character is the same but the developer is staying further away from the channel. The geologic hazard report and city engineering were satisfied with how close the buildings will be to the channel and along with the improvements it was determined all the buildings will be safe.

Commissioner Markewich referred to Technical Modification # 9 on the updated list and wanted clarification what those events were and what will be done when those events get triggered. Mr. Kuehster stated per the development agreement which includes the signal and street improvements and the phasing of the project, they needed an agreement that spelled out exactly what happens and when. The development agreement is when they get financial assurances when those improvements are built. For the channel improvements they have collected \$130,000 with Phase 1 and they hold that financial assurance now. With Phases 3 and 4 they will collect \$50,000 more and this gives incentive to get these items completed however the actual installation of those improvements will be done during this phase.

Commissioner Markewich stated that the funds that have been reserved those will be deployed after the project is approved and this phase is started. Mr. Kuehster stated that was correct. Mr. Kuehster clarified with regard to the note that there had been a typo on the development plan in one of the phases of the development plan and they needed to be sure it was corrected.

Commissioner Shonkwiler stated that in regard to questions about Tract C being kept by the owner/developer and in those agreements that they had, were there any requirements of the HOA or whoever ends up with ownership of maintaining it and to what standard would that be. Ms. Teixeira stated she felt the applicant could address that question. Commissioner Shonkwiler asked if some type of criteria was developed. Ms. Teixeira stated yes. Commissioner Shonkwiler again asked if that had been done yet. Ms. Teixeira stated that nothing had been done to the site as of yet. Commissioner Shonkwiler stated he would ask the developer more questions about this.

APPLICANT PRESENTATION:

Andrea Barlow, with NES, stated she did not have a full presentation but was there primarily to answer questions anyone might have. She also stated they agreed with all of the technical modifications and plans to implement them. The process has been evolving

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with Phases 1 and 2 that they worked on. In Phase 3 there were some issues that will be worked out with City Engineering regarding specific trees that will be removed and replaced one for one. Ms. Barlow stated with regard to the different Tracts, when initially submitted, Tract B was to be maintained by the developer. However, the City specifically asked it be deeded to the City to allow access to the channel for maintenance and the improvements. When this particular phase of the project was discussed and because Tract C was adjacent to the channel as Tract B is, it was the initial assumption that the City would want the same treatment of Tract C as with Tract B. However, the City would prefer the owner/developer maintain it and the city have easements throughout the tract to allow access to the streams. In terms of the maintenance of the open space, it is a natural open space so maintenance will be minimal. There will be a trail that will go through the entire development and will be maintained by the owner.

QUESTIONS OF APPLICANT:

Commissioner Shonkwiler stated understood the tract was open space would only require minimal maintenance, however is there anything in writing for the owner and/or HOA that they will be responsible for weeds, native weeds and illegal weeds rather than just letting it go. Ms. Barlow stated that there is nothing written in terms of requirements from the City for them to do that. The HOA will develop its own standards and requirements for the entire property. Invasive weeds could be addressed; however this is a large tract that was preserved as part of the original plat and concept plan the same as with Tract A and B. They are maintained and preserved as natural open spaces. The intent is to not disturb that and keep it as an amenity for the site. Issues with invasive weeds can be in the HOA standards. Commissioner Shonkwiler stated the Planning Commission has no control over what the HOA does. He was interested if the City had some ability to say this place in filled with invasive weeds and it will be addressed by the owner at some point and time. Ms. Barlow stated she felt the owner would be willing to address it but she was not sure what type of mechanism the City would use to enforce that or require that. So she felt that the City would need to answer that question.

City Attorney Marc Smith stated to the chairman he would need to do some research but he felt there was some city code based ways to address the type of concerns Commissioner Shonkwiler asked about. He stated this was going a bit outside of the scope of what the Planning Commission should be considering. Nonetheless there are some public health ordinances that could apply under Code Enforcement or some other types of remedies. Mr. Phillips stated he agreed and stated the HOA usually took care of all that once they were in place.

CITIZENS IN FAVOR:

None

CITIZENS IN OPPOSITION:

None

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QUESTIONS OF STAFF:

None

REBUTTAL:

No rebuttal by the applicant

DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich stated with regard to this development application when the zone change and concept plan were originally brought before the Planning Commission he strenuously objected to them and he voted against them due because he did not believe it was consistent with the comprehensive plan or the zoning code. He felt that it was a project that was extremely incompatible with that location. Not just the student character of the project but the strain and stress it would put on the streets and drives and he felt it would be a public safety hazard in the future especially if there were another fire like Waldo Canyon. Thus for consistency purposes since he voted against both the zone change and concept plan, and the last development plan in this same are he will be voting against this development plan using the review criteria in City Code section 7.3.606.

Commissioner Donley stated he would vote for the plan. He felt it met the review criteria.

Commissioner Walkowski stated that he agreed with Commissioner Donley and would also vote for the plan. That with the technical modifications it met the criteria they reviewed the plan with and therefore he would be in support.

Motion by Commissioner Smith, seconded by Commissioner Walkowski to approve CPC PUD 15-00064 PUD Development Plan the Creekside at Rockrimmon PUD Development Plan based upon the findings that the project complies with PUD Development Plan criteria as set forth in City Code 7.3.606 subject to the following technical and/or informational modifications:

Technical and Informational Modifications to the PUD Development Plan:

1. Provide the signage poles and ramps per the accessible parking space requirements for the disabled to the site plans. Add a note and provide the details for the handicapped signage to Sheet 1 of 13.
2. Include footer minimum depths for retaining walls and fences.
3. Provide the maintenance responsibility for the landscaping, medians, fence and walls for Phase 3 and 4 on Sheet 1 of 13.
4. Provide a graded shelf behind the public sidewalk along South Rockrimmon Boulevard.
5. Include slope planting details when proposing plantings on a slope along South Rockrimmon Boulevard.

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6. Show the Public R.O.W. treatment between the public sidewalk and back of curb along South Rockrimmon Boulevard.
7. Staff and the applicant will walk the area northeast of Phase 4 adjacent to the creek and count the existing trees. The applicant will be required to replace the trees at a 1 to 1 count in addition to the required Streamside Overlay trees prior to development plan approval.
8. Provide a copy of the signed 404 permit from the Army Corps of Engineers prior to any streamside creek improvements.
9. Please correct the Channel Improvements Triggering Event Phase in the Development Improvements Agreement Schedule on Sheet 1 of 13.
10. A financial assurance of \$312,000 for a signal and street improvements to South Rockrimmon Boulevard is required prior to the first building permit for Phase 2.
11. Modify the ownership/maintenance for Tract C from the City of Colorado Springs to Owner/HOA under Note No. 3, and Tract C under the Tract Table on Sheet 1 of 13.
12. Remove the note "Tract C will be deeded to the City of Colorado Springs prior to the first building permit issuance for this site." under 'Tract Table' on Sheet 1 of 13.
13. Provide easement for drainage and channel maintenance within Tract C.

Motion passed 7-1, with Commission McDonald excused

September 17, 2015

Date of Decision

Planning Commission Chair

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DATE: September 17, 2015

ITEM: 4A -4C

STAFF: Meggan Herington

FILE NO.: CPC A 14-00144

CPC PUZ 15-00024

PROJECT: MOUNTAIN VALLEY PRESERVE

STAFF PRESENTATION: Principal Planner, Meggan Herington gave a staff presentation (Exhibit A).

APPLICANT PRESENTATION:

Tim McConnell with Drexel Barrell, discussed how this project was within an enclave within the city and was basically an infill project; typical densities for single family residential are matched or are lesser than the properties west of Marksheffel Road. The anticipation with Banning Lewis wrapping around east of this development will allow it to be more urban density in the future. Fencing along the east of the property will only be provided along the rear of the lots; they were not planning on fencing the open space where there are some drainage tracts and other areas for trails as noted on the concept plan. There would be another access point to the south to link with proposed development. The property is limited in access. There are dedications to the southern delivery system for a 50 foot easement adjacent to Marksheffel Road as part of Colorado Springs Utilities improvements for the Southern Delivery System so there will be a 36 inch water main that will run along Marksheffel Road and that easement has been granted to CSU.

QUESTIONS OF APPLICANT:

Commissioner Shonkwiler asked if a metropolitan district was being formed to pay for improvement to this project. Mr. McConnell stated he did not believe so; all costs for improvement would be done by the developer.

QUESTIONS OF STAFF:

Commissioner Donley asked Kathleen Krager, City Traffic Engineering, if the proposed development conformed to the traffic manual or were exceptions made. Ms. Krager stated exceptions were made primarily due to the area being landlocked. There is future access planned to the north to Dublin at a future signalized intersection but there is no guarantee that will be completed when the proposed housing development will be built; future access is planned to the east that is going into an established county low density residential area; future access to the south is planned because they are trying to create a back lot road that is similar to a frontage road. Therefore, to provide current access with the present configuration of Marksheffel Road which is a two-lane road but it can be modified as Marksheffel is improved. Ms. Krager stated she did not want another signalized intersection on Marksheffel at this location and is therefore providing two access points

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that are separated by a fair amount of distance. This will allow traffic volume to be divided in half at each access point and will lessen their impacts and get out of the realm of there ever being enough traffic at either one of the access points to generate warrants for a traffic signal. The applicant is responsible for constructing left turn in and right turn in at both intersections at this time with a two-lane facility. When Marksheffel is improved in the future to a four-lane facility if those access points are working well then medians could be put in that allow for a channelized T. An example of a good working channelized T lies to the north of Dublin that goes into the existing Banning Lewis Ranch neighborhood. A channelized T gives you the opportunity to make a left turn out, in two stages so you only look at traffic from one direction at a time.

Commissioner Donley stated essentially there are two accesses onto Marksheffel where normally there could be one or none. Ms. Krager stated since it is a long frontage road that one could be allowed but since there is no other existing access she does not want to allow one and risk the chance of signalization. She is wary of being put in the position of signalizing it or not, and is concerned about accepting liability for it if she does not.

Commissioner Donley stated it was his understanding Marksheffel is due to be widened. Ms. Krager stated yes but not within the next several years. Commissioner Donley stated when you widen a road like that, how much of an investment is involved, a million dollars per mile per lane? Ms. Krager stated this would more than likely be more than a million dollars per mile per lane. Marksheffel was on the PPRTA 1 list as a county sponsored project. The county was given \$19 million to improve Marksheffel from US 24 to Black Forest Road. The \$19 million only got them from US 24 to North Carefree.

Commissioner Donley stated since county funding was exhausted, was this was why it was it will be several years before improvements could happen. Ms. Krager stated she has some limited funding for North Marksheffel, it's left over money from PPRTA 1, but she does not know the exact amount. The leftover money would correct a drainage problem just north of North Carefree and construct a bridge for Marksheffel over Sand Creek north of Woodmen. The rest of the widening would occur from North Carefree to Dublin; widening will be done with some collection of money based on Banning Lewis Ranch annexations. In essence Marksheffel through this area we may put \$5-10 million into widening that when the time comes. Ms. Krager stated that was correct.

Commissioner Donley stated that in the future the hope is to create cross connections to the rest of Toy Ranches that will create a network and reduce the traffic having to get onto Marksheffel, and asked why there was no consideration given to creating additional connections to Toy Ranches to the east. Ms. Krager stated Toy Ranches in a long-standing county development and the county realizes there is likelihood it may redevelop at some time in the future. As it exists today you have county residents who do not want city development in this area. Ms. Krager felt positive about getting one connection through Toy Ranch.

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Commissioner Markewich asked what the expected time frame of the widening of Marksheffel is. Ms. Krager stated she hopes she can have funding in the next five years but there is no guarantee.

Commissioner Markewich stated principal arterials – the traffic criteria manual – wants to limit intersections, curb cuts, median cuts and generally allow for high volume of traffic. Ms. Krager agreed. Commissioner Markewich stated if the application was approved today with the two ingress/egress points and a future development of Marksheffel happened and alternative access were available would there be a possibility to close those ingress/egress points because he is not comfortable with that type of access on a principal arterial. Ms. Krager stated no to closing them but there is a note on plan explaining those access points may be turn restricted in the future to right-in/right-out if there were problems with additional movements. If you look at the current principal arterials, what they strive for is signal spacing depending on the high speed the Principal arterial has. Signal spacing either ½ mile spacing or one mile apart and additional access as needed between those which are usually right-in/right-out or sometimes a ¾. Those additional accesses can keep your signalized intersections from becoming overloaded. On Marksheffel there is one mile spacing. They have the same signalized spaced that is for interchanges on Powers Blvd. There is good spacing and lengthy spacing between signals. Therefore she would expect to keep some unsignalized access points to keep the signalized intersection from becoming too large and congested. Commissioner Markewich asked how many lanes – four or six. Ms. Krager stated four. Commissioner Markewich asked when it becomes a four lane principal arterial and the access points are right-in/right-out will there be enough room for deceleration lanes. Ms. Krager stated yes they have reserved enough right-of-way.

Commissioner Walkowski stated he referred back to Ms. Krager's comment on two access points vs. the one she mentioned something about warrants for a signal, would 140 units get you there. Ms. Krager stated possibly, explaining the morning outbound movement is 79 vehicles out for that 140 units and there is enough volume on the cross street, there is a signal warrant for a minor movement out onto heavy movement. It is branched at 75 left turning movements and therefore there is a possibility of warranting a signal there if she puts them all at one intersection. Commissioner Walkowski stated she mentioned she could also make it a right-in/right-out so there would not be an issue of a left turn out. Ms. Krager stated if she is at the point of warranting a signal and make it a right-in/right-out, and it is currently a two-lane road she has no way to make them do a right-in/right-out except for signage due to no median on Marksheffel. It's a simple two-lane county highway. She understands what is being discussed and stated when you have an unsignalized intersection and facing heavy traffic, Marksheffel can be fast moving traffic but not terribly heavy moving (about 12,000 vehicles per day) but busy by county standards. If you are waiting to make a left turn out and there are two-three cars in front of you also turning left, by the time you get to the access point you become impatient and you are willing to accept smaller gaps in traffic. If the two-three cars in front of you are spread between two access points it takes less time. Therefore in terms of a level of service

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analysis, you can take one intersection that operates just one left turn out and make two available you get more levels of service available. The two proposed access points are over 1,000 feet apart to give a chance to get out more comfortably.

Commissioner Walkowski asked what would be the trigger to make a $\frac{3}{4}$ movement or a right-in/right-out. Ms. Krager stated accidents. If it is a two-lane they would invest some money to fix it and if four-lane they would correct it at that time.

Commissioner Shonkwiler asked if you were southbound on Marksheffel and you wanted to turn left onto one of these access points and it's a two-lane road, that person waiting to turn in will block traffic. So is there any consideration for widening the street at those access points to prevent this blockage south bound on Marksheffel. Ms. Krager stated she is requiring the applicant to develop left turn lanes for these access points. Commissioner Shonkwiler asked what the City's obligation for providing access to a project is on a major arterial. Ms. Krager stated the City is required to provide legal access. Legal access as defined by the Supreme Court in the State of Colorado is limited to just one access; it can be on any type of street. If the parcel is landlocked against a major arterial that is where your choices are; if you do not provide that access the position you are in is that the landowner has a justifiable case to take the City to court under an inverse condemnation, we have condemned him without saying we have condemned the property and this is based on the current standings in the Supreme Court of Colorado. Commissioner Shonkwiler said it seems like they were betwixt and between; if they did one thing they could have one set of problems but if they went another way they would have a different set of problems. Ms. Krager stated there were other unsignalized full movement accesses along Marksheffel. There are major arterial streets that go out to Marksheffel that are currently not signalized such as North Carefree and there is more traffic going out on North Carefree than there would be on this site. There is also an industrialized area just south of this area that is also not signalized and do not have turn lanes. The access points that will be created with this project will give people turn lanes to get in and out of the area. Commissioner Shonkwiler stated the City could also not annex the property and be involved in any of the decisions. Ms. Krager stated that was true however it is a small piece of county property among a lot of City property. Some of the concerns she hears from residents in this area is the speed limit along this area is 55 mph and the residents feel it is posted too high. Ms. Krager would like to reduce the posting but she does not have control over this section of Marksheffel yet.

Commissioner Henninger thanked Ms. Krager for her explanation of the in and out and the example up at Vista Sierra

Commissioner Henninger ask Ms. Herington since the first question of this project is annexation, isn't there a property just north of this at the corner of Dublin and Marksheffel, has not this Commission annexed that small area for a gas station/convenience store? Ms. Herington stated yes the annexation on that area was completed; however, they have not yet recorded their annexation plat. The recording of

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the annexation plat is what would move those City boundaries. The way they see the map is because the process has not been fully completed.

CITIZENS IN FAVOR:

None

CITIZENS IN OPPOSITION:

James Burnett states he is an adjoining property owner he stated his was in the middle ground on this project. He supports the annexation of the property but is concerned about the layout of the development inside the property. He states he feels Toy Ranches needs to be annexed or it will be a large piece of county property in the middle of the city. Other developments, Banning Lewis, Indigo Ranch were thought out well. He stated he wanted the area in Toy Ranches where he currently lives to be well thought out as well. He stated the traffic issues could become a big problem with accidents. He currently uses Marksheffel daily and works at Ft. Carson. Many of the 23,000 soldiers that are stationed at Ft. Carson are deployed but they want to live away from the base. He stated he used Marksheffel to get to the meeting today and barely avoided an accident at a signalized light and they want to put two unsignalized accesses onto Marksheffel. Unless the development is done to go through this area when more of this area is annexed you will have walled off little islands throughout this area. He wanted to know why there were no parks planned for this neighborhood; in order to get to a park you will have a really long walk or you will have to drive out onto Marksheffel. This is a very busy road. He thought there would be parks and schools built on the east as more of Toy Ranch is annexed and with only one access to the south he felt it wasn't enough. Nowhere else along Marksheffel are there 141 homes having only two access points. Looking to the west or Marksheffel those areas can only access Marksheffel at Dublin to the north or Stetson Hills to the south at signalized lights. He felt this would set a precedent because there is lots of undeveloped land east of Marksheffel all the way to Highway 24. The Banning Lewis was designed well. He thought one of the access points should allow you to go across Marksheffel instead driving all the way through the community to go the next neighborhood that will eventually be built to the east or south. He thought kids will play in the retention pond, this will become the park. He just wanted the development to be done in a safe and responsible manner that will benefit everyone those who live there now and those will live there in the future.

REBUTTAL:

Tim McConnell, with Drexel Barrell. The developer will put in all of the improvement. Without a metropolitan district and no HOA there would be no one to maintain parks in this area. A good portion of the property is eaten up by easements for gas lines on the east the Southern Delivery System. There is a plan to have trails throughout the entire site almost 25% open space. As far as the access points Ms. Krager described it well. They do have an access point provided to the east near the north end of the property that will connect to the future collector street that will tie into the signalized intersection at Dublin Blvd. The two access points are designed 1,000 feet apart per traffic guidelines. The southerly access is at a low point in Marksheffel so there is good visibility both to the north

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and south. The other access to the north is on the high point and also has good visibility. The plans show the additional lanes for interim traffic movements until Marksheffel is improved. It would allow for a left turn movement going southbound and through movement to go through without stopping. There will be a deceleration lane for the right turn lane going into both access points. For principal arterials right of way dedication per the traffic criteria manual is 107-142 feet. The 142 feet is typically reserved for a six lane section the City plans this to be a four lane section. However, with the additional right-of-way they are dedicating for Marksheffel there will be 160 feet of right-of-way. The channelized T will be similar to the one at Mallow Drive and Austin Bluffs Parkway. Austin Bluffs is an extremely busy arterial with a ton of traffic. That is the same type of intersection they are looking at north of Dublin would be the channelized T intersection that is proposed for these two intersections between the two signalized intersections on Marksheffel between Stetson Hills and Dublin Blvd.

DECISION OF THE PLANNING COMMISSION:

Commissioner Smith stated he would support the application. The plan meets the criteria.

Commissioner Henninger stated reviewing it and looking the request for the annexation, his biggest concern is that he is not a supporter of annexing county land piece by piece. The other two issues he did not have a problem with and will support the project.

Commissioner Markewich stated he would support the annexation and the PUD (Planned Unit Development) zone and hesitantly supporting the concept plan. His hesitancy was based on the ingress/egress, the right-in/right-outs and does not like the precedence they are setting on the Principal arterials. He was disappoint there was not a way to use the north access to Dublin as the primary access since that corner plat has already been annexed and use that then you'd be able to leave Marksheffel alone. But he looked at the review criteria and will approve all three.

Commissioner Gibson stated she would be supporting the project. She shares the concerns of Commissioner Markewich about the access with the channelized T.

Commissioner Donley stated he was very concerned about putting access on Marksheffel the way it will be done. There will be 5-10 million dollars spent just to widen this part of Marksheffel. It is an important road because it provides access to the north and south creating connections within the community. If you think about Peterson and Shriever and the need for access in those directions are significant and putting access points onto Marksheffel is compromising it. There is a master plan that was never implemented but it could offer a guide how the development ought to be done within Toy Ranches. He understand the people who live in this area want to maintain their rural lifestyle but you have to acknowledge it is an enclave but will eventually move toward an urban setting and we should be planning for that eventuality and not an entity unto itself or incrementally approving plans. The Toy Ranch master plan gives some great ideas on how to do that. The most significant was they had a single collector street that came off Marksheffel closer to

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the southern access point they have in front of them. He would like to see a series of connections that come up to the individual east property lines in Toy Ranches so each can be developed incrementally and get those cross connections going. He was hopeful that the access that Dublin Town Center had approved will be used if it is there it should be taken advantage of. He supports the annexation. The zoning request is for PUD (Planned Unit Development) zoning and that requires a concept plan to be approved at the same time. There is the option to approve the annexation and the zoning could be set as A (Agricultural) as the standard holding zone and that would not require a concept plan. He does not see that happening but wanted to note that this could be an option to consider and it would be something he could support. His last concern is he believes there is wetlands that cut across that are shown as future development and hoped they would be properly handled. So he will be supporting the annexation but opposing the zoning and concept plan.

City Attorney, Marc Smith stated in the stock motions for the concept plan there may have been a minor error in the actual proposed motion. It says approve the Mountain Valley Preserve concept plan based on the findings that the development plan meets the criteria for PUD development plan. When we get to motions however that goes either way, if that could be switched to concept plan. The citation is correct, he just wanted to note that for the commission before any motions went out.

Motion by Commissioner Markewich, seconded by Commissioner Gibson, to approve item 4A CPC A 14-00144 the Annexation and approve The Mountain Valley Preserve Annexation based upon the findings that the Annexation complies with conditions for annexation criteria as set forth in City Code section 7.6.203 with the following conditions of approval:

1. The Final Annexation agreement signed by the owners must be submitted to staff prior to scheduling City Council hearing.

Motion passes 8-0, (Commissioner McDonald excused)

Motion by Commissioner Markewich, seconded by Commissioner Gibson, to approve item 4B CPC PUZ 15-00024 establishment of a PUD zone. Move to approve the establishment of PUD/AO (Planned Unit Development single-family residential 3.77 dwelling units per acre 30 foot maximum building height with airport overlay) zone district based upon the findings that the change of zoning request complies with the three criteria granting the zone changes as set forth in the City Code section 7.5.603.B and the criteria for the establishment and development of a PUD zone as set forth in City Code section 7.3.603.

Motion passes 7-1, (Commissioner McDonald excused)

Motion by Commissioner Markewich, seconded by Commissioner Gibson, to approve item 4C CPC CP 14-00012 Mountain Valley Preserve Concept Plan. Move to approve the Mountain Valley Preserve Concept Plan based upon the findings that the concept plan

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meets the review criteria for PUD development plans as set for in City Code section 7.3.605 and the development plan review criteria as set for in section 7.5.502E. Motion passes 7-1, (Commissioner McDonald excused)

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Date of Decision

Planning Commission Chair

DRAFT

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DATE: September 17, 2015
ITEM: 5
STAFF: Mike Schultz
FILE NO.: CPC UV 14-00126
PROJECT: DRENNAN INDUSTRIAL LOOP USE VARIANCE

STAFF PRESENTATION:

Senior Planner, Mike Schultz gave a staff presentation. (Exhibit A)

APPLICANT PRESENTATION:

Neil Olesky of Olesky Investments. In 2011 he leased out to a company called Go Green Recycling. At that time the Go Green Recycling was written up in the Kansas City Times what a tremendous job they were doing with recycling of asphalt shingles. In four months it went from that to the city was suing Go Green Recycling and Go Green Recycling disappeared. At the same time they quit paying him. He tried to evict them around November of 2012 and finally got them off site around January 2013. During that period of time they hauled the majority of pile of shingles came into the area. After a hailstorm in 2012 when the majority of pile came in, the company paid people bring their shingles and stockpiled them right there; they took the cash but did not pay him. Being a landlord he went to an attorney and was told he could not block the gates or he could get into other type of legal problems. Early 2013 he started to try see how to get rid of the stockpile of shingles. He was told by a company in Denver of a gentleman who had done this before. He contacted him and it turned out to be the Colorado State Health Department. He had the State of Colorado come on-site informed him it was an illegal dump site. In addition to the shingles on site there was also wood, tar material, asphalt with tar that was bordering right up to fence of the creek. He immediately took care of that because they knew it could not be recycled and it was removed early on. They hauled 690 tons to the landfill which cleaned up the most westerly boarder and northerly section next to the creek. Since then he has tried to find a way to get rid of the pile. He initially looked to have this material recycled which is done around the country, including Colorado, however due to Colorado's weather it has not worked well to do this. Colorado was still allowing a 2% mix in with their asphalt for road base but no one is using it because it has failed wherever they have tried it. It is as high as a 25% mix in Texas. He had looked at shredding the material. There is some asbestos in the shingles. The asbestos is in the paint. It is unknown exactly where or how much it is. The paint is silver and was used in the 1970's to reflect the heat of the sun. From the information he has gathered asbestos in shingles is less than 1%. He worked with the State on how to sort the material if he were to shred but there was no reason to shred if he could not recycle the product. Therefore nothing has been done other than clean up around it. He looked into moving it to Texas but the cost of railing it to Texas was prohibitive. The pile is on a little over two acres but the estimate is there are 32,000 tons which adds up to 3200 railroad cars. To move it to Texas is over a million dollars; to deal with it here in Colorado Springs is over a million dollars so he is here to see if he can bury the product that is there – the asphalt shingles only. If there is anything else that is run into in that pile he has an agreement with the State they will have to stop and get someone else in to see what could be done. When he spoke with the State he got an engineering firm out of Denver called KRW they are known for their landfills and he has been

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working with them for two years along with the State and Mr. Schultz to try and get everything together and come up with some type of solution.

Commissioner Markewich stated that it seemed Mr. Olesky wanted to resolve the problem but it did not seem feasible. If they were to grant these two motions and include a technical modification that gives a five year period, would that be enough time how to mitigate the issue. Mr. Olesky stated it had already been three years he did not know if it could be solved in five years. He would like to see longer. It could cost him approximately \$100,000 to get the plan along with the proper seeding and soil content on top. Commissioner Markewich stated he was hesitant to grant this type of variance in perpetuity therefore in his mind having some sort of time limit that is reasonable and Mr. Olesky becomes overburdened by it. Mr. Olesky stated he would like a ten year time frame.

Commissioner Gibson asked if moving the stockpile trigger any ordinances with the city or state since there could be asbestos and you have to move it back with the proposal. Mr. Olesky stated from what the State told him, short of shredding it and cutting it up into a powder-like sand they will not volatilize any of the asbestos

Commissioner Shonkwiler in the present proposal is there anything that requires the shingles to be removed, ever. Mr. Olesky stated the State has not required him to move the shingles his understand from the State if for a landfill full-time. Commissioner Shonkwiler stated, not the State, what they were looking at, there was no time limit? Mr. Olesky stated none that he was aware of.

Commissioner Walkowski asked if the property was in a flood plain. Mr. Schultz answered by stating it was not. Commissioner Walkowski stated there was a financial assurance that the landscaping grows. What would that look like and how does it work? Mr. Schultz stated there would be two financial assurances. One Mr. Olesky will have to post with the State that will then run in perpetuity with the State and will be adjusted by inflation. The other part is what staff will ask for to complete the landscaping and get some vegetation to take on that slope but the amount had not been determined. Commissioner Walkowski stated this would be a hill with dirt packed down on it and you will try to get things to grow on it will be a challenge so what assurance will be made to ensure that it stays intact. Mr. Schultz stated financial assurances were usually held until grass is established. The landscape architect will inspect the site to make sure the grass is established to her satisfaction.

CITIZENS IN FAVOR:

None

CITIZENS IN OPPOSITION:

None

QUESTIONS OF STAFF:

None

REBUTTAL:

None

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RECORD-OF-DECISION

DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich asked if the other Commissioners were in agreement and he added a technical modification for a time limit that it would be appropriate to put it on the second item. Mr. Schultz state it would need to be added to the use variance portion of it. City Attorney Marc Smith stated they looked at and it would be appropriate under the chapter 7 application for the variance. In terms of the certificate of designation the code contemplates some modifications the recommendation but typically they do not see these and does not believe there are conditions and therefore the variance would be more appropriate.

Commissioner Markewich stated his preference would be to approve both items and set an eight or ten year time frame to get it cleaned up and if in eight or ten years if he it's not completed he would have to go before the Planning Commission that would be seated at that time or ask for an extension.

Commissioner Shonkwiler stated he would vote against the item. He did not feel ten years would make any difference. There is nothing in the application that has a time limit. He would like the state procedure to get started as soon as the state could deal with it.

Commissioner Phillips asked Commissioner Markewich if he wanted eight or ten year's time frame. Commissioner Markewich stated either would be acceptable, he just wanted it out there for discussion.

Commissioner Henninger stated with what the City is asking he did not see any need or benefit to set a time limit on this. Commissioner Markewich asked if he would accept a timeline if it was in the motion. Commissioner Henninger stated no.

Commissioner Gibson stated she would look for a timeline and would lean more toward seven vs. anything longer than that.

Commissioner Phillips stated that the question would be what would happen after the timeline. City Attorney Marc Smith stated, from an enforcement standpoint. Commissioner Phillips stated yes. Planning Director Peter Wysocki stated after the timeline was up a letter would be issued to the landowner with a list of options to remediate the site or come back and ask for an amendment to this approval to either extend the time or give additional time. If that is not granted depending on the code at that time a notice and order to clean up the violation. Commissioner Phillips asked what would trigger that and who would keep up with that. Mr. Wysocki stated the Planning and Development Department through Code Enforcement. Commissioner Shonkwiler stated he had no faith in Code Enforcement so the clean up needed to begin now.

Commissioner Smith stated he did not have a problem with this application. If this covering up and vegetation could allow this to stay there it would be fine with him. Mr.

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Olesky contacted the State authorities on it and therefore Commissioner Smith felt he could approve it without any timeline and he would not support a timeline and supports the application as it is.

Commissioner Donley stated he would support the application. He felt the materials there were relatively innocuous and putting covering and grass on it are probably acceptable solutions

Commissioner Phillips stated would be in support of the application and could agree with Commissioner Smith. Mr. Olesky has gone through the process it's in an area that when covered up it may not make too much difference and the timeline could not be enforced or upheld and he would not support a timeline being put on it.

Commissioner Phillips stated if Commissioner Markewich wanted to make a motion with his technical modification and see if it passes he could do that.

Commissioner Markewich asked the planner, Mike Schultz, about the certificate of designation and stated they had nothing in their packed other than the information regarding the application. Commissioner Markewich asked if he needed to qualify that certificate of designation. Mr. Schultz stated they could reference the file number along with the certificate of designation as part of the motion. The last certificate of designation that was done was last year for a medical waste facility, they took it forward as a development plan but it they approved only the certificate of designation and not the development plan.

Motion by Commissioner Markewich, seconded by Commissioner Smith, on CPC UV 14-00126 (quasi-judicial) to approve the certificate of designation for the shingle landfill facility located at 3320 and 3330 Drennan Industrial Loop based on the finding the request meets the review criteria in City Code section 6.3.106 Certificate of Designation.

Motion passes 6-2, (Commissioner McDonald excused)

Motion by Commissioner Markewich, seconded by Commissioner Walkowski, on CPC UV 14-00126 (quasi-judicial) to approve the use variance and the development plan for the proposed landfill in the M-2/SS zone district based on the finding the request complies with the review criteria in City Code section 7.5.803B for granting use variances City Code 7.5.502.E Development Review Criteria subject to compliance with the following conditions of approval technical and/or informational modifications to the development plan as outlined on pages 143 and 144 of the staff report including as number 5 condition of approval that this finding will go for a period of eight years

Motion denied 3-5, (Commissioner McDonald excused)

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City Attorney, Marc Smith stated they should follow up with a motion if it is the will of the Board to approve the variance without the timeline.

Motion by Commissioner Smith, seconded by Commissioner Henninger, on CPC UV 14-00126 (quasi-judicial) to approve the use variance and the development plan for the proposed landfill in the M-2/SS zone district based on the finding the request complies with the review criteria in City Code section 7.5.803.B for granting use variance City Code 7.5.502.E development review criteria subject to compliance with the following conditions of approval technical and/or informational modifications to the development plan as outlined on pages 143 and 144 of the staff report.

Motion passes 6-2, (Commissioner McDonald excused)

September 17, 2015

Date of Decision

Planning Commission Chair

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RECORD-OF-DECISION

DATE: September 17, 2015
ITEM: 6A -6B
STAFF: Mike Turisk
FILE NO.: CPC CU 15-00044
AR R 15-00310
PROJECT: PLATTE INDOOR RV STORAGE

STAFF PRESENTATION:

Planner, Michael Turisk gave a staff presentation (Exhibit A)

APPLICANT PRESENTATION:

Bill Darnell has appreciated the opportunity and the support from staff and was happy to answer any questions.

Commissioner Henninger state Mr. Darnell was looking for eleven stalls so were they to access it from both sides. Mr. Darnell stated yes they were pull-through units. Commissioner Henninger stated he could not see if there was enough room but Mr. Darnell felt confident there would be enough room.

Commissioner Markewich stated there seemed to be a lot or road construction at the site and therefor wanted to know what they were doing around the site. Mr. Darnell stated there was a 24-inch water pipe that was being put in along Town Center all the way to Platte Ave and comes around the property and goes east through a property towards Powers . Commissioner Markewich asked if that was completed and were there any further improvements that would be coming to the area. Mr. Darnell stated he did not believe so.

Commissioner Shonkwiler asked if anyone had done the calculations on what the elevation of the 100-year flood plane is horizontally and assuming that is the case what is the elevation of the floor of this building in relationship to that flood plain. Mr. Darnell was not away of that. Commissioner Shonkwiler stated his concern was if the site of the building would be in the flood plain or not. Patrick Morris from City Engineering stated the site is not in the flood plain the 100-year flood plain is contained within the channel.

Commissioner Smith asked if the site would ever be used for any other type of storage and if that would make any difference. Mr. Darnell stated he'd seen other RV storage attract commercial storage. So there could be possibly a contractor with a trailer or some type of commercial storage of some sort but it is intended for RV storage and will market it as RV storage. It's less traffic and less impact. Commission Smith asked Mr. Turisk if there would be any other reason why other storage could not be acceptable. Mr. Turisk stated he could think of a mini-storage and that sort of use generates more vehicular traffic than this use. In the future if any changes were proposed then an amendment would have to be proposed.

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Commissioner Donley stated to Mr. Turisk, that he had used the term administrative relief. The criteria for that is the same as a variance it seemed like the criteria was the same for an administrative relief as a variance and this seemed like a variance to him. Mr. Turisk stated it was similar to a nonuse variance but the code allows for certain site development standards as suggested there to be administratively relieved in other words handled internally and reviewed by the staff to approve or deny and is not considered a major deviation from a site development standard that a nonuse variance would have been required along with associated public notice. So there is a mechanism in the zoning regulations is to allow some flexibility and that is to preclude applicants from having to work through a nonuse variance process that is more time consuming and expensive. Commissioner Donley asked what was their criteria for determining administrative relief should be granted. Mr. Turisk stated the criteria are similar to a nonuse variance. If the request for administrative relief is going to severely impact neighboring property owners or the quality of life, if there would be any severe impact that affect roadways or environmental systems. It is primarily looked at from an impact point of view and because they use only 15% that is deemed a reasonable percentage to administratively review because it is not something that is considered to be a major deviation from the standard site development standards. City Attorney Marc Smith stated the specific findings for a grant of administrative relief are located at 7.5.1102 of the City Code where it reads, "to grant administrative relief, all the following criteria must be met:

- A. Strict application of the regulation in question is unreasonable given that development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not general exist in nearby properties in the same zoning district and such conditions will not allow reasonable use of the property in its current zone in absence of relief.
- B. The intent of the zoning code and the specific regulation in question is preserved.
- C. The granting of the administrative relief will not result in an adverse impact in surrounding properties
- D. The granting of the administrative relief will not allow an increase in the number of dwelling units on a parcel. Administrative reliefs shall not be used to modify lots to the extent they no longer meet the minimum lot size for the zone district in which they are located.

City Attorney Marc Smith stated he agreed that it is similar to a nonuse variance criteria and Mr. Turisk added that it's similar to a nonuse variance in that some type of hardship of some kinds needs to be presented. The hardship in this case is the small size of the site, less than one acre.

Commissioner Donley asked about the streamside. There is an exemption if you are less than one acre you do not have to do detention however in this case we are giving them extra opportunity and development potential and some type of administrative relief from the streamside rules perhaps this is a time when the one acre rule is not paid attention to and on-site detention should be required. Patrick Morris from City Engineering stated it

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could be a good idea however they have their regulations based on the state and the permit is with the state; those are the requirements. Commissioner Donley asked about doing some type of oil and grease trap to prevent going directly into the channel. Mr. Morris says it's still a storage unit and other storage units under an acre are not required to do water quality so their only guideline is an acre or more. We do not do a sand/oil filter. Sand/oil filter are not water quality that is more a CSU requirement for gas stations or car washes. So a sand/oil separator in the storm water requirements does not qualify for a water quality facility. Commissioner Donley stated he was going to reject the idea simply because of a one acre rule.

Commissioner Shonkwiler stated he read through the application and did not see it being for anything other than RV. He doesn't feel there should be any limitation on whether it's RV or some other kind of storage and therefore does not want to have the applicant come back in the future to use it for general storage of some kind. Is there anything in the application that states they would have to come back in or could it just be permitted as "storage?" Mr. Turisk stated there was no language in application or staff report that precludes any type of storage. If say it did come in in the future as mini-storage it might warrant a look at that however, from staff's perspective he did not see any reason to keep the applicant from using it for other storage purposes. Commissioner Shonkwiler agreed. It's an industrial area and there is plenty of roads all around the property. Mr. Turisk stated that was he wanted to take a cautious approach for without knowing what a future proposal might look like. Commissioner Shonkwiler stated that he wanted to be able to vote for this so the applicant can use it for storage or trailers; it's a perfect site for that. City Attorney Marc Smith stated that since the application is RV storage and what has been applied for is RV storage. He had just looked at the development plan where it specifically states "RV storage" that is what it has been noted as for the entire process and to open it up he does not feel the applicant has requested that and that is not what has gone out to any of the neighboring property owners or anything along those lines, that would be an expansion of the application and stated they have specific application for a specific use in front of them to review.

Commissioner Markewich stated some that Commissioner Donley mentioned about the potential run off so Commissioner Markewich asked Mr. Darnell if he was going to have any type of prohibition on washing these vehicles, changing the oil on-site, rebuilding the motor on-site all those type of things because he is worried about runoff directly into the creek so what exactly do you have planned. There no are power wash bays on the site, no dumpsters, it is strictly for storage and in their leasing agreements they will have statements that it is for storage only. Period. Commissioner Markewich stated that if the board were to add a technical modification that said something that it is storage only with no washing or mechanical repairs would you be OK with that type of technical modification. Mr. Darnell stated he was fine with that. He also stated that it had always been his interpretation there would be an Indoor RV storage facility with no outdoor storage. Everything would be inside, locked up, safe, but would like it to be open to other storage such as trailers and such if there is storage outdoors.

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Commissioner Shonkwiler stated as long as it was indoor would they be regulating this. Mr. Marc Smith stated he would not be the attorney that would be advising any if there was a land use enforcement action so therefore he could not really comment on that. He would prefer not to get into a definitional exercise. The request is what it is in front of them.

CITIZENS IN FAVOR:

None

CITIZENS IN OPPOSITION:

None

QUESTIONS OF STAFF:

None

REBUTTAL:

None

DECISION OF THE PLANNING COMMISSION:

Commissioner Henninger stated he felt that everything in the application were fine and supports the project.

Commissioner Gibson has no objections to the request and will support it.

Commissioner Markewich would approve both items based on the fact they meet the review criteria. He would like to get the sense of the Board if they added a technical modification prohibiting mechanical work and power washing on-site. Would the Board be open to that?

Commissioner Walkowski stated he would be in favor of the request but doesn't know about the technical modification.

Commissioner Shonkwiler stated he was in favor and no technical modification is needed.

Commissioner Donley stated he would support the conditional use requirement but opposed to the administrative relief. He felt the streamside regulations are there for a reason to protect those streams and if they are not enforced them there is not much value to them. Detention should be required. In terms of the setbacks he felt they were packing too much into the lot. If it doesn't fit it is not justification to get a variance or administrative relief. There is nothing extraordinary about the site they just want to put an extra unit on there and that encroaches into the setback so he will be opposing the second half.

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Motion by Commissioner Henninger, seconded by Commissioner Smith, item CPC CU 15-00044-Conditional Use Development Plan. Approve the conditional use development plan for Platte Indoor RV Storage based upon the finding the plan complies with the review criteria in City Code section 7.5.704 review criteria for conditional uses and 7.5.502.E review criteria for development plans with the following technical modification – any exterior lighting must meet all code requirements, transient lighting on to neighboring properties shall be prohibited.

Motion passes 8-0, (Commissioner McDonald excused)

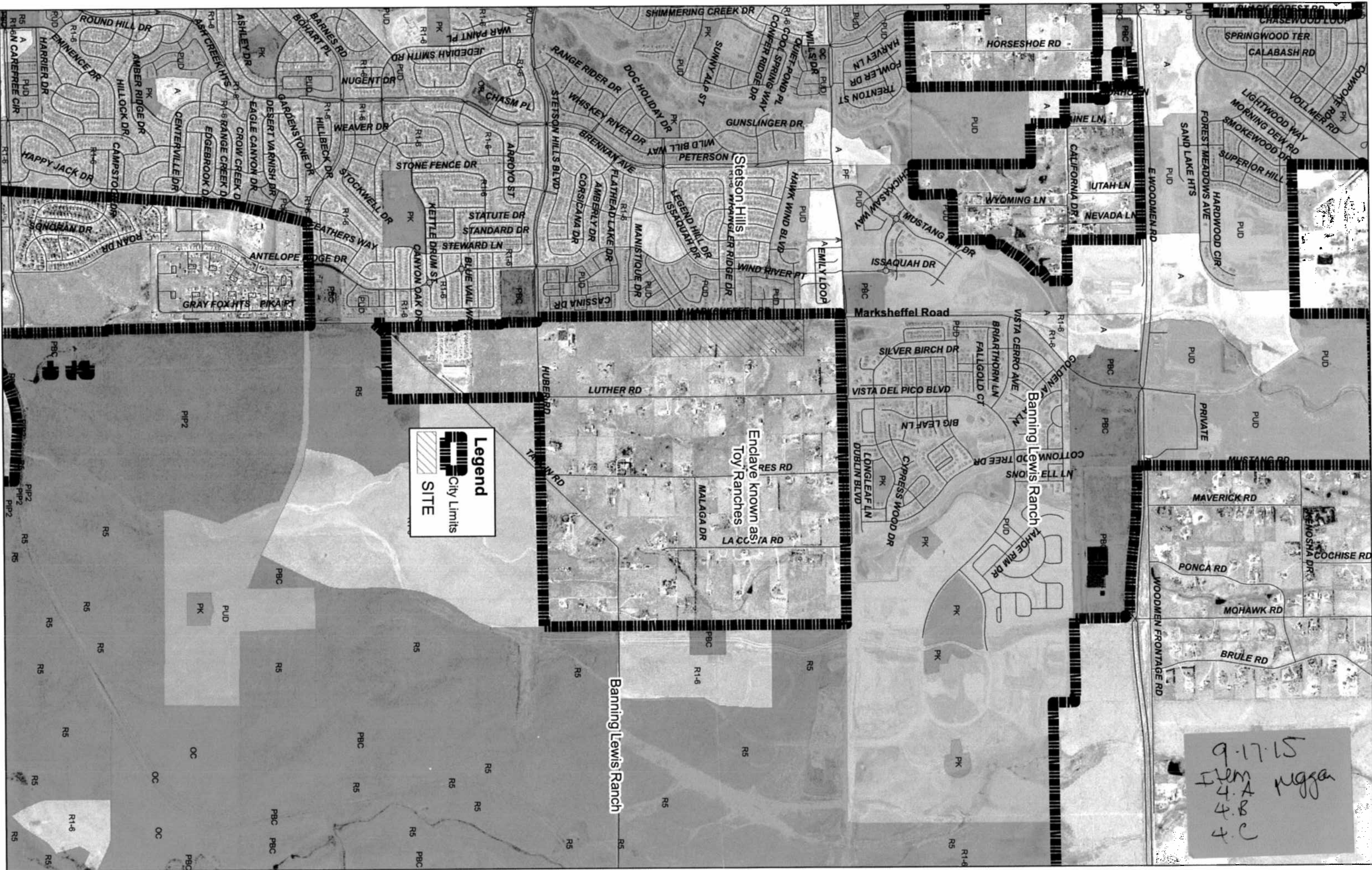
Motion by Commissioner Henninger, seconded by Commissioner Smith, item AR R 15-00310–Administrative Relief; Approve both requests for administrative relief as proposed based upon the finding the applications comply with the review criteria in City Code section 7.5.1102 review criteria for administrative relief.

Motion passes 7-1, (Commissioner McDonald excused)

September 17, 2015

Date of Decision

Planning Commission Chair



Legend

 City Limits

 SITE

Enclave known as
Toy Ranches

Banning Lewis Ranch

Banning Lewis Ranch

9-17-15
Item
4.A mega
4.B
4.C