

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

THURSDAY, JUNE 19, 2014

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

VICE CHAIR HAM CALLED THE MEETING TO ORDER AT 8:30 A.M.  
THE MEETING ADJOURNED AT 10:55 A.M.

**PRESENT:**

Donley  
Ham  
Markewich  
McDonald  
Phillips  
Shonkwiler  
Smith  
Walkowski

**ABSENT:**

Henninger

**ALSO IN ATTENDANCE:**

Mr. Peter Wysocki, Planning and Development Director  
Ms. Britt Haley, City Attorney/Municipal

**RECORD OF DECISION**

Moved by Commissioner Ham, seconded by Commissioner Markewich, to approve the May 15, 2014 Record of Decision (minutes). Motion carried 7-0 (Commissioner Henninger absent and Commissioners McDonald and Smith abstained).

**COMMUNICATIONS**

Annual vote of the Chair and Vice Chair:

*Chair*

Moved by Commissioner Markewich, seconded by Commissioner Walkowski, nominating Robert Shonkwiler as Chair. Motion carried 8-0 (Commissioner Henninger absent).

*Vice Chair*

Moved by Commissioner Markewich, seconded by Commissioner Walkowski, nominating Eric Phillips as Vice Chair. Motion carried 8-0 (Commissioner Henninger excused).

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**CONSENT CALENDAR**

ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p><b>ITEM NO.: A</b> CPC CU 14-00036 (Quasi-Judicial)</p> <p><b>PARCEL NO.:</b> 6329303004</p> <p><b>PLANNER:</b> Rachel Teixeira</p>	<p>A request by Patriot Motors on behalf of Penzes Properties LLC, for consideration of a conditional use development plan to operate an automotive sales establishment at 3511 – 3513 North El Paso Street. The subject property consists of 0.31 acre, is located at the southeast corner of North El Paso Street and North Prospect Street, and is zoned M1 (Light Industrial).</p>	4
<p><b>ITEM NO.: B.1</b> CPC PUZ 14-00040</p> <p><b>ITEM NO.: B.2</b> CPC PUD 14-00041 (Quasi-Judicial)</p> <p><b>PARCEL NO.:</b> 6401404009</p> <p><b>PLANNER:</b> Steve Tuck</p>	<p>Request by Millie Carlton on behalf of the International Church of Foursquare Gospel for consideration of the following development applications:</p> <ol style="list-style-type: none"> <li>1. A zone change from PUD/AO/SS (Planned Unit Development: religious institution with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: religious institution, public assembly with Streamside and Airport Overlays).</li> <li>2. The Swan House Manor development plan for the conversion of the existing religious institution to a wedding and events center (public assembly) while retaining the opportunity to use the property for a religious institution.</li> </ol> <p>The property consists of 6.99 acres and is located at 5515 Palmer Park Boulevard.</p>	5

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**NEW BUSINESS CALENDAR**

ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p><b>ITEM NO.: 4</b> CPC DP 14-00054 (Quasi-Judicial)</p> <p><b>PARCEL NO.:</b> <b>6330207005</b></p> <p><b>PLANNER:</b> Lonna Thelen</p>	<p>Request by Healthcare Medical Waste Services Facility on behalf of Sinton Property LLC for consideration of a Certificate of Designation for a new medical waste treatment facility in a 5,900 square-foot portion of the existing building at 4325 Sinton Road. The subject property is zoned M-1 (Light Industrial), consists of 2 acres and is located at 4325 Sinton Road.</p>	7
<p><b>ITEM NO.: 5.A</b> CPC ZC 14-00030</p> <p><b>ITEM NO.: 5.B</b> AR DP 12-00464 (Quasi-Judicial)</p> <p><b>PARCEL NO.:</b> 6407206026</p> <p><b>PLANNER:</b> Rick O'Connor</p>	<p>Request by Jim Little and Peggy McKinlay for consideration of the following development applications:</p> <ul style="list-style-type: none"> <li>A. A rezone of approximately 0.87 acre from PBC (Planned Business Center) and R-2 (Two-Family Residential) to PBC.</li> <li>B. A development plan amendment for Coal Train Liquor's 3,354 square foot addition.</li> </ul> <p>The property is located at 330 West Uintah Street, on the north side of Uintah and east of I-25.</p>	10

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**CONSENT CALENDAR**

**DATE:** June 19, 2014

**ITEM:** A

**STAFF:** Rachel Teixeira

**FILE NO.:** CPC CU 14-00036

**PROJECT:** Automotive Sales at 3511-3513 North El Paso Street

**DECISION OF THE PLANNING COMMISSION**

Moved by Commissioner Ham, seconded by Commissioner Phillips, to approve **Item A-File No. CPC CU 14-00036**, the conditional use to allow automotive sales at 3511-3513 North El Paso Street based upon the findings that the Conditional Use request complies with the three criteria for granting a conditional use as set forth in City Code Section 7.5.704 and the development plan review criteria in City Code Section 7.5.502(E). Motion carried 8-0 (Commissioner Henninger absent).

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Robert Shonkwiler  
Planning Commission Chair

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**CONSENT CALENDAR**

**DATE:** June 19, 2014

**ITEM:** B.1, B.2

**STAFF:** Steve Tuck

**FILE NO.:** CPC PUZ 14-00040, CPC PUD 14-00041

**PROJECT:** Swan House Manor Wedding & Event Center

**DECISION OF THE PLANNING COMMISSION**

Moved by Commissioner Ham, seconded by Commissioner Phillips, to approve **Item B.1-File No. CPC PUZ 14-00040**, the zone change from PUD/AO/SS to PUD/AO/SS (Planned Unit Development for a religious institution and/or public assembly with a 32-foot maximum building height with Airport and Streamside Overlays), based on the finding the request complies with the review criteria in City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries). Motion carried 8-0 (Commissioner Henninger absent).

Moved by Commissioner Ham, seconded by Commissioner Phillips, to approve **Item B.2-File No. CPC PUD 14-00041**, the development plan for Swan House Manor Wedding & Event Center, based on the finding the plan complies with the review criteria in City Code Section 7.3.606 (Review Criteria for PUD Development Plan) subject to compliance with the following technical and/or informational modifications to the development plan:

Technical and/or Informational Modifications to the Development Plan:

1. Note the City file number of CPC PUD 14-00041 and the sheet number (7 of 7) in the lower right corner of sheet 7.
2. Revise the note regarding the avigation easement to indicate the easement was recorded at reception no. 200070104. Delete the information that indicates the easement shall be granted.
3. Show and identify on sheet 1 the public utility and drainage easements as shown on the plat of the Summit Christian Fellowship Subdivision.

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4. On the drawing on sheet 1 accurately show the location of the existing retaining near the west property line. The wall appears to be approximately 330 feet in length but is drawn on the plan with a length of 560 feet.
5. On the drawing on sheet 1 either revise the contour intervals to correctly reflect the existing contours for the area west and south of the parking area or provide a note describing the topography in this area. The area has been graded and does not match the drawing.
6. Identify on the drawing on sheet 1 the street addresses for the 2 buildings (5505 and 5515 Palmer Park Boulevard). Delete the reference to 1610 Mountain Greenery Lane.

Motion carried 8-0 (Commissioner Henninger absent).

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Date of Decision

*Robert Shonkwiler*

Planning Commission Chair

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**NEW BUSINESS CALENDAR**

**DATE:** June 19, 2014

**ITEM:** 4

**STAFF:** Lonna Thelen

**FILE NO.:** CPC DP 14-00054

**PROJECT:** HEALTHCARE MEDICAL WASTE SERVICES FACILITY – 4325 SINTON ROAD

**STAFF PRESENTATION**

Ms. Lonna Thelen presented PowerPoint slides.

**APPLICANT PRESENTATION**

Mr. Curtis Ahrendsen with the consulting company presented PowerPoint slides.

Mr. Randy McKee, BioSAFE Engineering, continued the PowerPoint slides.

Mr. Dominick DiVello, applicant, provided his history of owning solid waste companies in the community before operating medical waste companies.

Commissioner Markewich inquired if sharp medical tools are ground down to avoid hurting anyone. Mr. McKee stated the system is not designed to grind down all tools and materials from their original form, but all sharps/needles are decontaminated and pathogen free. The process is entirely automated and is not hand processed. The State of Colorado has approved the process and Waste Management has accepted this type of waste at their landfills.

Commissioner Markewich inquired if the State requires regular inspections of their facility. Mr. DiVello stated the State will conduct periodic inspections.

Commissioner Markewich inquired if all storage is completely contained in the building. Mr. DiVello stated yes. Commissioner Markewich inquired if Mr. DiVello would agree to a possible condition to restrict any outdoor storage. Mr. DiVello was agreeable.

Commissioner Walkowski inquired of security. Mr. DiVello stated the site is completely fenced and locked at night.

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Commissioner Walkowski inquired if containers are sealed when unloading/loading. Mr. DiVello described the concealed container process and the USDOT requirements for transportation.

Commissioner Donley inquired of noise generated from the compactor. Mr. DiVello stated that someone standing within a 15-foot radius would be able to hear, but noise is not generated outside that radius.

Commissioner Donley inquired of adjacent tenants. Mr. DiVello stated there are two tenants in the building and the yards are separated by fencing.

**CITIZENS IN FAVOR**

None

**CITIZENS IN OPPOSITION**

Mr. Jim Blaha, property owner along Sinton Road, questioned the possible increase in large truck traffic.

**APPLICANT REBUTTAL**

Mr. DiVello explained the various sizes of trucks that deliver the waste. Traffic patterns would not change compared with current operation (4-5 trucks total). No semi-trucks are anticipated at this time. His company has not had truck accidents or spillage to date.

**STAFF REQUESTED TO SPEAK**

Commissioner Markewich inquired of conditions that the Planning Commission could apply to this type of application. Mr. Wysocki replied that Planning Commission has the right to modify, approve or deny any recommendation. Commissioner Markewich requested no untreated waste containers allowed or stored outside.

**DECISION OF THE PLANNING COMMISSION**

Commissioner Walkowski appreciated the explanation of the self-contained and sterilization process. He found this would be a success.

Commissioner Donley found this application would not create harm to surrounding properties and would benefit this area.

Commissioner Phillips supported the application.

Commissioner Shonkwiler supported the application. This use benefits this community ecologically rather than transporting medical waste outside the community for processing.

Moved by Commissioner Markewich, seconded by Commissioner Ham, to approve Item No. 4-File No. CPC DP 14-00054, a Certificate of Designation for a medical waste treatment facility located at 4325 Sinton Road subject to the following condition:

Condition of Record:

1. No untreated waste will be stored outside. Untreated waste may be stored within a trailer parked onsite.



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Commissioner Ham found the application conforms to the Comprehensive Plan.  
Motion carried 7-1 (Commissioner Henninger absent and Commissioner Phillips opposed).

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*Robert Shonkwiler*

Planning Commission Chair

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**NEW BUSINESS CALENDAR**

**DATE:** June 19, 2014

**ITEM:** 5.A-5.B

**STAFF:** Rick O'Connor

**FILE NO.:** CPC ZC 14-00030, AR DP 12-00464

**PROJECT:** Coal Train Wine and Liquor

**STAFF PRESENTATION**

Mr. Rick O'Connor presented PowerPoint slides and clarified the site is 0.827 acre, not 0.87 acre.

**APPLICANT PRESENTATION**

Mr. Jim Little and Ms. Peggy McKinlay briefly provided their business history since 1981, and they purchased the northern site 13 years ago for possible expansion. They employ 13 persons with 6-7 on staff at one time and need overflow parking for employees. They desire delivery trucks enter from San Miguel rather than Uintah for safety issues backing up into oncoming traffic. Neighbors are concerned with truck traffic near their house; thus, the applicant agreed to place the truck entrance on the west side of the northern site. Truck traffic is not allowed on residentially zoned sites; thus, the applicant is requesting a rezone of the northern portion to commercial.

Commissioner Walkowski inquired of an agreement regarding a barrier. Mr. Little stated a Jersey (concrete) barrier will delineate the alleyway from the residential uses to avoid delivery trucks from backing into neighbor's properties and lot.

Commissioner Walkowski inquired of any alleyway improvements. Mr. Little stated yes, asphalt chips have been installed to the previous dirt alleyway.

Commissioner Markewich inquired of a gate to prevent traffic through the entire site from San Miguel to Uintah. Mr. Little stated there are large rocks currently in place preventing direct access from San Miguel to Uintah.

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Commissioner Donley inquired of traffic accidents near the Uintah driveway due to delivery trucks backing into their site. Mr. Little and Ms. McKinlay stated there have been no accidents to their knowledge.

Commissioner Donley felt that should the adjacent 7-11 redevelop in the future he would desire the driveway accesses consolidated.

Commissioner Shonkwiler inquired of closing off the northern portion of the site to pedestrian access. Mr. Little was agreeable because he thought it had been kept open as required by emergency services.

Commissioner Shonkwiler inquired of any cross-access easements through the 7-11 site. Mr. Little stated yes, there is a legally recorded cross-access easement for customers to access Glen Avenue through the 7-11 site.

Commissioner Smith inquired if the Jersey barriers would be painted. Mr. Little was agreeable to that.

**CITIZENS IN FAVOR**

None

**CITIZENS IN OPPOSITION**

Mr. Christian Wright, adjacent property owner, was not opposed to the applicant's expansion, but his main concern was access to his lot. The only access to his property is through the alleyway because there is no on-street parking allowed along West San Miguel Street. Most of their concerns have been addressed throughout the review process. He questioned the amount of parking in the lot and potential truck traffic increasing in the future.

Commissioner Markewich inquired if his concerns were adequately addressed. Mr. Wright confirmed they were, but was still concerned that overflow parking could potentially intensify and negatively affect the neighborhood.

Commissioner Donley appreciated Mr. Wright's communication with the applicant and working out their concerns.

**STAFF REQUESTED TO SPEAK**

Commissioner Markewich inquired of the future potential to convert the site into a parking lot with relocation of barriers. Mr. O'Connor replied that Planning Commission may want to consider a condition addressing deliveries and overflow parking that would trigger an amendment to the development plan (requiring review by City staff with notification to the surrounding property owners).

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**APPLICANT REBUTTAL**

Commissioner Markewich inquired if the applicants were agreeable to a condition restricting the northern site to overflow parking and deliveries. Ms. McKinlay found it strange to encumber their property, especially when the neighboring commercial property is not restricted in any way. Mr. Little stated their intent is to use the property as shown on the development plan, but objected to potential encumbrances.

Commissioner Donley inquired of Mr. Wright's concerns. Mr. Wright inquired of potential future uses of the site, and of the possibility of a through-way that would exacerbate the less desirable pedestrian activities near the alleyway.

Commissioner Ham clarified that should the gate be removed, that change of the plan would trigger an amendment to the development plan requiring City and adjacent property owner review. Mr. Wright was satisfied that his concerns were addressed.

**DECISION OF THE PLANNING COMMISSION**

Commissioner Ham appreciated smaller business owners expanding within the community to include activity areas such as tasting rooms. He found it met the Comprehensive Plan infill guidelines and the City Code review criteria.

Commissioner Markewich also found it met the Comprehensive Plan. He appreciated the applicant deciding to expand in their current site despite the awkward space.

Commissioner Walkowski found the applications were not detrimental to the public health, safety and welfare, and that they met all the City Code review criteria including being harmonious and compatible with the neighborhood. He appreciated channeling the traffic with a barrier in the alleyway.

Commissioner Donley concurred with his fellow Planning Commissioners' comments. He noted for the record that at some point in the future someone else may own this site and the intent is not to use the northern portion for a full parking lot.

Commissioner Shonkwiler found these applications met the infill guidelines of the Comprehensive Plan. Many infill sites are not easy to develop, but the process was made easier with the cooperation between the applicant, neighbors and City staff.

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Moved by Commissioner Ham, seconded by Commissioner Phillips, to approve **Item 5.A-File No. CPC ZC 14-00030**, the rezoning to PBC (Planned Business Center) for Coal Train Wine and Liquor, based upon the finding that the rezoning complies with the rezone review criteria in City Code Section 7.5.603 B. Motion carried 8-0 (Commissioner Henninger absent).

Moved by Commissioner Ham, seconded by Commissioner Phillips, to approve **Item 5.B-File No. AR DP 12-00564**, the Coal Train Wine and Liquor development plan, based upon the finding that the development plan complies with the development plan review criteria in City Code Section 7.5.502.E, subject to compliance with the following technical and/or informational plan modifications

Technical and Informational Modifications

1. Provide a barrier along the west side of the 8-foot access adjacent to the 12-foot alley which defines the edge of this access area.
2. Revise the utility and landscape sheets to reflect all necessary CSU utilities and easements.

Motion carried 8-0 (Commissioner Henninger absent).

June 19, 2014

Date of Decision

*Robert Shonkwiler*

Planning Commission Chair