



# City of Colorado Springs

Regional Development  
Center (Hearing Room)  
2880 International Circle

## Meeting Minutes - Draft Planning Commission

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Wednesday, June 11, 2025

9:00 AM

2880 International Cir., 2nd Floor, Hearing Room

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### 1. Call to Order and Roll Call

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

**Absent:** 3 - Commissioner Cecil, Commissioner Rickett and Commissioner Gigiano

### 2. Changes to Agenda/Postponements

### 3. Communications

#### **Andrea Slattery - Planning Commission Chair**

Chair Andrea Slattery announced this was the last meeting for Vice Chair Foos and Commissioner Rickett and invited interested citizens to check the City website to apply.

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

Kevin Walker, City Planning Director, thanked Vice Chair Foos and Commissioner Rickett for their service.

Mr. Walker said the City revenue is not great, and the budget needs to be adjusted. As a result, total applications have decreased 10% compared to last year.

Mr. Walker said that the Planning Department is almost fully staffed, with three positions still vacant.

Mr. Walker said next week the team will resume working on AnnexCOS, and some edits may be needed. This effort will continue through summer.

### 4. Approval of the Minutes

4.A. [CPC 2566](#) Minutes for the April 9, 2025, Planning Commission Meeting

Presenter:

Andrea Slattery, City Planning Commission Chair

**Attachments:** [CPC Minutes 4.9.25 Draft](#)

**Motion by Commissioner Sipilovic, seconded by Commissioner Hensler, to approve the minutes for the April 9, 2025, Planning Commission Meeting. The motion passed by a vote of 6-0-3.**

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

**Absent:** 3 - Commissioner Cecil, Commissioner Rickett and Commissioner Gigiano

**4.B. [CPC 2567](#)** Minutes for the May 14, 2025, Planning Commission Meeting

Presenter:

Andrea Slattery, City Planning Commission Chair

**Attachments:** [CPC\\_Minutes\\_5.14.25 Draft](#)

**Motion by Commissioner Sipilovic, seconded by Commissioner Robbins, to approve the minutes for the May 14, 2025, Planning Commission Meeting. The motion passed by a vote of 5-0-3-1.**

**Aye:** 5 - Vice Chair Foos, Commissioner Hensler, Commissioner Robbins, Commissioner Sipilovic and Commissioner Casey

**Absent:** 3 - Commissioner Cecil, Commissioner Rickett and Commissioner Gigiano

**Recused:** 1 - Chair Slattery

## **5. Consent Calendar**

**Motion by Commissioner Hensler, seconded by Commissioner Sipilovic, to approve the Consent Calendar The motion passed by a vote of 6-0-3.**

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

**Absent:** 3 - Commissioner Cecil, Commissioner Rickett and Commissioner Gigiano

## **Retail Marijuana Licensing / TrueGreen Total LLC**

- 5.A. [CUDP-25-00](#)** A Conditional Use to allow the addition of retail marijuana cultivation facility use and an expanded marijuana cultivation area from 1,800 to 5,700 square feet in the Mixed-Use Medium Scale zone district (MX-M) zone district consisting of 0.51 acres located at 1105 South Chelton Road (Quasi-Judicial)

Presenter:

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

**Attachments:** [CUDP-25-0010 CPC Staff Report V2](#)  
[Attachment 1A Ordinance 25-10](#)  
[Attachment 1B Ordinance 18-81](#)  
[Attachment 2A 2019 Conditional Use Approval Letter](#)  
[Attachment 2B 2019 Approval Conditional Use Development Plan](#)  
[Attachment 3 LandUseStatement](#)  
[Attachment 4 Project Statement](#)  
[7.5.601 CONDITIONAL USE](#)

## **Bradley Ridge Filing 5 Park Rezone**

- 5.B. [ZONE-25-0006](#) An Ordinance to amend the zoning map of the City of Colorado Springs pertaining to 7.33 acres located Southwest of Bradley Landing Blvd and Legacy Hill Dr from PDZ/AP-O (Planned Development Zone District with Airport Overlay) to PK/AP-O (Public Park with Airport Overlay) (Quasi-Judicial) (1st Reading only to set the public hearing date for July 22, 2025)

Related Files: ZONE-25-0006  
Located in Council District 4

Presenter:  
Austin Cooper, Senior Planner, Planning Department  
Kevin Walker, Planning Director, Planning Department

**Attachments:** [Bradley Ridge Filing 5 Park Rezone Staff Report](#)  
[Attachment 1 - Project Statement](#)  
[Attachment 2 - Land Use Statement](#)  
[Attachment 3 - Exhibit A](#)  
[Attachment 4 - Exhibit B](#)  
[7.5.704 ZONING MAP AMENDMENT \(REZONING\)](#)  
[Bradley Ridge 5 Park Rezone Ordinance](#)

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

## **6. Items Called Off Consent Calendar**

## **7. Unfinished Business**

## **8. New Business**

### **Lot 1 Satellite Square Filing No. 2A - Conditional Use**

- 8.A. [CUDP-25-0003](#) A Conditional Use to allow a self-storage facility in the MX-M/SS-O/AP-O (Mixed-Use Medium Scale with Streamside and Airport Overlays) consisting of approximately 3.34 acres located northwest of South Academy Boulevard and Airport Road. (Quasi-Judicial)

Presenter:

Allison Stocker, Senior Planner, Planning Department

Council District 4

**Attachments:** [CUDP-25-0003 Staff Report 20250428 V2](#)  
[Attachment 1 - Public Comment & Comment Response](#)  
[Attachment 2 - Land Use Statement](#)  
[Attachment 3 - Project Statement](#)  
[Attachment 4 - In Progress Development Plan Modification](#)  
[7.5.601 CONDITIONAL USE](#)  
[7.2.603 SS-O STREAMSIDE OVERLAY](#)

Allison Stocker, Senior Planner, presented the application for a Conditional Use to allow a self-storage facility in the MX-M/SS-O/AP-O (Mixed-Use Medium Scale with Streamside and Airport Overlays) consisting of approximately 3.34 acres, located northwest of South Academy Boulevard and Airport Road. Ms. Stocker said self-storage use is permitted by right in the MXM zone but is conditional use in the Airport Overlay. The applicant is proposing the addition of a perimeter fence and the installation of canopies for loading areas. Ms. Stocker said there might be a compatibility issue for the amenities the applicant is required to provide along the streamside. Standard notice was done, and one comment was received with concerns about lessening the activity in the area, which could result in contributing to crime. City Agency Review was done; no comments were received. and the project is compliant with PlanCOS.

#### **Applicant's Presentation**

Brad Nichols, YOW Architects, said the site recently changed from PBZ to MXM. The property is about three acres, and they want to do an infill to use the two existing buildings as self-storage. The changes they are requesting are the fencing and the canopy. Mr. Nichols said the improvements to the project include enhancing the existing landscape areas, the façade and the parking areas. There is fire access, delivery points and utilities; 27 trees are required but 46 are existing.

Paul Moon, representing the owners of the property, said his family has owned the property since the early 2000's and they have seen the demographics

shifting in the area, as development occurred in a neighboring area, which has pushed homelessness issues to the site. He said their plan is to stabilize the area with self-storage, bringing a better curb appeal, security, safety and lighting, enhancing the surrounding businesses. Mr. Moon said they might build a new retail center on the parking lot and attract investment in the area.

Mr. Nichols said compatibility concerns with the streamside is more of a safety concern due to trash and paraphernalia in the stream, however they have an opportunity for outdoor seating area. He said there are utilities, a fire lane and a fire hydrant. Another concern was the fence blocking access to the stream, but the fence could reduce the pedestrian traffic to areas that might not be safe. , Mr. Nichols said there is a connection bridge to the south for safe crossing to natural trails and opens spaces, but they are willing to explore the option of having an outdoor area between the buildings and opening the fence to access the area.

Adam Thesing, YOW Architects, said there is a bridge south of the property that is safer, flatter and more of an amenity than the side with the steeper slopes. He said they plan to add more lighting for safety, paint, new materials, and small canopies on the building. He said the phase of adding a retail building will come in the future.

### **Commissioners' Questions**

Chair Slattery asked if there was pedestrian or vehicular access on the fence, the specifications, and if there was a gate system. Mr. Nichols said they would have a fence in between the parking lot and the buildings on the east side. There are three gates, the ones on the east and south sides are for customer entrances, and the gate on the northwest side is for fire access. He said on the west side of the property line, they would add a fence behind the fire hydrant.

Chair Slattery asked about the material of the fence. Mr. Thesing said there will be two types of fences, a chain link on the west side, and the sides facing the public will be a four-inch wrought iron. He said there are cut ins to access the building where the doors are and a man gate with three, six-foot high, sliding cantilevered gates for vehicular access. Mr. Thesing said there is a cut-ins to the main door at the main office which is free from all the parking on the east side and the south building has access to customer parking.

Commissioner Slattery asked if the intention of the gate was a response of the homeless and safety issue. Mr. Thesing said most storage facilities have a perimeter fence for safety, but they can explore options for pedestrian access to the west side. He said the fence is for safety and to prevent theft.

Commissioner Hensler asked if the outdoor area they are proposing will be accessible for employees and customers only. Mr. Thesing said that is correct.

Commissioner Hensler asked the applicant to expand on how they think this project will enhance and help with safety. Mr. Moon said homeless people are frequent in the area and it has been difficult to find a permanent solution. Commissioner Hensler asked why they thought it was a good use. Mr. Moon said they are maximizing the use of the existing buildings and the potential use of open parking spaces.

Commissioner Casey asked how the Fire Department will access the fire hydrant if it is fenced into the facility and is the Fire Department ok with that. Mr. Thesing said the fire department has not made any comments yet about the plans they submitted. He said there is a fire lane, and it is more for fighting building fires, not for the site fires; and there is also a Knox-box at the north gate.

Commissioner Hensler asked if they received comments from the Fire Department. Ms. Stocker said the Fire Department reviewed the conditional use and did not have any comments; however, they provided comments on the development plan that are not related with the conditional use, and any concerns with fire access or Knox-boxes can be addressed through the development process.

Chair Slattery asked if this was a permitted use from Chapter 7. Ms. Stocker said she would review that information, however very little of the stream overlays changed with the adoption of the UDC and the same standards would have applied for a change of use. Chair Slattery asked Ms. Stocker to gather information about the allowable use in PBZ.

Chair Slattery said she would support the item as the applicant has shown a good faith effort regarding the outdoor amenities and addressing safety concerns with the fence.

Commissioner Casey asked if any of the properties north of Airport Road and east of Spring Creek meet this streamside overlay requirements. Ms. Stocker said she would have to verify with an aerial map, but she believes most of those properties were built prior to establishing the streamside overlay.

Commissioner Casey said the staff report seems to express some concerns about whether it meets the streamside overlay or not and asked if those are best addressed by the Commission or can be handled in the administrative review of the development plan that is concurrently moving forward. Ms. Stocker said it is an issue of interpretation and how much the stream may

outweigh the conditional requirements, given that the code does not speak to objective requirements on the stream side.

Daniel Sexton, Planning Manager, said the old Chapter 7 of the Land Use Regulations regarding the streamside defined it as a mini warehouse and it was still a conditionally permitted use in the overlay.

Steven Smith, Colorado Springs Fire Department, said regarding access and hydrants, CSFD requires permits for new gates, fences and barricades, and this site did apply and receive a permit. He said through that process, they verify Fire Department has access to all portions of the building, and access to hydrants.

#### **Public Comment**

None

#### **Commissioners' Comments**

Chair Slattery said the Commission's job is to review the code and see if the proposal meets it and in this case is the conditional use and the connectivity to the streamside overlay. She said they consider issues of undue burden to an owner, and their intentions. Chair Slattery said the discussions about fencing and safety ideas, and the idea of an outdoor amenity shows the intention of meeting the code and will be supportive of that effort.

Commissioner Sipilovic said when he initially saw the project he thought of the Broadmoor self-storage, which had a substantial homeless problem, and now it seems to be resolved due to having no vacancy in the units. Commissioner Sipilovic said he likes what they are doing with this proposal and wants to see more restorative projects in the area.

Commissioner Hensler said she thinks it is a bit burdensome for some applicants to try to meet the code regarding the streamside overlay, and this owner is doing it and is in support of the item

Commissioner Casey said the objective of section 7.2.603 is to protect and enhance the streamside area and wondered if the fire hydrant was sufficient for fire protection.

Chair Slattery said the code was enacted after things were built and if the code is followed the city keeps improving.

**Motion by Commissioner Hensler, seconded by Commissioner Robbins, to approve the Conditional Use based upon the finding that the request complies with the criteria as set forth in City Code Section 7.5.601, with a**

condition of approval, the development plan incorporate an amenity area as described by the applicant.

The motion passed by a vote of 6-0-3.

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

**Absent:** 3 - Commissioner Cecil, Commissioner Rickett and Commissioner Gigiano

### Peach Ranch Addition No. 1 Annexation

- 8.B. [ANEX-24-00](#) Peach Ranch Addition No. 1 Annexation consisting of 42.43-acres located east of the Research Parkway and North Powers Boulevard Intersection off the Tutt Boulevard dead-end. (Legislative).

Presenter:

Chris Sullivan, Senior Planner, City Planning

Located in Council District No. 2

**Attachments:** [Staff Report CPC\\_061125](#)

[Attachment 1 Petition](#)

[Attachment 2 Project Statement](#)

[Attachment 3 Legal Description](#)

[Attachment 4 Annexation Plat](#)

[Attachment 5 ZC Exhibit A-B](#)

[Attachment 6 Land Use Plan](#)

[Attachment 7 FIA](#)

[Attachment 8 Draft Annexation Agreement](#)

[Mineral Estates Cert](#)

[7.5.701 ANNEXATION OF LAND](#)

Chris Sullivan, Senior Planner, presented the application for the Peach Ranch Addition No. 1 Annexation. Mr. Sullivan said the application is the establishment of the Peach Ranch Land Use Plan for residential use, and the establishment of a Residential Flex Zone Low Density with Streamside Overlay and Airport Overlay zone district. The area consists of 42.43-acres and is located east of the Research Parkway and North Powers Boulevard Intersection off the Tutt Boulevard dead-end and is zoned R5. The proposal is for a detached single-family residential use with a density of 3.66 dwelling units per acre. They intend to have lots of 2,000 square feet or more, a maximum height of 35feet, with 7.5 acres of green space, and a detention pond. Standard notice was done, eight comments were received concerning infrastructure and resources, traffic, environment and quality of life. City Agency Review was done with Traffic requiring the applicant to provide a



100-foot-wide right-of-way dedication to connect Tutt Boulevard. School District 20 said they can handle any number of students that come from the development. The project is compliant with PlanCOS and meets the review criteria.

Bryan English, Development Projects Manager, Colorado Springs Utilities, provided forest 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 59 AFY. 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 Peach Ranch is located within the Mountain View Electric Association Service territory who are entitled to compensation, and from a natural gas perspective, they are in the Spring Utilities Natural Gas Service territory. He said water and wastewater services are already existing in the surrounding areas and there would be no problem extending them, and the developer would be 100% responsible for the cost of all extensions into the property.

#### **Applicant's presentation**

Chris Lieber, N.E.S, said the team presenting includes members of Toll Brothers and N.E.S. He said Kimley-Horn has been serving as their civil engineer.

David Osborne, Land Entitlement Manager, Toll Brothers, said they have been working on Peach Ranch since April of 2024. Mr. Osborne said Toll Brothers first came to Colorado Springs in 2020 and have brought different types of construction to the area. He thanked the Commission for reviewing their application for an enclave project.

Mr. Lieber appreciated the Commission's consideration for the three applications. He said they believe this enclave offers a strategic addition and is a compatible extension of the neighborhood, bringing key infrastructure such as transportation, utilities and services within the community. Mr. Lieber said they are focusing on the north portion of the enclave. He spoke about the surrounding density of the development that includes different amounts of units per acre depending on the zoning district, which makes this project appropriate for the area. He said this annexation meets the criteria to move forward, as it is a logical extension of the city boundary, it benefits the community and there is an opportunity for extension of utilities. Mr. Lieber said there are several

benefits like Tutt Boulevard connection, which has been identified as a minor arterial on the city's transportation plan, and there has always been an expectation that Tutt Boulevard and the underlying utilities would be extended. He said they believe this project makes sense for a residential infill site to provide much needed housing. Mr. Lieber said the property receives storm water off the development to the north and will be making improvements to ultimately deliver all storm water to Cottonwood Creek Channel. He said the developers will cover the costs of the improvements. Mr. Lieber said the site is currently zoned RR5 in the county and they are proposing a R-Flex Low with Streamside and Airport Overlays. This will allow six units per acre; however, they have decided to use 3.66 units per acre of detached housing. He said they are considering two phases of development with the improvements on Tutt Boulevard to be on the first phase. Mr. Lieber said there are 7.5 acres of open space distributed along the site, including the streamside overlay to the west, a drainage course to the middle and water detention facilities. He said the access points for storm water into the property are located at the northeast and southeast sections of the site. He said they anticipate a private network of roads establishing a Metropolitan District as part of this development. Mr. Lieber said this project meets review criteria and is in compliance with PlanCOS and the 2006 Annexation Plan. He said it is not detrimental to public health, safety or welfare, and the location is appropriate for the proposed zone. Mr. Lieber said it is compatible with the surrounding area with adequate public facilities, roads, utilities, neighborhood park and amenities. He said they are providing variety of housing types and including natural features for vibrant neighborhoods, policies related to thriving economy and strong connections. Mr. Lieber mentioned they received a few comments with concerns about the removal of open space, increased traffic, noise, impacts on Cottonwood Creek tributary and vegetation on the site. He said the connection of Tutt Boulevard will enhance vehicular circulation as well as pedestrian connection, especially to the West Creek Trail and Cottonwood Creek Trail.

#### **Commissioner's Questions**

Vice Chair Foos asked if the West Creek Trail exists or will be created. Chris Lieber said it exists within the Wolf Ranch development.

Commissioner Casey asked for clarification on whether the developers will be bearing the cost of the public improvement or will it be on the Metro District. Brad Dickson, Toll Brothers, said the Metro District has not been formed yet, however, upon creation it would be permitted to issue bonds; either the developer or the metro district will be responsible for the improvements instead of the City. Mr. Dickson clarified that they would have public streets for this project instead of private streets.

Commissioner Robbins asked if they have established a sunset for the Metro District to pay for all the proposed infrastructure. Mr. Dickson said they need to annex into Colorado Springs before they can undergo that process, but it would be in accordance with the most recent plan, but there will be a sunset.

### **Public Comment**

Ian Geissler, resident at Abby Pond Lane. Mr. Geissler said he has concerns about the noise, light mitigation, and pavement plans. He mentioned there are no rules or regulations on noise abatement for the lanes that will be built, however a developer to the east of the area had placed a six-foot concrete noise light wall, he asked if this would happen on the development. Mr. Geissler said West Creek Trail, along the west and north of the site, is part of Wolf Ranch as well, and when they handed it over to the Metro District, trees died, the irrigation system has not worked properly and asked if this will also be part of the beautification of the area.

Ross Clinger, spouse to the owner of Peacock Ranch said Tutt Boulevard is scheduled to go on the north and east side of the property by 100 feet, and he had proposed to Toll Brothers to bring Tutt Boulevard back to the section line. He said all section lines in El Paso County have a 30-foot easement on each side of the section line, therefore the north 40 and the south 40 create a 60-foot unit. Mr. Clinger said the wall proposed by the neighbor that previously spoke would not be a good idea because the street on wall built on the north of the property would be frozen as sunshine will be coming from the south, affecting all future uses. He said in 2018 he objected to putting Tutt Boulevard where it currently is located and asked for it to be taken to the school, but it was denied. He said, at that time, it was approved to build a 60-foot-wide roadway instead of a 100-foot wide one. He said he considers everything could be negotiated. Chair Slattery clarified that the Tutt Boulevard alignment is not within the purview of the Commission. Mr. Clinger said Woodland Heights Metro District and Case Brothers connected utilities through his wife and her mother's property, and they have a 60 feet CSU easement with five hydrants, four 12-inch water mains and four wastewater units for some streets. He said if he was the developer, he would be gathering all the help he can get to push this through and combining more acres.

David Zamora said he hopes that the appropriate wildlife authorities will be contacted and informed of the 50 prairie dogs that live there.

### **Commissioners' Questions**

Chair Slattery asked about the Tutt Boulevard connection placement, how that affects the City, if it is adhering to City standards and asked for more details on

the northeast corner and the full-service intersections adjacent to each other. Mr. Sullivan said the alignment is shown in the existing Master Plan as well as in the Transportation Plan. He said the boulevard to the northeast is a 100-foot right of way and they are looking to continue that along the 60-foot easement southern part with future improvements to happen. Mr. Sullivan said there is going to be development on either side of Tutt Boulevard that will have full access to the boulevard roadway. Chair Slattery asked if Tutt Boulevard would be a separate roadway or one roadway. Mr. Sullivan said he cannot answer that, but it is full movement so it should not have any issues with the connection points. Mr. Walker asked Chair Slattery what she meant by separated. Chair Slattery said she means some type of barrier or physical separation of the road, maybe a median. Mr. Sullivan said it could have been one bubble to show full movement.

### **Rebuttal**

Chair Slattery asked about the wall noise and light. Mr. Lieber said there would be a screen wall on the north and east sections of the property aboding Tutt Boulevard, to provide privacy for the backyards and some type of buffer. He said this will be a separate application as part of the development plan. Mr. Lieber said there has been an extensive conversation about the location of the boulevard, and looking into where it has been constructed and the standard radius for a minor arterial and the swiping curves needed, it is a logical connection. He said that Traffic Engineering has asked for that location and the 100-foot right-of-way. Mr. Lieber said there is no median going north on Tutt Boulevard, but there is a drive lane and a turning lane. He said they have not decided if there will be a median and they will determine where to add access points.

Chair Slattery said West Creek Trail appears to be located to the north of the property line and there will be no proposed improvements to this trail. Mr. Lieber said the trail is not part of the property and there is no intention of removing it or impacting it. Chair Slattery asked Mr. Lieber to comment on the prairie dogs. He said Toll Brothers is aware of the state requirements to manage wildlife and they will be abiding by that. Chair Slattery asked if Toll Brothers had been corresponding in good faith effort with Mr. Clinger and his wife. Mr. Dickson said they have been communicating with them for the last five or six years, as this site was part of a bigger family-held property at Peacock Ranch. He said given the different ownership entities that is why they are under contract with the north parcel. Mr. Dickson said there are certain things, like grading, they will need to work on.

### **Commissioners' Comments**

Commissioner Hensler said she appreciates Mr. Clinger for his comments. Commissioner Hensler said the project, being an enclave, is a natural and appropriate use, with the extension of utilities into the area that will help any future development. Commissioner Hensler said she supports this application and thinks it meets the criteria as presented and the land use plan is appropriate.

Commissioner Robbins said he is also in support of this development because he has seen Toll Brothers do a good job. Commissioner Robbins said it is a natural growth of the City, and it makes it easier to connect and work with the Utilities Department.

Vice Chair Foos said he agrees that this project fits with the City's goals, it is a logical extension, and it is an enclave compatible with the surrounding area. Vice Chair Foos said he appreciates everyone for their comments, the project meets the criteria, and he is in full support of the project.

Commissioner Sipilovic said he agrees with the Commissioners, and he is in support of this project as it meets the criteria and suits the area well.

Commissioner Casey said he believes the project meets the criteria for annexation, land use plan and zoning, and will be voting in favor of the project.

Chair Slattery said she concurs with her fellow commissioners that it seems like a logical extension to bring an enclave within the City, which has been the goal for several years. Chair Slattery said keeping the number of units to 3.66 is compatible with most of the surrounding area, even slightly lower density, and it is an appropriate use. Chair Slattery said it makes sense to keep Tutt Boulevard away from the stream, because we have to think about the waterways.

**Motion by Commissioner Casey, seconded by Commissioner Robbins, to recommend approval to City Council the annexation of 42.43 acre as the Peach Ranch 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 6-0-3.**

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

**Absent:** 3 - Commissioner Cecil, Commissioner Rickett and Commissioner Gigiano

- 8.C. [LUPL-24-001](#) Establishment of the Peach Ranch Land Use Plan for proposed residential use consisting of 42.43-acres located east of the Research Parkway and North Powers Boulevard Intersection off the Tutt Boulevard dead-end.  
[7](#)

(Legislative)

Presenter:

Chris Sullivan, Senior Planner, City Planning  
Located in Council District No. 2

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

**Motion by Commissioner Casey, seconded by Commissioner Robbins, to recommend approval to City Council the Peach Ranch 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.**

**The motion passed by a vote of 6-0-3.**

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

**Absent:** 3 - Commissioner Cecil, Commissioner Rickett and Commissioner Gigiano

- 8.D.** [ZONE-24-00](#) The establishment of a R-Flex Low / SS-O / AP-O (Residential  
[24](#) Flex Zone Low Density with Streamside Overlay and Airport Overlay) zone district, in association with the Peach Ranch Addition No. 1 Annexation consisting of 42.43-acres located east of the Research Parkway and North Powers Boulevard Intersection off the Tutt Boulevard dead-end.  
(Legislative)

Presenter:

Chris Sullivan, Senior Planner, City Planning  
Located in Council District No. 2

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

**Motion by Commissioner Casey, seconded by Commissioner Robbins, to recommend approval to City Council the establishment of 42.43 acres as a R-Flex-Low/SS-O/AP-O (Residential Flex Zone Low with Streamside and Airport Overlays) zone district based upon the findings that the request complies with the criteria for a Zoning Map Amendment as set forth in City Code Section 7.5.704.**

**The motion passed by a vote of 6-0-3.**

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

**Absent:** 3 - Commissioner Cecil, Commissioner Rickett and Commissioner Gigiano

## **Battery-Charged Electric Fencing and Security Detection Fencing Systems Ordinance**

- 8.E. CODE-25-00** An Ordinance amending Chapter 7 (the “Unified Development  
**02** Code” or “UDC”) of the Code of the City of Colorado Springs 2001,

as amended, as related to battery-charged electric fencing and security detection fencing systems.  
(Legislative)

Related Files: CODE-25-0002

Located in All Council Districts

Presenter:

Johnny Malpica, Senior Comprehensive Planner, City Planning  
Department

Kevin Walker, Planning Director, City Planning Department

**Attachments:** Staff Report - Battery-Charged Electric Fencing and Security  
Detection Fencing Systems Ordinance  
Attachment 1 - Ordinance  
Attachment 2 - HB25-1060

Johnny Malpica, Senior Comprehensive Planner, said the ordinance is rectifying changes that were made from Chapter 7 of the Unified Development Code (UDC), incorporating information from HB25-1060 concerning security detection fencing systems. He said the previous UDC presumably permitted certain types of electric fences when associated with industrial and commercial uses. In June 2023, the UDC was updated to reference direct current electric shock fencing permitted only for agricultural uses. However, battery charge electric fencing was not mentioned and presumed not permitted for other uses than agriculture. Mr. Malpica said in 2024, the City received a letter from industry representatives asking to allow battery charge electric shock fencing in association with those uses. State legislation passed in 2025 concerning requirements for permitting battery-charged security detection systems and this draft considers both elements. He said the requirements for the battery-charged fence are to be surrounded by a non-electric fence of no less than five-feet high, a maximum height of 10 feet or two feet higher than the non-electric fence surrounding it. Mr. Malpica said it must comply with all UDC requirements, separated from the perimeter wall by four inches, and marked with warning signs every 30 feet. This ordinance meets the review criteria.

### **Commissioners' Questions**

Commissioner Robbins said he would like clarification on the fencing and asked if there are two sets of fencing, one is the battery-operated fencing and inside there needs to be another non-electric fence. Mr. Malpica said the battery-charged electric fence, that can also include a security detection system and may also include a minimal electric shock component that is safe for humans with pacemakers, must be surrounded by a non-electric fence with warning signs every 30 feet.

**Public Comment**

None

**Motion by Commissioner Hensler, seconded by Commissioner Sipilovic, to recommend approval to City Council the adoption of an Ordinance amending Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, as related to battery-charged electric fencing and security detection fencing systems.**

**The motion passed by a vote of 6-0-3.**

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

**Absent:** 3 - Commissioner Cecil, Commissioner Rickett and Commissioner Gigiano

**Minimum Parking Requirements in Applicable Transit Service Areas Ordinance**

- 8.F. [CODE-25-00](#) [03](#) 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 minimum parking requirements in applicable transit service areas.

Presenter:

Michael Montgomery, Deputy City Council Administrator

**Attachments:** [Staff Report - Minimum Parking Requirements in Applicable TSAs JPM](#)  
[Attachment 1 - Ordinance](#)  
[Attachment 2 - HB24-1304](#)  
[Attachment 3 - Map](#)  
[Attachment 4 - DOLA Technical Guidance](#)  
[Attachment 6 - Home Rule Resolution by City Council 5-27-2025](#)

Johnny Malpica, Senior Planner, presented 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 minimum parking requirements in applicable transit service areas. In May of 2024, HB24-1304 was signed into law and Municipal compliance is required by June 30, 2025. The legislative guidance prohibits municipality from enacting or enforcing minimum parking requirements that apply to a land use approval for certain land uses that are at least partially within the applicable transit service area specified in the bill. Mr. Malpica said the land uses are Multi-family residential development, Adaptive re-use for residential purposes, Adaptive re-use for mixed-use purposes that have 50% or more are residential. Areas included in the amendment are located within ¼ of a mile from bus routes with high level of trip frequencies. Stakeholder involvement was carried out, and a comment was received in support of the ordinance. In the meeting with City Agencies no comments or



concerns were presented. The amendment meets the review criteria.

### **Commissioner's Questions**

Commissioner Casey asked if there is a legal definition of substantial negative impact and who determines that. Shelia Booth, Planning Manager said the bill is not clear and staff will have to make a determination, most likely an Engineer will make a recommendation to move forward if that is the case.

### **Public comment**

Diane Bridges, Historic Neighborhood Partnership, spoke in opposition. Ms. Bridges said they stand strong on the City's Home Rule Authority and support City Council on their opposition to the executive order and the seven supporting state statutes. She said this bill eliminates the local discretion on parking and undermines the ability for balanced mobility. She said DOLA has not provided an analysis yet about what funds could be at risk; and there is a current lawsuit from six cities against the State. Ms. Bridges said there has not been a City-wide public process about this. Ms. Bridges said they believe this amendment should be postponed until the state funding analysis is complete, the lawsuit is resolved, and that city leadership, staff and the public evaluate what is best for the city.

Jeanette Caproon, member of the Historic Neighborhood Partnership, spoke in opposition. Ms. Caproon continued the presentation and showed a map of the bus routes and said there are 40 different transit lines, 14 of them have 30 minutes or less headways, connected to older neighborhoods. She said 44 established neighborhoods will be impacted by the proposed ordinance, all of them with diverse characteristics and challenges, and concerns including fire evacuation. She said HB24-1304 exempts all parking requirements for multi-family housing built within 1/4 mile of bus stops that have 30-minute service, and this will affect all those neighborhoods.

Louise Conner, resident of the Middle Shooks Run neighborhood, spoke in opposition. Ms. Conner continued the presentation and said the neighborhood will be impacted by this amendment to the UDC since they have two designated bus routes. She said her concerns are there was no public notification for this amendment, even though it will affect a huge number of properties within at least 44 neighborhoods and few people are aware of this amendment. Ms. Conner said they feel this amendment should not move forward until Citywide notification occurs, avenues are established for citizens' voices, and public input is gathered, evaluated and incorporated.

Mike Anderson, with the Historic Neighborhood Partnership spoke in opposition. Mr. Anderson continued the presentation saying HB24-1304 exempts all parking requirements for multifamily housing built within 1/4 mile of

bus stops with 30-minute service. He said there is a companion bill, HB24-1313 Housing and Transit Oriented Communities, that mandates high density rezoning to significant portions of the City that are within 1/4 mile of bus stops with 15-minute service. He said this could potentially require the rezoning of these areas with an additional 300,000 new dwelling units along those routes. Mr. Anderson said the City is working on a housing needs assessment that has not been completed yet and is related to 1304 and 1313. He requested clarification about what multi-family is and what zoning districts it include, as they could not find a definition in the UDC. He said this item should not move forward until further consideration has been taken regarding this amendment.

Tim Hoiles, The Maverick Observer, spoke in opposition. Mr. Hoiles said he grew up in Colorado Springs and has seen what has happened to this State, most of it not good. He said a similar situation was seen before, around UCCS, when all students started parking.

Lisa Bigelow, concerned citizen, spoke in opposition. Ms. Bigelow said she is concerned about the deterioration of the Home Rural Authority, that allows more control over matters of local significance, and states that ordinances addressing local matters supersede state law. She feels this ordinance conflicts with the City's planning and neighborhood preservation. She said there has been no public process on the proposed ordinance and analysis is not transparent. Ms. Bigelow said she heard Chief of Staff, Jamie Fabos mentioning that according to DOLA, Colorado Springs already complies with the Governor's Executive Order and State law. She said she disagrees that the City will lose \$20 million in grants, and a detailed report has not been provided to the citizens for review. Ms. Bigelow said the Commission must fight to keep the home rule authority and six other cities have sued the State, yet Colorado Springs has not. Ms. Bigelow asked the Commission to stand up for the citizens, neighborhoods and home rule authority in Colorado Springs and not to sell the soul of the City for State grants or threats by the Governor.

### **Commissioners' Comments**

Johnny Malpica addressed some of the public comments and said staff are conduits to move this forward, and they value public engagement. He explained R2 Zone references 2 units; and mentioned the bill HB24-1304 does not define "multi-family", therefore, it relies on the City's Unified Development Code to provide that definition, which can be found as "dwelling, multi-family", and consists of three or more units. Therefore, R2 zone districts will not be affected by this ordinance. Mr. Malpica said this ordinance was run through all review agencies and no major concerns were presented. He said HB24-1304 and HB24-1313 are land use bills that have direct influence on transit and

parking, and they are currently being reviewed. He said HB24-1304 has an implementation date of June 30th, while HB24-1313 not until 2026.

Chair Slattery asked if adjacent lots to R2 will still be impacted, if there has been an analysis on the potential number of units; and which areas could see a more pedestrian oriented development. Mr. Malpica replied this will not impact single family zones, however neighboring properties to multi-family projects with no parking could be impacted. He said an analysis was made to factor all parcels included in the zones that would allow multi-family, there are 7,900 parcels, but not all of them are vacant. He said most projects in Colorado Springs have assigned two parking spaces per unit. Mr. Malpica said they had conversations with the developer and community and have read articles throughout the State and does not feel this will have a major impact now or in the near future.

Chair Slattery asked how many acres encompass the 7,900 parcels. Mr. Malpica said he does not have that information at the moment, but he can get it.

Commissioner Casey asked if it was expected that City Council pass an implementing ordinance based on their posture that it is an unconstitutional intrusion of the Home Rule Authority. Mr. Walker said it is not for staff to decide, much less if the impacts are not clear. He said the state law goes into effect on July 1st and the City is supposed to be in compliance by that date and give City Council the opportunity of making the changes required by State law. Mr. Walker said bill HB24-1313 has a substantive impact on a lot of neighborhoods, but it is for different properties and bus routes, and it is being worked on, but it does not need to be implemented until 2026. He said the Commission can make any recommendation and it is up to the Council to make the appropriate decision in the appropriate time frame.

Chair Slattery asked if it was within the courts' purview to determine if this is a home rule item versus a State mandated item. Sara Brewen, Senior Attorney, said the determination regarding whether the city is going to assert a home rule argument or home rule policy as it relates to a particular legislation passed by the State is a decision that would be made by the City Council. Whether it is challenged would be the place where a court would step in to make a formal determination under legal terms. The evaluation is a matter of exclusively local concern whereby home rule would come into effect and the local municipality would make its own decisions, and it would preempt any state requirements. She said there are matters of mixed concern, which in that case tips toward the State; and then there are matters that are exclusively of State concern, and so if there was a challenge, the court would determine where that fell out. Ms. Brewen said the consideration of the Commission is evaluating that the

ordinance meets the appropriate requirements and making a recommendation to the City Council, who will make the final determination.

Commissioner Hensler said when there is State or local code ordinance, they can make a decision today to be in compliance with the bill as of the date, and then the other steps could happen to resend it and bring it back to the Commission to amend the ordinance if City Council where to decide differently or if there was a lawsuit. Commissioner Hensler asked if what they decide here is binding to the extent of which it gets appealed or challenged, which could create other changes to it. Ms. Brewen said the Commissioner's recommendation today will go to City Council for a decision. She said regarding the litigation concerns, if an ordinance was passed in Colorado Springs and the outcome of that litigation determined yes, a home rule municipality would have the power to regulate this as a matter of local concern; then the City of Colorado Springs could repeal the ordinance, and either change it, modify it, or repeal it completely to implement the decision if City Council decided they wanted to do it. Mr. Walker said City Council could send this back to Planning Commission for further consideration.

Commissioner Hensler asked if the Commission was to approve the ordinance, and if it goes into effect on June 30th, will there be any immediate impact on current projects. Mr. Walker said if the state statute goes into effect on July 1st, it will allow multi-family development from three to 19 dwelling units per acre to be approved with no parking, however, the code will say that parking is required.

Commissioner Hensler asked if it is possible for applications submitted after this ordinance has passed to come back and be required to comply. Kevin Walker said they do not control State statutes, this will go into effect and whether it is applicable is an argument for others.

Chair Slattery asked where the map came from for HB24-1304 and if the quickest service line is 30 minutes. Mr. Walker said we have 15-minute intervals, and the map was provided by DOLA. Chair Slattery said in the methodologies from March, Mountain Metro Colorado Springs, notes that there is no applicable transit plan that identifies specific frequency levels within the time period necessary to meet criteria. Mr. Malpica said the methodology references the Bus Rapid Transit System and 15-minute frequencies; and DOLA's map was based on 15 and 30-minute trip frequency.

Mr. Malpica, said they looked into the acreage amount, and it is roughly 470 acres including existing parking exempt areas and vacant parcels.

Chair Slattery said she appreciates staff efforts to be in compliance with the

State; however, she cannot support this ordinance because of all the unknowns.

Commissioner Hensler asked if there was anyone from staff participating in the public process with the State. Mr. Walker said that the City was tracking the bill and may have decided to comment or not, but there was someone paying attention to it.

Commissioner Hensler asked if the Best Practices Report was issued in December 2024, after the legislation was passed, why is it only now that this proposal is being brought forward. Mr. Walker said that the City was waiting for DOLA for a long time and then it became a question of having enough resources to have this ready within the time frame.

Vice Chair Foos thanked the members of the community for attending and said he agrees with them regarding how fast this is happening and there are unsolved issues. He said he is not in favor.

Commissioner Robbins said he is not in favor of this ordinance and would recommend City Council denies it, as there are too many loopholes and issues that have not been covered as the financial aspect and why this is being rushed.

Commissioner Sipilovic said all this is being rushed, but staff put together a good presentation. He said 70% of Colorado Springs population owns at least one car and removing minimum parking requirements would congest our mainline streets even more. He said some people already have to park on the street and they do not need neighboring properties parking there because a major developer decided to build more units rather than give those people a place to park.

Commissioner Casey said the House Bill HB24-1304 is an unconstitutional intrusion on home rule authority of the City and he cannot vote in favor of this ordinance. He thanked staff for the work done regarding this ordinance.

Commissioner Hensler said she understands the intent of the State but wished that we can get to a place where different types of development can be encouraged. She said it feels premature to make a decision. Commissioner Hensler thanked staff for the work and the neighbors for their input.

**Motion by Commissioner Hensler, seconded by Vice Chair Foos, to deny an Ordinance amending Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, as related to minimum parking requirements in applicable transit service areas.**

**The motion passed by a vote of 6-0-3.**

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

**Absent:** 3 - Commissioner Cecil, Commissioner Rickett and Commissioner Gigiano

## **9. Presentations**

## **10. Adjourn**