



City of Colorado Springs

Regional Development
Center (Hearing Room)
2880 International Circle

Meeting Minutes - Final Planning Commission

Wednesday, August 13, 2025

9:00 AM

2880 International Cir., 2nd Floor, Hearing Room

1. Call to Order and Roll Call

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

2. Changes to Agenda/Postponements

3. Communications

Andrea Slattery - Planning Commission Chair

Andrea Slattery, City Planning Commission Chair, said there are open seats for Planning Commission.

Kevin Walker - Planning Director

Kevin Walker, Planning Director for the City Planning Department, said the Planning Commission seats replacements are being reviewed by Council staff.

Mr. Walker said the final document of the Southeast Strong Plan is ready for his review and staff will bring it forward to the Commission's most likely by fall. He said staff will be presenting it for adoption as soon as Council Members are on board.

Mr. Walker said there is progress with AnnexCOS, staff are working to reflect the new information after the vote in June and getting leadership input on how to navigate through that. He said this project will be presented probably during fall.

Mr. Walker said they are working on school dedication and fees in lieu of. He said there is a contract in place with the consultant who is working with the County. Mr. Walker said he has been in meetings with them and the project will be brought forward soon.

4. Approval of the Minutes

[CPC 2677](#) Minutes for the July 9, 2025 Planning Commission Meeting

Attachments: [CPC Minutes 7.9.25 Draft](#)

**Motion by Commissioner Rickett, seconded by Commissioner Robbins, to approve the Minutes for the July 9, 2025 Planning Commission Meeting.
The motion passed by a vote of 8-0-1**

Aye: 8 - Commissioner Hensler, Commissioner Cecil, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey, Commissioner Clements, Commissioner Rickett and Commissioner Gigiano

Abstain: 1 - Chair Slattery

5. Consent Calendar

**Motion by Commissioner Rickett, seconded by Commissioner Casey, to approve the Consent Calendar with the removal of items 5.A and 5.G.
The motion passed by a vote of 9-0.**

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

Liberty Self-Storage - Conditional Use

- 5.B. [CUDP-25-0011](#) A Conditional Use to allow a self-storage facility in the BP/SS-O (Business Park with Streamside Overlay) zone district consisting of four acres located at 6650 Vincent Drive. (Quasi-Judicial)

Council District # 1

Presenter:

Allison Stocker, Senior Planner, City Planning Department
Kevin Walker, Planning Director, City Planning Department

Attachments: [CUDP-25-0011 StaffReport ADS V2](#)

[Attachment 1 DP 80-280-A3\(94\)](#)

[Attachment 2 Land Use Statement](#)

[Attachment 3 Project Statement](#)

[7.5.601 CONDITIONAL USE](#)

Kennels Ordinance

- 5.C. CODE-25-0004** An Ordinance amending Chapter 7 (the “Unified Development Code” or “UDC”) of the Code of the City of Colorado Springs 2001, as amended, as related to kennels.
(Legislative)

Related Files: CODE-25-0004
Located in All Council Districts

Presenter:

Austin Cooper, Senior Planner, City Planning Department
Kevin Walker, Planning Director, City Planning Department

Attachments: UDC-Kennels-ORD
Staff Report_Kennels_Final_20250731
CPC Minutes Excerpt - Kennel - 08_13_2025

North Gate Boulevard Addition No. 10

- 5.D. [ANEX-25-0001](#)** North Gate Boulevard Addition No. 10 Annexation consisting of 0.33 acres of right-of-way located south of North Gate Boulevard at the intersection with Struthers Road.
(Legislative)

Council District #2

Presenter:

Tamara Baxter, Planning Supervisor, City Planning Department
Kevin Walker, Planning Director, City Planning Department

Attachments: [Staff Report_North Gate Boulevard Addition No 10_TPB](#)
[Attachment 1 - Vicinity Map](#)
[Attachment 2 - Project Statement](#)
[Attachment 3 - Annexation Plat](#)
[Attachment 4 - Legal Description](#)
[Attachment 5 - Petition for Annexation](#)
[7.5.701 ANNEXATION OF LAND](#)

Beth-El Mennonite Church Childcare

- 5.E. ZONE-25-0014** An ordinance to amend the zoning map of the City of Colorado Springs pertaining to 9.93 acres located southeast of Union Boulevard and Ranch Drive at 4625 Ranch Drive from PDZ/cr/HS-O (Planned Development Zone District with conditions of record and the Hillside Overlay) to PDZ/cr/HS-O (Planned Development Zone

District with conditions of record and the Hillside Overlay) to modify certain established conditions of record. (Quasi-Judicial) (Second Reading and Public Hearing)

Related Files: PDZD-25-0020
Council District #1

Presenter:

Molly O'Brien, Planner II, City Planning Department
Kevin Walker, Planning Director, City Planning Department

Attachments: Beth-El Mennonite Church Ordinance
Beth-El Mennonite Church Staff Report - ZONE_25-0014_MEO_Final
Attachment 1 - Ordinance 03-18
Attachment 2 - Public Comment
Attachment 3 – Exhibits A and B
Attachment 4 - Project Statement
Attachment 5 - Land Use Statement
Attachment 6 - Minor Modification
7.5.704 ZONING MAP AMENDMENT (REZONING)
CPC Minutes Excerpt - Beth-El - 08_13_2025

- 5.F. PDZD-25-0020** A minor modification to the Beth-El Mennonite Church Development Plan establishing a Child Daycare Center, Large use in the PDZ/cr/HS-O (Planned Development Zone District with conditions of record and Hillside Overlay) zone district consisting of 9.93 acres located at 4625 Ranch Dr. (Quasi-Judicial)

Related Files: ZONE-25-0014
Council District #1

The minor modification to the development plan is in association with the Beth-El Mennonite Church zone change which had the first reading setting the hearing date on September 9, 2025.

Presenter:

Molly O'Brien, Planner II, City Planning Department
Kevin Walker, Planning Director, City Planning Department

Attachments: 7.5.516 MODIFICATION OF APPROVED APPLICATIONS

6. Items Called Off Consent Calendar

3121 Illinois Avenue Duplex

- 5.A. [NVAR-25-0003](#) A Nonuse Variance to City Code Section 7.2.207 to allow for a 7-foot corner lot - side street setback where 15 feet is usually required located at 3121 Illinois Avenue. (Quasi-Judicial).

Council District # 5

Presenter:

Kerri Schott, Planner II, City Planning Department

Kevin Walker, Planning Director, City Planning Department

Attachments: [NVAR-25-0003 Staff Report](#)

[Attachment 1-Project Statement](#)

[Attachment 2-NVAR-25-0003 Site Plan](#)

[Attachment 3-Neighbor Comment](#)

[Attachment 4-Neighbor Comment Response](#)

[7.5.526 NON-USE VARIANCE](#)

Kerri Schott, Planner II, presented the Nonuse Variance to City Code Section 7.2.207 to allow for a 7-foot corner lot - side street setback where 15 feet is usually required, located at 3121 Illinois Avenue, within the R-5 (Multi-Family High) zoning district. The intention is to include a new two-story duplex. The proposed site, along with the two lots to the north, already have a previously approved development plan from 2022 for a 12-unit apartment building that was never built. Ms. Schott said the lot was platted as shown in 1901 and was annexed into the city in 1970. Along 3rd Street there is an offset from the property line from the back of the sidewalk of about five feet, with that the property owner is still maintaining about 18.5 feet from the back of the curb. The proposed height is 34 feet where 50 is allowed. Standard Notice was sent out and one comment was received with concerns about corner visibility, traffic increase, damaging appearance and values of surrounding properties. Agency Review was made, and no issues were identified. The project meets the review criteria and complies with PlanCOS.

Applicant's presentation

Drew Gaiser, Managing Partner at Blue Truck Capital, as property owner and developer, said they had originally planned for a 12-unit apartment building, but now they are trying to provide the missing little housing compared to the surrounding types of houses, based on the zoning code.

He said they are in the R-5 zone, and felt a duplex was a moderate density increase on the area but will allow them to keep the cost down resulting in a more affordable rent. Mr. Gaiser said the current code is based more on the square lots rather than the rectangle ones like this site, that were plated when the City used to keep a larger right of way. He said they now have to provide setbacks along with the right of way, which has been a challenge for engineering and design on this property, therefore they are proposing a two-story duplex to try to maximize the living space and buildable area in that lot. He said the proposed setbacks are 18'6" from the street and 11'8" from the sidewalk, falling in line with the character of the neighborhood. He said there is an alley behind the property, and all the parking will be off the street, providing two tandem spaces for each unit to minimize the parking impact in the neighborhood.

Mr. Geiser described properties near the site to point out their proposal matches the neighborhood and is respectful of the community. He said the proposal is outside of the visibility triangle on the corner and they are working with the City to have the right plantings for the visual impact along Illinois Avenue. He said it is hard to work on missing little housing because it does not receive any financial incentives, while other options are easier to work on, like lower income housing that has multiple programs to apply for at federal, state and county levels, and luxury housing where people are willing to pay. Mr. Geiser said they use lessons from the past, looking back to the 60's and 70's when housing was accomplished through efficiency and repeatability, and they are trying to apply it to their proposal.

Public Comment

Matt Jones, Peyton Neighborhood Organization, said only 200 postcards went out therefore information is limited on when people receive that information and how they can respond. He said they would like more information because the neighborhood is suffering from a lack of infrastructure, stormwater is a major issue for flooding, some areas of the streets are not fully paved, there are missing sidewalks. He said they are looking for coming developers to have conversations about repairs and maintenance in the area. Mr. Jones said this neighborhood was founded by union coal miners and it was its own town until it was annexed in 1970. He said it is nice that the developer is trying to address the missing middle, because the neighborhood is full of multigenerational houses.

Chair Slattery said for potholes related issues Public Works needs to be contacted, and for infield development and stormwater systems it would be at the expense and responsibility of the developer to bring any lots developed up to code, including sidewalks.

Kevin Walker suggested to contact the Councilmember representing the district as he is interested and very adept in addressing those issues. He said Planning Department is working on a pilot program for ideas on issues like this, in Downtown and surrounding neighborhoods, where there are some vacant lots and interest in building this kind of housing; and how to help expedite that and in benefit of the neighborhood.

Commissioner Rickett said he is familiar with the neighborhood, and he has seen how they build up to the property line, like the property behind this lot. Commissioner Rickett said this is an eclectic neighborhood and the project fits well in the area.

Moved by Commissioner Rickett, seconded by Commissioner Hensler, to approve the Nonuse Variance based upon the finding 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 - Commissioner Hensler, Commissioner Cecil, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey, Commissioner Clements, Commissioner Rickett and Commissioner Gigiano

2402 N Nevada Rezoning

- 5.G. ZONE-25-00** An ordinance amending the zoning map of the City of Colorado Springs pertaining to 7,000 square feet located at 2402 North Nevada Avenue from R-2 (Two-Family) to MX-N (Mixed-Use Neighborhood Scale). (Quasi-Judicial) (Second Reading and Public Hearing)
- 07**

Council District # 5

Presenter:

William Gray, Senior Planner, City Planning Department
Kevin Walker, Director, City Planning Department

Attachments: Ordinance_2402 N Nevada Ave Rezoning
Exhibit A Legal and Exhibit B Drawing
Staff Report_2402 N Nevada Rezoning_WEG
Attachment 1 - Zoning Map
Attachment 2 - North End Addition
Attachment 3 - Context Map
Attachment 4 - Project Statement
Attachment 5 - Land Use Statement
Attachment 6 - North End Existing Land Use
Attachment 7 - North End Future Land Use
7.5.704 ZONING MAP AMENDMENT (REZONING)
CPC Minutes Excerpt - 2402 N Nevada Avenue - 08_13_2025
Public Comment_Old North End_08122025
Resident Questions and Staff Response_08272025

William Gray, Senior Planner, presented the Zone Map Amendment (Rezoning) consisting of 7,000 square feet located at 2402 North Nevada Avenue from R-2 (Two-Family) to MX-N (Mixed-Use Neighborhood Scale), with an existing commercial- residential building, the proposed use would be a small neighborhood commercial use. The property was originally developed in the late 1950's, designed with residential and commercial character, it was initially owned by a chiropractor and used mainly as a home occupation. In the late 90's it was used for wellness or massage. Between that time, it was used as a photography studio and, at some point, there was a request to have retail space, however, it was denied by the Planning Commission at that time.

Mr. Gray said the request to rezone to MX-N will allow residential, as well as offices, small personal business services, and retail uses, which are conditional uses. The purpose of the rezoning is to facilitate future use of small-scale commercial use by the current owner, considering uses such as massage, fitness, wellness, salon or spa, that fit into the small personal and service use category. The property is directly north of Penrose Hospital and surrounded by single and two-family dwellings, there are commercial centers to the west and east, like the Lincoln school and a shopping center.

Mr. Gray said this application is compatible with PlanCOS and North End Neighborhood Plan. The second mentions neighborhood commercial uses and infers that these uses should be continued as they have existed for long periods of time, this is one of those lots. He said one of the ways to

maintain those uses, the current zone does not perpetuate that, and they have to look at mixed use zones. Any future use would require development plans or conditional use to ensure the standards are appropriate. Standard Notice was sent out; no public comments were received. The project meets the review criteria.

Applicant's presentation

Meche Haflich, property owner, said she has lived in the neighborhood for the past 20 years, and she has always tried to comply with and improve the aesthetics of the business for the historic district. She said as the property is close to Penrose Hospital, it is seen as a business. She said she is a massage therapist and health trainer and has been able to provide services through the home occupation permit, usually to residents of the Old North End. Ms. Haflich said there are no proposed changes to the existing building that was built as a chiropractic office with treatment rooms and she wants to utilize that space. She said there is also a living space that can be used more as a community setting such as health classes. She said she will continue to keep it as a boutique business for the neighborhood. Ms. Haflich said the current zoning for that property would allow for a duplex to be built; however, she feels it would be less appealing than a boutique business.

Commissioner Robbins asked if there will be retail sales in the facility. Ms. Haflich said there will be no retail sales, only personal services.

Commissioner Cecil mentioned other the uses that would be permitted in an MX-N zone district.

Public Comments

Dutch Schulz, President of the Old North End Neighborhood Board, said the applicant desires to continue the use that has been in place for years, even though it has been in violation of the R-2 zoning. He said the North End Board does not object to that, as a medical office is a compatible transition to the surrounding streets. He said the Board does object to the rezoning from R-2 to MX-N, because of all the other conditional uses that the proposed new zone will allow to any new owner, and are not compatible with the area, and only a public review is required to approve a conditional

use. Mr. Schulz said the applicant has referred to commercial uses around the area, however, North Nevada is a residential street. He said the rezoning needs to be compatible with the residents that live around, and the consideration should be about the uses that the rezoning allows, not what the applicant desires. He said the applicant refers to the MX-N as compatible with the Master Plan, however, the zone did not exist at the time the Plan was approved. Mr. Schulz said this zone was presented during the RetoolCOS, and they were already strongly opposed as it was too broad, proposing 29 uses to be allowed.

Michael Anderson, member of the Old North End Neighborhood Board, said he wanted to emphasize certain uses from the 29 allowed uses, such as bar, hotel/motel, restaurants, retail, auto related uses, self-storage, detox center, and even mining and mineral extraction. He said the neighborhood will become very vulnerable to all those additional uses. Mr. Anderson said they are not opposed to the medical office/personal health use that the applicant is proposing, but to the broad range of other uses that expose the property and the neighborhood. He said they would like to propose two alternatives that they will be in support of; one will be to rezone the property to Office Residential, and referred to section 7.2.301, describing said use; and the second option will be a use variance that would maintain the current R-2 use but will allow them to have the medical office and personal services.

Chair Slattery asked if the chiropractic services would fall under the “personal services small or large” category. Mr. Gray said the proposed use will be for massage, wellness, salon/spa, and all will fall under the definition of personal and business services small.

Applicant's Rebuttal

Ms. Haflich said it is her understanding that if it is zoned OR, personal services use would not be allowed. She said she does not know if the City Planning Commission could restrict automotive uses there, because she would not want them either, but something more compliant with the neighborhood, as a boutique studio. She said she has seen some Victorian homes that have small businesses associated, and it would not make sense to do something that would damage the appeal of the neighborhood. Ms. Haflich said they are located close to the hospital, close

to the area in Filmore that is more commercial, but she wanted to have the opportunity to provide personal services.

Commissioners' Comments

Commissioner Rickett asked if Staff could come up with an alternative that meets the applicant's and the neighborhood's needs, would the applicant consider it. Ms. Haflich said she will.

Commissioner Cecil asked if the option of a use variance was explored for those services and what the reasoning was. Mr. Gray said they did consider the variance, however, the application would not meet the criteria, so they started to focus on the history of the building, and what the comprehensive plans are saying about the area. He said they felt the rezoning was more appropriate instead of trying to explain a use variance without meeting the criteria.

Commissioner Robbins asked if the Office Residential option was reviewed and is not applicable. Mr. Gray said the OR zone district does not permit personal and business services, but general or medical office, therefore, massages would not be allowed, and that is why they decided to go to the next level zone. He said there are standards and procedures that all listed uses need to adhere to, and not all of them would be compatible with the area, for example auto sales. Mr. Gray said the applicant is willing to work with staff to address the opposition's concerns.

Commissioner Rickett suggested moving forward with the rezoning but condition it to personal services, limiting all other uses.

Chair Slattery commended Mr. Schultz and Mr. Anderson for their knowledge of the code. Chair Slattery said according to the allowable use tables between OR and MX-N, the difference is that personal and business services are not allowed in the OR zone, and that has been the historic use, and the one this rezoning is intending to honor to comply with the Master Plan for the Old North End. Chair Slattery said if any of the other uses were to come forward, there is a public process, and no additional conditions are needed, because they exist in the code. Chair Slattery said for those reasons she will be voting in favor of the rezone.

Commissioner Casey said he agrees with Chair Slattery. Commissioner Cassey said there are some uses, like mineral extraction, that are allowed as a conditional use in OR but would not make sense due to the size of the property. Commissioner Cassey said for those reasons he will be voting in favor of the rezoning to MX-N.

Commissioner Hensler said she concurs with Chair Slattery's comments and appreciates the research, the conversation and the robust discussion.

Commissioner Gigiano said she voted against the item because the zone is too broad, and she worries about future uses.

Motion by Commissioner Hensler, seconded by Commissioner Casey, to recommend approval to City Council the Zone Map Amendment (Rezoning) from R-2 (Two-Family) to MX-N (Mixed-Use Neighborhood Scale) consisting of 7,000 square feet located at 2402 North Nevada Avenue, based upon the findings that the request complies with the criteria for a Zone Map Amendment (Rezoning) as set forth in City Code Section 7.5.704. The motion passed by a vote of 8-1.

Aye: 8 - Commissioner Hensler, Commissioner Cecil, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey, Commissioner Clements and Commissioner Rickett

No: 1 - Commissioner Gigiano

7. Unfinished Business

8. New Business

Miller Downs at Wyoming Lane Addition No 1

- 8.A. [ANEX-24-00](#) Miller-Downs at Wyoming Lane Addition No. 1 Annexation consisting of 21.37 acres located at 7020 Wyoming Lane.
[16](#) (Legislative)

Council District # 6 (once annexed)

Presenter:

Tamara Baxter, Planning Supervisor, City Planning Department
Kevin Walker, Planning Director, City Planning Department

Attachments: [Staff Memo Miller Downs at Wyoming Lane TPB](#)[Attachment 1 - Project Statement](#)[Attachment 2 - Vicinity Map](#)[Attachment 3 - Annexation Plat](#)[Attachment 4 - Petition for Annexation](#)[Attachment 5 - Zone Exhibit A and B](#)[Attachment 6 - Land Use Plan](#)[Attachment 7 - Fiscal Analysis](#)[Attachment 8 - Mineral Estate Affidavit](#)[Attachment 9 - Public Comments](#)[Attachment 10 - Public Input Response Letter](#)[7.5.701 ANNEXATION OF LAND](#)

Tamara Baxter, Planning Supervisor, presented the Miller-Downs at Wyoming Lane Addition No. 1 Annexation, the Establishment of the Miller Downs Land Use Plan for proposed residential use, and the Establishment of R-Flex Medium/SS-O/AP-O (R-Flex Medium with Streamside and Airport Overlays) zone district, consisting of 21.37 acres located at 7020 Wyoming Lane. The property is part of an enclave, currently zoned RR-5 with Commercial Airport Overlay. The proposed use will be single-family detached and attached residential.

Ms. Baxter said there are three proposed access points. The primary one is located to the west through the Quail Brush Creek subdivision, access to the east will be for the existing single-family residence that will be retained on the property, and access to the south is Sand Creek, where there is a Streamside Overlay and some limitations along that area. The R-Flex Medium zone allows for 5 to 16 units per acre, and the applicants are proposing 5.2 units per acre, equating to about 110 homes in the development. Ms. Baxter said there is a 30-foot remanent piece of property along Wyoming Lane, and its ownership needs to be resolved by the time of final plating, and this will be a condition for approval.

Ms. Baxter said a neighborhood meeting was held on July 31st, in addition to public meetings. Standard Notice was sent out; about 25 to 30 comments were received, both in support and opposition. The comments in opposition were related to traffic, access, safety, inadequate infrastructure, evacuation, density, wildlife habitat and increased noise. Agency Review was made, and comments were provided, some of those were addressed, while others will be part of the approval conditions. This

application complies with PlanCOS and meets the review criteria for annexation, land use plan and zone establishment.

Commissioner Rickett asked if access along Wyoming stops the exit in case of an emergency. Ms. Baxter said there will be no emergency access off Wyoming Lane, as it currently is the access for the existing home.

Commissioner Rickett asked if there is access from the neighborhood to Wyoming. Ms. Baxter said there is no access in that area, the primary access will be from the west, through Quail Brush subdivision.

Commissioner Rickett asked if there is an opportunity for an emergency egress into Wyoming. Ms. Baxter said those roads are private roads and are not equipped to handle large vehicles.

Bryan English, Development Projects Manager, Colorado Springs Utilities, provided a service overview of the proposed Annexation. Mr. English said the water extension ordinance requires City Council approval to extend service outside city limits. He presented the current water portfolio where the Reliably Met Demand is 95,000 acre-feet/year (AFY), more than 128% of the Existing Usage of 70,325 AFY. He said this project meets the exception of the enclave, with a projected water demand of 38 AFY, which meets the *minimis* impact on the water supply. Mr. English spoke about the requirements for an annexation in the Code, where the owner shall deed to all groundwater underlying the land to the City and any water rights historically used, the owner shall dedicate rights of way and easements. He said there is a well and a septic system currently used for the single-family residence and it is the owner's intention to keep them. He said this will be allowed until the owners have to apply for a permit to repair, replace or modify the septic system, in which case, if they are located within 400 feet of an existing collection, they will be required to connect. Mr. English said this property is located in the Mountain View Electric Association Service territory who are entitled to compensation if the property is incorporated to the Springs Utilities' service territory at the owner or developer's expense. He said from a natural gas perspective, they are in the Spring Utilities Natural Gas Service territory. He said water services are already existing to the west of the property, and at the owner or developer's expense they would be required to design and construct distribution mains and facilities within the property to provide adequate redundancy for domestic and fire protection. He said from a wastewater perspective there are existing

collection lines that can be extended into the property at the owner or developer's expense, and they will, as well, incur in the expenses to extend gas lines designed and constructed by Utilities. Mr. English said they can also provide electric and fiber infrastructure, which will help monitor the condition and operation of the service. He said the capital cost to cover all four services is estimated to be 2.3 million dollars on the low end, and if a contingency of 50% is added, the estimate will be about 3.5 million dollars. He noted that any annexations happening between 2025 and 2029 are not accounted for in the budget and methods to fund this infrastructure will have to be identified.

Commissioner Casey asked if CSU is doing the conduit portion or will run the network. Mr. English said they have their own fiber to run the network, but they have an agreement with King to run their own fiber, as it is not uncommon to lease fiber to other providers as a revenue source as long as they have capacity. Commissioner Casey asked if there were two sets of fiber. Mr. English said they have separate fibers for CSU and other providers.

Commissioner Ricket asked if the 1600 acres per foot for the annex locations included the rail annexation. Mr. English said it does, and it is a large percentage of it. He said there was a conversation when that was presented because depending on the use there could be a higher demand and consumption, which was estimated to be 1281-acre feet a year.

Applicant's Presentation

Noah Brehmer, Civil Engineer, Kimley-Horn and Associates, representing the applicant, said they have worked diligently with City and County Staff, and neighbors to make this project coherent, cohesive and a benefit for all. He said the adjacent zoning to the property is PDZ, and surrounding density is 5.1 to 5.2 dwelling units per acre, which aligns with their proposed density. He said this property is located in an enclave, which could bring some challenges, that is why they have been working to address all concerns for the past months. Mr. Brehmer said the project goals have influenced all their decisions, addressing all neighbors' thoughts; these goals are preservation of natural beauty, to promote sense of community, cohesion with surrounding neighborhoods, safety of residents and honoring the property's history.

Mr. Brehmer said they had multiple informal and formal meetings with neighbors; the formal meetings took place in December 2024 and July 2025. He said they received comments regarding traffic, wildlife impact, creek preservation, viewshed, speeding and neighborhood cohesion, and addressed all those making appropriate changes to their proposal. He said there is a development plan under review by the City, in which they are proposing two-story single-family homes, detached on the exterior of the property and attached homes on the center block, with a proposed density of 5.2 dwelling units per acre. Mr. Brehmer said Quail Brush Creek development is located to the west, there are County single-family residences to the north and east, and Saint Creek and another single-family development to the south.

Mr. Brehmer said the open spaces are going to be public, and maintained by a proposed Metro District, and there are trails along the south side of the site, and on the north side are the wetlands and connectivity to the west. He said regarding environmental impacts with the storm water they are part of the program set forth by the Drainage Basin Planning Study to improve the channels and are working on a solution that will allow to keep the vegetation, the use of one-foot-wide concrete cut off walls. He said they will also have a detention pond with quality treatment and will detain the 100-year storm event.

Mr. Brehmer said there will be two access points to the west of the property, access through Wyoming Lane was explored, however, it was not feasible due to several parties ownership and current road conditions constraints. He said traffic studies were performed while school was in session and identified that 60% of the traffic travels south and 40% to the north. He said that the current proposed density will generate traffic counts that fall within the traffic thresholds and criteria. Mr. Brehmer said this project is identified in the El Paso County Master Plan as a priority annexation area, and their proposal is consistent with the City's annexation criteria, PlanCOS and El Paso County Master Plan. He said they have worked to find a balance and meet all stakeholders' goals.

Mr. Brehmer said some benefits of this project are adding single-family housing opportunities, the implementation of new parks, open spaces and trails for the public; according to Colorado Springs Utilities there is sufficient capacity for the development; the fiscal impact analysis shows a positive cumulative cash flow modeled over the next 10 years; and they

have applied for inclusion into the Southeastern Colorado Water Conservancy District.

Commissioners' Questions

Commissioner Rickett asked how the traffic documents were reviewed and how this project will affect the surrounding area. Todd Frisbie, City Traffic Engineering, Public Works Department, said the infill projects are challenging, especially when they go into existing neighborhoods and local streets. He said the parameters are for a local street to not have more than 1500 vehicles per day, and how homes with a driveway impact the adjacent streets. He said they use information like existing count data and streetlight data to generate a number of trips. Mr. Frisbie said they found the expected volume to be less than the 1500 threshold, even in the most impacted streets, meeting the criteria for daily volume on local streets. He said they also discussed with the applicant the possibility of traffic calming, some of the most effective ways would be speed humps or raised crosswalks, and the applicant will be willing to implement them along the development process.

Commissioner Casey said there was a public comment about where the two roads will be extended and if they were wide enough to accommodate sidewalks. Mr. Frisbie said those roads will need to be brought up to code standards and include sidewalks.

Public Comments

Kirby Thompson, resident in the area, said his family owns 10 acres, including his wife and her family's property that was purchased by them in 1978 and continuously occupied since then. He said they are the third-generation owners of the business Britton Nursery operating on the land. He said he wanted to purchase the Miller's parcel to build a motorcycle track, and a space to play frisbee and baseball, but felt it did not make sense. Mr. Thompson said a lot of developers have shown interest in the property, but their proposals were not respectful of the neighbors, however, the current developer has been sensitive to his family lifestyle and the other neighbors and has offered to make a good transition into the existing houses. He said he and his wife own a company called Wind Walker Ventures, LLC., and he believes they are the owners of the

30-foot strip on Wyoming Lane. Mr. Thompson said they are in support of the development because they feel it is the best use of that property.

Jack Casey, resident in the area, said he is concerned about the number of houses they are proposing in the development, and their size, especially the ones closer to Sand Creek. He said he thinks any development in that area would pose a negative impact; however, he understands that not building is unrealistic, but they should keep the density to a minimum. Mr. Casey said there are some trails in the area that have a nice view and a few animals in the area, and he is concerned about them as well. He said traffic is also an issue, a lot of streets head into Dublin and it could become dangerous trying to exit from those streets, and very busy especially during school time, and he thinks traffic lights would have to be implemented. Mr. Casey said he feels this project is going to impact property values for people that wanted to have a nice view.

Shari Casey, resident in the area, said she hopes the density is kept at 5.2 and not higher because of all the traffic.

Applicant's Rebuttal

Mr. Brehmer said those comments align with the ones they received during the meetings they held and that is why they decided to lower the density to 5.2 units per acre, because going higher would represent a lot of traffic issues and the need to find alternative connections. He said they will maintain the Sand Creek corridor; therefore, they are not proposing any houses on the south of the site to maintain the view corridor, preserve the habitat and give enough buffer to residents on the other side of the creek.

Commissioner Hensler asked if there was an opportunity of a lower density than 5.2 units per acre. Mr. Brehmer said they did explore the option; however, they found that number to be a balance between neighbors' input and an economically viable project. He said there is a lot of environmental impact from the wetlands to the north and the creek to the south that does not leave much of a developable area for bigger homes.

Commissioner Hensler asked if the developers considered bridging over Sand Creek into Durango Kid Drive and if there is any available access from the south. Mr. Brehmer said bridges are expensive, but they did look

into it, however, they came across the need for a 50' public right of way that was not feasible due to space.

Commissioner Hensler asked if they had any favorable comments from the neighbors and how that would impact the development. Mr. Brehmer said the neighborhood meetings have had a good impact on the development and the neighbors' outlook, since they genuinely care about the neighborhood and have addressed as best as possible the neighbors' input from multiple meetings.

Commissioner Cecil asked if they considered R-Flex Low zoning, and if so, why they decided against it. Mr. Brehmer said they applied to R-Flex Medium because they had 30 additional proposed units that would bring them higher than the 5 to 6 dwelling units per acre that the R-Flex Low allows. He said it was in recent months that they decided to lower the proposed units per acre, and they intend to maintain that number because the local infrastructure cannot support a higher density.

Commissioner Cecil asked about one of the comments regarding the traffic study being performed when Marksheffel was under construction and caused a lot of detours, and if it impacted the traffic study. Curtis Rowe, Traffic Engineer with Kimley-Horn Associates, said they did multiple iterations of counts over the last years, including one in April of 2025, while the school was in session, and prior to the construction of Dublin. He said they evaluate historical counts as well to get an idea of the numbers when construction is complete, and they make adjustments.

Commissioner Casey said another difference between R-Flex Low and R-Flex Medium is the allowed height of 30 feet and 45 feet respectively, and the applicant is committed to two stories. Commissioner Casey asked the applicant to speak about that. Mr. Brehmer said they are proposing two-story homes, like the homes on the west, and they do not intend to change the height later in the process, as this proposal has found a good balance with the neighborhood impact.

Commissioner Casey said he is concerned that if this zone is approved and they decide not to move forward with the project, any future owner would have all possibilities with R-Flex Medium. Commissioner Casey asked the developer what the commitment and timeline for the construction is. James Houk, Land Planning with Kimley-Horn, said they have tested

their development plan to make sure they want to go in that direction, and they are including these details into the agreement. He said their lots are proposed to be 6,000 square feet, compared to the 5,000 of the neighbors. Mr. Houk said he thinks within a year the horizontal work will be done and then within two years the houses.

Chair Slattery said there are concerns about the density and height and asked where the conditions of this potential annexation land use would be described. Ms. Baxter said the land use plan shows the density limited to 5.2 dwelling units per acre, and the maximum building height is associated to the zone.

Chair Slattery said the land use plan shows the maximum building height to be 45 feet and suggested a possible condition to limit the height. Mr. Brehmer said they are open to that condition because there are no plans for changing the proposed height in the future.

Commissioner Hensler asked what the easier mechanism would be, between adjusting the application to R-Flex Low or putting different conditions to this land use plan. Chair Slattery said they could put a condition of record regarding the height as the dwelling units are already established, and they cannot speak about R-Flex Low because that is not the application in front of them today. Ms. Baxter said both options could work, recommending the R-Flex Low zoning or setting a condition to limit the height to 35 feet. Caitlin Moldenhauer, City Attorney's Office, said the zone in front of the Commission is not R-Flex Low, they need to approve or deny the one being presented.

Commissioner Cecil asked if the land use plan would come back to the Planning Commission to change the density. Ms. Baxter said there is a provision in the UDC that if a decision is made by a Board or Council, it would have to follow a similar process.

Chair Slattery asked if the 15% administrative leeway would apply. Ms. Baxter said it does not apply for density, because that will be established in the land use plan and the zone.

Commissioner Rickett said he comes from an active construction community that has a density from 3.5 to 25 dwelling units per acre, and the diversity is a positive thing, and they knew about that when they moved into

the community. Commissioner Rickett said he understands that this property did not exist when the neighbors bought their homes, but the land use plan has been handled well by establishing a 5.2 dwelling units per acre. Commissioner Rickett said he understands that if a zoning is granted it will stay with the property, unlike the land use plan, however, any changes would have to be presented before the Commission anyway, so he is supportive of the proposal with the restriction in the land use plan.

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to recommend approval to City Council the annexation of 21.37 acres as the Miller Downs at Wyoming Lane 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 9-0.

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

- 8.B.** [LUPL-25-0006](#) Establishment of the Miller Downs Land Use Plan for proposed residential use consisting of 21.37 acres located at 7020 Wyoming Lane.
(Legislative)

Council District # 6 (once annexed)

Presenter:

Tamara Baxter, Planning Supervisor, City Planning Department
Kevin Walker, Planning Director, City Planning Department

Attachments: [7.5.514 LAND USE PLAN](#)

Motion by Commissioner Rickett, seconded by Commissioner Casey, to recommend approval to City Council the Miller Downs 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, with the following conditions of approval and technical modification which shall be addressed prior to the City Council public meeting:

- Revise General Note 10 on the cover sheet to reflect the modification requested by SWENT.**
- Prior to development plan approval, the applicant shall have a third-party specialist determine if this wetland area in the northwest corner of the property consists of jurisdictional wetland and what mitigation efforts will be needed for wetland impacts under Section 404 for the Clean Water Act.**
- The labeling of the 30-foot ingress/egress right-of-way along**

Wyoming Lane shall be consistent with the Annexation Plat.

- Add the following notes to the General Notes:

° Prior to Final Plat approval the ownership and annexation of the 30-foot remanent east of the Miller Downs Addition No. 1 Annexation along Wyoming Lane shall be determined as follows:

* Within 30 days of recordation of Miller Downs at Wyoming Lane Addition No. 1 Annexation Plat and Annexation Agreement ownership of remanent shall be determined and both the city and county will need to be satisfied with the findings.

* If the petitioner for Miller Downs at Wyoming Lane Addition No. 1 is determined to own the 30-foot remanent, a petition for annexation shall be applied for within 60 days of recordation of Miller Downs at Wyoming Lane Addition No. 1 Annexation Plat and Annexation Agreement, and

* Any associated annexation with the remanent shall be completed within 1 year.

* The building height shall not exceed 35 feet.

The motion passed by a vote of 9-0.

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

- 8.C.** [ZONE-25-00](#) Establishment of R-Flex Medium/SS-O/AP-O (R-Flex Medium with
[15](#) Streamside and Airport Overlays) zone district, in association with the Miller-Downs at Wyoming Lane Addition No. 1 Annexation consisting of 21.37 acres located at 7020 Wyoming Lane (Legislative)

Council District # 6 (once annexed)

Presenter:

Tamara Baxter, Planning Supervisor, City Planning Department
Kevin Walker, Planning Director, City Planning Department

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

Meeting went into Recess

Meeting Reconvened

Motion by Commissioner Rickett, seconded by Commissioner Robbins, to recommend approval to City Council the zone establishment of 21.37 acres as R-Flex Medium/SS-O/AP-O (R-Flex Medium with Streamside and Airport Overlays) zone district based upon the findings that the request complies with the criteria for zoning establishment as set forth in City Code Section 7.5.704. The motion passed by a vote of 9-0.

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

575 Airport Creek Wireless Cellular Facility

- 8.D. [WCFE-25-0016](#) A Conditional Use to allow an existing 50-foot-tall cell service tower to increase height to 80 feet tall in the MX-M/AP-O/SS-O (Mixed Use - Medium Scale with Airport and Streamside Overlays) zone consisting of 2.13 acres located at 575 Airport Creek Point. (Quasi-Judicial)

Council District # 4

Presenter:

Drew Foxx, Planner II, City Planning Department

Kevin Walker, Planning Director, City Planning Department

Attachments: [Staff Report](#)

[Attachment #1 Airport and Powers Filing No 3 Plat](#)

[Attachment #2 CPC CM1 18-00100](#)

[Attachment #3 CPC CU 21-00097](#)

[Attachment #4 Project Statement](#)

[Attachment #5 Airport Creek Wireless Cellular Facility Development Plan](#)

[Attachment #6 Estimated WCF Fall Radius](#)

[Attachment #7 Photo Simulations](#)

Drew Foxx, Planner II, presented a Conditional Use to allow an existing 50-foot-tall cell service tower to increase height to 80 feet tall in the MX-M/AP-O/SS-O (Mixed Use - Medium Scale with Airport and Streamside Overlays) zone consisting of 2.13 acres located at 575 Airport Creek Point, with a lease area for the tower of 1,190 square feet. To the south of the lot there are single-family attached townhomes, to the east is the Powers Boulevard public right of way, to the west there is an undeveloped parcel that has been approved for the development of a future multi-family apartment building, known as the Airport Creek Apartments. The 50 feet tower is screened by a six-foot fence. The increase in height is requested to improve and maintain wireless communication services in the area as well as provide opportunities for collocation of other service providers. The existing tower was approved in 2019 and built in 2024. The total height of the tower will be 85 feet including the architectural

components that, according to federal regulation, should not be included in the total height measurement.

Mr. Foxx said according to the applicant the future apartments, that were approved in 2022, will block the ability to provide services, as they will be located within the same lot to the west and north of the tower at 49 feet height. According to the zoning code requirements, this application falls under a CM-1 conditional use because it is located in a mixed-use zone district, and it does not meet the required separation from the residential zoning. This height increase is being reviewed as a new facility because the modifications are considered substantial change, as they represent an increase of more than 10% of the height.

Mr. Foxx said this is being reviewed as a stealth design tower because it has the appearance of a pine tree. However, it does not meet the compatibility standards with surrounding environment, so non-stealth tower review criteria is being also implemented for this tower designed to look like an 80-foot pine tree. The surrounding trees height goes from 15 to 30 feet. According to the applicant, the proposed height is the shortest extension possible to accommodate additional carriers and provide adequate services. The nearest residential structure and residential zone district are currently 110 feet to the south across the creek; the future Airport Creek Apartments approved to the north are about 100 feet away and will have additional landscaping. The proposed height for the apartments is 49 feet and the extension will be about 31 feet higher than that, not including the architectural protrusion. No ingress or egress into the area will be impacted. City Staff find that the specific design requirements for an alternative tower structure have not been met, therefore, the specific design requirements for non-stealth tower have been applied.

Mr. Foxx said the tower was not built with reflective materials, and the proposed extension does not contain reflective materials. There is no opportunity to use landforms as screening because of the shorter height of the surrounding vegetation; Sand Creek to the south does have some tree growth, but the tower is still fairly visible. The tower has a ground compound area enclosed by a 6-foot wood fence and landscaping to the south. City Planning Staff find the specific design requirements for a tower have been met.

Mr. Foxx said regarding the separation requirements the UDC establishes

three types of separation and the greater of the three shall apply. Given that this antenna is close to residential zones, 5 times the tower height, 400 feet, separation is required. City Planning Staff finds the criteria for setbacks and separation are not met.

Mr. Foxx said the collocation criteria evaluate the mounting or installation for additional service providers on existing facilities, and if it is not possible, justification is requested by the City Planning Department. According to the applicant, the extension will provide opportunity for additional wireless service providers, and without the height extension, the existing facility will become unusable. For these reasons, Staff find the collocation criteria has been met.

Standard Notice was sent out, three comments were received regarding negative impacts to property value, visual impacts, and overall compatibility with the area; and an additional comment was received regarding required lighting from the FAA that would cause disturbances and the tower height being beyond what is technologically necessary. Mr. Foxx said that lighting for the tower might not be required but the applicant will provide an FAA report. Discussion about extension has been ongoing since the applicant first requested it in 2023, however, it was not an option since the tower was not already built. Since this application is only to increase height, the Streamside Overlay review criteria has not been taken into consideration. Colorado Springs Airport has required a 7460-1 FAA form to be submitted prior to construction.

Mr. Foxx said the proposed wireless facility is located in a suburban neighborhood near an inner-city corridor and seeks a height extension to support growing wireless communication needs due to ongoing development. While the project aligns with citywide infrastructure goals under Policy 2.E of the Thriving Economy Framework, it does not support the neighborhood's existing character in terms of design compatibility. The facility requires a CM-1 conditional use application due to exceeding height limits and failing to meet separation requirements from residential zones. Although the tower uses a stealth design previously approved in 2019, it does not meet current stealth design standards, and its proximity to residential areas makes the design evaluation especially relevant. City Planning Staff ultimately find that the proposed modification does not meet all applicable wireless facility standards or conditional use review criteria.

Commissioners' Questions

Commissioner Rickett asked if this application is being looked at as a new tower because it does not meet the code criteria and that is why they are suggesting conditional use. Mr. Foxx said there would be a lot more criteria if it was looked at as a new tower in its entirety, and the review was focused on the height increase, given that the current height, the compound at ground level and proximity to the residential zoning was already approved.

Commissioner Rickett asked if the code would be more or less restrictive for a new tower. Mr. Foxx said the restriction is the same for the modification or for a new tower when reviewing the separation from the residential zone.

Applicant's Presentation

Bebb Francis, Outside Wireless Council for Capital Telecom, said the proposed tower modification is intended to provide essential infrastructure for three major carriers, AT&T, T-Mobile, and Dish, who already have agreements in place but have been paused while this request is under review. He said the existing 50-foot tower, approved in 2019, was originally designed to support two carriers; however, the current issue is that the tower cannot serve all three carriers without the proposed extension. He said they have worked closely with the Planning Department over the past two years to develop a creative solution, and they emphasize the importance of this modification to meet the community's growing demand for reliable voice and data services.

Mr. Francis said the carriers arrays are located at 45 to 47 feet high, and at 35 to 37 feet high, therefore the existing 50-foot tower, approved in 2022, will be obstructed by a recently approved 134-unit apartment development, specifically Building 2, which will reach a height of 49-50 feet and sit only about 100 feet north of the tower. He said this new construction will block critical signal paths, especially the top "red zones" used by carriers like AT&T and T-Mobile, preventing effective wireless coverage, particularly to residential areas west of the site. Mr. Francis said without raising the tower height, the signals will be compromised.

Thomas Waniewski, Site Acquisitions for Capital Telecom, said the tower was originally approved with T-Mobile as the anchor tenant at 45 feet, and later secured agreements with Dish Wireless and AT&T. He said all three carriers now require placement above the newly approved 49-foot apartment building nearby, which blocks signal transmission at the current tower height. He said they were not notified of the apartment approval due to not owning the land and have since worked with staff to find a solution. Mr. Waniewski said after exploring various options, they determined that a 30-foot height extension is the minimum necessary to ensure all three carriers can operate effectively above the new building rooftops. He said the modification involves only the tower height, no changes to the compound footprint, and traffic will not be increased, vans will come every six to eight weeks to maintain the equipment. Mr. Waniewski said this extension will allow a collocation process rather than another tower in a different location.

Mr. Waniewski said one of the issues that usually comes up are fall zones, there is engineering documentation confirming that the structure is designed to bend rather than fall, keeping any collapse within a 30-foot radius, well inside the property and far from nearby buildings, including the apartment complex over 100 feet away. He said the FAA has issued a determination of no hazard for the tower at its proposed 85-foot height. The tower will not require lighting, as it remains below the threshold of 200 feet for FAA lighting requirements, ensuring minimal visual impact despite its proximity to the Air Force Base.

Mr. Waniewski said the proposed tower extension maintains the existing stealth tree design, continuing the same branch count and natural taper to ensure visual consistency. He said the extension is necessary to maintain effective service, AT&T will occupy the top position at 75 feet, followed by T-Mobile at 65 feet and Dish at 55 feet. He said this is a modification of an existing tower, not a new one, and no changes are being made to the compound footprint. He showed visual simulations from Highway 24 show how the extension will appear once the surrounding buildings are constructed, reinforcing the need for an additional 30 feet in height. Mr. Waniewski said the proposed tower extension is essential to address coverage gaps for AT&T and T-Mobile, especially in the residential areas west of the site and along Highway 24 and Airport Road.

Mr. Francis said the demand for wireless connectivity has significantly

increased since 2020, with the average household in Colorado Springs now relying on 5-7 smart devices, including for critical health monitoring and emergency alerts. He said over 85% of 911 calls are made via wireless devices, and the city actively encourages residents to stay connected through platforms like Peak Alerts and social media. He said this is not a speculative project but a response to real, immediate needs, and they respectfully request approval to proceed with the height modification to support essential infrastructure for the community.

Public Comment

Diana Pelletier, resident in the area, said she composed an email expressing her strong opposition because some regulations and rules might have been overlooked years ago when this tower was approved, disregarding the neighboring townhome community of about 102 units. She said this affects the property value in a negative way because no one would like to purposely look for a cellphone tower close by to buy a property. Ms. Pelletier asked to the Commission to please consider the code, the rules, laws, regulations and restrictions to make the right decision.

Applicant's Rebuttal

Mr. Waniewski said, although not a real estate appraiser, he found a nearby home recently sold for \$338,000, even while the tower modification notice was publicly posted, suggesting no immediate negative impact on property value. He said the tower has long been approved, and the team is mindful of its visibility from the neighborhood. He said while the tower will extend 30 feet above the new apartment rooftops, this height is necessary to ensure adequate wireless coverage. Mr. Waniewski said the surrounding view is already changing due to ongoing apartment construction, which will further frame the tower within a more developed landscape.

Commissioners' Questions

Chair Slattery asked if there were conditions of record when this item was approved in 2019 or if the residential separation was a component looked at. Mr. Foxx said there were no conditions established at the time of approval, and the separation criteria has not changed since.

Commissioner Rickett said he recalls a lot of discussion around this item back in 2019, and a lot of public opinion from the neighbors to the south. Commissioner Rickett said he recalls the connectivity map showed no connectivity in that area, and that might have been a reason for it being approved back then.

Commissioner Rickett said he agrees with Staff that this extension does not meet code, and he will not be in support.

Mr. Foxx said the applicant can submit up to one Eligible Facility Request to increase the height at a federal level. He said the focus should be on the application presented today, not what was approved in previous years. Mr. Foxx said the CU for the apartments expires next year and he does not know what the intentions of the developers are. He said that only neighboring property owners get notified of occurring development, not the tenants; and noted that the owner of this property is also involved in the apartment project.

Commissioner Rickett said he recalls the federal regulation being discussed when they first came.

Commissioner Cecil said she strongly concurs with Staff that this is not compatible with the height exceeding what is permissible in the code and will be opposing an increase in height. Commissioner Cecil thanked the members of the public that made comments with important research.

Commissioner Sipilovic said he concurs with Commissioners Rickett and Cecil that the extension does not fit in the area, even though better cell service would be great.

Commissioner Hensler asked about the fall zone of the existing tower and of the extension. Mr. Waniewski said the existing tower is designed for wind speed and ice in that area, but there was no fall zone designed for that tower, as it was not a requirement. He said the extension will have that fall zone built in.

Commissioner Hensler asked if something catastrophic were to occur, would that tower hit any residence. Mr. Waniewski said it would not, the addition is designed to bend, and the base and the foundation are

completely reinforced, and the tower was already designed to be extendable.

Commissioner Hensler said they have to look at what is best for public good, one aspect is connectivity and safety in their homes and aesthetics is another aspect. Commissioner Hensler said she would be far less inclined to approve this project if it was brand new 85-foot tower.

Commissioner Hensler said the apartments have been mentioned a lot, but there is no certainty about what will happen with them. Mr. Waniewski said it is their understanding that they are moving forward, but interest rates may have been a factor in why they are not built yet.

Mr. Waniewski said there is administrative approval that they could pursue, where they will still be adding a 20-foot extension under Federal code, and will not require this board's approval and will not have the conditions that they are proposing now, like the fall zone. He said they came before the board instead of going directly through the other administrative route because they have an additional carrier and were trying to prevent another cellphone tower appearing. Mr. Waniewski said they will be extending the tower one way or the other.

Commissioner Casey asked if there is a setback requirement for the tower radiation exposure. Mr. Foxx said City code does not elaborate on those requirements, it mentions the greater of the three conditions for setbacks, which is five times the height.

Commissioner Robbins said he has mixed emotions about this project, because they have to look at the rules, however, if there are connectivity issues it can also be a safety matter, regarding medical help and emergencies. Commissioner Robbins said sometimes he wonders if the rules that are established might not be applicable or might need to be revised. Commissioner Robbins said he understands the need for the extension but also understands the people that want to have protection for their property value. Commissioner Robbins said he did not like the statement by the applicant that they will move forward anyway.

Chair Slattery said the approval in 2019 was to aid communications, and there are no buildings surrounding the tower 360, so there is no accurate representation that the coverage will be removed. Chair Slattery said the conditional use for the apartments will expire in one year to get built or not,

therefore there is no guarantee that a similar height will eliminate the existing coverage. Chair Slattery said if it is the applicant's purview to extend the tower under federal law, that supersedes Colorado Springs Planning Commission jurisdiction, but she does see it as a problem for the residential neighborhood and she will have to adhere to the code.

Motion by Commissioner Rickett, seconded by Commissioner Casey, to deny the Conditional Use based upon the finding that the request does not comply with the criteria as set forth in City Unified Development Code Section 7.5.601.

The motion passed by a vote of 7-2.

Aye: 7 - Commissioner Cecil, Chair Slattery, Commissioner Sipilovic, Commissioner Casey, Commissioner Clements, Commissioner Rickett and Commissioner Gigiano

No: 2 - Commissioner Hensler and Commissioner Robbins

9. Presentations

10. Appointment of Planning Commission Chair and Vice Chair

10.A. [CPC 2745](#) Appointment of Planning Commission Chair

Presenter:

Kevin Walker, Director, City Planning Department

Motion by Commissioner Rickett, seconded by Commissioner Robbins, to approve the nomination of Kenneth Casey as Planning Commission Chair.

The motion passed by a vote of 9-0.

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

10.B. [CPC 2746](#) Appointment of Planning Commission Vice Chair

Presenter:

Presenter: Kevin Walker, Director, City Planning Department

Motion by Commissioner Cecil, seconded by Commissioner Casey, to approve the nomination of Nadine Hensler as Planning Commission Vice Chair.

The motion passed by a vote of 9-0.

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

11. Adjourn