

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

**THURSDAY, OCTOBER 16, 2014**

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

**CHAIRMAN SHONKWILER CALLED THE MEETING TO ORDER AT 8:30 A.M.  
THE MEETING ADJOURNED AT 5:30 P.M.**

**PRESENT:**

Donley  
Henninger  
Markewich  
Phillips  
Shonkwiler  
Smith  
Walkowski

**ABSENT:**

McDonald

**ALSO IN ATTENDANCE:**

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

**COMMUNICATIONS**

Commissioner Ham resigned last Thursday. City staff and the Planning Commission expressed their appreciation for his years of service.

**RECORD OF DECISION**

None

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

**CONSENT CALENDAR**

ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p><b>ITEM NO.: A</b> CPC CU 14-00075 (Quasi-Judicial)</p> <p><b>PARCEL NO.:</b> 7323404002</p> <p><b>PLANNER:</b> Lonna Thelen</p>	<p>A request by John Davis Group on behalf of Frey Trust for a Conditional Use to allow for an Indoor Sports and Recreation use. The project would allow for an indoor soccer complex in a PIP-2 (Planned Industrial Park) zone district. The subject property contains 2.62 acres and is located northeast of List Drive and Centennial Boulevard at 4845 List Drive.</p>	
<p><b>ITEM NO.: B.1</b> CPC PUZ 14-00009</p> <p><b>ITEM NO.: B.2</b> CPC PUD 07-00355-A1MN14 (Quasi-Judicial)</p> <p><b>PARCEL NO.:</b> 7412400002</p> <p><b>PLANNER:</b> Mike Schultz</p>	<p>Request by NES, Inc. on behalf of Uintah Bluffs LLC for consideration of the following development applications:</p> <ol style="list-style-type: none"> <li>1. A change of zone request from PUD/HS (Planned Unit Development – Single-family attached, 4.01 dwelling units per acre, 30-ft. height max. with hillside overlay) to PUD/HS (Planned Unit Development – Single-family detached, 2.39 dwelling units per acre, 35-ft. height max. with hillside overlay).</li> <li>2. The Uintah Bluffs PUD Development Plan consisting of 31 single-family detached, 2.39 dwelling units per acre, 35-ft. height max.</li> </ol> <p>The subject property is located northeast of Manitou Blvd. and W. Monument Street and consists of 12.98 acres.</p>	

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

**NEW BUSINESS CALENDAR**

ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p><b>ITEM NO.: 4.A</b> CPC ZC 14-00076</p> <p><b>ITEM NO.: 4.B</b> AR CP 11-00482-A1MJ14</p> <p><b>ITEM NO.: 4.C</b> CPC DP 14-00077 (Quasi-Judicial)</p> <p><b>PARCEL NO.:</b> 6325400021</p> <p><b>PLANNER:</b> Lonna Thelen</p>	<p>A request by NES, Inc. on behalf of Carefree &amp; Powers SW, Inc. for consideration of the following development applications:</p> <ul style="list-style-type: none"> <li>A. A change of zone classification from PBC/AO (Planned Business Center with Airport Overlay) and R-5/AO (Multi-Family Residential with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay) to allow for a fast food restaurant (Popeye's).</li> <li>B. A major amendment to the concept plan to add a fast food restaurant;</li> <li>C. A development plan to allow a 2,405 sq.-ft. fast food restaurant (Popeye's).</li> </ul> <p>The property consists of 4.48 acres and is located southeast of Rio Vista and North Carefree Circle.</p>	
<p><b>ITEM NO.: 5.A</b> CPC MP 89-71-A2MN14</p> <p><b>ITEM NO.: 5.B</b> CPC ZC 14-00083</p> <p><b>ITEM NO.: 5.C</b> CPC CP 14-00085 (Quasi-Judicial)</p> <p><b>PARCEL NO.:</b> 7411316004 7411316004</p> <p><b>PLANNER:</b> Mike Schultz</p>	<p>Request by Scott and Tara Downs on behalf of Robert and Jim Vidmar for consideration of the following development applications:</p> <ul style="list-style-type: none"> <li>A. A minor amendment to the Westside and Midland Master Plans. The proposal calls for amending the plan from 'residential' to 'commercial' shown on both the Westside Master Plan and the Midland Master Plan (a sub-plan to the Westside Master Plan).</li> <li>B. A change of zone classification from M-1 (Light Industrial) and R-2 (Two-Family Residential) to C-5 (Intermediate Business).</li> <li>C. A concept plan for the Pub Dog Restaurant to allow a 2,400 sq.-ft. restaurant with additional outdoor patio seating and off-street parking.</li> </ul> <p>The subject property consists of 0.413 acres and is located southwest of 22nd Street and Bott Avenue at 2207 and 2213 Bott Avenue.</p>	

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

ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p><b>ITEM NO.: 6</b> AR PFP 13-00486 (Quasi-Judicial)</p> <p><b>PARCEL NOS.:</b> 7423400005 7423400006</p> <p><b>PLANNER:</b> Rick O'Connor</p>	<p>An appeal by Jeanne Matthews of an approval of a preliminary and final plat submitted by N.E.S. on behalf of Marvin Korf. The subdivision includes 17 lots on 8.59 acres zoned R1-9000 (Single-family Residential). The property is located along the east side of Cresta Road, just south of the south side of Bear Creek Park.</p>	
<p><b>ITEM NO.: 7.A</b> CPC PUZ 14-00055</p> <p><b>ITEM NO.: 7.B</b> CPC PUD 14-00056 (Quasi-Judicial)</p> <p><b>PARCEL NO.:</b> 7402312090</p> <p><b>PLANNER:</b> Mike Schultz</p>	<p>Request by John VanDerWege and the Calvary Worship Center for consideration of the following development applications:</p> <ul style="list-style-type: none"> <li>A. A change of zone from PBC (Planned Business Center) and R-2 (Two-family Residential) to PUD (Planned Unit Development). The PUD would allow for religious institution (and secondary uses associated with the church) and allow a maximum 45-foot building height.</li> <li>B. A PUD (Planned Unit Development) Development Plan to allow a three-phase development that includes expansion of off-street parking, a 20,400 sq. ft., two-story addition and a new 50,000 sq. ft., 1,800-seat worship hall.</li> </ul> <p>The subject property is located at the southeast corner of 30th Street and King Street and consists of 9.05 acres.</p>	

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

**CONSENT CALENDAR**

**DATE:** October 16, 2014  
**ITEM:** A  
**STAFF:** Lonna Thelen  
**FILE NO.:** CPC CU 14-00075  
**PROJECT:** Colorado Springs Soccer Haus

**DECISION OF THE PLANNING COMMISSION**

Moved by Commissioner Walkowski, seconded by Commissioner Phillips, to approve **Item A-File No. CPC CU 14-00075**, the conditional use for Colorado Springs Soccer Haus, based upon the finding that the conditional use complies with the review criteria in City Code Sections 7.5.704 and 7.5.502.E, subject to compliance with the following technical and/or informational plan modifications:

Technical and Informational Modifications to the Conditional Use Development Plan:

1. Remove the two pages that contain the interior layout of the building.
2. Include a file number on page 3.
3. Submit an administrative relief application and fee for insufficient parking.
4. Include the following note under the parking data:
  - a. Administrative relief was approved for 99 spaces where 114 are required. File number \_\_\_\_\_.
5. Include elevation #1029, the stucco front with accents of metal siding for the west side of the building.
6. Remove "Fire Access" from the easement along the south side of the property. It may not arbitrarily be added to plans when it's not legally provided by the approved plat.
7. All curbs along the 24-foot drive loop from the north entrance, along the immediate west side of the building and out the south side, require fire lane markings. Show this on the plans.

Motion carried 7-0 (Commissioner McDonald absent).

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October 16, 2014  
Date of Decision

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

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

**CONSENT CALENDAR**

**DATE:** October 16, 2014  
**ITEM:** B.1, B.2  
**STAFF:** Mike Schultz  
**FILE NO.:** CPC PUZ 14-00009, CPC PUD 07-00355-A1MN14  
**PROJECT:** Uintah Bluffs

Commissioner Shonkwiler pulled Items B.1 and B.2 from Consent.

**STAFF PRESENTATION**

Mr. Mike Schultz, Planner II, briefly reviewed the applications with PowerPoint slides (Exhibit A).

Commissioner Shonkwiler inquired about appropriate access during an evacuation. Mr. Steve Smith, Colorado Springs Fire Department (CSFD), stated the area fuels are in compliance with the City ordinance and CSFD is comfortable with the one lane access into this neighborhood. City Code allows up to 30 homes without sprinkler systems with one access road into the neighborhood.

Mr. Steve Kuehster, City Engineering Development Review, provided criteria for streets, curb radii, length of cul-de-sac.

**APPLICANT PRESENTATION**

Mr. John Maynard, NES, addressed homeless activity and illegitimate uses that will be removed by the development of 31 residences.

**CITIZENS IN FAVOR**

None

**CITIZENS IN OPPOSITION**

Mr. Ron Banuelos felt a single access road is not appropriate for this neighborhood during evacuation and suggested a secondary access. He stated the developer felt a second access was cost prohibitive.

**APPLICANT REBUTTAL**

Mr. Maynard responded that the secondary access was not possible from a topographical standpoint and would be exceedingly steep on land that is not under their ownership.

# CITY OF COLORADO SPRINGS PLANNING COMMISSION

## RECORD-OF-DECISION

### DECISION OF THE PLANNING COMMISSION

Moved by Commissioner Walkowski, seconded by Commissioner Markewich, to approve **Item No. B.1-File No. CPC PUZ 14-00009**, the change of zone from PUD/HS (Single-family Attached Dwellings, 4.01 dwelling units per acre, 30-foot height maximum with Hillside Overlay) to PUD/HS (Single-family Detached, 2.39 dwelling units per acre, 35-foot height maximum on Lots 1 – 11 and 30-foot height maximum on Lots 12 – 31 with Hillside Overlay) for the Uintah Bluffs Single-family development, based upon the finding that the zone change complies with the zone change review criteria in City Code Section 7.5.603. Motion passed 7-0 (Commissioner McDonald absent).

Commissioner Walkowski stated the PUD development plan complies with the City Code review criteria.

Moved by Commissioner Walkowski, seconded by Commissioner Markewich, to approve **Item No. B.2-File No. CPC PUD 07-00355-A1MN14**, the PUD development plan for the Uintah Bluffs Single-family development, consisting of 31 single-family detached dwelling units on 12.98 acres, 2.39 dwelling units per acre, maximum building height of 35 feet on Lots 1 – 11 and a maximum building height of 30 feet on Lots 12-31, based on the finding the plan complies with the review criteria in City Code Section 7.3.606, and is subject to the following Technical and Information items:

Technical and/or Informational Modifications to the Development Plan:

1. Change the rear yard setback information for Lots 8-11, 13 – 31 to be 20 feet; 10-foot setbacks for Lots 1 – 7 and Lot 12 can remain.
2. Coordinate with Colorado Springs Utilities to ensure access may be gained from Uintah Bluffs Place to the east portion of the site, if necessary.
3. Coordinate with Colorado Springs Utilities to ensure cross section provided on Sheet 4 does not need to be modified (50-feet of right-of-way and/or utility easement is necessary).
4. Re-review and acceptance by Colorado Geologic Survey pending.
5. Coordinate with City Fire to ensure the revised plan note regarding installation of residential fire alarm systems is acceptable.
6. Strike or modify Note #2 on the DP, it does not match the intended setbacks of the diagram.
7. Coordinate with City Engineering on acceptance of the drainage report.

Motion passed 7-0 (Commissioner McDonald absent).

October 16, 2014  
Date of Decision

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Planning Commission Chair

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

**NEW BUSINESS CALENDAR**

**DATE:** October 16, 2014  
**ITEM:** 4.A-4.C  
**STAFF:** Lonna Thelen  
**FILE NO.:** CPC ZC 14-00076, AR CP 11-00482-A1MJ14, CPC DP 14-00077  
**PROJECT:** Popeye's Restaurant

**STAFF PRESENTATION**

Ms. Lonna Thelen, Senior Planner, reviewed the applications with PowerPoint slides (Exhibit A).

**APPLICANT PRESENTATION**

Ms. Andrea Barlow with NES Inc. presented PowerPoint slides (Exhibit B). Ms. Barlow clarified that the 13 persons that attended the neighborhood meeting only represented four residents from two households and the remaining attendees were represented by City staff and the applicant.

Commissioner Shonkwiler inquired of poster on the site. Ms. Barlow stated she will check on that.

Commissioner Shonkwiler inquired of the north-south spine between the daycare center and the site. Ms. Barlow stated that is unplatted and would not serve both sites. City staff requested a landscape buffer during the interim until the southern site is developed.

Commissioner Shonkwiler inquired of assurance that the tract immediately west of the site will serve as a drive aisle or access between the Kum & Go to the north and the Popeye's site. Ms. Thelen stated the area is proposed as Tract A, but the applicant hasn't defined the purpose of Tract A on the plan. The property owners sit on the metropolitan district and have influence over Tract A.

Commissioner Shonkwiler inquired about any discussion regarding changing the building orientation. Ms. Barlow stated the current configuration would allow the restaurant to face Powers Blvd. which serves for advertisement purposes. The other option would be to turn its back onto Powers Boulevard, which would not be desirable for the neighbors.

**CITIZENS IN FAVOR**

None

**CITIZENS IN OPPOSITION**

1. Ms. Mary Kurth displayed maps and pictures and submitted a petition and objected to the six-foot cedar fence that would be an insufficient buffer from the Popeye's restaurant. She displayed pictures of neighboring Popeye's restaurant that had with leaking food waste from

# CITY OF COLORADO SPRINGS PLANNING COMMISSION

## RECORD-OF-DECISION

dumpsters. She objected to improper drainage on the southeastern portion of the site. She stated recent home purchasers researched and relied on the current zoning of the vacant lots.

Commissioner Donley inquired of posting of the property. Ms. Kurth stated a poster was not displayed prior to this meeting, but was placed in front of the utility box during the internal review phase and prior to the neighborhood meeting.

Commissioner Phillips inquired of any neighborhood complaints of the daycare. Ms. Kurth stated that is a joyful, expected noise of children at play compared with noise of cars speeding and traffic with the potential negative impacts of the restaurant.

Commissioner Walkowski inquired if she has reviewed the landscaping plan to screen the restaurant. Ms. Kurth stated the six to eight-foot high cedar fence won't block the lights and building and displayed a photo of how the six-foot fence does not block the daycare building.

2. Mr. Dan O'Sullivan would be directly in line with the restaurant speaker and took exception to the comment about knowing Powers Blvd. existed with ambient noise and is planned for commercial development. He found that residential and multi-family zoning was in place prior to the purchase of his home. He requested denial.

### **APPLICANT REBUTTAL**

Ms. Barlow checked with City Engineering the detention pond was required to be maintained by the City and not the current applicant. Ms. Barlow offered to increase the fence height to eight feet if required. The metropolitan district is required to maintain drainage.

Commissioner Phillips inquired if the same management company would maintain the Popeye's on this site as the Austin Bluffs site (photos displayed by Ms. Kurth). Ms. Barlow confirmed it would be the same management company. The residential neighbors will continue to be located adjacent multi-family zoned property because the property between the Popeye's restaurant and the single-family neighborhood will remain R-5 zoning.

Commissioner Walkowski inquired of the north-south access drive with vehicle headlights toward the neighbors and if a privacy fence will block that. Ms. Barlow confirmed there will be a fence extending across the entire southern boundary until buildings are developed to screen headlights.

Commissioner Donley inquired of separation between the restaurant and neighbors. Ms. Barlow stated from the edge of residential home boundary to the restaurant site boundary is 150 feet.

Commissioner Markewich inquired if a stucco or masonry wall would be considered. Ms. Barlow stated that is possible, but there will be a temporary cedar fence for the portion that will be eventually be developed.



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

**NEW BUSINESS CALENDAR**

**DATE:** October 16, 2014  
**ITEM:** 5.A-5.C  
**STAFF:** Mike Schultz  
**FILE NO.:** CPC MP 89-71-A2MN14, CPC ZC 14-00083, CPC CP 14-00085  
**PROJECT:** Pub Dog Restaurant

**STAFF PRESENTATION**

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

**APPLICANT PRESENTATION**

Ms. Tara Downs and Mr. Scott Downs appeared for questions.

**CITIZENS IN FAVOR / OPPOSITION**

None

**APPLICANT REBUTTAL**

None

**DECISION OF THE PLANNING COMMISSION**

Commissioner Phillips was in support of the applications.

Commissioner Markewich found the applications met the City Code review criteria.

Commissioner Donley stated the difficult part is the master plan that is approximately 30 years old and questioned if parts of the plan could be obsolete. It needs to be updated because the neighborhood has changed greatly.

Mr. Schultz stated there is cost involved in updating a 30-year old plan. The Midland area plan does not incorporate mixed use as a designated use, but the Westside Plan does.

Commissioner Shonkwiler was initially uncomfortable with spot zoning, and hopes staff can review the entire neighborhood for more positive development as this. He supported the applications.

Moved by Commissioner Markewich, seconded by Commissioner Phillips, to approve **Item No. 5.A-File No. CPC MP 89-71-A2MN14**, the minor amendment to the Midland Master Plan based upon the finding that the minor amendment complies with the review criteria in City Code Section 7.5.408. Motion carried 7-0 (Commissioner McDonald absent).

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

Moved by Commissioner Markewich, seconded by Commissioner Smith, to approve **Item No. 5.B-File No. CPC ZC 14-00083**, the zone change from R-2 (Two-family Residential) and M-1 (Light Industrial) to C-5/cr (General Commercial with conditions of record) consisting of .41 acres, based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B, and is subject to the following conditions of record:

Conditions of Record

Only the following land uses are permitted within this zone:

1. Restaurant;
  - a. Quick Serve;
  - b. Sit Down.
2. All Residential Land Use types as allowed under the C-5 zoning (e.g. detoxification center to remain as a conditional use);
3. All Office Land Use types;
4. Bed and Breakfast;
5. Food Sales;
6. Liquor Sales (off-sale);
7. Mixed Commercial-Residential;
8. Mixed Office-Residential;
9. Personal Consumer Services;
10. Personal Improvement Services;
11. Retail, general;
12. Veterinary Service, small animal clinic;
13. Cultural Services;
14. Day Care Services;
15. Educational Institutions (all subcategories);
16. Religious Institution.

The following conditions shall also be applied:

1. Outdoor dining areas to be closed by 9 p.m. Sunday through Thursday and 10 p.m. on Friday and Saturday.
2. Closing hours for all other uses shall be no later than 10 p.m.
3. All ground mounted signs to be no than 4-feet in height.
4. No animal kenneling or animal day care to occur with use as a restaurant.

Motion carried 7-0 (Commissioner McDonald absent).

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

Moved by Commissioner Markewich, seconded by Commissioner Phillips, to approve **Item No. 5.C-File No. CPC CP 14-00085**, the concept plan for Pub Dog restaurant based upon the finding that the concept plan complies with the review criteria in City Code Section 7.5.501.E and is subject to the following technical modifications:

Technical and/or Informational Modifications to the Concept Plan:

1. Add a note on the development plan concerning the management of dog waste as part of the operation. (i.e. number of pickups, dumpster location).
2. Note the City file number in the lower right hand corner of each plan page (CPC CP 14-00085).
3. Provide a "Notes" section that will include the conditions of record as indicated above under the Zone Change section.
4. Add a note to the "Notes" section that states that the location of the garbage enclosure will be evaluated upon submittal of the development plan.
5. Remove sheets A2, A3 and A4 from the concept plan; plan elevations are not required at time of concept plan.
6. Provide a more accurate vicinity map; you may utilize the information on the City SpringsView program that provides zoning boundaries. Note the location of the subject property on the vicinity map.
7. Note the full building dimension for the portion running east/west on Sheet A2.
8. Note the distance of the building to the front property line (20-foot minimum front yard setback).
9. Show a pedestrian connection to the public sidewalk, preferably in the location of the sidewalk to the restaurant.
10. Note the alley right-of-way width of 16 feet.

Motion carried 7-0 (Commissioner McDonald absent).

October 16, 2014  
Date of Decision

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Planning Commission Chair

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

**NEW BUSINESS CALENDAR**

**DATE:** October 16, 2014  
**ITEM:** 6  
**STAFF:** Rick O'Connor  
**FILE NO.:** AR PFP 13-00486  
**PROJECT:** The Sanctuary at Bear Creek

**STAFF PRESENTATION**

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

Mr. Steve Kuehster with City Engineering Development Review confirmed the City has approved the access location.

Commissioner Markewich inquired of the grade for the access road. Mr. Kuehster stated that the Colorado Springs Fire Department approved the 8 degree angle of approach for a fire truck at the turn and City Engineering approved a 10% grade at the end of the cul-de-sac off Cresta.

**APPELLANT PRESENTATION**

Ms. Sandra Matthews represented Ms. Jeanne Matthews and was concerned with proper maintenance, drainage, high density compared to surrounding properties, keeping sole access to her deeded 60-foot tract, that the development may interfere with her water supply, increased traffic, tree removal and possible site grading that a developer could abandon before development.

Commissioner Donley would've preferred access off the 60-foot right-of-way with a buffer between her home and the proposed homes.

Commissioner Smith inquired of the relationship of her well to her barn and residence. Ms. Matthews stated her well is 300 feet from the barn and 200 feet from her home.

Commissioner Markewich inquired if her property is hooked up to public utilities. Ms. Matthews stated her property is connected to public sewer and electric only.

**APPLICATION PRESENTATION**

Mr. Maynard presented PowerPoint slides (Exhibit B).

Mr. Mark Whorton with Classic Engineering explained surface water flow and addressed drainage issues by stating water is collected into a pond and then into Bear Creek Park where a natural ravine currently drains.

# CITY OF COLORADO SPRINGS PLANNING COMMISSION

## RECORD-OF-DECISION

Ms. Kristen Andrew-Heeser of Entech Engineering explained the groundwater and soil conditions in the area. There is a perched water system where water flows from the mesa and into the lower grade and sinks down on the north side of the road of Bear Creek due to the bedrock material. Drainage flows south to north. Ms. Matthews' well water is also originating from the mesa and the site development flow will not affect Ms. Matthew's well.

Mr. Maynard continued his presentation. Figure 5 on page 139 of the agenda addresses the State of Colorado's review of drainage issues.

Mr. Mulliken represented the applicant and appeared for questions and would address any rebuttal issues.

### **CITIZENS IN FAVOR OF APPLICANT/APPELLANT**

None.

### **CITIZENS IN OPPOSITION OF APPLICANT/APPELLANT**

### **APPELLANT COMMENTS**

Commissioner Shonkwiler asked Ms. Matthews if she had final comments. Ms. Matthews stated her cistern holds the water at 14 feet deep and the springs collection system is only three feet deep.

### **APPLICANT REBUTTAL**

Mr. Steve Mulliken stated this site has been zoned since the 1980s for residential use. The section appealed needs to show City staffs decision was erroneous and unreasonable. He found that was not met especially since the lot sizes exceed the minimum lot size requirement. Another criteria is that the information provided by the applicant is erroneous. Entech Engineering provided plans that were provided to the State of Colorado who found no harm would come to surrounding properties. There is no reason for staff to not rely upon the professional engineering reports submitted. Mr. Mulliken clarified that the 60-foot right-of-way is owned by his client and will preserve the easement as requested. Typically the person(s) benefiting from an easement is required to maintain the easement; there is no written requirement for this, and appreciated Ms. Matthews maintenance of the easement. He requested upholding the City staff's approval with denial of the appeal.

Commissioner Shonkwiler inquired if the access easement used by Ms. Matthews is exclusive or nonexclusive. Mr. Mulliken stated it is a nonexclusive easement, but no one else chooses to use it at this time.

### **DECISION OF THE PLANNING COMMISSION**

Commissioner Donley found that the City Code review criteria for a subdivision plat was met and found the appeal criteria was not met. City staff's decision was not erroneous.

Commissioner Markewich suggested Ms. Matthews monitor her well after development, and she has the right to take civil action as outlined by the State of Colorado. He supported denial of the appeal.

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

Commissioner Walkowski stated the testimony today counteracted the appellant's claims that the development would harm their well and property.

Commissioner Henninger agreed with the professional engineer's statements and reports presented today. He was undecided.

Commissioner Smith found the engineering testimony was informative and found the appeal criteria was not met. He supported denial of the appeal.

Commissioner Phillips appreciated the appellant trying to present her case against professional engineers and developers. He would've preferred she had reports or surveys to substantiate her claims.

Commissioner Shonkwiler also found that the appeal criteria was not met.

Moved by Commissioner Walkowski, seconded by Commissioner Donley, to deny the appeal and reaffirm the approval of **Item No.6-File No. AR PFP 13-00486**, the Sanctuary at Bear Creek Preliminary and Final plats, based upon the finding that the items comply with the subdivision criteria in City Code Chapter 7, Article 7, Subdivision Regulations. Motion carried 7-0 (Commissioner McDonald absent).

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October 16, 2014

Date of Decision

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Planning Commission Chair

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

**NEW BUSINESS CALENDAR**

**DATE:** October 16, 2014  
**ITEM:** 7.A, 7.B  
**STAFF:** Mike Schultz  
**FILE NO.:** CPC PUZ 14-00055, CPC PUD 14-00056  
**PROJECT:** Calvary Worship Center

**STAFF PRESENTATION**

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

**APPLICANT PRESENTATION**

Mr. Greg Haddon of Haddon Architecture presented PowerPoint slides (Exhibit B).

Mr. Nate Dowden, geotechnical engineer for RMG Engineering, appeared for questions. He prepared the geologic hazard study for the previously-proposed Victorian Heights residential development on the same site.

Mr. Jeff Hodsdon, LSC Transportation Consultants, submitted the traffic study for the application. He stated a traffic management plan for all access points will need to be submitted prior to final approval.

Commissioner Donley inquired of current trip counts. Mr. Hodsdon stated there were 70 trips coming in and 100 trips going out between two services at peak time. Commissioner Donley felt there is heavier traffic that will be placed onto Wilhelmia and 28<sup>th</sup> streets, which are not collector streets. Mr. Hodsdon stated that gates proposed for the Willamette access will be closed with the exception of service times.

**CITIZENS IN FAVOR**

Mr. Joel Beck, Organization of Westside Neighbors (OWN), stated there has been a lot of "give and take" and the OWN Board is in support of this project.

*Commissioner Phillips now excused.*

**CITIZENS IN OPPOSITION**

1. Mr. Larry Hudson presented PowerPoint slides (Exhibit C).
2. Mr. Steve Andrews related the large amount of mud and water that slides onto his property resulting from the parking lot development up the hill directly across Willamette Avenue. He had suggestions for drainage solutions. He objected to a lack of proposed vegetation in the criblock retaining wall system for slope stability. When cars are parked along 28<sup>th</sup> Street that it essentially narrows access to a one-way street and may block emergency vehicles. He noted an existing bubbler system located on 28<sup>th</sup> Street would not be adequate to handle the additional

# CITY OF COLORADO SPRINGS PLANNING COMMISSION

## RECORD-OF-DECISION

drainage from the proposed parking lot and that the drainage should be placed under 28<sup>th</sup> Street and tied into the Uintah storm system.

3. Mr. Kenneth Crom has experienced one-inch cracks in his property and interior doors that do not hang correctly due to the development disturbances on the site. Pictures of his home were included in Mr. Hudson's slides.

### **APPLICANT REBUTTAL**

Mr. Haddon stated the previously proposed development is irrelevant. He did not hear the reason slope stability is a problem and felt the RMG study will improve stability. The criblock system is a difference of opinion, and the system has been well tested and will be reviewed by the City Engineering Dept. before installation. The criblock system would be equally unattractive as a solid concrete wall. The drainage design process is not finalized yet, but the existing system is designed to receive off-site flows. The existing walls are holding up, and although the railroad ties system is not the most attractive, it is holding up. Wilhelmia is at least five or eight feet wider than 28<sup>th</sup> Street. The current zoning would allow a shopping center with a more intensive use compared with the proposed church expansion.

Commissioner Smith suggested staining or color matching the proposed wall for better aesthetics. Mr. Haddon stated it cannot be stained with color.

### **DECISION OF THE PLANNING COMMISSION**

Commissioner Donley felt this is the right use in this location and was pleased with reuse of the facility. He was disappointed that church administration has not discouraged parking on Castle Road. He was also disappointed that the new building would loom over the neighborhood to the south. Interesting to note is that 28<sup>th</sup> Street is 28-1/2 feet wide and Wilhelmia is 32 feet wide. He could not justify additional traffic onto residential streets, and felt traffic should be routed to collector streets. He opposed access onto Wilhelmia and 28<sup>th</sup> Streets. The site does not contain enough parking spaces if concurrent uses of church and youth activities are combined. The main issue is total density.

Commissioner Markewich admired the goal to serve the community, but was concerned with the scale of phase 3. He agreed with Commissioner Donley's comments relating to seats and required number of parking spaces. He was concerned with placement of the building against the slope. It felt as though structures are being shoehorned into inappropriate spaces. Comprehensive Plan Objective CCA 6 is not met with regards to fitting new development into the character of the surrounding area (referenced on page 152 of agenda).

Mr. Smith stated there are other types of land uses in the City Code that use this parking calculation and advised the Planning Commission to use the same formula regardless of the religious use.

Mr. Schultz stated that he conferred with Mr. Smith and wanted to clarify that the Code dictates a formula for parking ratio of religious institutions, which is based on one parking stall per four seats; the number of services are not a consideration for parking ratio.

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

Commissioner Henninger felt that the demand on the church to service its parishioners may not fit within this site. The parking will be at the sacrifice of the neighborhood.

Commissioner Walkowski appreciated the series of meetings the church may have gone through to figure out solutions for their needs. Phases 2 and 3 may create more problems and scale is an issue. He felt that developing a parking lot on the hill would be detrimental to the surrounding neighborhood.

Commissioner Smith expressed his concern that only if Planning Commission could be assured that the detention pond drainage and street parking management were handled properly that he would support the project.

Commissioner Shonkwiler stated the building size is being squeezed into an existing neighborhood. He is unwilling to extend the zoning into the residential neighborhood.

Moved by Commissioner Smith, seconded by Commissioner Donley, to approve **Item No. 7.A-File No. CPC PUZ 14-00055**, the change of zone from PBC (Planned Business Center) and R-2/cr (Two-family Residential with conditions of record) to PUD (Planned Unit Development to allow Religious Institution and accessory uses, a maximum building height of 45 feet and 30 feet as demonstrated on the development plan, and maximum worship space seating capacity of 1,780 seats) based upon the finding that the zone change complies with the zone change review criteria in City Code Section 7.5.603.

Commissioner Shonkwiler felt the proposed parking and lighting does not meet neighborhood compatibility.

Commissioner Henninger could support the rezone for the expansion, but would not support the development plan.

Commissioner Markewich was surprised this site was not included in the hillside overlay.

Commissioner Donley felt the use is appropriate and met the review criteria, but density is inconsistent with the Comprehensive Plan because of incompatibility with the neighborhood.

Motion failed 0-7 (Commissioner Phillips excused and Commissioner McDonald absent).

Moved by Commissioner Smith, seconded by Commissioner Donley, to deny **Item No. 7.B-File No. CPC PUD 14-00056**, the PUD development plan for the Calvary Worship Center development, consisting of a three-phased development including additional off-street parking, new youth center and 1,780 seat worship center based on the finding the plan does not comply with the review criteria in City Code Section 7.3.606. Motion carried 7-0 (Commissioner Phillips excused and Commissioner McDonald absent).

October 16, 2014  
Date of Decision

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Planning Commission Chair