



## Meeting Minutes - Final Planning Commission

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Wednesday, November 13, 2024

9:00 AM

2880 International Cir., 2nd Floor, Hearing Room

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### 1. Call to Order and Roll Call

**Present:** 9 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

### 2. Changes to Agenda/Postponements

### 3. Communications

#### **Andrea Slattery - Planning Commission Chair**

Chair Slattery said they are invitations to City Council for more alternates for the Planning Commission and they will be announced after City Council appoints officially.

#### **Kevin Walker - Planning Director**

### 4. Approval of the Minutes

4.A. [CPC 2359](#) Minutes for the October 9, 2024, City Planning Commission Meeting

Presenter:

Andrea Slattery, City Planning Commission Chair

**Attachments:** [CPC Minutes 10.9.24 Draft](#)

**Motion by Commissioner Rickett, seconded by Vice Chair Foos, to approve the minutes for the October 9, 2024, City Planning Commission Meeting. The motion passed by a vote of 9-0.**

**Aye:** 9 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

### 5. Consent Calendar

Commissioner Rickett asked to pull items 5.B. and 5.C. Crest at Woodmen.

**Motion by Commissioner Rickett, seconded by Commissioner Robbins, to approve**

the Consent Calendar. The motion passed by a vote of 9-0.

Aye: 9 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

**Office Club Pt. Rezone**

5.A. [ZONE-24-0016](#) An Ordinance to amend the zoning map of the City of Colorado Springs pertaining to 2.1 acres located at 1860 Office Club Point from MX-M/BP/AF-O (Mixed-Use Medium Scale and Business Park with United States Air Force Academy Overlay) to MX-M/AF-O (Mixed-Use Medium Scale with United States Air Force Academy Overlay) (Quasi-Judicial) (1st Reading only to set the public hearing for January 14, 2025)

Presenter:  
Logan Hubble, Planner II, Planning Department  
Kevin Walker, Planning Director, Planning Department

- Attachments:** [CC Ordinance\\_1860 Office Club Point](#)  
[Exhibit A Office Club Point](#)  
[Exhibit B Office Club Point](#)  
[Staff Report\\_1860 Office Club Point Zone Change\\_final](#)  
[Attachment 1-Project Statement](#)  
[Attachment 2-Zoning Exhibit](#)  
[Attachment 3-Land Use Statement](#)  
[7.5.704 ZONING MAP AMENDMENT \(REZONING\)](#)

**Crest at Woodmen**

5.B. [PUDZ-24-0001](#) An ordinance to amend the zoning map of the City of Colorado Springs pertaining to 10.181 acres located at 6855 Campus Drive from PDZ/SS-O (Planned Development Zone: Commercial, Industrial, and Residential Uses; maximum building height of 45-feet, 25-30 dwelling units per acre (Lot 6 only), and maximum building square footage of 677,257 square feet (Lots 1-6) with Streamside Overlay) to PDZ/AF-O (Planned Development Zone: Commercial Use; maximum building height of 65-feet, and maximum building square footage of 150,000 square feet (Lot 2) with United States Air Force Academy Overlay). (Quasi-Judicial) (1st Reading only to set the public hearing for January 14, 2025)

Related Files: LUPL-24-0008

Presenter:

Logan Hubble, Planner II, Planning Department

Kevin Walker, Planning Director, Planning Department

**Attachments:** [Ordinance Crest at Woodmen](#)

[Exhibit A Crest at Woodmen](#)

[Exhibit B Crest at Woodmen](#)

[Crest at Woodmen Staff Report\\_final](#)

[Attachment 1-Project Statement](#)

[Attachment 2-Zoning Exhibit](#)

[Attachment 3-Legal Description](#)

[Attachment 4-Land Use Plan](#)

[Attachment 5-Citizen Comments](#)

[7.5.704 ZONING MAP AMENDMENT \(REZONING\)](#)

Logan Hubble, Planner II, presented a zone change and land use plan for Crest at Woodmen, located at 6855 Campus Drive. The current zone is a plan development, with an Airforce overlay, streamside overlay with a 45-foot max height. The proposed change is for a plan development zone, with an Airforce overlay and a 65-foot max height. Two public notices were done, with two comments received. One comment was against the application, but did not provide reasoning. The other comment expressed concern over traffic and noise. City agency review was completed and the Air Force Academy stated due to the site's proximity to Davis airfield, FAA review is required prior to construction. School District 20 has requested fees in lieu of land dedication per the existing City Code for all residential units within the development. The plan complies with PlanCOS and staff finds the plan meets review criteria. Mr. Hubble said he spoke with the sign administrator regarding additional signage. The square footage is based on linear feet for any frontage signs. They are allowed to have two square feet of sign per linear foot and increasing the height from 45 feet to 65 feet would not make a change to that.

#### **Applicant Presentation**

Chris Leber, Principal of NES, presented their application for Crest at Woodmen. Mr. Leber asked Commissioner Rickett to address his decision to pull this item off consent. Commissioner Rickett asked if this is a frontage signage space. Mr. Leber said yes, but it is also to create more of a presence along Woodmen Road. Commissioner Rickett said he drives by the area frequently and said the drop is about 15 feet and is still a building height of 45 feet. In the proposed motion, it is not specific to

building frontage or parapet, it is specific to the maximum building height of 65 feet. Commissioner Rickett said if this is approved and the development goes away, anyone can come in and build a 65-foot building. He said he has a problem with putting a 65-foot sign on Woodmen when everything else behind it is at 45 feet or less. It is a visual presence and should be done equally. This will block everyone else behind it. Mr. Leber said this zone change is specific to the north façade and the frontage on lot 2. The request is an addition for percentage and depth allowance of six feet and is specific to the parapet. Katie Carleo, acting Assistant Director, said when a PUD or PUZ zone change is presented, it must be accompanied by a land use plan. The land use plan specifically calls out, note 5 A, B and C, what is allowed to be 65 feet and how much. The items are married together and per the new UDC requirements, anything that comes before City Council or City Planning Commission as a final decision, is required to come back to that body for any changes. This process ensures that the notes cannot be administratively changed. Commissioner Rickett said in the future, if it does not move forward, people will have the opportunity to bring a land use plan on the property with a building at 65 feet high. Ms. Carleo said they are only allowed to bring a building forward that meets the notes on 5 A, B and C, which calls out the small percentages of the parapet and the percentages that are allowed to go to 65 feet. While there could be a new owner or applicant, they would be restricted to the diagram provided.

Commissioner Hensler asked to have the zoning changed explained. Mr. Hubble said the larger land use plan still has the uses; however, the zone change only concerns the small portion.

Commissioner Rickett asked if there is room to build another building. Mr. Leber said yes, however, what is being asked is only for the north façade, the remainder of the building heights and future buildings would be subject to the 45-foot height max. The exception only applies to the northern building façade. Commissioner Rickett said the notes on the plan state that it is for any building on the parcel to include a new building. Mr. Leber said they are open to clarifying the language. Mr. Hubble said any building on lot 2 is subject to those heights and if something was built there it could be at that height.

Mr. Leber continued his presentation and highlighted the zone change request and where it is specific to lot 2. Commissioner Cecil said the land

use plan shows 67 percent of the parapet. Mr. Hubble said there is a discrepancy on the slide show and the land use plan is accurate. Mr. Leber showed elevation changes from Woodmen Road in comparison to the building and the need for retail presence.

### **Commissioner Questions**

Chair Slattery said the site has not been built out yet and asked if the 65-foot parapet is a percentage of one façade, or the entire building perimeter, and how it relates. Ms. Carleo said the notes on the plan are a combination of working with the applicant and this body wanted to add an additional note and be more specific to the façade of this proposed building. This is for a land use plan; it does not have a footprint of a building. Commissioner Rickett asked if new billboards are allowed in Colorado Springs and said this could be a way to go around not having a billboard and asked Mr. Leber if this height is to create signage on the building. Mr. Leber said it is also for architectural presence along Woodmen Road. It does not change the amount of square footage on regulated signage.

Chair Slattery asked what the current building height is on lot 2. Mr. Leber said he would get the answer.

Commissioner Rickett asked if new billboards are allowed in Colorado Springs. Ms. Carleo said she is not able to speak to that and pointed out that this is not a billboard conversation and there are other buildings that are allowable for the same height and use their allotted space. There are other buildings that are allowed to be taller in the area and follow the standard of signage. Commissioner Rickett said it is modifying an existing lot, however everyone else in the PUD has had to abide by the 45-foot height limit. Mr. Leber said there is a need for architectural presence and a significant portion of the façade is architectural. In addition to the site development requirements the land in front will be used as parking and no other buildings are planned. The building is currently 25 feet in height and there are buildings towards the back that are 45 feet.

Daniel Sexton, DRE Planning Manager, said the use of the parapet for signage as a billboard would not be considered because it is attached to the building. The City has not seen an application for a billboard in over 15 years and there are very restrictive location requirements and if there was

one it would come before the Planning Commission as a conditional use permit. Commissioner Rickett said this gets around that process to create a parapet specific for signage. Anyone can come before us and say they would like to add 20 feet to their parapet height and use it for signage. Mr. Sexton said adding to the height of a building façade in most cases, especially with it being only a one-story building, it does not change the calculation for determining the wall frontage. It will still be based on either the façade or the frontage of the property in question. Commissioner Rickett said his issue is with the height.

Commissioner Cecil said she understands Commissioner Rickett's concern and one of the defining characteristics of a billboard is that it is off premise advertising, and it rotates, and this would be on premise. Commissioner Cecil asked since this is largely driven by creating an architectural presence on Woodmen, and visibility on from the roadway to what extent was re-locating the building determined not to be feasible to give it greater proximity and height toward Woodmen Road. Mr. Leber said the re-development would involve demolishing a portion of an existing building. If parking and utilities connections are considered, it makes sense to have an adaptive reuse of the existing building. The Crest at Woodmen developers have done well overtime to utilize the existing infrastructure. Mr. Leber said the amount of signage that is allowable on the façade does not change whether height is added. It is determined on the length of the overall frontage and is not to create a billboard. Commissioner Rickett said he used the billboard analogy because of the height issue and said there is still land that will be developed in the area and the next parcel may decide that want something taller and will have to come before this body. Commissioner Rickett said they need to be careful how they do this and that is why he pulled it from consent.

Chair Slattery said it seems there are two other buildable areas for new construction down the road and asked if those approvals would need to come before this body. Mr. Hubble said as long as they adhere to everything in the land use plan which includes a maximum square footage for that lot, then they would not need to come before the Planning Commission. Chair Slattery asked if the entire façade could move up to 45 feet and what are the allowable percentages to increase the building façade. Mr. Hubble said currently 45 feet is the max height and some of the structures that are in the area now have not taken full advantage of that. With the zone change it would be 67 percent of the façade could be up to

55 feet and 40 percent could be up to 65 feet. Chair Slattery asked currently allowable now, 100 percent could move up to 45 feet. Mr. Hubble said yes. Chair Slattery asked if that did not seem adequate with the applicant in terms of developing signage. Chair Slattery asked Mr. Leber to describe the addition adaptive with part of the building would be demolished and rebuilt. Mr. Leber said the northeast corner of the existing larger building. The new corner of the building and the roof height would be 65 feet to take advantage of the signage. No more than 6-foot-wide parapet would be constructed.

Commissioner Rickett said he understands it is the intent of this single building, however more buildings can be built on this property and the owner today may not be the owner tomorrow. Commissioner Rickett said we have to look at it as a piece of land and not specific to this one project therefore, as written, this allows more buildings to be added in front, closer to Woodmen and with a 65-foot parapet. Mr. Leber said they are limited by the number of square feet that have been identified as a part of the land use plan. The retail center will maximize the space for lot 2. The additional development space is associated with lot 4, which is not part of this specific zoning request. Mr. Leber said any change to that square footage would need to come before this body. The development plan has to conform with the action today.

Chair Slattery asked Commissioner Rickett if he had a solution of proposed change on the motion. Commissioner Rickett said no, and this sets a precedence for lots 2, 3 and 4 and all the property owners to ask for more approvals in the future. Commissioner Rickett said he will be voting no.

Chair Slattery said bringing lot 1 and 3 so close to the road at that height brings an imbalance and said does not meet the criteria.

Commissioner Cecil said exhibit 2 explains the uses not allowed, in particular no medical marijuana and no human services establishments. This could provoke concern for accessibility to necessary services and asked if these were new additions and how they ended up here. Mr. Hubble said those exceptions to allowances were on the current PDZ and brought them over in an effort to keep everything the same.

Commissioner Cecil said if you are on the upper side of Woodmen, you

get the elevation plus 45 feet of visibility. However, if you are on the lower side of Woodmen, you get the opposite, so the 35-foot height difference from the road makes the visibility 32 feet which is still shorter than having 45 feet on the north side of Woodmen. Commissioner Cecil asked if there is a consideration around building height and elevation around the city and does not find this to be excessive or inappropriate to the use and will be in support of this.

Commissioner Hensler said she understands Commissioner Rickett's concerns and needs to be cautious of opening a slippery slope that opens a door. Commissioner Hensler said with the development plan and the restrictions of having to come back to this body she feels confident that it is not going to be a free-for-all of 65-foot-tall buildings and is in favor of the request.

Commissioner Robbins said just because we are allowing one unit to be that way, others will have to come back to this body for approval and is in favor of the project.

**Motion by Commissioner Hensler, seconded by Vice Chair Foos, to recommend approval to City Council the zone change of 10.181 acres from PDZ /SS-O (Planned Development Zone: Commercial, Industrial, and Residential Uses; maximum building height of 45-feet, 25-30 dwelling units per acre (Lot 6 only), and maximum building square footage of 677,257 square feet (Lots 1-6) with Streamside Overlay) to PDZ/AF-O (Planned Development Zone: Commercial Uses; maximum building height of 65-feet, and maximum building square footage of 150,000 square feet (Lot 2) with United States Air Force Academy Overlay) based upon the findings that the request complies with the criteria for a Zoning Map Amendment as set forth in City Code Section 7.5.704.**

**The motion passed by a vote of 6-3.**

**Aye:** 6 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Commissioner Robbins, Commissioner Sipilovic and Commissioner Casey

**No:** 3 - Commissioner Rickett, Chair Slattery and Commissioner Gigiano

- 5.C. [LUPL-24-000](#) A Major Modification to the Crest at Woodmen Land Use Plan changing 10.181 acres to allow a 65' maximum building height where 45' was previously allowed located at 6855 Campus Road. (Quasi-Judicial)

Presenter:  
Logan Hubble, Planner II, Planning Department



**Attachments:** [Attachment 4-Land Use Plan](#)  
[7.5.514 LAND USE PLAN](#)

**Motion by Commissioner Cecil, seconded by Commissioner Robbins, to recommend approval to City Council the Major Modification of the Crest at Woodmen Land Use Plan based upon the findings that the proposal complies with the review criteria for Land Use Plans as set forth in City Code Section 7.5.514**

**The motion passed by a vote of 6-3.**

**Aye:** 6 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Commissioner Robbins, Commissioner Sipilovic and Commissioner Casey

**No:** 3 - Commissioner Rickett, Chair Slattery and Commissioner Gigiano

**Gilligan's Island Filing No. 1**

- 5.D. [CUDP-24-00](#)  
[08](#) A Conditional Use to allow an Integrated Accessory Dwelling in the R-E/WUI-O (Residential-Estate with Wildland Urban Interface Overlay) zone district consisting of a 4.7 acre site located at 10 El Encanto Drive. (Quasi-Judicial)

Presenter:  
Chris Sullivan, Senior Planner, Planning Department

**Attachments:** [Staff Report - CPC 111324](#)  
[Attachment 1 - Project Statement - CPC 111324](#)  
[Attachment 2 - Development Plan - CPC 111324](#)  
[7.5.601 CONDITIONAL USE](#)

- 5.E. [DEPN-24-00](#)  
[88](#) The Gilligans Island Filing No. 1 Development Plan establishing a Detached Single-Family Dwelling with an Integrated Accessory Dwelling consisting of a 4.7 acre site located at 10 El Encanto Drive. (Quasi-Judicial)

Presenter:  
Chris Sullivan, Senior Planner, Planning and Neighborhood Services

**Attachments:** [Attachment 2 - Development Plan - CPC 111324](#)  
[7.5.515 DEVELOPMENT PLAN](#)

**6. Items Called Off Consent Calendar**

**7. Unfinished Business**

**8. New Business**

## 1220 Eagle Rock Rd. Retaining Wall - Nonuse Variance

- 8.A. [NVAR-24-0007](#) A Non-Use Variance to City Code Section 7.2.610.D.1.d to allow a nine (9) foot retaining wall within the hillside overlay where a maximum of four (4) feet is permitted located at 1220 Eagle Rock Road. (Quasi-Judicial)

Presenter:

Drew Foxx, Planner II, Planning and Neighborhood Services

**Attachments:** [Staff Report](#)

[Attachment #1 - Approved Hillside Development Plan](#)

[Attachment #2 - PPRBD Correspondence](#)

[Attachment #3 - Notice of Opposition](#)

[Attachment #4 - Public Response Letter](#)

[Attachment #5 - Site Plan](#)

[Attachment #6 - Existing Conditions](#)

[Attachment #7 - Project Statement](#)

[Attachment #8 - Entech Retaining Wall Recommendation](#)

[Attachment #9 - Geological Hazard Report Validation Letter](#)

[Attachment #10 - 1210 Eagle Rock Rd Hillside Site Plan](#)

[Attachment #11 - Notice of Support](#)

[7.5.526 NON-USE VARIANCE](#)

[7.2.610 HS-O HILLSIDE OVERLAY](#)

Drew Foxx, Planner II, presented the non-use variance application for a proposed retaining wall on a 1.64-acre lot located at 1220 Eagle Rock Road. The lot rests against a hillside that has a considerable slope and shares a driveway with the lot to the north. A shotcrete structure was installed across the property lines by the owner of 1210 Eagle Rock Road. The non-use variance, if approved, would allow a retaining wall nine foot in height, were four feet is allowed. The wall would help to prevent erosion, rockfall hazards and establish more privacy. There is no building permit on record with the Regional Building Department for the existing shotcrete. Standard notice was given with two comments received. One letter of support was provided, and the applicant provided a letter of opposition due to the potential for negative implications on their property value. All agency comments have been addressed. The project does comply with the PlanCOS. Staff finds the application does not meet the criteria, however, if approved, staff recommend conditions of approval.

**Commissioner Questions**

Commissioner Casey asked why the two-tiered wall system is not viable. Mr. Foxx asked to let the applicant give their presentation to help answer that question.

**Applicant Presentation**

Jamie and John Fernandez, homeowners of 1220 Eagle Rock Road, presented their application for the non-use variance for the retaining wall. Mrs. Fernandez spoke on the current state of the project area to include rockfall risks, stormwater risks, lack of erosion control and steep slopes. The existing retaining wall is not permitted and lacks an approved plat and erosion control. Mrs. Fernandez showed results of a geohazard report from 2018 showing current hazards. A code enforcement case was opened, and the structure was in violation. Mrs. Fernandez said the retaining wall denies reasonable use to their property. Pictures were provided showing the flooding and erosion issues. Mr. Fernandez outlined the remediation plan to provide a solution to remediate risks. A single pre-cast concrete retaining wall design is being proposed to replace the existing wall. He gave examples of a four-foot, two-tiered wall design and why this would not work for the area. Mr. Fernandez highlighted the code criteria and gave examples of how they meet staff criteria. Mrs. Fernandez continued the presentation to show hillside site and grading plan analysis.

**Commissioner Questions**

Commissioner Cecil asked how they plan to mitigate the drainage issues that would flow on their driveway and how much earth would be held back. She also asked what the width difference is from the existing retaining wall to the proposed wall. Ms. Fernandez referenced the drainage picture which shows large trees and a grassy vegetation area that will be preserved where the water will be absorbed. Commissioner Cecil said it does not look big enough to absorb the amount of water we get with changing climatic events. Mrs. Fernandez said the pipe will come out at the 90 degree turn and the area is highly vegetative. Mr. Fernandez said they are not retaining any shotcrete on their property. Commissioner Cecil asked if there is land to hold back where the two walls meet. Mr. Fernandez said during the excavation it will have to be significantly backfilled.

Commissioner Hensler asked if this is approved, how does the new retaining wall tie into the existing shotcrete area and would it cause more issues for the adjacent property. Mr. Fernandez said they have had significant conversations with their engineers and the footer of the wall on the northern property is two inches in length. It is almost as seamless as the earth on the property line. Commissioner Hensler asked how the wall ties into the neighboring wall without encouraging the structure to crumble. Mr. Fernandez said it cannot be tied into the structure but there would not be more than a two-to-four-inch gap in the structures. Commissioner Hensler asked if there is concern with adding backfill and weight would cause more issues with the adjacent property. Mr. Fernandez said not to the adjacent property because the height will be minimized and will be under four feet.

Chair Slattery asked if the line on the proposed wall graded on level with the existing car park area. Mr. Fernandez said it is within grade and will have the pipe come in under and keep the water flow.

Commissioner Robbins asked if there are any plans for a horizontal pier going straight into the hillside. The concern is that the wall will fall down. Mr. Fernandez said the design does not call for it based on geological design, but they will bring that up to the engineers. Mrs. Fernandez pointed out footers on the wall will be used to strengthen it. Commissioner Robbins said he is impressed by the amount of work that was put into the presentation.

Commissioner Rickett said based on the design, if the goal was not to create a parking area and based on the elevations, a four-foot retaining wall seems doable and asked why the code cannot be met. Mrs. Fernandez said the wall was considered unsatisfactory by code enforcement in September and it has created an unnatural grade in the area. In order to use the area and make it accessible, it will have to be leveled out. Commissioner Rickett said he is not following that explanation. Mr. Fernandez said yes, they are trying to follow the spirit of the code and the only portion that will be outside of code is the red area. It is unreasonable to achieve that in the northeast corner in red due to the existing slope. Commissioner Rickett asked if there is step-footing in the area. Mr. Fernandez said yes, once the shotcrete is removed the step-footing allows the ability to come up to grade as much as possible. Commissioner Rickett asked why they are not trying to meet the four-foot

requirements and sees it can be met by the hillside code. He said it seems the whole purpose of this is to get more parking. Commissioner Rickett said the shotcrete wall does have a natural look to it and what you want is a gray concrete wall. The code calls for a four-foot wall, and nothing shows why this cannot be met. Mrs. Fernandez said the engineered design was specifically constructed to make sure the water does not go onto the neighbor's property. The 12-foot maximum height is to help mitigate the danger of the crack, unpermitted and code violating structure. If a four-foot wall is used it leaves exposed soil. Mrs. Fernandez showed a picture of where the shotcrete wall will be removed. Commissioner Rickett asked if all the shotcrete wall is being removed from the property. Mrs. Fernandez said yes. Commissioner Rickett said if some of the wall is being left and sees that this is a justification for increased parking and this can be done by meeting the hillside code.

Commissioner Sipilovic asked how far the wall is from the property boundary. Mr. Fernandez said there is a two-inch footer, and they are working with the adjacent property and trade said a foot is needed to access. Commissioner Sipilovic said he as personally gone through something similar and there was no access allowed, and the additional costs were exorbitant and hopes that it is being considered.

Chair Slattery asked staff if a ten-foot setback is needed for this project and is there a second variance. Mr. Sexton said the wall would be considered an accessory structure, but under the Unified Development Code there is a provision that allows accessory structure to be no more than 12 feet in height within certain setbacks. The hillside overlay has the more restrictive stand with the max he accessory structure height at four feet. Chair Slattery asked if the hillside overlay indicates any setback requirements. Mr. Sexton said no.

### **Public Comment**

Kathy Rountree and Dan Rountree, homeowners at 1210 Eagle Rock Road ceded time to David Feeder, Attorney to Kathy and Dan Rountree. Mr. Feeder said this is a property line dispute. The shotcrete wall was created in 2003 for erosion control and the lots had shared ownership. At the time the shotcrete wall was built the owners were not aware they needed a permit. The facts are the Fernandez's knew about the structure, and they did not do anything about it for seven years. When the property

was purchased in 2016, and they chose not to do a survey. Mr. Feeder said the Rountree's offered to remove it, and Mr. Fernandez declined. In 2019 the City specifically requested that the encroachment be removed. The Fernandez's convinced the City that it was not necessary to remove the shotcrete wall. Mr. Feeder said the wall is not unsafe and this is about driveway space. The other justification is to maintain privacy, however Fernandez's cut down several trees which showed a lack of concern for privacy. The final justification is that a single tiered nine-foot wall is a superior solution, but a two-tiered wall would be consistent with the existing conditions on the property.

### **Applicant Rebuttal**

Mr. Fernandez said they have provided factual evidence and Mr. Feeder has not. Mrs. Fernandez said the comment from Mr. Feeder about the engineers who said the application is trying to expand the driveway was incorrect as the engineers that designed the wall provided the geohazard reports. The majority of the variance is related to rating the area and mitigating the risks of the hazard report. Two trees were removed for the safety zone. Other options have been submitted for tiered walls, however it drastically increasing cut and fill, vegetation disturbance and will require further variance. A previous application was denied by the Development Review Enterprise.

### **Commissioner Questions**

Commissioner Cecil said there is some shotcrete that will remain on the property per the picture provided and asked why the blue horizontal line cuts across instead of going straight. Mrs. Fernandez said that it is the most hazardous part of the area, this was the best solution provided by the engineers. Commissioner Cecil said it looks like the highest risk would be to the neighbors for a landslide. Mrs. Fernandez said it is an area where stormwater flows.

Commissioner Rickett said the objective is to replace a portion of the shotcrete on the property and the retain wall is to gain driveway space while not meeting the spirit of the code.

Commissioner Sipilovic said he agrees and more of the shotcrete wall should be removed while working with the neighbors and it does not meet the spirit of the code.

Vice Chair Foos said they must be careful with variances and is concerned with the leftover shotcrete wall and does not meet the criteria.

Commissioner Casey said he does find it meets the criteria and is in support of it.

Commissioner Hensler said there may be other ways to meet the code, however, does not agree with the opposition with what is being done with the property. Commissioner Hensler said she is in favor of the application.

Chair Slattery said this is one of the most well explained and thoughtful presentations from a homeowner and it is their choice to have a bigger driveway. However, there is probably another way to work together with the neighbor to find a safe and compatible way to fix the retaining wall. Mr. Fernandez said they have a city approved site plan that was reversed and asked the Commission to have the Development Revenue Enterprise to take another look at it. Chair Slattery asked Mr. Sexton to review it. Mrs. Fernandez said the site plan was previously approved and six months later it was reversed. Mr. Sexton said the building permit application was changed, but it is still in active plan review. Upon further review staff found the approval status that was noted in Regional building system was incorrectly applied. Mr. Sexton said they are willing to have a conversation and look at additional information to see if there is a way to approve the permit with a non-use variance. Mrs. Fernandez said it was denied due to it not being a driveway and City code does not define private driveways. Commissioner Rickett said he does not care if it is parking, but the design was intended to extend the driveway, but if it should be designed in a way to meet code.

**Motion by Commissioner Rickett, seconded by Vice Chair Foos, to deny the Non-Use Variance to City Code Section 7.2.610.D.1.d allowing a 9-foot retaining wall in the hillside overlay based upon the findings that the request does not comply with the criteria as set for in City Code Section 7.5.526.E. The motion passed by a vote of 5-4.**

- Aye:** 5 - Vice Chair Foos, Commissioner Rickett, Chair Slattery, Commissioner Sipilovic and Commissioner Gigiano
- No:** 4 - Commissioner Hensler, Commissioner Cecil, Commissioner Robbins and Commissioner Casey

### **Rock Creek Mesa - Cheyenne Mountain State Park Annexation**

- 8.B. [ANEX-24-00](#)  
[01](#) Cheyenne Mountain State Park Addition No. 1 Annexation consisting of 53.84 acres located west of Highway 115 and south of Cheyenne Mountain State Park.  
(Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services



**Attachments:** [Staff Report\\_Rock Creek Mesa\\_RGS](#)

[Attachment 1 - Cheyenne Mountain State Park Addition No. 1 - Petition](#)

[Attachment 2 - Cheyenne Mountain State Park Addition No. 1 - Legal Description](#)

[Attachment 3 - Cheyenne Mountain State Park Addition No. 1 - Annexation Plat](#)

[Attachment 4 - Rock Creek Mesa Addition No. 1 - Petition](#)

[Attachment 5 - Rock Creek Mesa Addition No. 1 - Legal Description](#)

[Attachment 6 - Rock Creek Mesa Addition No. 1 - Annexation Plat](#)

[Attachment 7 - Rock Creek Mesa Addition No. 2 - Petition](#)

[Attachment 8 - Rock Creek Mesa Addition No. 2 - Legal Description](#)

[Attachment 9 - Rock Creek Mesa Addition No. 2 - Annexation Plat](#)

[Attachment 10 - Rock Creek Mesa Addition No. 3 - Petition](#)

[Attachment 11 - Rock Creek Mesa Addition No. 3 - Legal Description](#)

[Attachment 12 - Rock Creek Mesa Addition No. 3 - Annexation Plat](#)

[Attachment 13 - Rock Creek Mesa Addition No. 4 - Petition](#)

[Attachment 14 - Rock Creek Mesa Addition No. 4 - Legal Description](#)

[Attachment 15 - Rock Creek Mesa Addition No. 4 - Annexation Plat](#)

[Attachment 16 - Rock Creek Mesa Addition No. 5 - Petition](#)

[Attachment 17 - Rock Creek Mesa Addition No. 5 - Legal Description](#)

[Attachment 18 - Rock Creek Mesa Addition No. 5 - Annexation Plat](#)

[Attachment 19 - Rock Creek Mesa Addition No. 6 - Petition](#)

[Attachment 20- Rock Creek Mesa Addition No. 6 - Legal Description](#)

[Attachment 21 - Rock Creek Mesa Addition No. 6 - Annexation Plat](#)

[Attachment 22 - Statement of Authority](#)

[Attachment 23 - Fiscal Impact Analysis](#)

[Attachment 24 - Memorandum of Agreement - School Land Dedication](#)

[Attachment 25 - Annexation Agreement\\_Rock Creek Mesa\\_2nd Draft from Applicant\\_Draft\\_PC Only](#)

[Attachment 33 - Aerial](#)

[Attachment 34 - Neighbor Correspondence](#)

[Attachment 35 - Project Statement](#)

[7.5.701 ANNEXATION OF LAND](#)

Gabe Sevigny, Planning Supervisor, presented the application for Rock Creek Mesa and Cheyenne Mountain State Park Annexation. The annexation is located west of highway 115 and south of Cheyenne Mountain State Park. The site area is 108.86 acres and is being proposed for a public park and multi-family residential use. There are seven annexations, three zone establishments and one land use plan. Mr.

Sevigny explained each of the annexations with acreages and zone establishments. Staff found the land use plan depicts the proposed annexation is a logical extension of the City boundary. Standard review was done, concerns were raised regarding evacuation, traffic, roadway considerations, Fort Carson considerations, school capacity and wildlife. City agency review was completed, and no objections were found. The plan is compliant with PlanCOS and staff finds the applications meet criteria.

### **Commissioner Comments**

Commissioner Rickett asked to have the maximum density of homes clarified. Mr. Sevigny will have the applicant further explain; however, it is capped at 400 units total.

### **Applicant Presentation**

Jason Alwin, Matrix Design Group, presented their application for the proposed annexation. He said there are a total of seven annexations totaling 109 acres. The annexation will bring Colorado Springs Utilities water and sewer to Rock Creek Mesa and no existing homes will be required to connect to city utilities or annex. Mr. Alwin highlighted land review criteria, boundary lines and proposed residential areas. The open space, park and common areas will be owned and maintained by the Rock Creek Metro district. Traffic studies and transportation options were provided. Mr. Alwin said a neighborhood meeting was held on January 10, 2024 and approximately 45-50 residents attended. Concerns included density, traffic wildlife and water supply issues. The unit cap of 550 homes was reduced to 400 units. The developer is proposing improvements on Highway 115 including turns lanes and traffic signals. An email was received from Colorado Spark and Wildlife stating the area is already developed and it is not a critical habitat. The developer is also providing reliable CSU water extensions to the area.

Vernin Champlin with Jensen Hughes, discussed fire and life safety for the area. Mr. Champlin said the new development does not worsen the existing wildfire situation but makes the area more resilient to wildfires. There will be new fire hydrants, access, traffic management, fuels mitigation and ignition resistant construction per Appendix K in the Colorado Springs Fire Code. The developer has agreed to provide two chipping days annually for the next five years to the Rock Creek Mesa

neighborhood.

Danny Mientka, Owner and applicant of Rock Creek Mesa LLC, spoke on his process in applying for the annexation. Mr. Mientka said he met with CSU regarding water issues. He negotiated and received regionalization agreements for water and wastewater which were approved by City Council. El Paso County said the regionalization would not satisfy the 300-year rule. Mr. Mientka met with then Chief of Staff, Jeff Green and former Mayor John Suthers and evaluated alternatives which included annexation. The goal was to bring City owned property into the City and agreed to shelter the costs associated. Mr. Mientka said the benefits of the plan will improve housing for Fort Carson, a water connection to an existing community and for fire mitigation, and an elementary school.

Commissioner Casey asked if the current zoning and proposed zoning are F5. Mr. Sevigny said the east and west are. Commissioner Casey asked how an r-flex medium is compatible with the surrounding F5 areas. Mr. Alwin said the current zoning rs-5000 and went through a re-zone process with El Paso County two years ago but could not speak to what the current State Park zoning is.

Commissioner Rickett asked if Cheyenne Mountain State Park is within City limits. Mr. Sevigny said there are some portions within City limits. Commissioner Rickett asked how long the city has owned the 50 acres that are proposed to be annexed in. Mr. Sevigny said he would have Lonna Thelen, Parks Development Manager, confirm how long the city has owned that. Commissioner Rickett asked the developer if this would be affordable housing. Mr. Mientka said yes, with a density of 400 units on 50 acres. Commissioner Rickett said these 1,500-foot lots are getting houses or duplexes of 400-800 square feet and the cost per square foot can be \$415.00-\$700.00 per square foot and asked for the range of housing costs, per square foot. Mr. Mientka said in the development process the small lot sizes would be 2,200-2,400 square foot lots with three-bedroom two bath neighborhoods for families at Fort Carson. The target prices would be a range of \$300, 000-\$500,000, however there is not a builder yet.

Commissioner Robbins said he is concerned about older units being hooked into utilities and asked if that would be a developer cost. Mr. Sevigny said that would be a developer cost and CSU has a presentation.

Brian English, Development Projects Manager, Colorado Springs Utilities, spoke on the presentation given at the City Council work session on October 7, 2024. He addressed the application of elements of City Code pertaining to utilities and Chapter 7 concerning requirements and conditions of annexation. Mr. English provide an overview on the water and wastewater infrastructure if Rock Creek Mesa were annexed. The mobile home park is in active negotiations for a regional wastewater agreement with representatives from the ownership group. Provision of that service would be contingent on agreeing to terms and approval by City Council. CSU ability to provide full regional water service is not supported with the water molecules, however if a water district qualifies for service and terms are met it is usually on a convey, treat and deliver basis. The water provider would deliver untreated water into CSU utility system which would be treated and delivered through the potable distribution system. Mr. English said the property resides within the natural gas and electric service territories, meaning CSU is obligated to provide those services regardless of annexations. Capital cost estimates were provided, and CSU would recommend that City Council approve a system extension writer to cover the costs as they are not accounted for in the base rates or normal capital costs.

Commissioner Cecil asked how the capital costs would look like per person, per month and period of time. Mr. English said they do not have that information at this time, however, staff is working on a financial impact analysis.

Commissioner Rickett asked if there is enough infrastructure to help Rock Creek Mesa and the mobile home park if they needed it. Mr. English said yes there is sufficient distribution capacity, however more evaluations would need to be done at the time of application to better understand the needs based on demand.

Commissioner Robbins asked what the time frame would be to have services up and running. Mr. English said from a utilities perspective they need to split the wet and dry utilities. The dry utilities are the developer's responsibility to design and construct and would defer to them on their schedule. For wet utilities, it could be six to twelve months from the time of annexation depending on other project in the que to get mobilized and start designing and constructing.

**Public Comment**

RJ Steer, representing the May Family, president of Golden Eagle Ranch and Campground, John May Wells Water System and the May Natural Museum, spoke in support of the project. Mr. Steer said his grandfather purchased property in 1942 and set up a volunteer fire department. He and his family have all been volunteer firefighters in the area. As the area developed, his grandfather donated property on Rock Creek Mesa and created the John May Memorial Fire Station. The existing water systems, both of which are owned by them, do not have the capacity to fight major fires. The water from Rock Creek Mesa fire hydrants would be of value if there is a catastrophic circumstance and save their lives.

Jonas Thelin, resident of Rock Creek Mesa, spoke in opposition to the project. He said he is not opposed to bringing in mitigation and utilities to the area, the concern is for evacuation. Mr. Thelin asked if the housing capacity changed would it come back to this body. He is also concerned with the annexation of the State Park and who would be responsible for mitigating it.

Sophia Besaha, Brody, and JR Giebel ceded time to Felicia Grillo, resident of Rock Creek Mesa, provided a presentation in opposition to the project. Ms. Grillo stated they are opposed to serial annexations and TOPS purchases. They have their own water and have not seen any issues. Ms. Grillo said the annexation of the Stat Park only benefits the developer, Mr. Mientka. The same annexation was attempted ten years ago and denied by the previous administration. Ms. Grillo said she was told on several occasions that the area was not TOPS property, and she had to prove that it was. She said if mitigation needed to be done, TOPS funds is directed to care for it. Ms. Grillo said city emergency services cannot meet the eight-minute requirement and Mountain Metro will not provide bus services to the area. Other basic amenities are lacking in the area such as gas stations and grocery stores. They are concerned with evacuations and density issues in the area. Ms. Grillo said the mobile home park sewer septic system was going away and there was an agreement prior to the annexation. Fort Carson helicopters train at the site across the street from Pawnee and Highway 115 and a two-mile buffer zone between military bases and civilian housing is required.

Josephine Becera, a resident of Rock Creek Mesa spoke in opposition of the project. She said their family established a home out there to get away from the city and lights. Ms. Becera is also a volunteer firefighter and EMT and has only responded to two calls on Highway 115 and Pawnee. However, she has responded countless times to Fort Carson gate 5. Adding a light to Pawnee will cause major hazards with semi-trucks and turning radius.

#### **Applicant Rebuttal**

Mr. Mientka said the development has to be evaluated in context for bringing in water supply to a water district. He is proposing to provide independent hydrants for the community, and it will be valuable. There is not a plan to go to 800 units in the area. TOPS was an administrative proposal and had nothing to do with Matrix Design Group. The neighborhood would be beautified and will be planned well. Mr. Mientka said the mobile home park cannot connect to sewer under a regional service agreement unless they are annexed. The property on Rock Creek Mesa is undeveloped because there is no water.

Mr. Alwin said he was not offered a job at TOPS; he served as a volunteer many years prior to the application.

Chair Slattery asked Lonna Thelen, Parks Development and TOPS Manager, to give a history on the TOPS program, the State Park parcel. How the program works and what are the rules on the annexation and why TOPS would be advocating for that piece. Ms. Thelen said the TOPS program looks to acquire properties that preserve environmental resources and create recreational opportunities for citizens. The Parks Department has a candidate open space map that shows the location of properties suggested for acquisition. The properties do not need to be within City limits. If properties outside the City limits are annexed, the goal is to bring those properties into the City limits as staff is able. The property owner approached the Parks Department to ask if they could assist in annexing the Parks property into the City. The City Parks Department found that the annexation of this parcel met the goal of bringing the property into the City.

Chair Slattery asked to clarify, in 2000 the state acquired land for the State Park at the same time the TOPS program purchased an adjacent parcel to be maintained indefinitely by the State entity. Ms. Thelen said Colorado

Parks and Wildlife and the City Parks Department through the TOPS program worked together for an acquisition of land in 2000 to originally create Cheyenne Mountain State Park. The City Parks Department has an agreement with Colorado Parks and Wildlife for the maintenance of the TOPS property that is part of Cheyenne Mountain State Park.

Commissioner Rickett asked when the adjacent property that creates the City limit was annexed in. Mr. Sevigny said this was in 1987 in ordinance with the JL Ranch. Coral Bluffs was purchased through many of the TOPS funds in 2021 and has been annexed.

Commissioner Rickett asked how many acres does TOPS have outside of Colorado Springs. Ms. Thelen said the total number of acres is uncertain, but we do have property on the east side of town that is not within City limits. The TOPS program looks to acquire land based on its compliance with the TOPS goals, not the location of the property. Commissioner Rickett asked if this is the only piece of property TOPS has that hasn't been annexed in. Ms. Thelen said this is not the only piece of property that is not within City limits. Commissioner Rickett said there is really no purpose to annex this into the City at this time. Ms. Thelen said their goal overtime is to annex all City property that is in the TOPS program, and this is one of those steps they can take to do that.

Commissioner Hensler said that there are times that land is going to be available, and TOPS is going to acquire whether an annexation is immediate or not.

Mr. Walker said there are other parcels that are in the county and adjacent to City property. Ultimately, City Council is the authority relative to annexing the property and if they have a concern, they will be able to weigh in on that. Commissioner Rickett said he agrees and that is why he is asking those questions, so they have that information available.

Chair Slattery said according to the County Assessors map, the City owns many more large parcels to the west that were acquired since that time, and they have extensive reach in the area.

Vice Chair Foos asked to discuss the map that was provided showing response times for emergency services. Mr. Sevigny said Colorado Springs Police and Fire were here to speak on it. Chair Slattery asked to

hear from Todd Frisby, City Traffic Engineer. Mr. Frisby said as part of the annexation they are requiring the internal roadways to be built to City standards. The main road will be a collector and the threshold for that is approximately 1,500-5,000 vehicles per day. Highway 115 is out of their purview, but what called for the traffic study was the development and pushed the need for a traffic signal. The developer has agreed to update the internal roadways and intersections per the recommendations of the traffic study.

### **Commissioner Questions**

Vice Chair Foos asked if there will be acceleration lanes to help merge with traffic. Mr. Frisby said that is a part of the plan, but CDOT will provide that.

Commissioner Robbins asked if there will be warning lights to indicate traffic ahead for safety. Mr. Frisby said CDOT would need to make that requirement. Mr. Sevigny read in a letter from CDOT for improvement suggestions.

Chair Slattery asked Colorado Springs Fire to speak about this project in relation to evacuation planning, density, response times and mitigation. Steven Smith, Fire Protection Engineer presented information on response times. He said the response time from Station 16 to Pine Oaks is 9 minutes and 43 seconds, Station 4 to Pine Oaks is just over 11 minutes. The data provided was derived from statistical run data for that intersection on Pine Oaks and Highway 115. The response time for the development area will be outside of the standards. Mr. Smith said when reviewing development plans there is nothing in the fire code that can be used whether a neighborhood is designed well enough for fire evacuations. The fire code is used to get the fire department in and not get the neighborhood out. Chair Slattery asked if the increase in response time in the area would create a liability for the department or ratings and what steps could be taken to decrease the response time. Mr. Smith said there are areas within the City now that do not meet standards of coverage and to help that, surrounding buildings are required to have sprinkler systems. Chair Slattery said requiring residential housing to have sprinkler systems would not make the housing affordable. Mr. Smith said there are multi-purpose sprinkler systems that could be used.



Gary Reading, Battalion Chief and Shift Commander, Colorado Springs Fire Department, said when response times cannot be met, they have mutual aid agreements, and partner with the surrounding fire communities to help mitigate. However, due to the distance of this development, mutual aid would not be used, and they would use automatic aid where both would be dispatched at the same time. Chair Slattery asked if there is a fiscal impact to using mutual aid. Battalion Chief Reading said no, they meet with City officials and City attorneys to ensure the contracts meet expectations. Battalion Chief Reading said evacuations depending on weather conditions and topography and it is hard to predict what can happen in each community. Early notification is the most important resource for evacuations. Zone Haven is used to help determine radius for evacuations.

Chair Slattery asked for information on Wildland Urban Interface (WUI) mitigation efforts and how it relates to evacuations. Kris Cooper, Deputy Fire Marshal, Colorado Springs Fire Department said this area is considered to be in the WUI and would fall under the requirements of Appendix K. Commissioner Rickett asked if WUI standards fall within City limits. Deputy Fire Marshal Cooper said their jurisdiction is only within City limits. Residential sprinklers are only designed to protect the property for about ten minutes.

Chair Slattery asked for the Colorado Springs Police Department to speak on response times and coverage for the area. Mary Rosenoff, Deputy Chief, Colorado Springs Police Department said a map was provided showing divisions for response times and spoke on sectors for response areas. Real time information is used for evacuation responses. First responder traffic lanes are set up and drones are used. Commissioner Robbins asked if they would stay in communication with the county first responders. Deputy Chief Rosenoff said yes, they have radios that are able to do that. Citizens are now able to report nonviolent crimes online.

#### **Commissioner Comments**

Commissioner Cecil said she is dismayed by the responses from the Fire Department and sounds risky and is looking forward to hearing other Commissioners' comments.

Commissioner Rickett said he is weighing this against Amara. Both had similar response times, but there is no opportunity to increase response times without allowing more stations to be put in. This is not advantageous from a life safety standpoint and will not be voting in support of this.

Commissioner Sipilovic asked if this is not annexed and when there is a call for service, would City Police and Fire respond to the area.

Commissioner Hensler asked about how mutual aid works. Deputy Chief Rosenoff said if an officer is close, they will go and check to stabilize the scene. Mr. Smith said the Fire Department would do the same.

Commissioner Casey asked if Colorado State Patrol would do the same. Deputy Chief Rosenoff said yes. Commissioner Sipilovic said he is in support of the annexation, with bringing updated utilities to the mobile home park. The City is going to continue to grow and would like to see more of that on the west side.

Commissioner Robbins said he has mixed emotions about this due to response times, but likes the idea of better utilities, but is not sure that he is in favor of this.

Vice Chair Foos said the mutual agreements are satisfactory in the area and provides much needed housing for Fort Carson. It meets the criteria and is in full support of the project.

Commissioner Casey said the conditions for annexation are met and is in support of the project.

Commissioner Hensler said mutual aid will help with service and is sensitive to the need for housing and feels that the developer has been responsive to those needs. Commissioner Hensler is in support of the project.

Commissioner Gigiano said her concern is that the area would not have their own police and fire services and will not be voting in favor.

Commissioner Robbins asked Police and Fire to think about substations for the area.

Chair Slattery said she believes the application meets the criteria for annexation. The development brings an opportunity for water security and

safety. It is a dense area, and this will bring viability and housing to the area.

Commissioner Rickett said this application does not meet criteria two and that is why he is not voting in favor of this.

**Motion by Commissioner Sipilovic, seconded by Commissioner Casey, to recommend approval to City Council the annexation of 53.84 acres as the Cheyenne Mountain State Park Addition No. 1 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in City Code Section 7.5.701.**

**The motion passed by a vote of 7-2.**

**Aye:** 7 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic and Commissioner Casey

**No:** 2 - Commissioner Rickett and Commissioner Gigiano

- 8.C. [ANEX-24-0002](#) Rock Creek Mesa Addition No. 1 Annexation consisting of 4.02 acres located west of Highway 115 and south of Cheyenne Mountain State Park.  
(Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

**Attachments:** [7.5.701 ANNEXATION OF LAND](#)

**Motion by Commissioner Hensler, seconded by Commissioner Casey, to recommend approval to City Council the annexation of 4.02 acres as the Rock Creek Mesa Addition No. 1 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in City Code Section 7.5.701, with one (1) Condition of Approval:**

**\* The applicant shall seek Board of County Commissioners' approval of the deeds of transfer for rights-of-way along Pawnee Road prior to recordation.**

**The motion passed by a vote of 7-2.**

**Aye:** 7 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic and Commissioner Casey

**No:** 2 - Commissioner Rickett and Commissioner Gigiano

- 8.D. [ANEX-24-0003](#) Rock Creek Mesa Addition No. 2 Annexation consisting of 8.35 acres located west of Highway 115 and south of Cheyenne Mountain State Park.  
(Legislative)

Presenter:  
Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

Attachments: [7.5.701 ANNEXATION OF LAND](#)

**Motion by Commissioner Sipilovic, seconded by Commissioner Casey recommend approval to City Council the annexation of 8.35 acres as the Rock Creek Mesa Addition No. 2 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in City Code Section 7.5.701.**

**The motion passed by a vote of 7-2.**

**Aye:** 7 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic and Commissioner Casey

**No:** 2 - Commissioner Rickett and Commissioner Gigiano

- 8.E. [ANEX-24-0004](#) Rock Creek Mesa Addition No. 3 Annexation consisting of 25.55 acres located west of Highway 115 and south of Cheyenne Mountain State Park.  
(Legislative)

Presenter:  
Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

Attachments: [7.5.701 ANNEXATION OF LAND](#)

**Motion by Commissioner Hensler, seconded by Commissioner Casey, to recommend approval to City Council the annexation of 25.55 acres as the Rock Creek Mesa Addition No. 3 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in City Code Section 7.5.701.**

**The motion passed by a vote of 7-2.**

**Aye:** 7 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic and Commissioner Casey

**No:** 2 - Commissioner Rickett and Commissioner Gigiano

- 8.F. [ANEX-24-0005](#) Rock Creek Mesa Addition No. 4 Annexation consisting of 4.06 acres located west of Highway 115 and south of Cheyenne Mountain State Park.  
(Legislative)

Presenter:  
Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

**Attachments:** [7.5.701 ANNEXATION OF LAND](#)

**Motion by Commissioner Sipilovic, seconded by Commissioner Robbins, to recommend approval to City Council the annexation of 4.06 acres as the Rock Creek Mesa Addition No. 4 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in City Code Section 7.5.701.**

**The motion passed by a vote of 7-2.**

**Aye:** 7 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic and Commissioner Casey

**No:** 2 - Commissioner Rickett and Commissioner Gigiano

**8.G.** [ANEX-24-0006](#) Rock Creek Mesa Addition No. 5 Annexation consisting of 7.43 acres located west of Highway 115 and south of Cheyenne Mountain State Park.  
(Legislative)

Presenter:  
Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

**Attachments:** [7.5.701 ANNEXATION OF LAND](#)

**Motion by Commissioner Hensler, seconded by Commissioner Robbins, to recommend approval to City Council the annexation of 7.43 acres as the Rock Creek Mesa Addition No. 5 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in City Code Section 7.5.701.**

**The motion passed by a vote of 7-2.**

**Aye:** 7 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic and Commissioner Casey

**No:** 2 - Commissioner Rickett and Commissioner Gigiano

**8.H.** [ANEX-24-0007](#) Rock Creek Mesa Addition No. 6 Annexation consisting of 5.61 acres located west of Highway 115 and south of Cheyenne Mountain State Park.  
(Legislative)

Presenter:  
Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

**Attachments:** [7.5.701 ANNEXATION OF LAND](#)

**Motion by Commissioner Sipilovic, seconded by Commissioner Casey, to recommend approval to City Council the annexation of 5.61 acres as the Rock Creek Mesa Addition No. 6 Annexation based upon the findings that the**

annexation complies with the Conditions for Annexation, as set forth in City Code Section 7.5.701.

The motion passed by a vote of 7-2.

**Aye:** 7 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic and Commissioner Casey

**No:** 2 - Commissioner Rickett and Commissioner Gigiano

- 8.I. [ZONE-23-00](#) [26](#) The establishment of a R-Flex-Med/HS-O/WUI-O (R-Flex Medium with Hillside and Wildland Urban Interface Overlay) zone district in association with the Rock Creek Mesa Addition No. 1-4 Annexation consisting of 38.11 acres located west of Highway 115 and south of Cheyenne Mountain State Park.  
(Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

**Attachments:** [Attachment 26 - Exhibit A - Legal Description - R-Flex Med - East Side](#)  
[Attachment 27 - Exhibit B - Map Depiction - R-Flex Med - East Side](#)  
[7.5.704 ZONING MAP AMENDMENT \(REZONING\)](#)

**Motion by Commissioner Hensler, seconded by Commissioner Sipilovic, to recommend approval to City Council the zone establishment of 38.11 acres as R-Flex-Med/HS-O/WUI-O (R-Flex Medium with Hillside and Wildland Urban Interface Overlay) zone district based upon the findings that the request complies with the criteria for zoning establishment as set forth in City Code Section 7.5.704.**

The motion passed by a vote of 7-2.

**Aye:** 7 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic and Commissioner Casey

**No:** 2 - Commissioner Rickett and Commissioner Gigiano

- 8.J. [ZONE-23-00](#) [27](#) The establishment of a PK/WUI-O (Public Parks with Wildland Urban Interface Overlay) zone district in association with the Cheyenne Mountain State Park Addition No. 1 Annexation consisting of 53.84 acres located west of Highway 115 and south of Cheyenne Mountain State Park.  
(Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

**Attachments:** [Attachment 28 - Exhibit A - Legal Description - Public Parks](#)  
[Attachment 29 - Exhibit B - Map Depiction - Public Parks](#)  
[7.5.704 ZONING MAP AMENDMENT \(REZONING\)](#)

**Motion by Commissioner Sipilovic, seconded by Commissioner Robbins, to recommend approval to City Council the zone establishment of 53.84 acres as PK/WUI-O (Public Parks with Wildland Urban Interface Overlay) zone district based upon the findings that the request complies with the criteria for zoning establishment as set forth in City Code Section 7.5.704.**

**The motion passed by a vote of 7-2.**

- Aye:** 7 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic and Commissioner Casey
- No:** 2 - Commissioner Rickett and Commissioner Gigiano

- 8.K. [ZONE-23-00](#)** The establishment of a R-Flex-Med/WUI-O (R-Flex Medium with Wildland Urban Interface Overlay) zone district in association with the Rock Creek Mesa Addition No. 5-6 Annexation consisting of 12.51 acres located west of Highway 115 and south of Cheyenne Mountain State Park.  
 (Legislative)

Presenter:  
 Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

**Attachments:** [Attachment 30 - Exhibit A - Legal Description - R-Flex Med - West Side](#)  
[Attachment 31 - Exhibit B - Map Depiction - R-Flex Med - West Side](#)  
[7.5.704 ZONING MAP AMENDMENT \(REZONING\)](#)

**Motion by Commissioner Hensler, seconded by Commissioner Robbins, to recommend approval to City Council the zone establishment of 12.51 acres as R-Flex-Med/WUI-O (R-Flex Medium with Wildland Urban Interface Overlay) zone district based upon the findings that the request complies with the criteria for zoning establishment as set forth in City Code Section 7.5.704.**

**The motion passed by a vote of 7-2.**

- Aye:** 7 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic and Commissioner Casey
- No:** 2 - Commissioner Rickett and Commissioner Gigiano

- 8.L. [MAPN-23-00](#)** Establishment of the Rock Creek Mesa Addition No. 1-6 and Cheyenne Mountain State Park Addition No. 1 Land Use Plan for proposed Residential, Public Parks, and Streets/Utility Rights-of-Way consisting of 104.45 acres located west of Highway 115 and south of Cheyenne Mountain State Park.  
 (Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

**Attachments:** [Attachment 32 - Rock Creek Mesa 1-6 and Cheyenne Mtn State Park Addition No 1 - Land Use Plan](#)  
[7.5.514 LAND USE PLAN](#)

**Motion by Commissioner Sipilovic, seconded by Commissioner Robbins, to recommend approval to City Council the Rock Creek Mesa Addition No. 1-6 and Cheyenne Mountain State Park Addition No. 1 Land Use Plan based upon the findings that the proposal complies with the review criteria for Land Use Plans as set forth in City Code Section 7.5.514.**

**The motion passed by a vote of 7-2.**

**Aye:** 7 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic and Commissioner Casey

**No:** 2 - Commissioner Rickett and Commissioner Gigiano

**PLDO 2025 Acreage and Fee Update**

- 8.M. [CODE-24-00](#) An Ordinance amending Section 307 (Park Land Dedications) of Article 4 (Development Standards and Incentives) of Chapter 7 (Unified Development Code (UDC)) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Park Land Dedications. (Legislative)

Presenter:

Caroline Miller, Park Land Dedication Ordinance Program Administrator, Planning Department  
Lonna Thelen, Parks Design and Development Manager/TOPS Manager, Parks Recreation and Cultural Services

**Attachments:** [Staff Report\\_CC Work Session\\_PLDO 2025 Acreage and Fee Update](#)  
[Attachment 1 - 2024 PLDO Appraisal](#)  
[Attachment 2 - Existing Fee Schedule](#)  
[Attachment 3 - ACS Household Data](#)  
[ORD-Park Land Dedication Acreage](#)  
[7.4.307 PARK LAND DEDICATIONS](#)  
[7.5.702 AMENDMENT TO UDC TEXT](#)

Caroline Miller, Program Administrator II, presented the 2025 Acreage and Fee Update. The change in the estimated average household size impacts land dedication acreage calculations. The change in value of land suitable of park sites impacts fees in lieu of land dedication. The process



used is the same method and equations as the original 2021 objectives. Average household size comparisons by unit type and park standards are used to determine the land dedication obligations per acre. The first major change was a decrease in the overall average household size of 50 units per structure. Ms. Miller highlighted equations for neighborhood and community park land obligations. Chair Slattery asked to have the obligation clarified. Ms. Miller said it has gone down because the acreage by unit type has gone down, and the obligation is more. Five decimal points are proposed for this update to create greater continuity between the acreage obligated and fees due. This reflects what the code uses of four and five decimals. Ms. Miller presented the background appraisal for the value of unplatted and undeveloped land for neighborhood and community parks. Fees are calculated by the land dedication obligations multiplied by the value of land for the park type. When added together that creates the base park fee rate. In addition to the base park fee rate, there are applicable fees related to platting. The developer has to pay drainage and stormwater fees that are incurred.

#### **Commissioner Questions**

Commissioner Cecil asked to explain the conversion of acres to feet to address the past version. Ms. Miller said this update would fix this issue. Commissioner Cecil asked if the acreage was used to calculate the fee. Ms. Miller said yes.

Commissioner Casey asked with the presentation to the housing association, does that give an opportunity to challenge the fees. Ms. Miller said it was presented to the Housing Building Authority and the fees were provided. The Housing Building Authority asked to see the appraisal, but ultimately did not have any questions.

Commissioner Rickett asked if there is still a dedication if the developer is actually developing the parks. Ms. Miller said there is an alternative compliance, and it covers neighborhood parks that are to be owned and maintained by a special district. There would need to be an alternative compliance agreement with the Parks Department and a stipulation that the land would need to be noted for public use and perpetuity.

Chair Slattery said they would still need to pay for community park fees. Ms. Miller said yes.

Chair Slattery said the last increase prior to 2021 was in 2007. Schools were not touched at that time and urged school fees to be looked at and brought up to equitable levels.

**Motion by Commissioner Rickett, seconded by Vice Chair Foos, to recommend approval to City Council an ordinance amending Section 7.4.307 of the Unified Development Code of the City of Colorado Springs based upon the findings that the proposal complies with the criteria as set forth in City Code Section 7.5.702**

**The motion passed by a vote of 9-0.**

**Aye:** 9 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

**8.N.** [CODE-24-00](#) A Resolution amending the Fee Schedule for fees in lieu of park land dedication as provided for in the Park Land Dedication Ordinance. (Legislative)

Presenter:  
Caroline Miller, Park Land Dedication Ordinance Program Administrator, Planning Department  
Lonna Thelen, Parks Design and Development Manager/TOPS Manager, Parks Recreation and Cultural Services

**Attachments:** [RES-PLDO Fee Schedule](#)

**Motion by Commissioner Rickett, seconded by Vice Chair Foos, to recommend approval to City Council the Resolution amending the fee schedule for fees in lieu of park land dedication associated with the Park Land Dedication requirements of City Code.**

**The motion passed by a vote of 9-0.**

**Aye:** 9 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

**8.O.** [CODE-24-00](#) A Resolution amending the City of Colorado Springs Park Land Dedication Ordinance Criteria Manual. (Legislative)

Presenter:  
Caroline Miller, Park Land Dedication Ordinance Program Administrator, Planning Department  
Lonna Thelen, Parks Design and Development Manager/TOPS Manager, Parks Recreation and Cultural Services

**Attachments:** [RES-PLDO Criteria Manual](#)

**Motion by Commissioner Rickett, seconded by Vice Chair Foos, to recommend approval to City Council the Resolution amending the Park Land Dedication Ordinance Criteria Manual.**

**The motion passed by a vote of 9-0.**

**Aye:** 9 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

## Natural Medicine

- 8.P.** [24-633](#) An Ordinance amending sections of Part 2 (allowed use and tables) and Part 3 (Use-Specific standards) of Article 3 (Use and Regulations) and Section 1003 (parking space requirement by use) of Part 10 (Parking and Loading) of Article 4 (Development Standards and Incentives) and Part 3 (Definitions) of Article 6 (Definitions and rules of construction) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Natural Medicine.

Presenter:

Kevin Walker, Director, City Planning Department

**Attachments:** [UDC Ordinance - NaturalMedicineORD \(Draft 1Nov24\)](#)  
[240809 - FINAL ADOPTED - NMD Rules\\_1 CCR 213-1](#)  
[Initiative-58- Natural Medicine Act](#)  
[Natural\\_Medicine\\_1Mile\\_v3](#)

Kevin Walker, Planning Director, presented the proposed ordinance to modify the Unified Development Code for Natural Medicine uses. Mr. Walker said the votes of the State of Colorado passed an initiative in 2022 to create an industry for natural medicine product, in the case psilocybin from mushrooms. The state has codified and established rules for the licensing of cultivation, manufacture, testing and clinical use of these products starting January 1, 2025. The licensing requires that the licensee meet local zoning standards for the uses. Mr. Walker said local government cannot restrict the use, but can restrict time, place and manner of use. The proposed ordinance highlights include cultivation, manufacture and testing meet state regulatory minimums. Healing centers are allowed in zones where medical offices are allowed, with additional restrictions of one mile from the identified uses.

## Commissioner Questions

Commissioner Rickett said he has no issues with the way it is written with the exception of the one-mile radius and the citizens voted against what was done with the restrictions of medical marijuana. Commissioner Rickett said we are making it impossible for anyone to have a caregiver or licensed person to administer and monitor this. People in the State of Colorado have voted and approved this.

Commissioner Hensler said she concurs.

Vice Chair Foos said he concurs.

Commissioner Casey asked to have the map pulled up. The issue he has is with initiative in section 12.1.107 on localities. It says localities may not adopt ordinances and regulations that are unreasonable. The map shows that this may be unreasonable and has no other issues with the ordinance except with the one-mile radius.

Mr. Walker presented a 1,000-foot map to show the difference.

Chair Slattery said the purview of this body is to make a recommendation to City Council. Chair Slattery said she agrees about the reasonability and the 1,000 foot standard as set by the state seems reasonable.

Commissioner Cecil said the State of Colorado as a regulator of controlled substances is well known and effective. As you prepare for public comment, it might be helpful to remember the core of zoning is to protect the community from negative impacts.

Commissioner Sipilovic said the one-mile radius denies treatment, it appears we are trying to find ways to help mental crisis. The one-mile radius will shut Colorado Springs down to help with research and the opportunity to solve this crisis. Commissioner Sipilovic said 1,000-foot radius is more appropriate. He would like City Council to be considerate to the fact that we keep pushing things away and keep falling into the statement of mental health is a problem, but not exploring new avenues to solve the problem.

Commissioner Cecil said this can be used to treat severe depression and post traumatic stress disorder. These assets should be assessable.

Commissioner Hensler agrees and said it is frustrating that there is an ordinance written that seems to placate the City Council on what we think they want, and it is this bodies job to look at land use and to uphold those tenets. Commissioner Hensler said she is happy to make a motion but wants to make sure it reflects their change to 1,000-foot buffer.

Trevor Gloss, City Attorney, said the suggested motion could be the commission recommends approval of the ordinance, with the additional recommendation that the buffer be changed to a 1,000-mile buffer.

Katie Carleo, Acting Assistant Director, asked for clarification and asked if this could be written as a condition of approval. City Attorney Gloss said yes.

Chair Slattery said she believes that City Council is trying to do the right thing.

**Motion by Commissioner Rickett, seconded by Commissioner Cecil, to recommend Approval to City Council an Ordinance amending Part 2 and Part 3 of Article 3, and Section 1003 of Part 10, of Article 4, and Part 3 of Article 6 of Chapter 7 (Unified Development Code) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To Natural Medicine Land Use Regulations with condition of approval to change the one mile restriction to the 1000 foot standard as set by the state.**

**The motion passed by a vote of 9-0.**

**Aye:** 9 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

## **9. Presentations**

## **10. Adjourn**