



# City of Colorado Springs

Regional Development  
Center (Hearing Room)  
2880 International Circle

## Meeting Minutes - Draft Planning Commission

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Wednesday, October 9, 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**

Andrea Slattery, Commissioner Chair, welcomed Commissioner Amanda Gigiano to the Planning Commission.

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

Kevin Walker announced that he has been appointed the new Planning Director and will be confirmed by City Council on October 22, 2024. The City Council moved forward with the Karman Line and Rock Creek Annexations and they will continue in the annexation process in the coming months. City Council denied the use variance request for a medical marijuana cultivation facility on Astrozon on a 4-4 vote with one Council member not present, which had previously been approved by the Planning Commission.

### 4. Approval of the Minutes

**Motion by Commissioner Rickett, seconded by Commissioner Robbins, to approve the minutes for the September 11, 2024, Planning Commission Meeting. The motion passed by a vote of 8-0-1.**

**Aye:** 8 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic and Commissioner Casey

**Recused:** 1 - Commissioner Gigiano

**4.A.** [CPC 2358](#) Minutes for the September 11, 2024, City Planning Commission Meeting

Presenter:  
Andrea Slattery, City Planning Commission Chair

**Attachments:** [CPC Minutes 9.11.24 DRAFT](#)

## **5. Consent Calendar**

**Motion by Commissioner Rickett, seconded by Commissioner Sipilovic, that the Consent Calendar be approved. 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

### **Society of Classical Christian Education (SoCCE)**

- 5.A.** [CU DP-24-00](#) A Conditional Use to allow an elementary or secondary school use in the BP (Business Park) zone district consisting of 14.73 acres located at 10285 Federal Drive. (Quasi-Judicial)

Presenter:  
Austin Cooper, Senior Planner, Planning and Neighborhood Services

**Attachments:** [SoCCE CU Staff Report](#)  
[Attachment 1 - Project Statement](#)  
[Attachment 2 - Land Use Statement](#)  
[7.5.601 CONDITIONAL USE](#)

### **King's Ohana Pet Hotel**

- 5.B.** [UVAR-24-00](#) A Use Variance with a Land Use Statement to allow an existing Animal Care Facility to expand up to 10,000 square feet into adjacent vacant tenant spaces, no changes to the site are proposed. The over-all site consists of 2.6 acres, is in the MX-M (Mixed-Use Medium Scale) zone district, and located at 856 Arcturus Dr. (Quasi-judicial)

Presenter:  
Allison Stocker, Planner II, Planning and Neighborhood Services

- Attachments:** [UVAR-24-0003 Staff Report](#)  
[Attachment 1 Project Statement](#)  
[Attachment 2 Land Use Statement](#)  
[Attachment 3 Vicinity Map](#)  
[UVAR-24-0003 Presentation](#)  
[7.5.527 USE VARIANCE](#)

**5202 Rocking R Dr. Detached Garage**

- 5.C. [NVAR-24-0013](#) A Non-Use Variance to City Code Section 7.3.304.C.1.(a) to allow for 3,141 square feet of garage space where 1,650 square feet is usually permitted at 5202 Rocking R Drive.  
 (Quasi-judicial)

Presenter:  
 Drew Foxx, Planner II, Planning and Neighborhood Services

- Attachments:** [Staff Report](#)  
[Attachment #1 - Site Plan](#)  
[Attachment #2 - Notice of Opposition](#)  
[Attachment #3 - Public Response Letter](#)  
[Attachment #4 - Project Statement](#)  
[Attachment #5 - Rustic Hills HOA Approval](#)  
[Attachment #6 - 7.3 written interpretation - 2-8-24](#)  
[Attachment #7 - Vicinity Map](#)  
[7.5.526 NON-USE VARIANCE](#)

- 5.D. [NVAR-24-0014](#) A Non-Use Variance to City Code Section 7.3.304.C.1.(b) to allow 21' 10 3/4" detached garage height with a 4:12 roof pitch where 16-feet is usually permitted at 5202 Rocking R Drive.  
 (Quasi-judicial)

Presenter:  
 Drew Foxx, Planner II, Planning and Neighborhood Services

**6. Items Called Off Consent Calendar**

**7. Unfinished Business**

**8. New Business**

OneVeLa Urban Renewal Plan

- 8.A. [URAP-24-0002](#) A Resolution making certain legislative findings and approving the OneVela Urban Renewal Plan.

Related Files: 24-608 and 24-609

Presenter:

Jariah Walker, Executive Director, Colorado Springs Urban Renewal Authority

**Attachments:** [OneVeLa URA CPC Report 100924](#)

[Attachment 1 - OneVeLa URA Plan Final](#)

[Attachment 2 - OneVeLa-CSURA-Conditions Survey Final](#)

[Attachment 3 - OneVeLa-El Paso County Impact Report Final](#)

Ryan Tefertiller, Urban Planning Manager, presented the OneVeLa Urban Renewal District. Before the presentation, Commissioner Hensler said that her firm was involved in some previous iterations of the pricing on the building of the project, but not the Urban Renewal zoning. Commissioner Hensler did not recuse herself but wanted it on the record. Mr. Tefertiller said the proposal is to establish an Urban Renewal District on just over one acre of land on the adjacent right-of-way. The site includes four parcels located northeast of Sahwatch Street and West Costilla roughly a block away from the Olympic and Paralympic Museum. Jariah Walker, Executive Director, Colorado Springs Urban Renewal Authority gave an overview of the Urban Renewal Authority. Mr. Tefertiller continued the presentation and gave a history of the area. The proposed district falls within the area which was previously designated as an Urban Renewal District in 2001. He said the Planning Commission's role today was to evaluate the district and the plan for compliance with PlanCOS. Mr. Tefertiller said within the last 24 hours, he received emails from stakeholders experiencing interest in participating in public comment.

#### **Commissioner questions**

Vice Chair Foos asked if conditions of blight are under the purview of the City Council. Mr. Tefertiller said it is under the purview of the Urban Renewal Authority and then, ultimately, City Council.

#### **Public Comment**

Dianne Bridges, Chair of the Historic Neighborhoods Partnership, spoke in opposition to the project. She said they are passionate about the

surrounding natural beauty and supports the establishment of downtown building heights. She said City Council committed to having a robust stakeholder engagement process to determine building heights and that has not occurred. She said the object of City Planning Commission today is to address the conformity of the OneVeLa proposal to the City's comprehensive plan. Ms. Bridges said the group believes it is premature for the Commission to take action today because there has been no stakeholder engagement and the proposal is not compatible with two areas of PlanCOS. She said that based on PlanCOS the goal is to establish iconic landscapes, not override them, and to limit development encroachment that threatens the integrity of the natural landscape. She would like the Commissioners to vote to deny.

Lisa Bigelow said the proposal does not meet the conditions of blight. She said the economic impact plan shows that \$17 million out of the \$23 million will be used for public structured parking. She said the taxpayers and taxing entities should not be building structured parking for a class-A apartments. She said this is not a blighted property and opposes taxpayers and taxing entities funding this for the developers and asked the Commissioners to vote no.

Katherine Gayle said that legally putting a URA on top of something that was falsely executed in the first place does not cure it from an improper process and bad governance. She said the builder who owns the vast majority of the properties bought the warehouse and the two houses along the side three years ago and has failed to maintain them; using that as a justification for blight is a problem. Ms. Gayle said there is a house that needs paint that does not constitute blight and that if there are weeds, weed killer should be applied. She said the underutilized property does not create a reason to blight the entire block. She said there are numerous case laws about whether or not something is achieving the maximum possible income, which is not a definition of blight. Ms. Gayle said the Mill Street neighborhood is a unique place. Parking spaces should be put in place for the people that are already there.

Dana Duggan, Integrity Matters, said the legal criteria for blight have not been met. The homes and warehouses in the area are structurally sound. Warehouses in the area have been sold at rates over market value. The infrastructure of the area has been newly paved. The crime data that was submitted does not support the blight data. She said it is inappropriate to

use public funds for the blight remediation to support luxury development.

### **Commissioner Comments**

Chair Slattery said blight is under the jurisdiction and purview of City Council. The objective today is to determine whether or not this application is in compliance with PlanCOS.

Commissioner Cecil asked for more information on the proposed uses of the site and the potential for affordable or attainable housing. Mr. Tefertiller said the development plan has not been submitted, but when it is it will describe the details of the proposed building and uses. He said there is some brief dialogue in the Urban Renewal Plan that speaks on the uses of the project. This will be a mixed-use project with street-level commercial uses and roughly 400 units of multi-family residential housing with 10% of those being attainable to those making 100% AMI. Mr. Walker added that 28% of the total units will be 103% AMI, which falls under the attainable category. Regardless of which unit someone is using, they will have access to all the amenities in the building. He said this is not within the Mill Street area plan. He said no tax dollars are coming out of county or city coffers for the project.

Commissioner Hensler asked Mr. Walker to explain the way net new taxes could be used for a publicly available structure. There is a perception that the public is paying for parking for the apartments and asked to address how the mechanism would work if approved. Mr. Walker said there will be parking that will be open and available to the public, not just the residents in the building. Besides parking, other things need to be updated in the area. Commissioner Hensler asked if the Urban Renewal designation is not approved by City Council what does it mean for this project and site or the fabric of that area. Mr. Walker said if the URA designation does not occur then there is no project.

Chair Slattery asked if 10% of housing are the Capital A affordable units and an additional 23% of units are in the attainable 103% AMI category. Mr. Walker said 28% of the units fall within 103% AMI or below and 10% of units are 100% AMI or below. A little over 28% total fall with the attainable housing designation. Chair Slattery asked if that is considered affordable. Mr. Walker said it is considered attainable. Chair Slattery said she was

referring to table one of the URA eligible improvements box on page nine, attachment three and what is being stated and what was being heard were different. Mr. Walker said when it says the value of affordable units, it is speaking of attainable units.

Mr. Tefertiller reemphasized the north boundary of the Mill Street neighborhood and the plan that was approved by City Council in 2018 is roughly two blocks south of the site. This site is north of Costilla, which is a block north of Cimarron. The north boundary of the Mill Street neighborhood is Moreno, which is a block south of Cimarron. It is inaccurate to refer to this as abutting or in the Mill Street neighborhood.

Commissioner Cecil said she is an active member of the Mill Street Neighborhood Association and pointed out that she is particularly sensitive to the fact that there is no Conejos neighborhood any longer and traditionally Mill Street extended up to the area where this is, and they are vested in their surroundings. Commissioner Cecil said she is not here in that capacity and will be making a decision based on the criteria of the plan, but there was some urban renewal that eliminated this as a residential area. Mr. Tefertiller agreed and said the historical development of downtown Colorado Springs had evolved over the last 150 years and the area prior to Drake, I-25, and America the Beautiful Park, was vastly different than what we have today.

Commissioner Rickett said the code notes areas around downtown that have an unlimited height restriction and asked if this is the first building in Colorado Springs to break the 14-story height. Mr. Tefertiller said this is in the central sector of the form-based zone, which does not have an upper limit on building height. Building height is market-limited, based on what the market will bear. He said they have not seen a development plan, there is some very basic information in the Urban Renewal Plan regarding building height. He believes that the building may be around 300 feet tall, which is roughly 50 feet taller than the Wells Fargo Building, now the Alpine Bank Building on the northwest corner of Cascade and Colorado. Mr. Tefertiller said since the form-based code was adopted in 2009 there have been other buildings none taller than 250 feet. There is the 11-story Hilton Inn, a 12-story office building that was approved, but not yet built on Cimarron and Sawatch. Other buildings utilize building height standards within the form-based code.

Commissioner Rickett says he struggles with unique places in PlanCOS and specifically that view corridors are not protected. What is unique to Colorado Springs being one of the top 50 cities, we have the lowest building height of any city in the top 50. Commissioner Rickett says our unique place is a 14,000 foot mountain based on American the Beautiful that is five minutes from downtown. He does not have an issue with the developers because they are doing what is allowed by the code. If this does not move forward, he asks City Council and citizens to take a look at this and struggles with unique places. Mr. Tefertiller said unique places are an important chapter within PlanCOS and a City of our size has many unique places. Downtown is considered a unique place with high-density, walkable, exciting mix of residential, employable, entertainment, and food. He said there has been community dialogue about the future of downtown. They are in the early stages of updating the 2016 Master Plan for downtown and hope to select consultants and start the process late this year. The form-based code will be updated next year as well. Commissioner Rickett asked what the process is to get the community's input as it does not seem that it has happened yet. Mr. Tefertiller said some stakeholders have expressed a desire for City Council to limit building heights through ordinance or put a ballot initiative to allow voters to limit building heights. City Council's direction on both of those was a discussion of comprehensive stakeholder effort where they are hearing from a wide range of citizens and business owners and will occur through the Master Plan and the form-based code. Commissioner Rickett said there is a potential for this development to be the tallest building in Colorado Springs and there is a conversation with the stakeholders, and it is determined that maybe the majority of people would want to limit height. City Council has delayed having this conversation with the citizens of Colorado Springs and the development could be approved which could be contrary to the citizens.

Chair Slattery said the Commissioners are not here to decide on the development plan.

Commissioner Rickett said it is a decision that makes or breaks this project so it is important and we should consider the other factors.

Commissioner Hensler said she agrees that factors and context can be important, but they are losing sight of what they are voting on today, and what they are voting on today is if the project meets the criteria for the



Urban Renewal designation, not to talk about building height. Commissioner Hensler also said the comment about everyone being against the building height is not accurate. Three members spoke today and that is not representative of the entire community.

Chair Slattery said the Urban Renewal has their own body and the Commissioners' purview is compliance with PlanCOS.

Commissioner Hensler said unique places can look a variety of ways and do we want 400 units pushed out on the eastern edge.

Chair Slattery said something of this magnitude will add vibrancy, walkability, and make it a place where youths can walk around downtown safely. It adds connectivity to the area, provides safety, vibrancy, and conforms with PlanCOS.

Vice Chair Foos thanked everyone for having the conversations today and feels that the URA complies with PlanCOS.

Commissioner Robbins said he is not in favor of excessively high buildings either, however, the URA is comprehensive to PlanCOS. He would like to have discussions on the height of buildings in the future.

Commissioner Cecil disagrees with how well it contributes to vibrant neighborhoods and does not see the diversity in affordability levels or a thriving economy. She said she is disappointed with the value being invested in parking structures, and not with affordability. She said there is not going to be a workforce to make a thriving downtown if there are no places for them to live. Commissioner Cecil said we have to be a large and welcoming community for all types of people, at all levels of jobs in order to have an economy that can survive the next pandemic. She is not in support of the plan.

Commissioner Sipilovic said the plan is consistent with vibrant neighborhoods and unique places. He said the Common Sense Institute report that came out earlier this year highlighted a deficit in housing units in Colorado Springs. With development trends slowing in single-family units, this is a way to keep on the trend of growth in Colorado Springs and better contribute to the community.

Commissioner Gigiano said she struggles with vibrancy and unique places and agrees with Commissioner Cecil and Rickett.

**Motion by Commissioner Hensler, seconded by Vice Chair Foos, to recommend approval to City Council the approval of the OneVeLa Urban Renewal Plan based on the finding that the Plan is consistent with PlanCOS, the City's Comprehensive Plan The motion passed by a vote of 6-3.**

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

**No:** 3 - Commissioner Cecil, Commissioner Rickett and Commissioner Gigiano

**Jovenchi - Kettle Creek Center**

- 8.B. [ZONE-24-0009](#) A zone change consisting of 40.20 acres located at the intersection of New Life Drive and Interquest Parkway from A (Agricultural) to MX-M (Mixed-Use, Medium-Scale). (Quasi-Judicial)

Presenter:

Kyle Fenner, Senior Planner, Planning and Neighborhood Services

**Attachments:** [Staff Report Jovenchi RV & Kettle Crk LUPL\\_Final v.3.](#)

[Attachment 1 Project Statement](#)

[Attachment 2 Applicant Response to Ojection](#)

[Attachment 3 Applicant Response to Negative Citizen Comment](#)

[Attachment 4 Combined Public Comment & Staff Responses](#)

[Attachment 5 Powers-State Highway 83 Agreement ORD 183-02](#)

[Attachment 6 Zone Change Exhibit Jovenchi Parcels 1-4](#)

[Attachment 7 Kettle Creek Center LUP Exhibit](#)

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

[PUBLIC COMMENT #2 ZONE-24-0009 LUPL-24-0007](#)

Kyle Fenner, Senior Planner, presented the Jovenchi-Kettle Creek zone change and land-use plan located at 154 North Powers Boulevard and Highway 83. The zone change is from A (Agricultural to MX-M (Mixed-Use Medium Scale.) The land proposed is to be used for commercial use. Standard public notices were given, and six comments were received. The two opposing comments were from a resident of the North Fork neighborhood regarding the inability to access Highway 83. No agency comments were received about the rezoning, however there were preemptive comments toward future developments. This project complies

with PlanCOS. Staff finds the application does meet the review criteria.

### **Applicant Presentation**

Jason Alwine, Matrix Design Group representing the owner and applicant, gave a presentation on the project. The area is located within the Briargate Master Plan which has commercial areas. Mr. Alwine said the mixed-use will meet the daily needs of residents and businesses with high-quality, varied with easily accessible options. He said the rezoning is consistent with the goals and policies of PlanCOS and will not be detrimental to the public interest, health, safety, convenience, or general welfare. The proposed traffic improvements will help mitigate the flow of traffic that will be generated with the type of use. All future developments will meet the criteria of mixed-uses.

### **Commissioner Questions**

Commissioner Hensler asked if there is an impact from the business improvement district on the Powers extension through the area. Mr. Alwine said there is little to no impact from the project. It has a traffic letter of agreement that outlines CDOT's responsibilities for improvements and what the adjacent parcels will have to participate in. Commissioner Hensler said unlike some of the other developments along the Powers extension, this does not create any kind of funding mechanism. Mr. Alwine said no.

Commissioner Rickett asked Todd Frisbie, City Traffic Engineer, if an intersection is going to be added adjacent to the area being rezoned. Mr. Frisbie said there will be a full moving intersection, and the configuration and control will be added. Commissioner Rickett said he has sat at the intersection for 10-15 minutes and asked if the traffic could be improved. Mr. Frisbie asked if it is where Powers intersects Interquest.

Commissioner Rickett said yes. Mr. Frisbie said there are plans to make that better with the extension of Powers Boulevard to Voyager in the next three to ten years. It will alleviate congestion on Interquest Parkway by a 25-30% reduction in traffic.

Commissioner Casey asked if the Commission approved the plan today, will the development plan come back to the Planning Commission for approval. Ms. Fenner said no, it is an administrative application.

Commissioner Casey said he is concerned about the traffic and, since a traffic impact study was not provided, the Planning Commission could add a stipulation in the motion so that the development plan would come back

to the Planning Commission. Chair Slattery said yes.

Commissioner Hensler asked to revisit the amendment and said she is not in favor of an amendment to bring the plan back. She said that based on what they have heard from Traffic, the intersection is outside the development. She said the amendment is not necessary because CDOT will extend Powers. Commissioner Casey asked if the development is going in prior to the extension. Commissioner Hensler said perhaps, there is not much this development can do to address the traffic created already by Powers and not the development. Commissioner Casey said the intersection is one of the worst in northern Colorado Springs and is fine with the development, however, there was not a traffic impact study given and the public has not been given a chance to comment on the impact, it seems that the development would need to come back to the dais.

Commissioner Hensler said the traffic plan for this development is not the problem, it is with the Powers extension and asked what the rest of the board thinks about removing or adding the amendment.

Chair Slattery said the land use plan will adjust different things than the development plan and asked if the traffic study is only required during the development plan level. Mr. Frisbie said the Powers extension could happen within three to six years. There was a traffic study done with the development and no significant traffic issues were found. Commissioner Hensler asked if it was safe to assume that any traffic concerns at the intersection are not generated by the development and will not exceed current levels with the addition of interchanges. Mr. Frisbie said yes, the study did not produce any significant impact.

Commissioner Sipilovic said the amendment might be better suited for the land use plan.

Commissioner Hensler said that is accurate but is still not in favor of it.

Commissioner Robbins said the traffic is atrocious at the intersection and this might be putting the cart before the horse. The Powers Boulevard extension needs to be done before more traffic is added to the area.

Commissioner Robbins said he does not see this as a viable option until this is taken care of by CDOT.

Mr. Alwine said this is a multiphase commercial development and will not happen overnight. They are aware of the existing traffic issues today, but that is not going to be fixed without the CDOT improvements. The full buildout of the area could take two to twelve years. He does not feel that every development plan would need to come back to the Planning Commission.

Kevin Walker, Planning Director, said the concerns are heard from both

sides and if a small development was added that does not generate new traffic, that would not need to come back to the dais. He said the motion could reflect the concerns if needed.

Commissioner Hensler said these developments take more time and the decisions are based on what is in front of them today.

Vice Chair Foos said the Powers extension will take care of this and is in full support of the project.

Commissioner Rickett said he disagrees with Mr. Walker and challenged him to look at the corner of Powers and Dublin where Taco Bell and Starbucks have created a huge impact on the intersection. He is hopeful that the Powers extension will take care of that, but he does not know for sure. Commissioner Rickett would like the amendment to be added for development.

Chair Slattery asked if Commissioner Rickett would like every development plan to come back to the Planning Commission until the Powers extension is done or indefinitely or based on the project. Commissioner Rickett said indefinitely until the Powers extension is done because size does not matter and they all impact traffic.

Commissioner Casey does not want to see all the developments come back and would like to remove his motion with the amendment.

**Motion by Commissioner Hensler, seconded by Vice Chair Foos, to recommend approval to City Council the establishment of 40.20 acres as a MX-M (Mixed-Use, Medium Scale) zone district 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 7-2.**

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

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

- 8.C. [LUPL-24-000](#) Establishment of the Kettle Creek Center Land Use Plan for proposed Commercial uses consisting of 40.20 acres located at the intersection of New Life Drive and Interquest Parkway. (Quasi-judicial)

Presenter:

Kyle Fenner, Senior Planner, Planning and Neighborhood Services

**Attachments:** [7.5.514 LAND USE PLAN](#)

**Motion by Commissioner Hensler, seconded by Vice Chair Foos, to recommend approval to City Council the Kettle Creek Commercial Land Use Plan based upon the findings that the proposal complies with the review criteria for a Land Use Plan 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, Chair Slattery, Commissioner Sipilovic and Commissioner Casey

**No:** 3 - Commissioner Rickett, Commissioner Robbins and Commissioner Gigiano

**Summit View Addition No.1**

**8.D.** [ANEX-23-00](#) Summit View Addition No. 1 Annexation consisting of 32 acres located northeast of Stetson Hills Boulevard and Templeton Gap Road.  
[21](#) (Legislative)

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

**Attachments:** [Staff Report Summit View Addition No. 1\\_091724](#)  
[Annexation Post Petition Project Statement](#)  
[Vicinity Map Summit View Addition No. 1](#)  
[Exhibit A1 Petition for Annexation Summit View](#)  
[Exhibit A2 Petition for Annexation Summit View](#)  
[Plat Summit View Addition No. 1](#)  
[Legal Description Summit View](#)  
[DRAFT 2 Annexation Agreement 9.17.24](#)  
[Zone Change Exhibit A-B](#)  
[LUP](#)  
[FIA-Summit View V2 May 2024](#)  
[7.5.701 ANNEXATION OF LAND](#)

Chris Sullivan, Senior Planner, presented the Summit View Addition No. 1 annexation, zone change, and land use plan. This is located northeast of Stetson Hills Boulevard and Templeton Gap Road and west of North Powers Boulevard. The area is currently zoned as a county enclave and is being proposed to be a residential flex medium with an airport overlay with single or multi-family uses. There are six properties with primary access on Apaloosa Drive and Templeton Gap Road. Standard public notifications and neighborhood meetings were done. 70 community members attended the meeting and 46 comments were received. The primary concerns

included additional traffic to Templeton Gap Road, lack of infrastructure for water and sewer demands, evacuation, and density concerns. Agency reviews were conducted, and no major concerns were shown. This project complies with PlanCOS. Staff finds the application meets the review criteria.

### **Commissioner Comments**

Commissioner Cecil asked how this application met the criteria for 7.5.514G. Chair Slattery asked that the question be tabled until they heard from the applicant.

### **Applicant Presentation**

Nina Ruiz, Vertex Consulting gave an overview of the proposed development. There are six parcels on approximately 32 acres. 253 single-family homes are being proposed with six acres of open space and a 0.5-mile of trail to be added. Ms. Ruiz provided a summary of the neighborhood meeting stating there was some misinformation on housing types, access, and annexing other rural lots. There were concerns about buffers and traffic. Ms. Ruiz said adjustments were added to address concerns such as a privacy fence, larger buffer, product type adjusted to the two-story townhome, reduced density, and an amended traffic study. She said CSU already services the area for gas and electricity. CSFD and CSPD also respond to the area. The fiscal impact analysis is a positive cumulative cash flow for the City and supports the larger employers in the area. Ms. Ruiz said the project is in compliance with PlanCOS. She said the rural residents felt that this project was not compatible with their zoning, but that is the nature of an enclave, and it is the job of the developer to do the best they can to ensure that there is an adequate buffer. However, it is unrealistic to believe that going to five acres and developing in the city is going to work. Ms. Ruiz said there is a transition of density in the surrounding areas. The landscaping and fencing address the buffer question from Commissioner Cecil.

Brandon Wilson, Traffic Engineer and Project Manager, SM Rocha, LLC, gave an overview of the traffic impact study. The traffic study was done on Tuesday, June 27, 2023, during the morning and evening rush hours. There is a proposed extension of Corinth Drive with full movement onto

Templeton Gap Road. Mr. Wilson said neighbors expressed traffic concerns which included speeding and running stop signs. Potential solutions included a new stop sign along Templeton Gap Road, which the City has already added, and frequent monitoring of intersections by law enforcement during peak hours of traffic.

Ms. Ruiz said the criteria for the proposed zone have been met for drainage, traffic, and geological needs.

### **Public Comments**

John Martin, a resident of Appaloosa Drive for 27 years, said he did not receive a letter. He said the county does not maintain access he and the other residents do. He is concerned about the construction vehicles using the road for turnarounds and damaging the road he and other residents are responsible for maintaining. Mr. Martin also expressed concerns about the traffic on Templeton Gap Road. He said the traffic study did not include the end of Templeton Gap Road or school traffic.

Nelson Kent, a resident of the Saddleback Community, is opposed to the annexation because no changes have been made to the plans for the development. He said the density proposed for the development is too high and compared it to the density issue of the Marshall Fire. Mr. Kent expressed concerns about ingress and egress during evacuations. He said there is a ditch that goes north across the street along Apalossa Drive.

Julie Michaud, owner of four lots on Appaloosa Drive, said their property is not underutilized. This project is going to affect their quality of life. She expressed concerns about the traffic and referenced notes from the developer and El Paso County asking to address issues at Dublin and Powers which were not addressed in the traffic study. There is another development at Dublin and Templeton Gap Road with 110 units and will impact Templeton Gap Road to Stetson Hills Road. Ms. Michaud said the traffic study is not accurate and Templeton Gap Road cannot be extended.

Jane Juris, President of Sadleback HOA, said she does not see police officers stopping anyone on Templeton Gap Road. She expressed concern about a fire and evacuating. She said there needs to be another traffic study at the corner of Dublin and Templeton Gap down to Templeton



Gap and Austin Bluffs. A traffic light was installed after someone died, yet people do not stop at the lights. Ms. Juris said they cannot handle 820 more cars during school hours and working hours.

John Parra, resident of Templeton Gap Road, said the traffic issues need to be addressed. Mr. Parra said the apartment complex on Austin Bluffs and Templeton Gap Road is a retirement center and is self-contained. The commercial properties that were discussed earlier is just a gas station and there are not a lot of businesses that sell goods. He said the Colorado Springs Fire Department takes care of the area whereas the Colorado Springs Police Department does not respond to calls and is handled by the Sheriff's Department. Mr. Parra said there is an issue with speeding and traffic control needs to be during business hours and when school is in session. He said there is no disclosure on the project with details of the lots and said information is being hidden.

Mark Rivera, owner in the area, said he purchased his property in 1999. He said the high-density development increases traffic load and fire evacuation dangers. The traffic study needs to be done during the school year. Mr. Rivera said the development shows 250 families in an area that is zoned for six families. He said the map shows a road and sidewalk which is not a buffer zone.

Pamela Orr, who lives across Austin Bluffs, said the traffic study was done in the wrong time frame. She said the Colorado Springs Police Department had 106 calls from August 1st to August 15th from Rangewood to Austin Bluffs and Ruby to the Sierra Ridge neighborhood. Ms. Orr said 58% of the calls were traffic-related. She said adding to the development will significantly increase the traffic. Ms. Orr said the application comment report does not show the drainage, pond, and bridge fees were paid and would like to be shown where to find that. She said some of her neighbors have been approached about purchasing their properties and it is changing their lifestyle.

Pete Barcelona, a resident of Appaloosa Drive, said his business will be affected by the development because they rescue wolves. He said it is wrong to take away their livelihood. He said the traffic is an issue and stop signs that have been added to Templeton Gap have not helped. Mr. Barcelona said adding a thousand more people driving in the area will affect evacuations and winter conditions. He said the City wants to

develop every piece of open land and this will have a negative impact on the wildlife.

### **Applicant Rebuttal**

Nathan Steele, representing the ownership group of the developer, said they are not proposing any heights beyond two stories and the density is consistent with the area. He said there is a local office in Colorado Springs, and they value the feedback from residents in the area. He said staff did go door to door to disclose the development, but they did not contact them about purchasing their land.

Greg Dossey, Vertex Consulting Services, invited Mr. Wilson to speak on the traffic concerns. Mr. Wilson said the traffic study did include Dublin and Powers and was identified to be an issue with capacity and delay, but with CDOT's improvements, operational capacity issues are expected to be mitigated. Mr. Wilson said the traffic data collected on Templeton Gap Road showed 4,200 trips per day. The City's Traffic Criteria manual identifies the capacity as 10,000 trips per day, meaning the road is at 42% capacity. The development will add approximately 1,500 trips per day, which will maintain the daily capacity. Mr. Wilson said they are working with the City to mitigate the Templeton Gap and Austin Bluffs intersection with possible improvements or more green time on the lights. The traffic study is still in the review process and comments will be addressed accordingly. Mr. Wilson said they are willing to do another traffic study during the school year, they intended to show higher traffic during the summer months.

Mr. Dossey said they have made adjustments to the development after the neighborhood meetings. He said the City is growing around them, but this development is meeting the capacity requirements. He acknowledged the traffic is not easy in the area, however, there is a new alignment of Appaloosa Drive that is solving an issue in the area. He said the neighborhood meeting was well attended and residents knew what was going on in the area. He said there are several county roads that are not maintained. The solution is to annex the roads into the city so they can be maintained. Mr. Dossey said no one is trying to take away other lots to the concern of Ms. Michaud. He said the traffic study reaffirmed the lack of traffic in June and the traffic is probably bad during the school year. He said to Mr. Rivera's concerns about the area's changing character, that the

area is already surrounded on two sides by heavy-density development. He said there is not a requirement for disclosure of intent on buying property, but they have been transparent on the development. Mr. Dossey said they feel that this is a continuation of smart infill in the corridor.

### **Commissioner Comments**

Chair Slattery asked if there was someone online who could speak on fire and evacuation questions and in the meantime invited Mr. Frisbie to answer questions. Chair Slattery asked if the traffic study was comprehensive and what the requirements were. Mr. Frisbie said the current version of the traffic study area was comprehensive. Chair Slattery asked if there are thoughts from the City to modify Templeton Gap Road due to speeding issues. Mr. Frisbie said there was initial mitigation done in 2021 with the addition of stop signs. He said there have not been additional speed studies since that time. He said he could have staff do additional speed studies. If there is a speeding issue, the standards may allow for vertical directors such as speed bumps or crosswalks. Chair Slattery asked if another traffic study could be done during the school season. Mr. Frisbie said there could be some value in taking a count during the school year to see if there is a difference. He said because the area is not adjacent to the schools that there may not be a significant difference. Chair Slattery said this could be a condition of the motion to do a traffic study before this item goes to council. Mr. Frisbie said yes, they have access to years' worth of data on school traffic in the area.

Vice Chair Foos asked if there is a time frame for the grade separations in the area. Mr. Frisbie said the plan for Powers from Woodmen to Airport would be a grade-separated freeway. Dublin is not in the CDOT current ten-year funded plan.

Commissioner Hensler asked if his team sees any issues with the addition of this development at the intersection from a traffic perspective. Mr. Frisbie said that based on their review they did not find that the development would create a significant traffic impact in the area. Commissioner Hensler asked if there is an ability to do additional speed reduction measures. Mr. Frisbie said yes and knows there are localized queuing issues related to spacing and access points. He said access should be restricted to a right in, right out and is something that they have in

their mind, but have not made any movement on it.

Commissioner Rickett said this creates a bigger issue in that location. Mr. Frisbie said the development could create an additional 1,900 trips per day.

Commissioner Casey asked if the acceleration and deceleration lengths on Templeton Gap Road and Austin Bluffs intersection, Stetson Boulevard and Powers intersection, and Austin Bluffs and Templeton Gap intersections, are the responsibility of the City or the applicant. Mr. Frisbee said he would need to pull the study, but likely the City would have to take on existing conditions.

Commissioner Cecil said she was surprised to see the transition in the scale in density, is to put up a wall can be jarring, but if that was the preference it could be acceptable.

Chair Slattery asked where the wall is located on the plan. Ms. Ruiz said the wall would be along the perimeter of the development. She said there is an existing wall along the Saddleback Townhomes development, so there will not be a wall on the northern property boundary.

Mr. Dossey said if these lots were to be developed in the county, you could build a higher structure closer to the property today than you could with what is being proposed. The zoning district in the county would allow a 30-foot structure, 25 feet away from the property line. What is being proposed today is a minimum of 60 feet and in some cases, it is further, and only 40-foot height. Mr. Dossey said one of the traffic items they are responsible for is lengthening the turn lane at Austin Bluffs and Templeton Gap Road.

Commissioner Rickett said this is a unique area in Colorado Springs and understands that development will happen, but we are forgetting some of the eclectic areas and part of PlanCOS is trying to keep unique neighborhoods. Commissioner Rickett cautions if there is an end to development and the increase of traffic to one of the worst areas in the City.

Chair Slattery asked Steven Smith, Fire Protection Engineer, Colorado Springs Fire Department, to comment on the land use plan and this

application in relation to density and evacuations. Mr. Smith said he could not speak to evacuations as it is an operations protocol. He said there were discussions with the developer and there are two points of access provided and fire is in support of the development.

Chair Slattery said the annexation makes sense in the area and the goals of closing enclaves, but struggles with the density and the layout encroaching on the neighborhood.

Commissioner Rickett said he agrees that there is not a great buffering system and he does not see the development come back to the commission.

Mr. Walker said the commission does not have the right to hear the development plan, but there is a right to appeal. It is possible for this to come back to the Planning Commission if the neighbors do not feel that they have been given adequate answers to their questions.

Commissioner Hensler asked if they could opt to not hear the land use plan and have it come back with additional information. Chair Slattery said yes, they have the discretion not to hear the item and it is a recommendation to City Council unless it is postponed.

Trevor Gloss, City Attorney, said City code requires the land use plan be heard at the same time as the annexation by City Council which is why the items are bundled together.

Commissioner Hensler said there is an opportunity to utilize the area and is in favor of the project.

Vice Chair Foos said further investigation needs to be done on the traffic study and does not support the zone change or land use plan.

Commissioner Cecil said she does not feel that the land use plan is configured in a way that works with the existing surroundings and will be supporting the zone establishment but will not be supporting the land use plan.

Chair Slattery said it is a great area for annexations but there are other options for the zone. There is a high intensity along the eastern portions

and will vote accordingly.

Commissioner Rickett said he is against the zone and land use plan.

Commissioner Sipilovic said while he did vote to approve the annexation and zone, he said the land use plan needs work for traffic and needs to be more substantial prior to submission to the Planning Commission.

Chair Slattery said there were suggestions by City Traffic to work with them for further review before going to Council.

Commissioner Hensler said it appears that the recommended motion is subject to technical modifications and asked Chair Slattery if she suggested stronger language. Chair Slattery asked where the technical modifications were. Commissioner Hensler said they may not be called out specifically and referred to Mr. Sullivan. Mr. Sullivan said at the time the motions were drafted there were outstanding items in the traffic report that needed to be reviewed, since then they have been through another review cycle and have been approved. There are no technical modifications at this time. Chair Slattery said there was a recommendation for further review and potential spot counts as determined by City Traffic Engineering.

**Motion by Commissioner Sipilovic, seconded by Commissioner Cecil, to recommend approval to City Council the annexation of 32 acres as the Summit View 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 8-1.**

- Aye:** 8 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano
- No:** 1 - Commissioner Rickett

- 8.E.** [ZONE-23-00](#) [35](#) The establishment of a R-Flex-Med/AP-O (R-Flex Medium with Airport Overlay) zone district, in association with the Summit View Addition No. 1 Annexation consisting of 32.76 acres located northeast of the Stetson Hills Boulevard and Templeton Gap Road Intersection.  
(Legislative)

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

**Attachments:** [7.5.704 ZONING MAP AMENDMENT \(REZONING\)](#)

**Motion by Commissioner Hensler, seconded by Commissioner Casey, to recommend approval to City Council the establishment of 32.76 acres as a R-Flex-Med/AP-O (R-Flex Medium with Airport Overlay) zone district 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, subject to technical modifications required by City Planning Licensed Surveyor, and Traffic Engineering prior to review by City Council. The motion passed by a vote of 5-4.**

**Aye:** 5 - Commissioner Hensler, Commissioner Cecil, Commissioner Robbins, Commissioner Sipilovic and Commissioner Casey

**No:** 4 - Vice Chair Foos, Commissioner Rickett, Chair Slattery and Commissioner Gigiano

- 8.F. [LUPL-23-001](#) Establishment of the Summit View Development Land Use Plan for proposed Residential uses consisting of 32.76 acres located northeast of the Stetson Hills Boulevard and Templeton Gap Road Intersection. (Legislative)

[1](#)

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

**Attachments:** [7.5.514 LAND USE PLAN](#)

**Motion by Commissioner Hensler, seconded by Commissioner Robbins, to recommend approval to City Council the Summit View Development 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, To include updated Traffic counts.. The motion failed by a vote of 6-3.**

**Aye:** 3 - Commissioner Hensler, Commissioner Robbins and Commissioner Casey

**No:** 6 - Vice Chair Foos, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Sipilovic and Commissioner Gigiano

**Front Range BBQ**

- 8.G. [NVAR-23-00](#) A Non-Use Variance to City Code Section 7.4.1003.A. to allow four (4) off-street parking stalls where 26 are required located at 2326 and 2330 W. Colorado Ave. (Quasi-Judicial)

[53](#)

Presenter:  
Ryan Tefertiller, Urban Planning Manager, Planning and Neighborhood Services

**Attachments:** [Front Range BBQ Nonuse Variances - Staff Report](#)  
[Attachment 1 - Front Range Barbeque Development Plan Set](#)  
[Attachment 2 - Front Range Barbeque Project Statement](#)  
[7.5.526 NON-USE VARIANCE](#)

Prior to the start of the meeting, Commissioner Rickett said that he knows the owner of the business and worked with him prior to owning the business, but can remain impartial to the item.

Ryan Tefertiller, Urban Planning Manager, presented the Front Range Barbeque applications to expand the restaurant. The property is located at 2326 and 2330 West Colorado Avenue. The first application is to allow four off-street parking stalls where 26 stalls are required. The second application is to allow an eight-foot front setback where 20 feet are required. The application includes other applications that will be done administratively to include the development plan, administrative adjustment, and a subdivision plat. Standard public notice was done, and no public comments were received, however, multiple emails were received two weeks prior to the public hearing and most of the comments were supportive of the project. One resident had concerns regarding the noise from live music. Agency comments were received and resolved. The project is compliant with PlanCOS and staff finds the application meets the review criteria.

#### **Applicant Presentation**

Bill Guman, William Gunman and Associates, planner and applicant of the project, said there is a desire from the owner to expand the building. He presented the designs of the proposed building and landscape. He said the development plan is being reviewed by staff and asked for approval of the variance for parking. Letters from adjacent property owners were provided allowing shared parking spaces to help satisfy code requirements. Mr. Guman said the business website will show available parking spaces. Brian Fortinberry, owner of Front Range BBQ, said this is a project they have been working on for ten years and they are excited for the change.

#### **Commissioner Questions**

Commissioner Robbins asked Mr. Fortinberry if he had spoken to Alex Sinclair regarding the smoker and there are concerns about the smoker being too close. Mr. Fortinberry said they have spoken.



**Public Comments**

Bob Todd, tenant of Mr. Fortinberry, said the establishment sets the bar high on the surrounding properties and is in support of the project.

**Commissioner Comments**

Vice Chair Foos said businesses like Front Range BBQ are what makes Colorado Springs and is a staple in Old Colorado City. Vice Chair Foos supports the plan.

Commissioner Hensler said that it is encouraging to see the business expanding and is in favor of the variance.

Commissioner Cecil is in favor of the project and would like to see the live entertainment stay

**Motion by Commissioner Hensler, seconded by Vice Chair Foos, to approve the Non-Use Variance to City Code Section 7.4.1003.A. to allow four (4) off-street parking stalls where 26 are required based upon the findings that the request complies with the criteria as set forth in City Code Section 7.5.526.E. 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.H. [NVAR-23-00](#) A Non-Use Variance to City Code Section 7.4.201.C. to allow an eight foot (8') front setback where twenty feet (20') are required located at 2326 and 2330 W. Colorado Ave. (Quasi-Judicial)

[54](#)

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Neighborhood Services

**Motion by Commissioner Hensler, seconded by Commissioner Rickett, to approve the Non-Use Variance to City Code Section 7.4.201.C. to allow an eight foot (8') front setback where twenty feet (20') based upon the findings that the request complies with the criteria as set forth in City Code Section 7.5.526.E 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**

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