



Meeting Minutes - Final Planning Commission

Wednesday, March 13, 2024

11:00 AM

Regional Development Center (Hearing Room)
2880 International Circle

1. Call to Order and Roll Call

Present: 8 - Commissioner Almy, Commissioner Briggs, Vice Chair Foos, Commissioner Hensler, Commissioner Hente, Commissioner Cecil, Commissioner Rickett and Chair Slattery

Excused: 1 - Commissioner McMurray

2. Changes to Agenda/Postponements

Katie Carleo, Urban Planning Manager, announced Banning Lewis Ranch items 7. A.-F. would be postponed indefinitely.

3. Communications

Mike Tassi, Planning + Neighborhood Services Assistant Director thanked the Commissioners for being flexible with the time change of the meeting, and provided an update on the Appeal of Centennial Townhomes.

Mike Tassi - Planning + Neighborhood Services Assistant Director

4. Approval of the Minutes

4.A. [CPC 2233](#) Minutes for the February 14, 2024 Planning Commission Meeting

Presenter:

Andrea Slattery, City Planning Commission Chair

Attachments: [CPC 2.14.24 Minutes V2](#)

Motion by Commissioner Hente, seconded by Commissioner Briggs, to approve the minutes for the February 14, 2024 Planning Commission Meeting. The motion passed by a vote of 7:0:1:0.

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

Absent: 1 - Commissioner McMurray

Recused: 1 - Commissioner Rickett

5. Consent Calendar

Valvoline at Marksheffel Road & Constitution

- 5.A. [CUDP-23-00](#)
[27](#) A Conditional Use to allow automobile and light vehicle repair, minor in the MX-M/AP-O (Mixed-Use Medium Scale with Airport Overlay) zone district consisting of 0.77 acres located at the Northeast corner of Marksheffel Road and Constitution Avenue. (Quasi-Judicial)

Presenter:
Logan Hubble, Planner II, Planning + Neighborhood Services

- Attachments:** [Staff Report Valvoline](#)
[Attachment #1 Project Statement](#)
[Attachment #2 Public Comment](#)

This Planning Case was accepted on the Consent Calendar

Approval of the Consent Agenda

Motion by Commissioner Rickett, seconded by Commissioner Almy, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 8:0:0:1.

Aye: 8 - Commissioner Almy, Commissioner Briggs, Vice Chair Foos, Commissioner Hensler, Commissioner Hente, Commissioner Cecil, Commissioner Rickett and Chair Slattery

Absent: 1 - Commissioner McMurray

6. Items Called Off Consent Calendar

7. Unfinished Business

Banning Lewis Ranch Village B2

- 7.A. [MAPN-23-00](#)
[01](#) Establishment of the Banning Lewis Ranch Village B2 Master Plan Major Amendment to change 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. (Quasi-judicial)

Presenter:
Tamara Baxter, Senior Planner, Planning + Neighborhood Services

- Attachments:** [Staff Rpt_BLR Village B2](#)
[Attachment 1 - Project Statement](#)
[Attachment 2 -Public Meeting Summary](#)
[Attachment 3 - Public Comments](#)
[Attachment 3A - Additional Public Comments](#)
[Attachment 4 - Public Comment Response](#)
[Attachment 5 - District 49](#)
[Attachment 6 - Master Plan Major Amendment](#)
[Attachment 11 - Fiscal Impact Analysis](#)
[Attachment 12 - CONTEXT MAP](#)
[7.5.408 Master Plan](#)

7.B. [SUBD-23-00](#) 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)
[52](#)

Presenter:
 Tamara Baxter, Senior Planner, Planning + Neighborhood Services

- Attachments:** [Attachment 7 - Vacation Plat](#)
[7.7.402.C Vacation Procedures](#)

7.C. [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 + Neighborhood Services

- Attachments:** [Attachment 8 - PDZ Rezone](#)
[7.5.603.B Findings - ZC](#)
[7.3.603 Establishment & Development of a PUD Zone](#)

- 7.D. [PUDC-23-0002](#) Establishment of the Banning Lewis Ranch Village B2 PDZ Concept Plan consisting of 502 acres 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 + Neighborhood Services

Attachments: [Attachment 10 - PDZ Concept Plan and Concept Plan](#)
[7.5.501.E Concept Plans](#)
[7.3.605 PUD Concept Plan](#)

- 7.E. [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 + Neighborhood Services

Attachments: [Attachment 9 - Rezone Commercial](#)
[7.5.603.B Findings - ZC](#)

- 7.F. [COPN-23-0010](#) 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)

Presenter:
Tamara Baxter, Senior Planner, Planning + Neighborhood Services

Attachments: [Attachment 10 - PDZ Concept Plan and Concept Plan](#)
[7.5.501.E Concept Plans](#)

8. New Business

1307 E Monroe Street

- 8.A. [DVSA-23-0002](#) A Development Standards Adjustment to City Code Section 7.2.204.B and to provide a 15' front yard setback located at 1307 E Monroe Street.
(Quasi-Judicial)

Presenter:

Drew Foxx, Planner II, Planning + Neighborhood Services

Attachments: [Staff Report](#)

[Attachment #1 Site Plan](#)

[Attachment #2 Project Statement](#)

[Attachment #3 Letter of Support](#)

Drew Foxx, Planner II, presented the scope of the project to the Commissioners. The applicant Manny Escoval and Mrs. Escoval presented a presentation to the Commissioners.

Questions from Commissioners

Chair Slattery wanted to understand the development standard adjustments and how this project came to this point of building permit denial, setbacks, and applications as the Planning Commission as a whole was worried about setting a precedent of approving a project with a building permit denial.

Commissioner Rickett inquired on the contractor that was hired for this project. Furthermore, he inquired when the stop order was provided to the applicants as the project looked like it has been completed. The applicant refuted that the project has not been completed and there are a few more steps that need were on hold since the stop order was assigned.

Commissioner Hensler inquired if there was any foundational work completed for this project, to which the applicant confirmed there was no foundational work done once the stop order was assigned. The concrete work was completed a few days before the stop order because they wanted to ensure the concrete was fully cured before going to the next step of the project. Commissioner Hensler inquired further if an inspector has been out to inspect the foundational work. The applicant confirmed there has not been an inspector as they were waiting on this process to be completed before doing any additional work to adhere to the stop order. Commissioner Hensler inquired if this contractor was licensed, insured, or bonded, to which the applicant was unsure.

Commissioner Cecil commended the improvements made for the project, but stated the application should have been submitted prior to the improvements being implemented. Commissioner Cecil inquired more about the public bench replacement of the right-of-way and who would be responsible for maintenance and care for the area.

Commissioner Briggs thanked the applicants for their time and presenting very clearly. He added that the applicants explaining their situation, and how they

were not informed of the proper steps to improve their projects helped their case immensely, and understood that it was an honest misunderstanding, rather than trying to work around the system.

Vice Chair Foos added anything moving forward will now need to be brought up to code, and thanked the applicants for their time to explain the situation.

Chair Slattery observed the lot lines, noting the implementation of a new code with the UDC and some adjustments for conformance. As she surveyed the street, it appeared that her property line aligned more closely with that of most neighbors, except for two neighbors whose properties extended further forward. Expressing gratitude for the explanation provided during the process, she conveyed approval of the project's appearance. She suggested conducting further vetting of the contractor for future endeavors. Ultimately, she expressed support for the project.

Commissioner Rickett asked if this would have been an issue had it been Chapter 7, and Drew Foxx, Planner II, clarified further it would have indeed been a different issue if filed under Chapter 7. Commissioner Rickett stated he follows code very seriously and was struggling to understand item 3 of the UDC. He wanted to be clear if he were to vote in support of this project, it was strictly a porch as a non-livable space.

Commissioner Hente stated, this was probably not going to be the last time the Planning Commission would see a situation like this again.

Public Comment

Melissa Anthony, citizen, spoke in support of this project.

Ignacia Venay, citizen, also spoke in support of this project.

Motion by Commissioner Hente, seconded by Vice Chair Foos, to approve the Development Standards Adjustment to City Unified Development Code Section 7.2.204.B allowing for the establishment of a 15' front yard setback based upon the findings that the request complies with the criteria as set forth in City Code Section 7.5.525.

The motion passed by a vote of 8:0:0:1.

Aye: 8 - Commissioner Almy, Commissioner Briggs, Vice Chair Foos, Commissioner Hensler, Commissioner Hente, Commissioner Cecil, Commissioner Rickett and Chair Slattery

Absent: 1 - Commissioner McMurray

UDC Amendment for Hearing Scheduling

- 8.B. [24-160](#) Ordinance No. 24-18 amending Section 415 (Appeals) of Part 4 (General Procedures) of Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended,

pertaining to scheduling of hearing.
 (First Reading)
 (Legislative)

Presenter:

Peter Wysocki, Director, Planning + Neighborhood Services
 Mike Tassi, Assistant Planning Director, Planning + Neighborhood Services

Attachments: [UDC-AppealsORD-2024-2-2](#)

[Exhibit 1 - Redline of amendment to UDC Subsection 7.5.415 -Appeals - Scheduling of Hearing](#)

Motion by Commissioner Hente, seconded by Vice Chair Foos to recommend approval to City Council of an ordinance to amend Subsection 7.5.415.A6 (Appeals - Scheduling of Hearing) of the Unified Development Code. The motion passed by a vote of 8:0:0:1.

Aye: 8 - Commissioner Almy, Commissioner Briggs, Vice Chair Foos, Commissioner Hensler, Commissioner Hente, Commissioner Cecil, Commissioner Rickett and Chair Slattery

Absent: 1 - Commissioner McMurray

Colorado Springs Fire Station #24

8.C. ZONE-23-00 34 Ordinance No. 24-28 amending the zoning map of the City of Colorado Springs relating to 4.783 acres located at 2465 Interquest Parkway from A (Agricultural) to PF (Public Facilities) zone district for the construction of a Colorado Springs fire station (Quasi-Judicial) (Second Reading and Public Hearing)

Presenter:

Kyle Fenner, Senior Planner, Planning + Neighborhood Services.
 Peter Wysocki, Director, Planning + Neighborhood Services

Attachments: Ordinance_Colorado Springs Fire Station No. 24 ZC

Staff Report_ZONE-23-0034_CSFD Station #24

Attachment #1_Rezone Project Statement

Attachment #2_Land Use Statement & Waiver Request

Attachment #3_Zone Change Exhibit

Staff_CC_ZC CSFD Station #24

CPC 3.13.24 Minutes 8.C - Draft

Chair Slattery recused herself from this item based on her employment and work on Fire Station #24. Kyle Fenner, Senior Planner, presented the scope of project to the Planning Commission Board. The applicant, Steve Dubay, also presented the scope of the project to the board.

Commissioner Rickett sought clarification on how the item justified a zone change from Agricultural to Public Facility. He expressed confusion regarding how criteria 4 had been met. Katie Carleo, Land Use Planning Manager, explained that PF is the zone district encompassing all of Colorado Springs utilities and fire station #24. She asserted that it was the appropriate zone district according to the staff's assessment. Additionally, she mentioned that a zone change is typically accompanied by a land use plan or a land use plan waiver. She pointed out that the conditions for a land use plan waiver allow for a land use statement. She emphasized that this was only one of the six criteria that needed to be met, particularly applicable for areas under 10 acres, and it aligned with what would become a development area. Commissioner Rickett stated he would be in support of this project with a condition.

Commissioner Hensler emphasized the importance of the development plan and permit process during a lengthy hearing concerning public facility height restrictions during the water tank project. She stressed the necessity of ensuring clear communication and understanding of the design to avoid any future issues. She questioned whether it was feasible to make adherence to the development plan a condition of the record.

Motion by Commissioner Hente, seconded by Commissioner Briggs, to recommend approval to City Council the zone change of 4.78 acres from A (Agriculture) to PF (Public Facility) 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, with the following technical modification:

a. That all outstanding comments made by the Licensed Surveyor be addressed and satisfied prior to 2nd Reading by City Council.

The motion passed by a vote of 6:1:1:1.

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

No: 1 - Commissioner Rickett

Absent: 1 - Commissioner McMurray

Recused: 1 - Chair Slattery

9. Presentations

9.A. [CPC 2209](#) CSFD Emergency Response

Presenter: Brett Lacey, Fire Marshal

Attachments: [Fire Department Emergency Response 2024](#)

Brett Lacey, Fire Marshal, and Rondy Royal, Fire Chief, presented the Fire Department Emergency Response to the board. The presentation included: Purpose of CSFD, What is Risk, Community Risk (Public Safety), Loss Control Methods, Extreme Events, Mitigation Strategies for High Risk, Fire Marshal Truths, and Public Safety Commitment.

Questions from Commissioners

Commissioner Briggs received comments in the past meetings expressing concern that the actions taken were endangering the current and future residents by increasing density. The question was posed whether there might be factors to consider that could indicate the situation not being typical of a wildfire experience, even without Commissioner Briggs present to provide insight.

Brett Lacey explained that when discussing the wildfire interface, they referred to areas with heavier fuels, leading to more intense fire situations. Thirteen different fuel models were utilized to predict fire behavior. Grass fires, a perennial concern, were highlighted, especially during high wind events. Mr. Lacey noted the rapid movement and intensity of grass fires, posing a higher risk to firefighters due to shorter heat pulse durations compared to wildland fires like Waldo Canyon.

Chair Slattery inquired about citizen participation rates, to which Mr. Lacey responded that they were relatively low. Randy Royal elaborated on the notification systems in place, such as I-pause and Everbridge, emphasizing the necessity for citizens to sign up for alerts, particularly as I-pause would only be activated in life-threatening situations.

Chair Slattery sought clarification on whether there was quantitative data assessing the risk increase associated with adding more homes to different neighborhoods. Mr. Royal explained the feasibility of such modeling but noted significant variability and inaccuracies. Mr. Lacey added that while models were imperfect, they could still offer useful insights into wildfire risk factors, which influenced the categorization of homes by risk level.

Commissioner Almy raised concerns about the Everbridge alert system's functionality, citing instances of irrelevant alerts about road closures. Randy Royal acknowledged this as a glitch.

Commissioner Hente reflected on the quality of the fire services in Colorado Springs, mentioning that in the 21 years of association, there had been only one fire marshal known. Expressing frustration at the low attendance of community meetings on fire safety despite several presentations over the years, Commissioner Hente also highlighted the significant portion of calls the fire department receives for medical issues, emphasizing the department's extensive support for the community.

Commissioner Cecil sought clarification on whether the recommendations presented to the board were solely based on minimum requirements or if considerations of reasonable risks, including wildfire concerns, were also taken into account. Mr. Lacey clarified that the fire code enforcement adhered strictly to the provisions of the code without subjective judgment. Acknowledging interpretational latitude within the code, Mr. Lacey emphasized the thoroughness involved in its application and the process of addressing citizen concerns through code amendments.

Inquiring about core mitigation strategies, Commissioner Cecil raised the potential risks associated with severe weather events and gas lines, suggesting these as timely reminders for public education. Mr. Lacey affirmed the department's efforts in alerting citizens to potential risks but acknowledged the limitations in ensuring everyone's safety, attributing some incidents to human error despite educational efforts.

Commissioner Cecil asked if there was a registry for individuals unable to drive, to which Randy Royal responded there was not, emphasizing the importance of community connections and being good neighbors.

Commissioner Hensler questioned whether there were concerns regarding new developments and increased density from the fire department's perspective.

Mr. Lacey explained that he believed the density issue was managed by traffic engineering, acknowledging that this might not be a popular viewpoint. He noted that existing codes already addressed factors such as square footage per person, required exits, and occupancy limits, with the inclusion of sprinkler mandates providing additional safety measures. Mr. Lacey asserted that if the fire department did not view density as a significant concern, it was because these codes and standards had already addressed potential risks adequately.

Commissioner Hensler inquired about the best utilization of the information presented, beyond solely relying on Brett Lacey's opinions during meetings. Mr. Lacey suggested that having a foundational understanding and comfort with the decisions being made was crucial. He assured that if there were safety concerns, the fire department would express them clearly, but if they supported a decision, they would defend it confidently.

Commissioner Rickett asked Mr. Royal if he thought the new technology to send out notifications would make a difference in reducing the traffic impact. Mr. Royal confirmed he believed it would as it would help control the flow of traffic better. Commissioner Rickett thanked them for the useful presentation to the board.

10. Adjourn