

City of Colorado Springs

*Regional Development Center (Hearing Room)
2880 International Circle*



Meeting Minutes

Wednesday, January 10, 2024

9:00 AM

**Regional Development Center (Hearing Room)
2880 International Circle**

Planning Commission

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OPTIONS FOR ATTENDING THE MEETING:

All meetings are open to the public. Those who wish to participate may do so in-person, online, or via phone.

Conference Call: Dial 1-720-617-3426, enter Conf ID: 375 704 624# and wait to be admitted.

MS Teams: Copy and paste or type into your web browser to join the MS Teams meeting online:
<https://rebrand.ly/CityPlanningCommission-2023>

Attendees participating by telephone or MS Teams will be muted upon entry to the meeting. Please wait to be called on before speaking.

If you know you would like to comment on an agenda item, please contact the case planner for the item at 719-385-5905. If you are unable to contact them, there will still be an opportunity to speak during the meeting.

1. Call to Order and Roll Call

Present: 7 - Commissioner Almy, Commissioner Briggs, Commissioner Hensler, Commissioner Hente, Commissioner Cecil, Commissioner Rickett and Chair Slattery

Excused: 2 - Vice Chair Foos and Commissioner McMurray

2.A Approval of the Minutes

2.A.A. [CPC 2180](#) Minutes for the December 13, 2023 Planning Commission Meeting

Presenter:

Andrea Slattery, City Planning Commission Chair

Attachments: [CPC Minutes 12.13.23.draft](#)

Motion by Commissioner Rickett, seconded by Commissioner Hente, to approve the minutes for the December 13, 2023 Planning Commission Meeting. The motion passed by a vote of 7:0.

Aye: 7 - Commissioner Almy, Commissioner Briggs, Commissioner Hensler, Commissioner Hente, Commissioner Cecil, Commissioner Rickett and Chair Slattery

Absent: 2 - Vice Chair Foos and Commissioner McMurray

2.B. Changes to Agenda/Postponements

Arrowswest Apartments

- 2.B.A. [CUDP-23-00](#)
[05](#) A Conditional Use Development Plan to allow a 228-unit multi-family dwelling in the MX-M (Mixed Use Medium Scale) zone district consisting of 9.47 acres located at 4145 Arrowswest Drive. (Quasi-Judicial)

Presenter: William Gray, Senior Planner, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner Hente, to postpone this item to a date uncertain. The motion passed by a vote of 6:0.

Aye: 6 - Commissioner Almy, Commissioner Briggs, Commissioner Hensler, Commissioner Hente, Commissioner Rickett and Chair Slattery

Absent: 2 - Vice Chair Foos and Commissioner McMurray

Abstain: 1 - Commissioner Cecil

- 2.B.B. [SUBD-23-00](#)
[57](#) A Subdivision Final Plat to allow eight (8) platted lots to be combined into one (1) lot subdivision in the MX-M (Mixed Use Medium Scale) zone district consisting of 9.47 acres located at 4145 Arrowswest Drive. (Quasi-Judicial).

Presenter: William Gray, Senior Planner, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner Hente, to postpone this item to a date uncertain. The motion passed by a vote of 6:0.

Aye: 6 - Commissioner Almy, Commissioner Briggs, Commissioner Hensler, Commissioner Hente, Commissioner Rickett and Chair Slattery

Absent: 2 - Vice Chair Foos and Commissioner McMurray

Abstain: 1 - Commissioner Cecil

Banning Lewis Ranch Village B2

2.B.C. [MAPN-23-0001](#) A major amendment to the Banning Lewis Ranch Village B2 Master Plan changing the existing land use classifications of R, RL, RM, RH, R, NR, ES to the following land use classifications PRO, RES-M and COM consisting of 511.20 acres located north of Tamlin Road and east of Dublin Boulevard and Banning Lewis Parkway.
(Legislative)

Presenter:
Tamara Baxter, Senior Planner, Planning & Community Development

- Attachments:** [Staff Rpt BLR Village B2](#)
[Project Statement](#)
[Master Plan Major Amendment](#)
[Public Comment Response](#)
[Public Comments](#)
[District 49 Letter](#)
[CONTEXT MAP](#)
[7.5.408 Master Plan](#)

Motion by Commissioner Rickett, seconded by Commissioner Hente, to postpone this item to the March 13, 2024, Planning Commission Meeting. The motion passed by a vote of 7:0

Aye: 7 - Commissioner Almy, Commissioner Briggs, Commissioner Hensler, Commissioner Hente, Commissioner Cecil, Commissioner Rickett and Chair Slattery

Absent: 2 - Vice Chair Foos and Commissioner McMurray

2.B.D. [ZONE-23-0008](#) A zone change consisting of 9.2 acres located at the northeast corner of Dublin Boulevard and Banning Lewis Parkway from PDZ/R5/AP-O/SS-O (Planned Development Zone District and Multi-Family Residential with Airport and Streamside Overlays) to MX-M/AP-O/SS-O (Mixed-Use Medium Scale with Airport and Streamside Overlays).
(Quasi-Judicial)

Presenter:
Tamara Baxter, Senior Planner, Planning & Community Development

- Attachments:** [Rezoning Commercial](#)
[7.5.603.B Findings - ZC](#)

Motion by Commissioner Rickett, seconded by Commissioner Hente, to postpone this item to the March 13, 2024, Planning Commission Meeting. The motion passed by a vote of 7:0

Aye: 7 - Commissioner Almy, Commissioner Briggs, Commissioner Hensler, Commissioner Hente, Commissioner Cecil, Commissioner Rickett and Chair Slattery

Absent: 2 - Vice Chair Foos and Commissioner McMurray

2.B.E. [COPN-23-00](#) Establishment of the Banning Lewis Ranch Village B2 Concept Plan for proposed commercial consisting of 9.2 acres located at the northeast corner of Dublin Boulevard and Banning Lewis Parkway. (Quasi-judicial)

[10](#)

Presenter:

Tamara Baxter, Senior Planner, Planning & Community Development..Body

Attachments: [Concept Plan and PDZ Concept Plan](#)
[7.5.501.E Concept Plans](#)

Motion by Commissioner Rickett, seconded by Commissioner Hente, to postpone this item to the March 13, 2024, Planning Commission Meeting. The motion passed by a vote of 7:0

Aye: 7 - Commissioner Almy, Commissioner Briggs, Commissioner Hensler, Commissioner Hente, Commissioner Cecil, Commissioner Rickett and Chair Slattery

Absent: 2 - Vice Chair Foos and Commissioner McMurray

2.B.F. [PUDZ-23-00](#) A zone change consisting of 502 acres located at the northeast corner of Dublin Boulevard and Banning Lewis Parkway from PDZ/R-5-cr/R-1 6/MX-M-cr/AP-O/SS-O (Planned Development Zone District, Multi-Family High Residential with Conditions of Record, Single Family-Medium Residential, Mixed-Use Medium Scale with Conditions of Record, and Airport and Streamside Overlays) to PDZ/AP-O/SS-O (Planned Development Zone District with Airport and Streamside Overlays: single-family and/or two-family residential; density of 3.5-7.99 du/ac; and a maximum building height of 35 feet). (Quasi-Judicial)

[02](#)

Presenter:

Tamara Baxter, Senior Planner, Planning & Community Development

Attachments: [PDZ Rezone](#)
[7.5.603.B Findings - ZC](#)
[7.3.603 Establishment & Development of a PUD Zone](#)

Motion by Commissioner Rickett, seconded by Commissioner Hente, to postpone this item to the March 13, 2024, Planning Commission Meeting. The motion passed by a vote of 7:0

Aye: 7 - Commissioner Almy, Commissioner Briggs, Commissioner Hensler, Commissioner Hente, Commissioner Cecil, Commissioner Rickett and Chair Slattery

Absent: 2 - Vice Chair Foos and Commissioner McMurray

2.B.G. [PUDC-23-00](#)
[02](#) Establishment of the Banning Lewis Ranch Village B2 PDZ Concept Plan to allow for single-family and/or two-family residential with medium residential density (3.5-7.99 du/ac and a maximum building height of 35 feet) consisting of 502 acres located north of Tamlin Road and East of Dublin Boulevard and Banning Lewis Parkway extension. (Quasi-judicial)

Presenter:
Tamara Baxter, Senior Planner, Planning & Community Development

Attachments: [Concept Plan and PDZ Concept Plan](#)
[7.5.501.E Concept Plans](#)
[7.3.605 PUD Concept Plan](#)

Motion by Commissioner Rickett, seconded by Commissioner Hente, to postpone this item to the March 13, 2024, Planning Commission Meeting. The motion passed by a vote of 7:0

Aye: 7 - Commissioner Almy, Commissioner Briggs, Commissioner Hensler, Commissioner Hente, Commissioner Cecil, Commissioner Rickett and Chair Slattery

Absent: 2 - Vice Chair Foos and Commissioner McMurray

2.B.H. [SUBD-23-00](#)
[52](#) A Vacation of Public Right-of-Way of Vista Del Oro Boulevard and portions of public right-of-way of Dublin Boulevard and Banning Lewis Parkway consisting of 35.856 acres located north of Tamlin Road and east of Dublin Boulevard and Banning Lewis Parkway. (Legislative)

Presenter:
Tamara Baxter, Senior Planner, Planning & Community Development

Attachments: [Vacation Plat](#)
[7.7.402.C Vacation Procedures](#)

Motion by Commissioner Rickett, seconded by Commissioner Hente, to postpone this item to the March 13, 2024, Planning Commission Meeting The motion passed by a vote of 7:0

Aye: 7 - Commissioner Almy, Commissioner Briggs, Commissioner Hensler, Commissioner Hente, Commissioner Cecil, Commissioner Rickett and Chair Slattery

Absent: 2 - Vice Chair Foos and Commissioner McMurray

3. Communications

Peter Wysocki - Planning + Neighborhood Services Director

Peter Wysocki, Planning + Neighborhood Services Director, expressed gratitude towards Elena Lobato for her assistance and mentioned her in acknowledgment. He also added a lighthearted note by mentioning that it's National Take the Stairs Day and shared it as his "pearls of wisdom" for the day.

4. Consent Calendar

These items will be acted upon as a whole, unless a specific item is called for discussion by a Commissioner/Board Member or a citizen wishing to address the Commission or Board. (Any items called up for separate consideration shall be acted upon following the Consent Vote.)

903 Swope Avenue

- 4.A. ZONE-23-00** Ordinance No. 24-11 amending the zoning map of the City of Colorado Springs pertaining to 7500 square feet located at 903 Swope Avenue from R-1 6 (Single-Family - Medium) to R2 (Two-Family). (Quasi-Judicial) (Second Reading and Public Hearing)
- 25**

Presenter:

Austin Cooper, Planner II, Planning + Neighborhood Services.
Peter Wysocki, Director, Planning + Neighborhood Services

- Attachments:** Staff Report
 Conceptual Site Plan
 903 Swope- Ordinance
 Exhibit A and B
 Public Comments
 Public Comment Response Letter
 7.5.704 ZONING MAP AMENDMENT (REZONING)
 CPC Minutes
 903 Swope ZC_Staff

Motion to recommend approval to City Council the zone change of 7,500 square feet from R-1 6 (Single-Family - Medium) to R-2 (Two-Family) based on 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 7:0.

Interquest Marketplace Honda

- 4.B. [CUDP-23-0012](#) A Conditional Use to allow for retail sales and service of motorized vehicles in the PDZ zone district consisting of 5.452 acres located at 1070 Interquest Parkway. (Quasi-Judicial)

Presenter:
 Kyle Fenner, Senior Planner, Planning + Neighborhood Services

Attachments: [Staff Report CUDP-23-0012_Honda Motorsports at Interquest](#)
[CUDP-23-0012 Project Statement](#)
[CUDP-23-0012_Marketplace @ Interquest DP_11x17](#)
[7.5.601 CONDITIONAL USE](#)

Motion to approve the condition use based upon the finding that the request complies with the criteria as set forth in City Unified Development Code Section 7.5.601. The motion passed by a vote of 7:0.

Trace Church

- 4.C. [CUDP-23-0019](#) A conditional use to allow a religious institution use in the Light Industrial (LI) zone district consisting of 5.93 acres located at 4330 Mark Dabling Boulevard.

Presenter:
 Allison Stocker AICP, Planner II, Planning + Neighborhood Services

Attachments: [CUDP-23-0019_StaffReport](#)
[CUDP-23-0019 Project Statement ADS](#)
[CUDP-23-0019 Land Use Statement ADS](#)
[CUDP-23-0019 Presentation ADS](#)
[CUDP-23-0019 Vicinity Map ADS](#)
[7.5.601 CONDITIONAL USE](#)

Motion to approve the conditional use to allow a religious institution in the Light Industrial (LI) zone district located at 4330 Mark Dabling Boulevard based on the applications conformance with Section 7.5.601. The motion passed by a vote of 7:0.

5. Items Called Off Consent Calendar

6. Unfinished Business

7. New Business

Royal Pine Apartments

- 7.A. [COPN-23-00](#) A Major Amendment to the Market at Pine Creek Concept Plan
[15](#) changing 7.87 acres from Commercial to Commercial/Residential
located at 4150 Royal Pine Drive.
(Quasi-Judicial)

Presenter:

Logan Hubble, Planner II, Planning + Neighborhood Services
Katelynn Wintz, Planning Supervisor, Planning + Neighborhood
Services

Attachments: [Staff Report Royal Pine LKH](#)
[Concept Plan](#)
[Concept Plan Project Statement](#)
[Traffic Impact Analysis](#)
[Concept Plan Public Comments](#)
[Royal Pine comments combined 1.8.24](#)
[7.5.501.E Concept Plans](#)

Katelynn Wintz, Planning Supervisor, presented the scope of project. The applicant, Eric Grodahl, the developer of DBG Properties, presented the scope of the project. Steve Posey, Chief Housing Officer, also presented the scope of the project. Harish Parikh, the president of Sanaan Architecture, also presented the scope of the project. Cassie Slade, traffic engineer with Fox Total Transportation Group, presented the traffic study portion of the project.

Questions from commissioners

Commissioner Rickett inquired what the city's aim for affordable housing is per year. Mr. Posey responded the current commitment on producing affordable housing is 758 units per year.

Commissioner Briggs asked if Mr. Posey could explain the public access and how the city views bonds. Mr. Posey explained that the financing for the project involves private activity bonds, which are a form of tax-exempt bond financing. The City Council had passed a preliminary inducement resolution the previous year, signifying that the project meets the criteria for such financing. However, the formal issuance of bonds for financing will only occur if the necessary approvals, including land development and project titles, are completed. Once these approvals are in place, the department will bring forward a formal bond ordinance to facilitate the financing and support the construction of the project.

Commissioner Hensler sought clarification on the interaction between Proposition 123 funds and private activity bonds. The specific inquiry was about how the funds from Proposition 123 align or interact with the use of private activity bonds in the context of the discussed project.

Mr. Posey explained that there is a relationship between Proposition 123 funds and the project in the sense that these funds, made available by the state, can serve as a financing tool for housing projects. However, he clarified that, to his knowledge, this specific project will not include Proposition 123 funds. Despite this, the number of housing units in this project contributes to the city's overall annual goal of 758 units. Mr. Posey highlighted that any funds not utilized by this project could be allocated to other projects in the future, potentially providing additional funding for such initiatives.

Commissioner Cecil raised a question regarding the Area Median Income (AMI) levels, noting that they appear to be higher than the income levels presented in the meeting. Specifically, she inquired whether these AMI levels were calculated based on the 2022 HUD (U.S. Department of Housing and Urban Development) levels.

Mr. Grodahl clarified that the calculation of Area Median Income (AMI) was influenced by the number of people living in a housing unit. He simplified the concept for the Commission, mentioning that the presented levels of 60%, 70%, and 30% of AMI had nuances based on family size and unit size. He acknowledged that income levels for one-bedroom, two-bedroom, and three-bedroom units differed. Additionally, he anticipated a significant increase in these income levels in 2024.

Commissioner Briggs directed a question inquiring about whether there was any Private Activity Bond (PAB) funding obtained for Academy Heights. Mr. Grodahl confirmed that they did receive PAB funding, specifying an allocation of \$22 million through Steve Posey with the city. He mentioned that the financing structure was similar to Academy Heights, although the income mix for the project was different. When asked about the income levels for Academy Heights, Mr. Grodahl stated they were at 30%, 60%, and 70% of the Area Median Income (AMI). Commissioner Briggs sought clarification on the amount received, to which Mr. Grodahl confirmed it was \$22 million. Additionally, Commissioner Briggs had a question regarding height restrictions, considering it might be for staff or the developer, seeking information on the inside and outside height restrictions.

Katelynn Wintz, Planning Supervisor stated the clubhouse was within one of the three lots subject to a 38-foot maximum building height restriction as per the established concept plan. She clarified that lots 4, 5, and 6 were affected by this restriction. The lots outside this restriction, specifically those other than lots 4, 5, and 6, were not bound by the 38-foot limit but instead were subject to the maximum building height of the zone district, which, in this case, was 45 feet. She noted that the developer was complying with the height requirements outlined for the proposed development.

Commissioner Hensler inquired about elevation or grade changes between the street level and the east side of the building, expressing concern that it wasn't clearly depicted in the graphic. Mr. Grodahl acknowledged that there was a very slight elevation change, approximately a 5-foot rise, accounting for about a 1% slope. Commissioner Hensler thanked him for the clarification, noting the minimal impact of the elevation change.

Commissioner Rickett asked whether the yearly analysis was based on the concept plan or the development plan. Ms. Slade responded the yearly analysis considered both the concept plan and the development plan. Initially, the concept plan had around 8,400 allocated trips for the entire site. The analysis accounted for changes in the parcels, removing what was previously possible and incorporating the proposed changes. As a result, there was a 60% reduction in traffic compared to the full land use scenario.

Commissioner Hensler asked about the proposed uses assumed for the previous development plan. Ms. Slade responded, noting that the previous development plan assumed all commercial uses at a high intensity, encompassing office, retail, and various general commercial activities. The calculation involved averaging these uses to determine the expected traffic under that plan. In comparison, the previous plan projected about 500 trips per day per acre, while the current proposal anticipates only 200 trips per day per acre.

Commissioner Briggs inquired about the intention for the area, asking if there was a plan for additional commercial development or if it would be solely residential. Mr. Grodahl responded, stating that they were under contract for 7.87 acres, and the current intention was for 100% residential use. He mentioned that a portion of the master plan remained vacant, but they had no control over it. Katelynn Wintz, Planning Supervisor, stated the concept plan for the remaining parcel, which the developer indicated they were not in control of, had the capability to be developed in accordance

with the concept plan and zoning code. The zoning code at that time designated the parcel for commercial uses only. Ms. Wintz mentioned that, potentially, the parcel could be developed as commercial uses, though forecasting into the future was uncertain. She also noted the potential for a future user to request modifications to the land uses, allowing for different use types supported by the zone district. Commissioner Briggs inquired about the consideration of potential future development that could impact the same road structure in the traffic analysis. In response, it was discovered the specific traffic study referenced was focused on the concept plan. It was explained 8,400 sub-trips were based on the outlying commercial lot mentioned earlier. The analysis primarily concentrated on the remaining lots proposed for multifamily development, resulting in a 60% reduction in trip generation compared to the concept plan. It was emphasized that even if the outlying property was developed as commercial in the future, the overall site trip generation would still be well under the cap outlined in the concept plan due to the reduction in traffic from the residential component on the 8 acres planned for Royal Pine development. The remaining 4 acres could have been developed for any type of use, and the overall trip generation would still have been less than what was outlined in the concept plan.

Commissioner Hensler asked about the landscape plans and whether there was anticipated fencing around the site to separate it from adjacent businesses. Mr. Grodahl responded that the plan included landscaping, and while there were carports along a portion of the parking lot to act as a buffer, there was no fencing. He also mentioned an amenity portion on the site plan designed to buffer the development from neighboring businesses. Mr. Parikh responded that the idea of making it a gated community could not be implemented due to the integrated nature of the plan, which involved commercial development in the southeast corner, interconnected roundabouts, and an overall master plan. Fencing off just their portion would not be practical. Additionally, he addressed the egress and confirmed that there were two access points, which also served as part of the fire egress, allowing entry to the residential development.

Public comment

The following citizen's spoke in support of this project, advocating for the project's positive impact on people's lives and its convenient location. They spoke in support for the need of attainable and workforce housing units in the area, particularly for the citizens working in nearby facilities like Children's Hospital and the military workforce. They also urged community collaboration to solve this housing issue and ensure that every member of the city has a place to call home. The citizens who spoke in support of this

project were Chantel Smith, Thomas Garming, Jill Gaebler, Devon Camacho, Luanne Magee, Lee Patke and Ms. Marla.

The following citizen's spoke in opposition of this project, highlighting the issues of adequacy parking concerns, fire evacuation hazards, influx of students on school districts, and how the location was not built to sustain high traffic in case an emergency evacuation were to arise. There was drone footage shown to showcase the influx of traffic in the neighborhood and how it would raise concerns throughout the neighborhood. Many citizens discussed they are in support of Affordable Housing, but believe the location is not suitable for the amount of people that would live there. The citizen who spoke in opposition of this project were Joseph O'Keefe, Jim Blair, Dennis Scruggs, Stacey Wilson, Byron Newman, Omar Wyman, Sandra Vicksta, Sarah Markham, Dr. Cristy Fisher, Steve Parrish, Randy Howarth, Dan Bloom, Nancy Murray, Scott Heises, Debbie Gluke, Brooke Dobbins, Steven Glendenning, Barbara Vinchattle, Lara Moehenpah, Eric Federic, Eddie Lawrence, Aimee Ferris, Holly Lawrence, Laura Wilkey, Tim O'Brien, David Clay, Taylor Stanecheck, Kathy Kane, Al Peterson, Dana Duggan, Todd Borg, Benjamin Ekberg, Esther Lee, Mr. Konakanchi, Vicki Capron, Dan Pulsgrove, Katherine Gayle, and Stacey Celly.

Applicant Rebuttal

Mark Painter, the attorney for the developer, provided a rebuttal, acknowledging the respect, concern, and compassion the developer has shown for the neighborhood throughout the process. He highlighted the additional meetings held to address various concerns raised by the community. In responding to public comments, Mr. Painter clarified that the developer is not dismissive or unmindful of those concerns. However, he asserted that many of the comments, while legitimate in certain contexts, may not be directly relevant to the land use decisions under consideration by the commission. Mr. Painter emphasized that the criteria for these decisions are based on the city's code and are not broad policy matters for other entities. Mr. Painter mentioned having received comments and referrals from the school district indicating their ability to handle the proposed development without being overcapacity, reinforcing the communication between the project team and relevant stakeholders. He emphasized that the city staff had communicated with relevant agencies, such as the school district, and they were comfortable with the development. Mr. Painter defended the legitimacy of the developer's traffic studies and argued that the emergency evacuation concerns raised were hypothetical and not addressed by the city's code. Mr. Painter pointed out that denying the application might result in someone else applying for a project with even more traffic, as the current proposal reduces traffic in the

area. He highlighted the appropriateness of the location, citing the city's determination that multifamily housing is suitable in the designated area. Regarding covenants, Mr. Painter clarified that they are private matters, and the modifications made were within the scope of those covenants. He addressed concerns about schools, traffic, and parking, stating that the school district had no objections, traffic would be reduced, and additional parking spaces were added to address neighborhood concerns. Mr. Painter also responded to comments about the impact on parks, property values, and the suitability of the location for affordable housing. He urged the commission to consider the words of David Clay, suggesting that some objections might be rooted in prejudice or discrimination.

Additional comments from Commissioners

Commissioner Rickett inquired if there was a master plan for this area and if a copy of it could be shared. He inquired about the transition from a commercial property to a residential property, acknowledging that the overall traffic count would be reduced. However, he raised a concern about whether the traffic would increase during the morning and evening commutes compared to the consistent traffic throughout the day in a commercial area. Ms. Slade acknowledged that traffic patterns do change between residential and commercial areas. She explained that residential areas tend to have higher peaks in the morning and evening, while commercial areas have fewer in the morning but more in the evening, causing a spike. Additionally, Ms. Slade mentioned that residential areas have consistent traffic throughout the entire day.

Commissioner Briggs inquired about the zoning under the previous plan, specifically mentioning that it was PBC. Ms. Slade confirmed that the zoning under the previous zoning code was PBC. Commissioner Briggs sought clarification, stating that under PBC zoning, multifamily uses were conditionally permitted, requiring a conditional use development plan and a public hearing in front of the commission. The response indicated that this would have been the typical public hearing sequence to determine conditional use items in that zoning code.

Commissioner Hente, referred to the figure mentioned by a representative from the DC who stated a need for 12,000 units a year. He raised a question about how this figure aligns with the existing situation, expressing uncertainty about the accurate number but emphasizing the need for clarification. Additionally, he inquired if there was a shortage in town for apartments. Katie Sunderlin, Senior Affordable Housing coordinator responded historically there has been a shortage of multifamily affordable housing or multifamily projects in general. While acknowledging that there

may be high-end units in the area, Ms. Sunderlin emphasizes the importance of addressing the broader community's need for affordable housing, affirming that there is indeed a need for the discussed type of project in the town.

Commissioner Briggs had inquired about future housing developments based on existing plans and regulations. The response indicated that there was an ongoing regional housing study that would provide more specific information in the next year. Ms. Sunderlin clarified that they did not have current details on the specific numbers or alignments of future developments but emphasized the importance of the upcoming study to address the question accurately.

Commissioner Hensler inquired about alternative approaches to achieve housing affordability and rent relief. Ms. Sunderlin was asked to provide insights or opinions from their position or department. Ms. Sunderlin explained that the Section 8 vouchers, issued by the local Housing Authority, serve as a form of gap financing. She mentioned various voucher programs, including vouchers for veterans and housing choice vouchers. When asked about the number of people served, she acknowledged an extensive waitlist for Section 8 vouchers, with over 2000 currently issued in the community. However, she refrained from providing exact numbers due to not being part of that agency. The discussion touched upon the limitations of private activity bond financing for gap financing, emphasizing that it is not an eligible expense according to IRS guidelines. Ms. Sunderlin concluded by stating that affordable housing options involve various tools in the city's tool belt.

Chair Slattery inquired about the working and structure of private activity bonds (PABs) and sought an explanation. Ms. Sunderlin had explained that the city received private activity bonds (PABs) through an allocation from the state of Colorado, with Denver and El Paso County also receiving allocations. The PABs were issued to developers as revenue bonds for affordable housing, and the city's tax-exempt status was attached to these bonds. The developers borrowed funds at a tax-exempt rate, and the debt service payments were generated from specific revenue sources tied to the project, such as rental income. Importantly, the city's general fund or taxpayer dollars were not directly pledged for the repayment of the private activity bonds. Ms. Sunderlin addressed the question of vacancies in rentals, noting that each project underwent a market study to demonstrate the need for the targeted units. Despite concerns about vacancies in the rental market, the market studies for the area in question indicated a demand for affordable housing. Ms. Sunderlin also mentioned that the

affordable housing projects in the community were operating at less than a 1% vacancy rate, emphasizing the need for such developments.

Commissioner Hensler had inquired about the fate of private activity bond (PAB) dollars if no one took advantage of them. Specifically, she wanted to know if these funds would go unused if no entity utilized the PAB dollars. Ms. Sunderlin explained that if the private activity bond (PAB) dollars were not utilized, they would be returned to the state. Since 2018, the city has fully utilized its entire PAB allocation, and there is constant interest in these bonds. Ms. Sunderlin acknowledged that the city could potentially use more funds to address housing needs and affirmed that, in theory, if the PAB dollars were not used, the money would be returned and not utilized within the community.

Commissioner Briggs questioned how it's possible to allocate \$40 million if the city receives \$29.1 million annually. Ms. Sunderlin explained that the funds do roll over, allowing for multi-year allocations. If the funds are not used within a given year, they can be rolled over and retained within the community for up to three years.

Commissioner Hente asked about the perception that the fire department doesn't consider evacuation and sought clarification on the adopted fire code in Colorado Springs, emphasizing that there might be concerns about evacuation provisions. The fire department representative explained that the fire code primarily focuses on fire department access rather than evaluating evacuation modeling for neighborhoods. He acknowledged the importance of evacuation, mentioning instances where evacuation considerations influenced their decisions on projects. He clarified that evacuation is implemented during emergencies in coordination with the police department, addressing concerns about evacuation modeling's accuracy due to various variables and the challenge of making decisions based on hypothetical situations. He emphasized the dynamic nature of evacuation needs under different climatic conditions. Furthermore, he clarified that the neighborhood in question is not considered a wildland-urban interface and doesn't fall under the city's radar as a hazard area. He compared it to other established neighborhoods with open space, mentioning its similarity to a Shooks Run-type open space. The representative expressed that models predicting the impact of a wildfire on this neighborhood are inaccurate, as it wouldn't meet the qualifications for such an event. He highlighted the neighborhood's potential classification in an urban conflagration, considering the type of construction and structures. The representative emphasized the need for careful consideration of how the neighborhood is defined and the associated risks when making

decisions based on assumptions.

Commissioner Hensler inquired about the fire department's perspective on whether the roads in that area were considered adequate major roads or thoroughfares, acknowledging that the fire department doesn't specifically engage in traffic modeling.

Commissioner Briggs inquired if there was a representative of D20 in the audience, to which there was not.

Chair Slattery raised concerns about parking adequacy and requested information on the number of required parking spots, the number provided, and any differences in parking requirements between general multifamily and affordable housing units. Mr. Parikh addressed these concerns, stating that during the neighborhood engagement process, there were concerns about both parking and open space adequacy. According to the code, the required parking ratios for one, two, and three-bedroom units were provided. The total required parking for their mix was 309 spaces, but the project includes 339 spaces, surpassing the code requirements by 30 spaces. He also mentioned that studies suggest affordable housing might have slightly lower car ownership, contributing to the surplus parking.

Commissioner Hensler inquired about the requirement for sprinklers in the proposed four-story building, considering fire safety concerns. Mr. Parikh responded by explaining that any multifamily residential building, not separated by firewalls like townhomes, requires a sprinkler system. He mentioned two types of systems: NFPA 13, which is more robust, and NFPA 13R, which is a weaker system designed for residential buildings. For a four-story building, the new codes would necessitate the more upgraded system, NFPA 13. Thus, the proposed building would have a sprinkler system, specifically the NFPA 13, to address fire safety concerns.

Commissioner Briggs addressed comments questioning the staff and the Commission's integrity, emphasizing that such comments demonstrate a lack of understanding of their roles. Commissioner Briggs vouched for the integrity of both the staff and the board members. He touched upon private property rights, stating that while individuals have the right to use their property within legal limits, they cannot do so at the expense of negatively impacting their neighbors. Commissioner Briggs expressed concerns about the potential impact on businesses in the area. Commissioner Briggs voiced disappointment that District 20 representatives were not present and raised concerns about proposals north of Woodmen Road. He emphasized the importance of considering infrastructure needs, particularly

schools, before adding developments that would increase demand. As someone involved with a homeless shelter, Commissioner Briggs expressed support for affordable housing but questioned the planning and infrastructure to support expansion, especially in the north part of El Paso County. He called for more thorough planning and consideration of infrastructure needs before approving developments.

Commissioner Hensler reflected on the hard work undertaken by the Commission, emphasizing their commitment to considering various factors and listening to public comments. She acknowledged the extensive reading involved in reviewing documents and expressed gratitude to the attendees for participating. Commissioner Hensler discussed the role of the Commission, highlighting their responsibility to consider zoning and criteria while making challenging decisions. She noted that the current hearing, given the new code, might be unnecessary, but it allows for public input. Regarding the zoning changes, Commissioner Hensler clarified that the process was not sneaky but a three-year effort involving staff, the Commission, and City Council. She acknowledged potential miscommunication by realtors and urged residents to understand future uses, conditional uses, or zone change requests. Addressing concerns about school overcrowding, Commissioner Hensler pointed out the need for community support in passing levy overrides or bond issues. While affordable housing wasn't part of the plan review criteria, she expressed support for housing at all price levels. Commissioner Hensler highlighted the importance of affordable housing, addressing concerns about low-income housing by emphasizing that many individuals have experienced periods of lower income. She mentioned specific salary figures for various professions and expressed her favor for the proposed development.

Commissioner Almy discussed the zoning changes implemented with the adoption of the UDC, making the current property use a by-right designation. He acknowledged the subjective criteria in the UDC, particularly the term "harmonious," providing citizens the opportunity to voice concerns. Expressing his appreciation for the community's involvement, Commissioner Almy mentioned the evacuation drill, considering it a great initiative. However, he questioned the rationale behind it, expressing skepticism about the appropriateness of adding extra cars during an emergency. Commissioner Almy pointed out that Colorado Springs had improved pre-evacuation warnings, and police and traffic patterns were altered during actual evacuations. He scrutinized Pine Creek's existing traffic challenges and stressed the importance of due diligence in understanding how traffic circles operated. Referring to the

term "harmonious" again, Commissioner Almy discussed the location of the proposed apartment complex, suggesting that it might not disrupt harmony as much as it could have due to its placement in a commercial area near major thoroughfares. He considered the potential benefits of the apartment complex, such as blocking traffic noise from Powers Road into Pine Creek. Commissioner Almy also questioned the school district's planning and suggested adding a provision for approval contingent on further information about the district's capacity to accommodate students from the complex.

Commissioner Rickett shared his experience traveling on Powers Road, highlighting the morning traffic congestion near Old Ranch Rd that could take 10 to 15 minutes to navigate, especially during school hours. He referred to Commissioner Briggs' point about the purpose of the code, emphasizing its role in promoting health, safety, and the general welfare of the public. Commissioner Rickett also pointed out that the code aims to enhance the quality, diversity, and safety of neighborhoods by encouraging pride and investment. Discussing the review criteria, Commissioner Rickett noted the split between Chapter 7 and UDC. He highlighted the concept plan approval criteria, emphasizing that the master plan had consistently depicted the area as commercial for almost two decades. Expressing his support for the commercial designation, Commissioner Rickett indicated his intention to vote against the project. However, he clarified that his vote against the project didn't imply opposition to affordable housing, as he had consistently supported affordable housing during his time on the board.

Commissioner Hente echoed Commissioner Briggs' frustration about the absence of the school district representatives to answer questions. He shared his own frustration, drawing on his experience both on the Planning Commission and in a previous city position. Commissioner Hente acknowledged that his previous votes against projects were often based on concerns about evacuation adequacy, stemming from his firsthand experience with the Waldo Canyon wildfire damaging his home. Expressing empathy for evacuation concerns, Commissioner Hente emphasized his understanding of the potential challenges during a wildfire event. However, he pointed out that in this specific case, he leaned on Deputy Fire Marshal Cooper's assessment that the area was not as prone to wildfire as other parts of town. Familiar with the Pine Creek area and traffic flow, Commissioner Hente believed that, despite subjective criteria like safety and welfare, the good outweighed the bad in this case. Drawing on his extensive experience with land use applications, he concluded that the project was acceptable, and the risks were manageable. As a result,

Commissioner Hente declared his support for the project and confirmed his intention to vote in favor of it.

Commissioner Cecil expressed gratitude to everyone who took the time to attend the meeting and share their perspectives. She acknowledged the delicate balance between change and community needs, resonating with Commissioner Almy's comments about the anxiety associated with the unknown. She appreciated the fire department's efforts to explain the impacts of contraflow on traffic during evacuation, acknowledging the residents' concerns while also understanding the reasoning behind the demonstration. Drawing on her experience as a teacher who worked in modular units following a natural disaster, she challenged the notion that modular units were inferior classrooms, emphasizing their appropriateness as an interim solution. While urging the school district to have a clearer voice in planning, she found the fee in lieu to be a suitable interim measure. Considering concessions made by the developer, such as exceeding required parking, Commissioner Cecil declared her support for the development.

Chair Slattery began by expressing appreciation for the public and everyone involved in the project. She acknowledged the importance of considering factors like residents, traffic, and evacuation, even though they might not be explicit criteria. Chair Slattery questioned the impact of adding 200 more residents, emphasizing that the percentage change seemed relatively small. She highlighted the low percentage change in Pine Creek's total area due to the proposed development, suggesting it wouldn't drastically affect safety or evacuation procedures. Addressing concerns about the integrity of the Commissioners and the body, Chair Slattery encouraged those with questions to check the city's website for volunteer positions. Chair Slattery defended the UDC's implementation, noting its year-long presence and the extensive public communication during the three-year planning process. She emphasized that the UDC's criteria were well-communicated and shouldn't have been a surprise. Regarding the master plan, Chair Slattery concurred with Commissioner Cecil that multifamily use was an allowable use within the community commercial designation. She emphasized the absence of a "magic rubber stamp" and explained the comprehensive criteria and subjective elements that applications undergo before reaching the approval stage. Chair Slattery commended the staff's diligence in ensuring criteria were met throughout the application process. She closed by expressing gratitude to those who spoke at the meeting.

Motion by Commissioner Hente, seconded by Commissioner Hensler, to

approve the Major Amendment of the Market at Pine Creek Concept Plan based upon the findings that the proposal complies with the review criteria for Concept Plans as set forth in City Code Section 7.5.501. The motion passed by a vote of 5:2.

Aye: 5 - Commissioner Almy, Commissioner Hensler, Commissioner Hente, Commissioner Cecil and Chair Slattery

No: 2 - Commissioner Briggs and Commissioner Rickett

Absent: 2 - Vice Chair Foos and Commissioner McMurray

- 7.B. [DEPN-23-01](#) The Royal Pine Apartments Development Plan establishing Multi-Family Residential consisting of 7.87 acres located at 4150 Royal Pine Drive. (Quasi-judicial)

Presenter:

Logan Hubble, Planner II, Planning + Neighborhood Services
Katelynn Wintz, Planning Supervisor, Planning + Neighborhood Services

- Attachments:** [Development Plan Project Statement](#)
[Development Plan Public Comments](#)
[7.5.515 DEVELOPMENT PLAN](#)
[Development Plan](#)

Motion by Commissioner Hente, seconded by Commissioner Hensler, to approve the Royal Pine Apartments Development Plan based upon the findings that the request complies with the criteria as set forth in City Code Section 7.5.515. The motion passed by a vote of 5:2.

Aye: 5 - Commissioner Almy, Commissioner Hensler, Commissioner Hente, Commissioner Cecil and Chair Slattery

No: 2 - Commissioner Briggs and Commissioner Rickett

Absent: 2 - Vice Chair Foos and Commissioner McMurray

Lakeside Heights at Wolf Ranch PUD Development Plan Appeal

- 7.C. [APPL-23-0009](#) An appeal of an administrative decision to approve the Lakeside Heights at Wolf Ranch PUD Development Plan consisting of 65.875 acres generally located southeast of the intersection of Briargate Parkway and Wolf Valley Drive.
(Quasi-Judicial)

Presenter:

Kyle Fenner, Senior Planner, Planning + Neighborhood Services

Attachments: [Staff Report Lakeside Heights at Wolf Ranch Appeal](#)

[Appellant Appeal Form](#)

[Appellant Justification Wolf Ranch Appeal](#)

[Appellant Proof of Affected Party](#)

[Project Statement Lakeside Heights at Wolf Ranch](#)

[Master Plan WolfRanch 11X17](#)

[11X17 PUD Development Plan Lakeside Heights at Wolf Ranch](#)

[Public Comments Lakeside Heights at Wolf Ranch](#)

[7.5.415 APPEALS](#)

[7.5.502.E Development Plan Review](#)

[7.3.606 PUD Development Plan](#)

Kyle Fenner, Senior Planner, presented the scope of the project. The appellant, Mariah McCarty, presented her argument to the Commissioners.

The developer, Tim Seibert, Senior Vice President at Norwood Development Group, presented the scope of the project.

The appellant, Mariah McCarty, presented her rebuttal to the Commissioners.

Questions from Commissioners

Commissioner Hensler inquired about the timeline for extending Briargate Parkway, specifically asking how long until it reaches Black Forest Rd. The developer indicated an expectation of the extension happening within the next three to five years, with efforts to expedite it further. Commissioner Hensler questioned the timeline for the full build-out of Area E, expressing skepticism about the rapid completion of such a large-scale project. The response clarified that it would indeed be a multi-year project, with the initial phase alone taking 18 months to two years for completion.

Commissioner Hensler raised concerns about the cost of the recreation center and its impact on residents' mills and memberships. The response assured that there would be no change to the debt or mills, and the existing

\$30 per month homeowners association fee for access to the current recreation center would increase to \$60 per month for access to the proposed facility. The explanation also touched on the equity in payment structures for different groups of residents.

Commissioner Briggs sought clarification on the access to the rec center, particularly for residents who chose not to pay the additional \$30.00. The response outlined that those residents would still have access to the original rec center and would receive services equivalent to what was available before any changes occurred. The discussion also touched upon concerns about the existing rec center being underutilized and lacking certain facilities like a fitness center and gymnasium.

Chair Slattery inquired about the lot coverage discrepancy in PDZ zoning and sought clarification from staff. Kyle Fenner, Senior Planner, explained that PDZ zoning does not have lot coverage like straight zoning and emphasized that applying the standards of one zone district to another is not relevant. The discussion clarified that PDZ zoning has specific densities for designated areas and includes open space requirements based on the number of units.

Commissioner Briggs asked the applicant about the designated area for Lot E and inquired how far back the area had been designated for the current plans. The response indicated that Area E was initially 24 acres, but it was later reduced and shifted in the 2019 master plan amendment to create a more gradual transition from existing single-family homes. However, the 2019 master plan, under which the current application was submitted, reduced the density to 12 units per acre. Commissioner Briggs further clarified whether the original and subsequent master plans had the intent to build out the Echo and Delta areas with higher density, to which the response affirmed that it was always intended to have higher density, with the 2019 master plan reducing it from the previous plan.

Motion by Commissioner Hente, seconded by Commissioner Almy, to deny the appeal and uphold the approval of the Lakeside Heights at Wolf Ranch PUD Development Plan based upon the findings that the appeal criteria as set forth in City Unified Development Code Section 7.5.415 (UDC) are not met and that the review criteria for a PUD Development Plan as set forth in City Code Chapter 7 Section 7.3.606 and review criteria for a development plan as set forth in City Code Chapter 7 Section 7.5.502.E are met. The motion passed by a vote of 6:0.

Aye: 6 - Commissioner Almy, Commissioner Briggs, Commissioner Hensler, Commissioner Hente, Commissioner Cecil and Chair Slattery

Absent: 2 - Vice Chair Foos and Commissioner McMurray

Recused: 1 - Commissioner Rickett

8. Updates/Presentations

8. Informal Updates/Presentations

9. Adjourn