

City of Colorado Springs

*Regional Development Center
2880 International Circle
Colorado Springs, CO 80910*



Meeting Minutes

Wednesday, February 8, 2023

9:00 AM

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

Planning Commission

1. Call to Order and Roll Call

Alternate Tracey Griggs was present for the meeting.

Present: 9 - Commissioner Rickett, Commissioner Slattery, Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray and Commissioner Raughton

2A. Approval of the Minutes

2A.A. [CPC 23-074](#) Minutes for the December 14, 2022, City Planning Commission

Presenter:
Scott Hente, Chair of the City Planning Commission

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to approve the minutes for December 14, 2022, City Planning Commission. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Rickett, Commissioner Slattery, Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray and Commissioner Raughton

2A.B. [CPC 23-060](#) Minutes for the January 11, 2023, City Planning Commission

Presenter:
Scott Hente, Chair of the City Planning Commission

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to approve the minutes for January 11, 2023, City Planning Commission. The motion passed by a vote of 8:0:1

Aye: 8 - Commissioner Rickett, Commissioner Slattery, Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Vice Chair McMurray and Commissioner Raughton

Abstain: 1 - Chair Hente

2B. Changes to Agenda/Postponements

3. Communications

Peter Wysocki - Director of Planning & Community Development

Mr. Wysocki thanked Elena Lobato for her service over the years. Elena has taken a new position in Economic Development.

Pikes Peak Regional Building Code Revisions

3.A. [23-071](#) 2023 Pikes Peak Regional Building Code (PPRBC) Revisions - International Building Code Adoption

(Informational Only)

Presenter:

Roger Lovell, Regional Building Official, Regional Building Department

John Welton, Deputy Building Official, gave a presentation discussing revisions to the International Building Code.

4. CONSENT CALENDAR

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

875 Vapor Trail

- 4.C. [COPN-22-0001](#) Minor concept plan amendment to the Newport Tech Center - North project changing the designated uses from General Office to Light Industry.

(Quasi-Judicial)

Presenter:

Drew Foxx, Planner II, Planning & Community Development

This Planning Case was approved on the Consent Calendar.

- 4.D. [CUDP-22-0003](#) Conditional use development plan for a warehousing and distribution center located at 875 Vapor Trail.

(Quasi-Judicial)

Presenter:

Drew Foxx, Planner II, Planning & Community Development

This Planning Case was approved on the Consent Calendar.

Zircon Drive Large Home Daycare

- 4.E. [CUDP-22-0016](#) A conditional use development plan for a large daycare home with a maximum of 12 children located at 4444 Zircon Drive.

(Quasi-Judicial)

Presenter:

Drew Foxx, Planner II, Planning and Community Development

This Planning Case was approved on the Consent Calendar.

Ames Land Exchange

- 4.F. [ZONE-22-00](#) Ordinance No. 22-15 amending the zoning map of the City of Colorado Springs relating to 1,249 square feet located south of the intersection of North 7th Street and West Espanola Street from PK/HS/SS (Public Park with Hillside and Streamside Overlays) to R-2/HS (Two-Family Residential with Hillside Overlay).

[20](#)

(Quasi-Judicial)

Presenter:

Austin Cooper, Planner II, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

This Ordinance was referred on the Consent Calendar to the City Council.

Space Foundation Electric Sign

- 4.H. [UVAR-22-00](#) A Use Variance Development Plan for the Space Foundation Electronic Message Center to allow an electronic message center sign type with a civic use located at 4425 Arrowswest Drive.

[07](#)

(Quasi-Judicial)

Presenter:

William Gray, Senior Planner, Planning & Community Development

This Planning Case was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Commissioner Rickett, seconded by Commissioner Almy, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present.

The motion passed by a vote of 9:0:0:0

5. ITEMS CALLED OFF CONSENT

Gold Hill Mesa Residential URA Plan Amendment

- 4.A. [URA 23-046](#) A resolution making certain legislative findings and approving a substantial modification to the amended Gold Hill Mesa Urban Renewal Plan.

Related File: URA 23-034

Presenter:

Jariah Walker, CSURA Executive Director

Staff Presentation:

Gabe Sevigny, Planning Supervisor, and Jariah Walker, Colorado Springs Urban Renewal Authority Executive Director, discussed the scope and intent of the project.

Bill Wysong, Westside Watch, requested that the master plan be published and be part of this request.

Gabe Sevigny replied that this request includes a concept plan and a master plan was not required. The traditional neighborhood district zone change has already been approved by City Council.

Commissioner Rickett asked if there will be a development plan provided for the commercial development. Mr. Sevigny replied there will be a development plan and public notice will occur.

Commissioner Raughton asked about the previously proposed big box store that was changed to a neighborhood-oriented village idea and is that concept still in place. Jariah Walker said that it still is the plan.

Motion by Commissioner Rickett, seconded by Commissioner Foos, to recommend approval to City Council the Amended Gold Hill Mesa Urban Renewal Area Plan as it is consistent with the City's Comprehensive Plan based upon the findings contained in the staff report. The motion passed by a vote of 9:0:0:0

Aye: 9 - Commissioner Rickett, Commissioner Slattery, Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray and Commissioner Raughton

Gold Hill Mesa Commercial URA Plan

4.B. [URA 23-034](#) A resolution making certain legislative findings and approving the Gold Hill Mesa Commercial Urban Renewal Plan.

Related File: URA 23-035, URA 23-046, URA 23-093

Presenter:
Jariah Walker, CSURA Executive Director

See Item 4.A. URA 23-046

Motion by Commissioner Briggs, seconded by Commissioner Rickett, to recommend approval to City Council the Gold Hill Mesa Commercial Urban Renewal Area Plan as it is consistent with the City's Comprehensive Plan based upon the findings contained in the staff report. The motion passed by a vote of 9:0:0:0

Aye: 9 - Commissioner Rickett, Commissioner Slattery, Commissioner Almy, Commissioner Briggs, Commissioner Foes, Commissioner Hensler, Chair Hente, Vice Chair McMurray and Commissioner Raughton

North Union Self-Storage

4.G. [CUDP-22-00](#) A conditional use development plan for a 116,290 square foot mini-warehouse in the OC (Office Complex) zone district located at [13](#) 9870 N Union Blvd.

(Quasi-Judicial)

Presenter:

Austin Cooper, Planner II, Planning and Community Development

Staff Presentation:

Austin Cooper, Planner II, gave a presentation on the scope and intent of the project.

Applicant Presentation:

Andrea Barlow, N.E.S., Inc., gave a presentation on the scope and intent of the project.

Camille Looney, represents neighbors on Portilla Place who oppose this project. They have concerns about lighting on the east side, as well as interior lighting remaining on all night.

Commissioner Briggs had a question about lighting. Ms. Barlow said the windows on the east side are very small and the facility will be closed at 10 p.m., so lights will not be on overnight.

Commissioner Hensler stated her appreciation for Ms. Looney’s recognition of the inevitability of growth and for bringing forward practical solutions.

Motion by Commissioner Rickett, seconded by Commissioner Foes, to approve the conditional use development plan for the N Union Blvd project, based upon the findings that the request meets the review criteria for granting a Conditional Use as set forth in City Code Section 7.5.704, and the review criteria for granting a Development Plan, as set forth in City Code Section 7.5.502(E) with the following technical modification(s):.

1. The applicant must complete one of the following: Provide a permanent control measure (PCM) on-site or add a note to the cover sheet of the development plan acknowledging whether the site is served by an existing PCM. The note must include the full name of an approved Final Drainage Report, the consultant who prepared the report, and the date the report was approved by SWENT.

2. Update landscaping sheets to make certain that no trees are proposed

within 15 feet of any water or wastewater mains, or within 7 feet of any utility lines.

The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Rickett, Commissioner Slattery, Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray and Commissioner Raughton

6. UNFINISHED BUSINESS

7. NEW BUSINESS CALENDAR

Goat Ordinance

7.A. [CODE-23-00](#) Ordinance No. 23-09 amending the Unified Development Code of the City of Colorado Springs establishing standards for urban agriculture (goats)
[01](#)

Presenter:
 Morgan Hester, Planning Supervisor
 Ben Bolinger, City Attorney

Staff Presentation:

Morgan Hester, Planning Supervisor, gave a presentation on the scope and intent of the ordinance to amend the Unified Development Code of the City of Colorado Springs to define regulations for structures related to urban agriculture for the housing of animals, including goats.

Questions from Commissioners:

Commissioner Rickett asked if this is considered agricultural standing. Ms. Hester said it is not. He asked for the definition of pets in Chapter 6 and Ms. Hester said code limits domestic pets to four animals.

Commissioner Briggs asked about mating pairs. City Attorney Ben Bollinger answered that citizens are not allowed to keep unaltered males in the city.

Commissioner Raughton asked about pygmy pigs. Ms. Hester said that is not part of this amendment.

Bill Wysong, President of Mountain Shadows Community Association, wanted to reinforce that neighborhood covenants supersede the ordinance. Mr. Bollinger confirmed that stricter covenants supersede any city ordinance.

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to recommend to the City Council adoption of an ordinance amending the Unified Development Code of the City of Colorado Springs establishing standards for urban agriculture (goats). The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Rickett, Commissioner Slattery, Commissioner Almy, Commissioner Briggs, Commissioner Foes, Commissioner Hensler, Chair Hente, Vice Chair McMurray and Commissioner Raughton

ConnectCOS Master Transportation Plan

- 7.B. [MAPN-22-0006](#) Ordinance No. 23-13 adopting the ConnectCOS Master Transportation Plan, the City of Colorado Springs 2023 Intermodal Transportation Plan as amended at the February 28, 2023 City Council meeting.

Presenter:

Ted Ritschard, P.E., Olsson

Todd Frisbie, P.E., PTOE, City Traffic Engineer, Public Works Department

Tim Roberts, Transportation Planning Program Manager, Public Works Department

Travis Easton, P.E., Public Works Director, Public Works Department

Mr. Wysocki stated for the record there are three types of master plans that include the city-wide systems plan, the facilities master plan and the private land-use master plan. Per city code, the Planning Commission is responsible for holding a public hearing and providing their recommendations to City Council for each of these types of master plans. This transportation master plan falls under the category of a city-wide systems plan and today is the first step in the public hearing process.

Staff Presentation:

Tim Roberts, Transportation Planning Manager, and Ted Ritschard with Olsson Engineering, gave a presentation on the scope and intent of the ConnectCOS Master Transportation Plan. Creation and adoption of this plan is a key recommended initiative of PlanCOS. Upon adoption, ConnectCOS will replace the 2001 City of Colorado Springs Intermodal Transportation Plan and will serve as a further articulation of the city-wide multi-modal transportation strategies in support of the PlanCOS vision and goals.

Questions from Commissioners:

Commissioner Briggs asked how a document like this takes into account all the development that might occur that would fundamentally change transportation and how does that factor in. He also asked what role does CPC play when looking at proposed projects that may affect transportation. Mr. Roberts said that is not an easy answer. The studies within the plan do try to anticipate future development, but they recognize this is a concern and something that needs to be addressed. Commissioner Briggs asked that going forward that commissioners be updated by staff of any potential impacts of future development.

Commissioner Briggs was also curious about any data or studies that show the take rate of multi-modal transportation projects. Mr. Ritschard said there are studies, but they depend on context. Mr. Roberts added that our enhanced transit network is very important and relies on proper land-use densities to be successful.

Commissioner Briggs asked about the Citizen Transportation Advisory Board (CTAB) meeting last night and some proposed language changes and wanted to know why they are limiting options in a study, specifically regarding motorized vehicles. Mr. Roberts said there is still an option for electric bikes and scooters.

Commissioner Foos asked if there are any projects that would require the use of eminent domain. Mr. Ritschard answered that, first and foremost, they explored how they could use the available space that exists in the current right-of-way and none of the projects would require the use of eminent domain. Mr. Roberts added that the intent of the plan is to avoid forced eminent domain and they will work with citizens for any situations that are necessary.

Commissioner Rickett asked if the discussion from the CTAB meeting last night will be included in ConnectCOS. He would like to include that proposal in a motion to exclude cars and trucks from the Constitution concept.

Commissioner Rickett asked if there were any other proposals from the meeting. Mr. Roberts said there were not and that CTAB has already approved ConnectCOS, excluding Constitution.

Commissioner Slattery had questions regarding transit-oriented design (TOD). If ConnectCOS truly is dependent on density, will city code be amended to accept and encourage densities along such corridors? Mr. Wysocki said that transit-oriented design has been retained in Retool as an incentive-based overlay. He said that, generally speaking, TOD works best with fixed-route transit and the concept revolves around hubs that are unlikely to change and hubs work best in high-density development.

Chair Hente was curious about how these projects will be funded. Mr. Roberts said that when the 2001 Intermodal Transportation Plan was adopted, there was no PPRTA (Pikes Peak Rural Transit Authority), but the recommendations from the plan helped create the PPRTA. Through those funds, almost every capital improvement through that study has been implemented. They have also used some federal grants. This new study is simply to identify the needs and then staff can start pursuing funding mechanisms.

Public discussion:

Tom Murawski, Vice-President of the 2400 Wood Avenue HOA, said they favor the study that addresses improvements to east-west mobility, except for the Constitution Avenue extension study. They also support the recommendation from CTAB to exclude cars and trucks from that study.

Juice Ortiz, North Tejon resident, does not believe that the City addresses the

current traffic issues.

Joe Hammock, believes the problem with congestion is caused by human behavior and supports the CTAB proposal.

Bill Wysong said that evacuation is missing from this study.

Cody Burket commended CTAB for listening to the public. He is concerned with the spending that will be required by the projects in this study.

Linda Yost, Old North End resident, is concerned about use of rail spur behind her neighborhood. She supports multi-modal options and said the developers should be responsible for bolstering infrastructure.

Dana Duggan, Broadmoor resident and founder of Westside Watch, is concerned about evacuation modeling and degradation in level of service.

Joel Schott suggested the City look at a light-rail system.

DISCUSSION OF PLANNING COMMISSION:

Commissioner Rickett would like to add a couple of items to a motion, to include the CTAB motion to exclude cars and trucks from Constitution, and to add a study for evacuation.

Commissioner Almy agreed there needs to be some gross level planning for evacuation.

Commissioner Briggs agreed with evacuation planning. He is sympathetic to the idea of the Constitution proposal, but is unsympathetic to the idea of "putting our thumb on the scale" before a study is done. The purpose of any study is to propose and evaluate options and not to put conditions on them that would hinder the results.

Commissioner Raughton supported Commissioner Briggs' position to see all the options considered for Constitution.

Commissioner McMurray agreed with evacuation planning and would also like an objective study of Constitution.

Commissioner Hensler agrees with most of the previous statements. She believes funding should be for all east-west studies, not just Constitution. She also believes that evacuation planning is not part of this proposal and that it should be addressed separately.

Commissioner Slattery agreed with the CTAB proposal being part of the motion, but does not believe this is the place to include evacuation planning.

Chair Hente referred to Commissioner Briggs' "thumb on the scale" comment and that this commission votes on every project separately and they can choose to take their thumb off the scale and City Council can do the same. He thought it might be better to make a separate recommendation in regard to evacuation planning.

Commissioner Almy said that CTAB shows that the process works and that community involvement affected the results.

Chair Hente asked and Mr. Wysocki confirmed that the CTAB recommendation will go to City Council regardless of what is decided here today.

Motion by Commissioner Rickett to recommend approval to City Council an ordinance adopting the ConnectCOS Master Transportation Plan, the City of Colorado Springs 2023 Intermodal Transportation Plan, and include:

1. CTAB's recommendation of no cars and trucks for an extension of Constitution
2. Recommend evacuation plan study for natural disasters.

The motion failed for lack of a second.

Aye: 0

Motion by Vice Chair McMurray, seconded by Commissioner Slattery, to recommend approval to City Council an ordinance adopting the ConnectCOS Master Transportation Plan, the City of Colorado Springs 2023 Intermodal Transportation Plan. The motion passed by a vote of 9:0:0:0

Aye: 9 - Commissioner Rickett, Commissioner Slattery, Commissioner Almy, Commissioner Briggs, Commissioner Foes, Commissioner Hensler, Chair Hente, Vice Chair McMurray and Commissioner Raughton

2424 Garden of the Gods

- 7.C. [PUDZ-22-0005](#) An appeal of the Planning Commission decision to recommend approval of an ordinance amending the zoning map of the City of Colorado Springs relating to 125.34 acres located northwest of the West Garden of the Gods Road and North 30th Street intersection from PIP-1/A/PUD/HS (Planned Industrial Park, Agricultural, and Planned Unit Development with Hillside Overlay) to PUD/HS (Planned Unit Development: Civic, Commercial, Office, Open Space and Residential uses; Maximum Building Height 45-feet; 9-14.5 du/ac residential and 950,000 maximum non-residential square footage; with Hillside Overlay).

(Quasi-Judicial)

Related Files: PUDC-22-0003

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

City Attorney clarification:

City Attorney Lisa O'Boyle said that in order for a quasi-judicial item to be considered by a judicial review pursuant to Rule 106, the governing body has to make a final decision on the item. That happened at the City Council meeting where they made their final determination. For the pendency of that item at the district court or appellant level, that item remains in final status. The appellant could have sought, but did not, a stay on the item and so the application being heard today is appropriate for this reason and more than 12 months have passed. City Code 7.5.906 declares that the date of final decision would be August 21, 2021. City Code 7.5.907 states that the period is 12 months from the date of final action. We are well past that period and this commission is free to hear the new items today.

Ms. O'Boyle also polled the commissioners in regard to ex parte communications and asked for affirmation that they will be able to remain impartial in hearing the information and evidence presented today and that they will be able to make a decision on the criteria set before them. All commissioners stated they will be able to remain impartial. Chair Hente disclosed that he spoke with citizens about the process of conducting the meeting, to which he included the City Attorney and Planning Director, but does not believe that would influence him today. Commissioner Slattery disclosed that she encouraged citizens to attend today, but she believes she can remain impartial.

Staff Presentation:

Daniel Sexton, Planning Supervisor, gave a presentation on the scope and intent of this project. This is a new project that includes concurrent applications for a PUD zone change and PUD concept plan for 125.34 acres known as 2424 Garden of the Gods Road. The zone change would be from PIP-1/A/PUD/HS to PUD/HS. The concept plan includes a mixed-use development with commercial, civic, office, open space, and residential uses.

Applicant Presentation:

Andrea Barlow, N.E.S., Inc., representing the applicant, gave a presentation on the scope and intent of this project. She discussed in more detail the history of this project, neighborhood involvement, and concerns of citizens. This project will develop already developed areas and preserve 55 acres of open space. Ms. Barlow presented an analysis of the review criteria and how this project meets them.

Questions from Commissioners:

Commissioner McMurray asked if the townhomes were envisioned to be for rent

or to own and Ms. Barlow said they could be either.

Commissioner Raughton supported this project previously, but he is concerned that the light industrial use has been excluded this time around. He believes this property would be appropriate for that use and he hopes the owner would consider this. Ms. Barlow said it was not intentionally excluded in order to restrict use, but it was an effort to find uses that would be more acceptable to the neighborhood. They will consider including this going forward.

Commissioner Rickett said that the previous applications included a zone change, a concept plan and a master plan and he asked if City Council only denied the zone change and concept plan. Mr. Sexton confirmed that and explained that a master plan only requires one hearing in front of City Council and it is approved through resolution and it was approved in 2021. Commissioner Rickett would like to see that development plan in relation to the new proposed uses. Mr. Sexton explained that the project contained an applicant for a PUD concept plan, and "not" a PUD development plan. The PUD concept plan includes a list of permitted uses.

Commissioner Rickett asked the City Attorney whether they can take into consideration Chapter 8 in City Code regarding public safety. Ms. O'Boyle responded that in looking at 8.7.206 that was passed in 2022, it includes requirements that are placed on the City Office of Emergency Management to divide the city into evacuation zones and to create an informational campaign. This is not a requirement that the developer must show has been complied with or completed. Ms. O'Boyle's opinion is that 8.7.206 is inapplicable to the application being considered today and that the applicant cannot be judged on items that are required to be completed by the City. Chair Hente said one of the criteria they can look at is whether the project is detrimental to safety. Ms. O'Boyle agreed, but commissioners cannot bring elements of 8.7.206 specifically into consideration.

Chair Hente asked Fire Marshal Brett Lacey about the implementation of evacuation software. The Colorado Springs Fire Department has purchased Zonehaven, which enables the city to be broken into zones. Fire Marshal Lacey said this is more advantageous and allows for more targeted evacuation. He said it is important that citizens become familiar with their zone and get signed up with Peak Alerts to receive notifications.

Commissioner Briggs asked the City Attorney that if this project is approved today while a legal case is in the process for the same property, which takes precedence. Ms. O'Boyle said that if the current applications are approved by Planning Commission and City Council, the applicant is free to develop the property in accordance with approved entitlements. If there is then a finding at the appellate or supreme court level, it would be so fact-specific on what was actually held that it would most likely be a remand for consideration. It is possible that the applicant could gain approval for their original plans. Commissioner Briggs then asked if he can ask the applicant their intent if that should happen. Ms. O'Boyle said she would hesitate to require a response because it is pending litigation and the applicant may not want to make disclosures that would undermine that case. Commissioner Briggs then did

ask the applicant their intent. Joe Hooker, representative for 2424 Garden of the Gods, responded that if the present applications are approved, they would terminate the lawsuit.

Commissioner Rickett asked that based on public comment, there was talk of a 5,000-seat arena at Flying W Ranch. Mr. Sexton said no formal applications for such an arena have been submitted, so they cannot speak to that. There is an active application for a multi-family complex across the street from 2424 Garden of the Gods, but it would be premature to speak to that project as it is still under review.

Public Comment:

Supporters:

Devin Camacho, Colorado Springs Chamber and EDC, said that attainable housing is a critical part of their mission. Our region currently faces a deficit of 12,000 units. They support all housing and any innovative ways to provide that to our citizens.

Laura Nelson, Apartment Association of Southern Colorado, stated support for this project that will bring much needed housing in a variety of forms to this area of town. Colorado Springs has a need for a variety of housing for our retirees, military families and young professionals and she believes we should use our infill areas within the city.

Marla Novak, Colorado Springs HBA, spoke on behalf of the Community Housing Affordability Task Force, a group that was established at the request of Mayor Suthers to initiate community discussion on housing affordability. The task force created the Missing Middle Housing Report that was presented to both City Council and the El Paso County Board of Commissioners in 2022. The report highlighted the need for all types of housing to help with the current housing challenge. A recent report shows that Colorado Springs has a housing deficit of 10,000-20,000 units in 2022. This project is important to meet the needs of our citizens.

Erin Davitt, El Paso County resident, disputed many of the arguments that opponents of this project have expressed. She supports this project and encouraged commissioners to leave emergency management to the professionals.

Opponents:

Kelly Christner, Exigo Corporation, said the proposed project takes away the parking lot of the two entrances they are about to start using next week. Exigo is not entirely opposed to the rezoning and would welcome more food options for their employees. They just invested several million dollars in a build-out of 20,000 square feet and several other buildings will soon be 100% occupied. Their lease states that 2424 will provide four parking spaces per thousand square feet, which equates to 80 parking spaces total, and they anticipate the need for 50-60 more for conferences. He asked where all the current and future

tenants will park.

Bill Wysong, Mountain Shadows Community Association and Westside Watch, disputed the legality of these applications, since the previous applications are still in litigation. Their objections continue to be traffic, wildfire evacuation, the effect on the Bighorn sheep herd, park land dedication and unit density. He stated that the zone change does not comply with multiple regulations, including city code, state statute, the Colorado 2015 State Wildlife Action Plan, Colorado executive order and district court. They would like an independent analysis of the visual representation of the project, because they feel the representation provided by the applicant is false. They feel the City's use of Zonehaven software for evacuation is inadequate. They also believe their Foothills parks service area is woefully underserved. They argue that, despite the opinion of Colorado Parks and Wildlife, there will definitely be a negative impact on the Bighorn sheep. Continued development of high density housing in the area continues to impact traffic, but there has been no large-scale traffic analysis. Mr. Wysong asked commissioners to consider whether the zone change will be detrimental to public interest, health, safety, convenience, and general welfare.

Jeff Norton showed a slide stating the criteria and requirements from the Hillside Overlay Ordinance, City code and PlanCOS in order to show that this project does not comply. He discussed the visual representation provided by NES, saying that they grossly understate the impact and he asked for an independent analysis.

Glenn Carlson, Mountain Shadows resident, spoke directly to the parkland dedication ordinance, as parks, trails and open space are critical to our city. Since the ordinance went into effect in July, 2021, zero funds have been spent on parks. Although the applicant is offering to allocate the property on the west side of the property as open space, if that space were to become a park it would disturb the Bighorn sheep herd.

John McClain showed a large amounts of documents as visualization, including the petitions signed by 6,690 residents and several large stacks of paper that include all the public comments. He also disputed the letter provided by Colorado Parks & Wildlife regarding the Bighorn sheep herd, saying the opinion was given by one person. In regards to evacuation, Mr. McClain said he is an expert in modeling and simulation and has determined that the city does not know how to do contraflow. He said that Zonehaven is not good for wildfires.

Eddie Hurt, past president of Mountain Shadows Community Association, is opposed to the project for all the reasons that have already been presented. According to a recent study, there are 7,700 multi-family housing units currently under construction in El Paso County and an additional 15,000 units in the planning stage. There have been hundreds of multi-family units built recently in Mountain Shadows, as well as many along Centennial Boulevard that will impact evacuation. He also spoke about protecting the views of our city.

Dorothy Macnak, Westside resident, said that regardless of the applicant's recent changes, the rezoning and development plan is inappropriate for this property. The current zoning should only be changed to further restrict land use

in order to protect the Bighorn sheep and the spacious continuity leading to Garden of the Gods Park. She also disputed the opinion provided by Colorado Parks & Wildlife, based on observations by residents, and said the opinion was given by one person. This project will bring hundreds of people to live within 700 feet of the Bighorn sheep birthing ground with zero buffer between high-density development and a wildlife corridor and Bighorn sheep habitat. Ms. Macnak closed with drone footage showing the proximity of the herd to the project property.

Dana Duggan, founder of Westside Watch, shared a traffic evacuation map from the Pikes Peak Area Council of Governments Fire Evacuation Model from 2010 showing that all routes out of Mountain Shadows fill up and result in a breakdown of level of service due to demand from both evacuation and evening background traffic. Since this model, our population has grown by over 20%. They have spent a lot of time with several world experts on evacuation modeling to understand the impact of wildfire on their neighborhood.

Joann Davis addressed what she felt were misrepresentations by the applicant. The park at Chipeta Elementary is highly utilized. She is a teacher in District 11 and as a former parent she states that enrollment numbers in schools are increasing. The improvements being done on 30th Street will remain at one lane in each direction and not allow for increased capacity. Ms. Davis said the visual representation lacks perspective and is not correct. She believes this project would be detrimental to the quality of life of residents.

Harvey Karlson, long-time resident of Colorado Springs, expressed his concern for the children in the neighborhood. He said there could be potential deterioration in the quality of education and what would happen if the children could not be evacuated.

Mary King, Mountain Shadows resident, spoke to the events of the Waldo Canyon Fire, describing the congestion and chaos during the evacuation. Approving this zoning before assessing evacuation and not conducting a more thorough traffic evaluation is not putting safety first.

Leo Finkelstein was concerned that the Waldo Canyon Fire was not even mentioned during the applicant's presentation. He said the neighborhood overwhelmingly opposes this project because they were traumatized by what happened during the evacuation. Regarding traffic, the applicant has mentioned the Centennial extension, but that is too far from Mountain Shadows to be effective. The other multi-family complex going in across the street will only worsen traffic. Chipeta Elementary is already at capacity and there have been no provisions for additional park space. Mr. Finkelstein closed by saying an El Paso County judge ruled that evacuation should be taken into consideration as general safety.

Todd Baldwin, owner of Red Leg Brewing Company and owner of the parcel at 2323 Garden of the Gods Road, shared an aerial photo of his concept plan that he proposed on his property. He has formerly been neither for nor against this project, but he is now opposed to it as he is waiting to see what is finally built. He said PUD is one of the most unrestrictive zones and can be changed at any

time. There are much better choices for development and this project is not it and he doesn't believe the applicant is being transparent about their plans.

Donna Strom, Cheyenne Canyon resident, said that living in the wildland urban interface, it is impossible to separate public safety from wildfire. She said that Zonehaven's major shortcoming is that it communicates through cellular service, which could fail during an event.

Howard Donelson quoted Mayor Suthers as saying it's not a matter of if, but when another wildfire will occur. He said he is afraid the commission will approve this project without any evidence to back it up. He believes only the facts from an independent, objective and professional evacuation study should be used to evaluate this project. A decision without these facts would be flawed.

Nora Gledich, Mountain Shadows resident, is opposed to this project for all the same reasons that have been presented today. Additionally, Flying W Ranch Road has only one traffic light to slow traffic and most drivers speed. There is no light at Flying W Ranch Road and 30th Street, but there is a legal pedestrian crosswalk that has proven to be dangerous. She would like existing problems addressed before new ones are created.

Cathi Rios requested advocacy of all city leaders, whether for this project or others, for city-wide evacuation planning. She doesn't believe that the use of Zonehaven addresses the primary issue of concern, which is more density without additional egress. She said that City planners have neglected the responsibility for responsible planning by continuing to approve projects without solving east-west mobility day-to-day and in an emergency. A traffic study should also be expanded to include worst-case scenarios for the entire geographic area and with all points of egress. She asked commissioners to mandate a meaningful study that includes all neighborhoods.

Sharon Mullaly, westside resident, is opposed to the project because it is not affordable housing and it is not the time nor the place for this project. Garden of the Gods is the gem of our city and this is at its entrance. There are valid safety concerns and she implored the commissioners to not approve it, especially without a valid traffic study. She does not believe that this area is appropriate for high-density housing.

Freddie Brooks said he is concerned about non-attainment of air quality in Colorado Springs. The traffic light timing on Garden of the Gods Road is not good and causes start-and-stop traffic. It makes sense for commercial or industrial development on this property, but not residential.

Marybeth Netherton, native of Colorado Springs, said that putting hundreds of apartments at Garden of the Gods and 30th is a huge safety concern that puts a lot of lives in danger. Her fears are based on her personal experience during the Waldo Canyon Fire. There are too many choke points and heavy congestion that already occurs and adding more residential development will make this worse.

Danette Taylor, native of Colorado Springs, opposes this project because of her experience with the Waldo Canyon Fire. She does not believe it is being looked at holistically and cumulatively.

Sean Purdeyegan, Mountain Shadows resident, is concerned about the setback on Flying W Ranch Road and asked that the same setback be applied to 30th Street.

Genevieve Gustafson, Mountain Shadows resident, said this request for a rezone is incompatible and does not meet City code standards for approval. The property is a critical wildlife corridor that will be affected by this project. Any increase in population density is an impact to the quality of our life, general welfare, our neighborhood and the city by decreasing access to our park.

Chad Folden, lifelong resident of Colorado Springs, opposes this project and is basically opposed to growth in general. He asked that any development be done sensibly. There needs to be a better traffic study done.

Alicia Netherton, Mountain Shadows resident, opposes the project and said it will be a detriment to their neighborhood in many ways. Increased residential development will make the existing choke points worse. The evacuation route south down Centennial will be impacted by all the high-density units that continues to be built along that road, as well as on Fillmore. She asked the applicant to consider repurposing the property, instead of rezoning it.

Walter Lawson, westside resident, opposes this project because of evacuation concerns. He said commissioners must not approve this project until it is proven safe beforehand.

Applicant Rebuttal:

Joe Hooker, representative of 2424 Garden of the Gods, started by addressing the concern brought up by a tenant in regard to parking. He assured the commissioners that they will do everything they can to take care of their tenants and that all lease conditions will be met.

Andrea Barlow, N.E.S., Inc., responded to many of the concerns voiced today.

- Dangerous pedestrian crossing at Flying W Ranch Road and 30th Street - There is a pedestrian crossing at the light at Centennial and 30th.
- Transparency concerns from owner of Red Leg Brewing Company - The applicant is here today requesting a rezoning and a PUD is actually more stringent than other zoning. Mr. Baldwin's project was required to have a more detailed plan because he was requesting a use variance. The project being presented today will have a much more detailed development plan when that time comes.
- Hillside Overlay Manual - They are development guidelines and don't have a great deal of bearing on a concept plan. The level of detail required for a site

this large will come with individual development plans, at which time there will be more detail involving hillside overlay requirements.

- Visual representation - The applicant stands by their analysis. The opponents have had two and a half years to do their own analysis and have not. It is not a requirement of the project submittal, but it has been provided to help commissioners understand the project and identify the visual context of the buildings. She reiterated that none of the buildings will break the ridgeline.
- Protecting views of Garden of the Gods, Glen Eyrie and Flying W Ranch - No buildings on this property will impact views of any of these sites, as they will sit below the ridgeline.
- Setback on Flying W Ranch Road - The setback does wrap around the corner from 30th Street to Flying W Ranch Road. It does not continue beyond that, because no new buildings are being proposed there.
- Bighorn sheep - There was a lot of criticism of the CPW letter. Ms. Barlow said that most letters come from one person in an organization, but they do not do that in a vacuum. They talk to their colleagues and it gets reviewed by senior staff and then they respond in a context as a representative of the organization. CPW spent years interacting with this particular herd and they concluded that their primary habitat and favored location is the old mining scar on the steep hillside nearby, which is over the ridge closer to the Queen's Canyon area. The photos that have been shown today have been of the sheep in the open space, which is being preserved with this project. If Parks purchases that area, they will have to go through an environmental assessment before developing any trails.
- Wildfire evacuation - Several opponents stated how they think the City should be doing wildfire evacuation planning better and they asked commissioners to require that a city-wide plan be done. City Council approved an ordinance that states wildfire evacuation planning is the responsibility of the City. On the City's wildfire risk map, the entire area of Mountain Shadows, including Flying W Ranch, is considered a moderate to moderate-to-low risk for wildfire. Regarding the requests for this project to conduct an evacuation plan, several other high-density projects have been approved in the area without any opposition or request for an evacuation plan. This project is the only one that has been singled out for scrutiny. It is not a requirement per code and it is not a fair requirement to put on the applicant.
- PLDO and park provisions - In the previous submittal, the Parks Department indicated they wanted fees in lieu of land dedication because of the proximity to the park to the north. They have since asked for the option of possibly providing a small neighborhood park or fees in lieu. The applicant is open to these discussions, as well as trailhead parking. They are not requesting any alternative use.
- Traffic - Mike Rocha with SM Rocha LLC, transportation and traffic consultants, prepared a traffic impact study as part of the development

application. The extent of the study was not regional, because it did not need to be. They studied the area that was appropriate to this project.

Staff Rebuttal:

Mr. Sexton cleared up any confusion on applying different requirements of City code. The applications before the commission today are a PUD zone change and a PUD concept plan. There is not a PUD development plan, a hillside site plan or a preliminary grading plan. Those more detailed plans will be subject to hillside overlay requirements and would be taken into consideration with greater scrutiny, which includes protected views. He also reiterated that a visual representation is not required as part of the concept plan.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Briggs asked about the review criteria for protected views. Mr. Sexton said that is reviewed with the development plan and is covered by the hillside overlay standards. There is no viewshed analysis beyond the criteria for building height. Commissioner Briggs then asked that if the zone change is not approved today, can the applicant come back with a proposal for development under the existing zoning. Mr. Sexton said they can.

Commissioner Rickett asked if there was a letter from School District 11. Mr. Sexton said input was solicited from the school district, but they did not respond. When this happens, staff defers to fees in lieu of land dedication.

Commissioner Rickett asked if there is a possibility that the development plan for this project be brought before this commission to ensure the hillside overlay is followed. Mr. Sexton said there is nothing in the current land use structure that requires this. Mr. Wysocki said that development plans fall under the administrative review process, but that there is a public notification process. Under City Code, the Planning Director does have the discretion to refer items to the Planning Commission. He said it is highly unusual for a condition to be placed on a concept plan that future development plans come back for public hearing. That is something under the powers of the executive branch to review uses that are permissible by right to be reviewed administratively. Those decisions are appealable, so there is a protection of due process.

Commissioner Slattery asked if the numbers for PLDO were based on local parks and not taking into account regional parks. Mr. Wysocki the numbers are based on neighborhood and community parks. There is a land dedication and fees in lieu requirement for each. Neighborhood park fees are collected by park district and must be used within that district. Commissioner Slattery asked what the net gain of units will be and Mr. Sexton said that he does not have that information at the moment.

Commissioner Slattery had questions for Fire Marshal Brett Lacey. A lot of the public comments relate to the horrific experience of citizens during the Waldo Canyon Fire. She asked what the fire department has learned in the past ten years that something like that will not happen again. Fire Marshal Lacey said they have learned that breaking up the city into smaller zones is more

manageable. The one thing they can maintain is that wildfire is unpredictable, but it is also not a new occurrence. The fire department received \$20 million in funding to do even more mitigation in the community. Their tagline is "Sharing the Responsibility." The wildfire threat is not a Colorado Springs Fire Department problem and it is not a City of Colorado Springs problem, it is a community problem. People who live on the west side need to recognize the natural inherent risk that exists there. The fire department undertakes a lot of mechanical mitigation to readdress the overall forest health problem and they are making great strides. Addressing that forest health issue by thinning and limbing up continues to reduce the severity of a fire. The fire department is taking great steps to affect how fire behaves in our community. The safety of the community has improved significantly and that is something that should be factored into the commissioners' decision-making. The most critical piece is sharing the responsibility, which means citizens need to play a part in that process. Evacuations, even on a good day, will always be difficult. Public safety employees have experienced it and continually train on it. It is critical that there is cooperation of the community in the wildland urban interface to heed the messages and warnings, take the steps to plan and be prepared ahead of time, and to evacuate when they are told. The two fatalities that occurred were because they did not evacuate. From an emergency evacuation standpoint, they are better poised today than they ever have been. Fire Marshal Lacey reiterated that the fire department has no issues with this project.

Commissioner Briggs referred to the comment from an opponent that Zonehaven does not work for wildfires. Fire Marshal Lacey said he absolutely disagrees with that and that it works for any number of situations that require evacuation. He said that Zonehaven is an exceptional model.

Commissioner Almy asked if there were any lessons learned from the evacuation exercise last year in Rockrimmon. Fire Marshal Lacey said that, unfortunately, many people did not want to participate. Besides that, the learning for residents is how complicated it is and what is involved, but you cannot mimic the environment of an actual wildfire during an exercise. The fire department has learned to change their messaging to make it more impactful on human behavior.

Commissioner Rickett said the piece he still has not heard about are the roadways out of Mountain Shadows. He asked if the City takes into consideration the scenarios when streets are shut down for road or utility work or a water main break. Fire Marshal Lacey said there is too much variability in the events to which they respond and it is not possible to plan for every possibility. Colorado Springs does have excellent water pressure, but we still need to manage daily usage with emergency usage. There are no national standards for evacuation times and disasters are highly variable.

Chair Hente voiced his concern for human nature and how we deal with that, especially in an area with several choke points. Fire Marshal Lacey said the only way they can address it is to continually educate, but that requires participation. The fire department will always put themselves at risk to save and protect citizens, regardless of their behavior. They will provide a robust response and there are solid relationships with many mutual aid partners to

help support that response. Chair Hente questioned whether Planning Commission should take human nature into consideration when they review these projects. Fire Marshal Lacey said his staff will not support development unless their concerns have been addressed.

Commissioner Almy asked if he can approve the first item and deny the second item. Lisa O'Boyle answered that would be an inconsistent vote and not recommended by the City Attorney.

Continued under 7.D.

Motion by Commissioner Slattery, seconded by Vice Chair McMurray, to recommend approval to City Council the PUD zone change for 125.34 acres of land from Planned Industrial Park, Agriculture and Planned Unit Development with Hillside Overlay (PIP1/A/PUD/HS) to Planned Unit Development: Civic, Commercial, Office, Open Space and Residential uses; Maximum Building Height 45-feet; 9-14.5 du/ac residential and 950,000 maximum non-residential square footage; with Hillside Overlay (PUD/HS), based upon the findings that the request meets the review criteria for establishing a PUD zone, as set forth in City Code Section 7.3.603, and the review criteria for a zone change, as set forth in City Code Section 7.5.603.

The motion passed by a vote of 6:3:0:0

Aye: 6 - Commissioner Slattery, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Vice Chair McMurray and Commissioner Raughton

No: 3 - Commissioner Rickett, Commissioner Almy and Chair Hente

- 7.D. [PUDC-22-0003](#) An appeal of the Planning Commission decision to recommend approval of a PUD concept plan for the 2424 Garden of the Gods project illustrating an envisioned mixed-use development with commercial, civic, office, open space, and residential uses.

(Quasi-Judicial)

Related Files: PUDZ-22-0005

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Continued from 7.C.

Commissioner Rickett said he still worries about public safety. He asked the applicant to address how this project preserves the existing properties and adjacent areas. Ms. Barlow referenced the area to the east, but also addressed the physical barrier and buffer to the north and also that the development at the front of the property will not be visible by neighbors to the north. It will help

stabilize the neighborhood by providing additional residential units and also the change from townhomes to apartments provides a more gradual transition to the more intense uses to the east. The 55-acre open space on the west side provides a substantial buffer and transition to the natural areas to the west.

Commissioner McMurray thinks that this concept plan is more in harmony with the surroundings than the previous proposal. This commission approved the master plan update for residential, indicating that residential was acceptable. He believes it supports the goals of PlanCOS across the board and meets all review criteria. The property is underperforming and this project will help to stabilize the site. A parking lot is not sensitive habitat to the sheep and if they are being seen in back yards, maybe we have already encroached on their habitat to a problematic extent. It is true that Chipeta Elementary is at capacity, but that is due to students who choice in from other schools. We should continue to aggressively pursue effective evacuation, but this project will not be the breaking point. If this commission is going to say no to projects based on wildfire evacuation, we need to be serious and recommend a moratorium until the problem is fixed.

Commissioner Raughton said that regarding the loss of any manufacturing potential on this property, that is no longer viable due to the extensive remodeling that has taken place. He believes this project is substantively reduced from the previous proposal and that the project will be a good transition to the open space.

Commissioner Hensler agreed this will be a more stabilizing use. She appreciates the concerns of neighbors about traffic and evacuation, but those concerns need to be raised independent of this project. It is not the responsibility of the applicant to satisfy those requirements, nor does she believe that 220 homes are going to cause such a significant issue. She agrees it is an important area, but it needs to meet the demand, which no longer seems to be industrial or technological. The applicant setting aside 55 acres of open space is commendable. She takes confidence in the word of the fire marshal regarding public safety.

Commissioner Foos echoed what Commissioner McMurray said. He said his biggest concern today was public safety, but was satisfied by what was said by the fire marshal.

Commissioner Briggs stated his support due to the fact that it will end up being a less intrusive footprint and lessen the impact.

Commissioner Hente said he is not against development, but he thinks this particular project will be detrimental to public safety.

Motion by Commissioner Slattery, seconded by Commissioner Raughton, to recommend approval to the City Council the PUD concept plan for the 2424 Garden of the Gods project, based upon the findings the proposal meets the

review criteria for concept plans as set forth in City Code Section 7.5.501(E) and criteria for PUD concept plans set forth in City Code Section 7.3.605.

The motion passed by a vote of 6:3:0:0

Aye: 6 - Commissioner Slattery, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Vice Chair McMurray and Commissioner Raughton

No: 3 - Commissioner Rickett, Commissioner Almy and Chair Hente

8. PRESENTATIONS/UPDATES

9. Adjourn