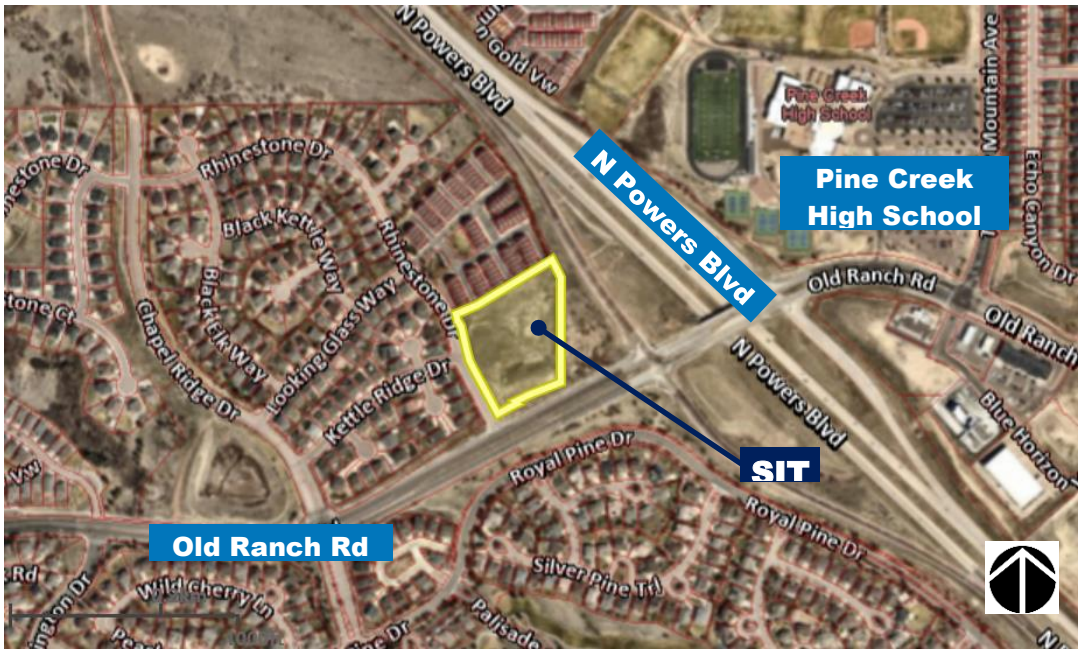
OLD RANCH STORAGE FILING NO 1 DEVELOPMENT PLAN

Planning Commission September 10, 2025

Staff Report by Case Planner: Tamara Baxter



Quick Facts

Appellants
Julie Price, James Loban, Terra Sumstine, William Sani, David and Jennifer Murphy

Applicant
T-Bone Construction & NES Inc.

Property Owner
Kettle Creek LLC

Address / Location
Northeast corner of Rhinestone Drive and Old Ranch Road

TSN

6222300007

Zoning and Overlays
Current: MX-M/AF-O (Mixed-Use Medium Scale with United States Air Force Academy Overlay)

Site Area
4.70 acres

Proposed Land Use
Miniwarehouse (Storage Facility)

Applicable Code
Old Chapter 7

Council District
#2

Project Summary

An Appeal of an administratively approved development plan for the Old Ranch Road Storage Facility project located in the northwest corner of Rhinestone Drive and Old Ranch Road consisting of 4.70 acres and zoned MX-M/AF-O (Mixed-Use Medium Scale with United States Air Force Academy Overlay)

File Number	Application Type	Decision Type
APPL-25-0006	Appeal of Administrative Decision	Quasi-Judicial

Background

Prior Land-Use History and Applicable Actions

Action	*Name*	*Date*
Annexation	Briargate Addition No. 5 (Ordinance 82-138)	September 28, 1982
Subdivision	The property is unplatted. Platting of the property will be necessary prior to building permit.	
Master Plan	Briargate Master Plan	1980
Prior Enforcement Action	Not applicable	

Site History

Upon annexation, the property in question and surrounding neighborhood have been the subject of several entitlement applications. Below is an outline of each entitlement history.

- The Briargate Master Plan was approved in the 1980. The subject property was identified as 'commercial' in the 1980 master plan and changed to a 'community commercial' designation in subsequent master plans (refer to Attachment 1 – Briargate Mater Plan 1980 and Attachment 2 – Briargate Master plan 1998).
    - In accordance with Chapter 7, Section 7.5.402, the Briargate Master Plan is considered an "implemented master plan". An implemented master plan is *"a master plan that is eighty five percent (85%) or more built out and the remaining vacant land is zoned in conformance with the master plan. The redevelopment and neighborhood plans that are more than eighty five percent (85%) built out and are being used as an ongoing guide will not be classified as implemented."*
- On January 26, 2004, the City approved the Bison Ridge at Kettle Creek Concept Plan. The concept plan encompassed approximately 24 acres (refer to Attachment 3 – Bison Ridge at Kettle Creek Concept Plan).
    - The subject property and the property to the west consisting of 16.75 acres were identified as 'commercial' with 154,755 square feet of gross leasable area (G.L.A) and the proposed zoning was PBC (Planned Business Commercial). The concept plan did not show any direct access onto Old Ranch Road from these two commercial parcels.
        - Per Ordinance 03-196, approved November 11, 2003, the subject property was zoned from A and R-1 6000 (Agricultural and Single-Family Residential) zone districts to PBC (Planned Business Center) zone district.
    - The remaining 7.5 acres of the Bison Ridge at Kettle Creek Concept Plan identified as "multi-family", 82 units to be zoned R-5 (Multi-Family Residential).
        - Per Ordinance 03-195, approved November 11, 2003, zoned the 7.75 acres from A and R-1 6000 (Agriculture and Single-Family Residential) zone districts to R-5 (Multi-Family Residential) zone district.
- On the Bison Ridge at Kettle Creek Concept Plan, a single-family residential area was identified to the north and west. This area consisted of approximately 42 acres but was not part of the Bison Ridge at Kettle Creek Concept Plan. Per Ordinance 03-194, a rezone was approved November 11, 2003, to rezone from A and R-1 6000 (Agriculture and Single-Family Residential) zone districts to PUD (Planned Unit Development; Single-Family Residential Detached, 1.95 du/ac, 30 ft. max. bldg. ht.) zone district.
- In 2014, the Bison Ridge at Kettle Creek Concept Plan was amended, approved June 24, 2014, to accommodate a change of use from commercial to single-family residential detached (refer to Attachment 4 – Bison Ridge at Kettle Creek Concept Plan Amendment). This pertain to the commercial property to the west of the subject property. The property consisting of 12.91 acres was rezone per Ordinance 14-37, approved on July 9, 2014, from PBC (Planned Business Center) zone district to PUD (Planned Unit Development; single-family detached residential, 35-foot maximum height, 4.4 dwelling units per acre) zone district. No direct access onto Old Ranch Road continued not to be permitted.
- Unified Development Code (UDC) was adopted in February 2023 and became effective June 5, 2023 (Ordinance 23-03). An update of the former zone districts codified under Chapter 7 to reflect the zone districts approved with the UDC was adopted April 2023 (Ordinance 23-18). Prior to final adopted, City Planning undertook a very robust public engagement and notification effort to inform the public for all the code changes - public meetings and hearings were held and press releases issued by the Planning Department. For each public hearing, notification was also done with the Gazette.
    - PBC (Planned Business Center) became MX-M (Mixed-Use Medium Scale).
    - PUD (Planned Unit Development) became PDZ (Planned Development Zone District)
    - R-5 (Multi-Family Residential) became R-5 (Multi-Family High)

Applicable Code

The administratively approved application was submitted prior to the implementation date (06/05/2023) of the ReTool project and, thus, reviewed under previous Chapter 7. The Appeal application was reviewed in accordance with the Unified Development Code (UDC). All subsequent references within this report that are made to "the Code" and related sections are references to previous Chapter 7 and the UDC.

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	Zoning	*Existing Use*	*Special Conditions*
North	R-5/AF-O (Multi-Family High/ United States Air Force Academy Overlay)	Multi-Family (Townhomes)	
West	PDZ/AF-O (Planned Unit Development Zone District with United States Air Force Academy Overlay)	Single-Family Detached Residential	
South	A/AF-O (Agricultural with United States Air Force Academy Overlay	Old Ranch Road	
East	A/AF-O (Agricultural with United States Air Force Academy Overlay)	North Powers Boulevard	

Stakeholder Involvement for Appeal

Public Notice

Public Notice Occurrences *(Poster / Postcards)*	Prior to Planning Commission
Postcard Mailing Radius	1,000 feet of property boundary
Number of Postcards Mailed	280
Number of Comments Received	See comments below under public engagement

Public Engagement

A neighborhood meeting was held on August 12, 2025. Approximately 61 members of the public were in attendance. Although this neighborhood meeting occurred after the approval of the development plan, knowing that the administrative decision was going to be appeal to Planning Commission, City Planning determined that a neighborhood meeting prior to the Planning Commission hearing would aid in the understanding of the history of the site, the zoning, and address the proposed use along with traffic, lighting, and architectural design. A neighborhood meeting did not take place during the intial reviews of the project, and it likely should have occurred based on the public interest of this project. It is the standard practice of the planning department to hold a neighborhood meeting; however, one did not occur in this case. Per Chapter 7, Section 7.5.902.C.4: *"Neighborhood Meetings: An optional method of notice may be to provide a neighborhood meeting to discuss proposed development projects. The purpose of a neighborhood meeting is to allow neighborhood residents to communicate directly with the City and the development applicant*

regarding any issues, concerns or comments that they might have regarding the proposed development project. Neighborhood meeting(s) may be held during the preapplication stage, internal review stage and/or final disposition stage at the discretion of the Manager."

Public comments were received during the intial review of this project (refer to Attachment 5 – Public Comments). Since the initial submission of this application in 2022, three case planners had worked on this application which coupled with the timespan of review hindered the consistent administration of the project.

The public comments in opposition are related to traffic, compatibility of use, lighting, access, crime and safety, inadequate infrastructure, and decrease in value of homes. The applicant did provide a response to the intial public comments (refer to Attachment 6 – Public Comment Response). Additional public comments were received upon approval of the development plan (refer to Attachment 7 – Additional Public Comments).

Timeline of Review

Initial Submittal Date	The intial submittal of this project was made on August 12, 2022
Administrative Decision	The Development Plan was approved on July 9, 2025
Number of Review Cycles	6
Item(s) Ready for Agenda	A complete Appeal application was received on July 21, 2025 and the Appeal was scheduled for Planning Commission per UDC Section 7.5.415.

Agency Review

Traffic Impact Study

Traffic Engineering reviewed this application, and a traffic impact study was not required since the proposed use is a low traffic generator. LSC Transportation Consultants prepared a 'Traffic Technical Memorandum – Access Sight Distance' (refer to Attachment 8 – Traffic Technical Memorandum – Access Sight Distance) which was reviewed by Traffic Engineering. All comments were addressed during the review of this project.

Stormwater Enterprise (SWENT)

Stormwater reviewed this application. A final drainage report was submitted and reviewed by SWENT. All comments were addressed during the review of this project.

Colorado Springs Utilities (CSU)

CSU reviewed this application. All comments were addressed during the review of this project.

Colorado Springs Fire Department (CSFD)

CSFD reviewed this application and requested a fire truck turning exhibit and hose lay exhibit (refer to Attachment 9 – Turning and Hose Lay Exhibits). All comments were addressed during the review of this project.

Landscape Reviewer

The Land Use Review Landscape Reviewer noted that the proposed landscaping per the approved preliminary landscape plan met the minimum landscape requirements under Chapter 7 as well as per the new UDC (Unified Development Code). All comments were addressed during the review of this project.

Colorado Springs Police Department (CSPD)

CSPD reviewed this application and provided comments related to security. All comments were addressed during the review of this project.

City Engineering

Engineering reviewed this application. All comments were addressed during the review of this project.

Development Plan

Summary of Application

The development plan for this project was reviewed under previous Chapter 7, as noted above. After evaluation of the development plan by City Planning staff and review agencies, Staff determined that the application met the review criteria and administratively approved the development plan (Attachment 10 – Approved Development Plan and Attachment 11 – Project Statement) on July 9, 2025 (DEPN-22-0021).

Application Review Criteria

Chapter 7 Code Section 7.5.502.E

In accordance with Chapter 7, Section 7.5.502.E, *"a development plan shall be reviewed using the criteria listed below. No development plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the land uses surrounding the site…".*

1. *The details of the use, site design, building location, orientation and exterior building materials are compatible and harmonious with the surrounding neighborhood, buildings and uses, including not-yet-developed uses identified in approved development plans.*

   Staff Response: The subject site is a remanent commercially zoned property surrounded by residential along the north, east and south (across Old Ranch Road). North Powers Boulevard is located to the east. The property slopes from south the north. The proposed buildings have the same color scheme as the adjacent residential which includes tan and brown colors. The project will be screened along Rhinestone Drive by a 6-foot solid privacy wall with landscaping. A 6-foot metal security fence will be installed along Old Ranch Road and along the eastern property boundary. There is an existing 6-foot solid wall along the north of the property. The height of the proposed structures will be significant less than the maximum height allowed per Chapter 7 which allows for a 45-foot maximum height in the PBC (Planned Business Commercial) zone district.

   Today, the MX-M (Mixed-Use Medium Scale) zone district *"accommodates a mix of, for example, commercial, retail, office, multi-family residential, and civic uses".* Some more intense uses that are permitted in the MX-M zone district (refer to UDC Section 7.3.201) with a higher traffic volume that would be permitted at this location may include, but not limited to: Multi-Family Dwelling (apartments), Adult or Child Daycare, Religious Institution, Agricultural Sales and Service, Adult Entertainment, Hotel or Motel, Restaurant, Entertainment or Recreation (Indoor or Outdoor), Adult Retail, Commercial Center, Liquor Sales, Retail Sales, Transit Station, and Fuel Dispensing Station (gas station).

2. *The development plan substantially complies with any City- adopted plans that are applicable to the site, such as master plans, neighborhood plans, corridor plans, facilities plans, urban renewal plans, or design manuals.*

   Staff Response: The subject site has been identified as a "community commercial" use since the approval for the Briargate Master Plan. The land west of North Powers Boulevard, along Old Ranch Road east to Chapel Hills Road, was envisioned in the master plan as commercial. However, as the need for housing has increased in Colorado Springs, the subject property has become a remanent commercial parcel since the adjacent commercially zone parcels were rezone and developed with single-family detached residential uses. The guiding master plan was not required to be updated for this project site since the development of the Briargate Master Plan has exceeded 85% build out and is considered implemented.

3. *The project meets dimensional standards, such as but not limited to, building setbacks, building height and building area set forth in this chapter, or any applicable FBZ or PUD requirement.*

   Staff Response: The proposed project meets the dimensional standards of the former PBC (Planned Business Center) zone district. The proposed office and the proposed storage structures are one-story. The PBC zone district allowed for a maximum building height of 45 feet, and the current MX-M zone allows for a maximum building height of 50 feet. Per the development plan, the proposed height of the office building will be approximately 26 feet in height and the storage structures approximately 17 feet in height.

4. *The project grading, drainage, flood protection, stormwater quality and stormwater mitigation comply with the City's Drainage Criteria Manual and the drainage report prepared for the project on file with the City Engineering Department.*

   Staff Report: The final drainage report (FDR) was required for this project which was reviewed by City Stormwater Enterprise (SWENT). The FDR was approved in accordance with the City's Drainage Criteria Manual.

5. *The project provides off-street parking as required by this chapter, or a combination of off-street or on-street parking as permitted by this chapter.*

   Staff Response: All parking will be on site for this project. The project provides the required number of off-street parking per Chapter 7, which includes one parking space per 400 square feet, of which one of the parking spaces shall be an accessible parking space. This parking calculation is similar to the UDC requirements for parking.

6. *All parking stalls, drive aisles, loading/unloading areas, and waste removal areas meet the location and dimension standards set forth by this chapter.*

   Staff Response: All have been met with the approved development plan. CSFD required a firetruck turning exhibit along with a hose lay exhibit (refer to Attachment 9 – Turning and Hose Lay Exhibits)

7. *The project provides landscaped areas, landscape buffers, and landscape materials as set forth in this chapter and the Landscape Design Manual.*

   Staff Report: The Preliminary Landscape Plan meets the required buffering and planting materials for this project per Chapter 7. Although this project was reviewed under Chapter 7, this project also meets the minimum landscape requirements per the UDC.

8. *The project preserves, protects, integrates or mitigates impacts to any identified sensitive or hazardous natural features associated with the site.*

   Staff Response: There will be no outdoor storage permitted with this storage facility, and no hazardous material will be allowed.

9. *The building location and site design provide for safe, convenient and ADA-accessible pedestrian, vehicular, bicycle, and applicable transit facilities and circulation.*

   Staff Response: An accessible parking stall has been placed near the office building. A new sidewalk will be constructed along Rhinestone Drive that will connect to Old Ranch Road. The Powers North Reach Trail traverses along Old Ranch Road west from Powers Boulevard.

10. *The number, location, dimension and design of driveways to the site substantially comply with the City's Traffic Criteria Manual. To the extent practicable, the project shares driveways and connects to drive aisles of adjoining developments.*

    Staff Report: There is one access point into the site off Rhinestone Drive. No access from the site onto Old Ranch Road is allowed based on the distance of the nearby North Powers Boulevard ramp to Rhinestone Drive. The access point for the project aligns with Kettle Ridge Drive to the west. A Traffic Impact Study was not required by City Traffic as this use does not produce a high volume of traffic to and from the site.

11. *The project connects to or extends adequate public utilities to the site. As required by Colorado Springs Utilities, the project will extend the utilities to connect to surrounding properties.*

    Staff Response: The project will connect to CSU utilities which are located near or adjacent to the subject site.

12. *If necessary to address increased impacts on existing roadways and intersections, the project includes roadway and intersection improvements to provide for safe and efficient movement of multi-modal traffic, pedestrians and emergency vehicles in accordance with the City's Traffic Criteria Manual, public safety needs for ingress and egress and a City accepted traffic impact study, if required, prepared for the project.*

    Staff Response: This project does not necessitate roadway improvements along Old Ranch Road or Rhinestone Drive. A new sidewalk will, however, be installed along Rhinestone Drive and connect to Old Ranch Road to improve pedestrian connectivity.

13. *Significant off-site impacts reasonably anticipated as a result of the project are mitigated or offset to the extent proportional and practicable. Impacts may include, but are not limited to light, odor and noise. (Ord. 94-107; Ord. 95-125; Ord. 01-42; Ord. 02-64; Ord. 03-74; Ord. 03-157; Ord. 09-50; Ord. 09-78; Ord. 12-72; Ord. 18-2)*

    Staff Response: A photometric plan was provided and approved with the development plan. Site lighting was shown not to spill onto the adjacent residential neighborhoods nor adjacent rights-of-ways.

After evaluation of the Old Ranch Storage Filing No 1 Development Plan, staff had determined that the project met the review criteria and approved the development plan on July 9, 2025.

Appeal

Summary of Appeal

On July 21, 2025, the Appellant filed an appeal of the administrative decision. This appeal request was received within the 10-day appeal window in accordance with UDC Section 7.5.415.A.4 (refer to Attachment 12 – Appeal of Administrative Decision).

Per City Code Section (UDC) 7.5.415.A (Appeals), an affected party aggrieved by a decision on an application may appeal this decision. The review criteria for a decision on an appeal is set forth in City Code Section (UDC) 7.5.415.A.2, as follows (following directly pulled from UDC):

2. *Notice of Appeal*
    - *a. The notice of appeal shall state:*
        - *(1) The specific provision(s) of this UDC that is the basis of the appeal; and*
        - *(2) Which of the following criteria for reversal or modification of the decision is applicable to the appeal:*
            - *(a) The decision is contrary to the express language of this UDC; or*
            - *(b) The decision is erroneous; or*
            - *(c) The decision is clearly contrary to law; and*
        - *(3) Describe how the criteria for the relevant application have or have not been met.*
    - *b. A recommendation to City Council to approve an application shall not be the basis for an appeal.*
    - *c. As a preliminary matter, the body hearing the appeal may choose to vote on the sufficiency of the appeal to determine if the appeal has met the requirements of this Subsection. Upon a finding of insufficiency by a majority of the body hearing the appeal, the appeal shall be rejected, and no hearing held.*

In the updated appeal statement, the appellant identified why the administrative decision was erroneous, contrary to law, and contrary to the expressed language in the UDC and Chapter 7.

1. *The community was placed at a clear and unfair disadvantage by the City's failure to disclose, until after the submission of this appeal, that the project would be reviewed under the previous Chapter 7 standards rather than the new Unified Development Code (UDC).*

    Staff Response: The project was submitted in 2022 and reviewed under previous City Code Chapter 7. The UDC (Unified Development Code) was adopted by the City in 2023, and became effective June 2023. This project continued to be reviewed under Chapter 7. This information was relayed to two of the appellants and there was no indication from staff to the appellant that there was a change in how this project was reviewed. The appellants argument as to why the decision of approval was erroneous have been included with the appeal documents (refer to Attachment 12 – Appeal of Administrative Decision).

2. *The city failed to facilitate community meetings. In addition to improper notification of the project and meetings.*

Staff Response: Since the intial submittal of this project to the City, three planners have taken part in the review of this project. The City acknowledges that a neighborhood meeting held in 2022/2023, after the project was initially submitted, would have improved information conveyance and understanding of the project with residents in the nearby neighborhoods. This did not occur. A neighborhood meeting was conducted on August 12, 2025, as a measure of good faith to allow the public to learn more about the project and provide the applicant with their concerns about the project. Public notification with the intial submittal was done per the standards outline in Chapter 7 for public notification (poster and postcard). The public notice for the neighborhood meeting was in compliance with UDC standards for public notification (poster and postcards). The public notice of the appeal also followed the standards outline in the UDC.

3. *Storage is adjacent to critical habitat for the ESA-protected Preble's jumping mouse (https://ecos.fws.gov/ecp/species/4090) but fails to disclose or study the effects of the project on its surroundings.*

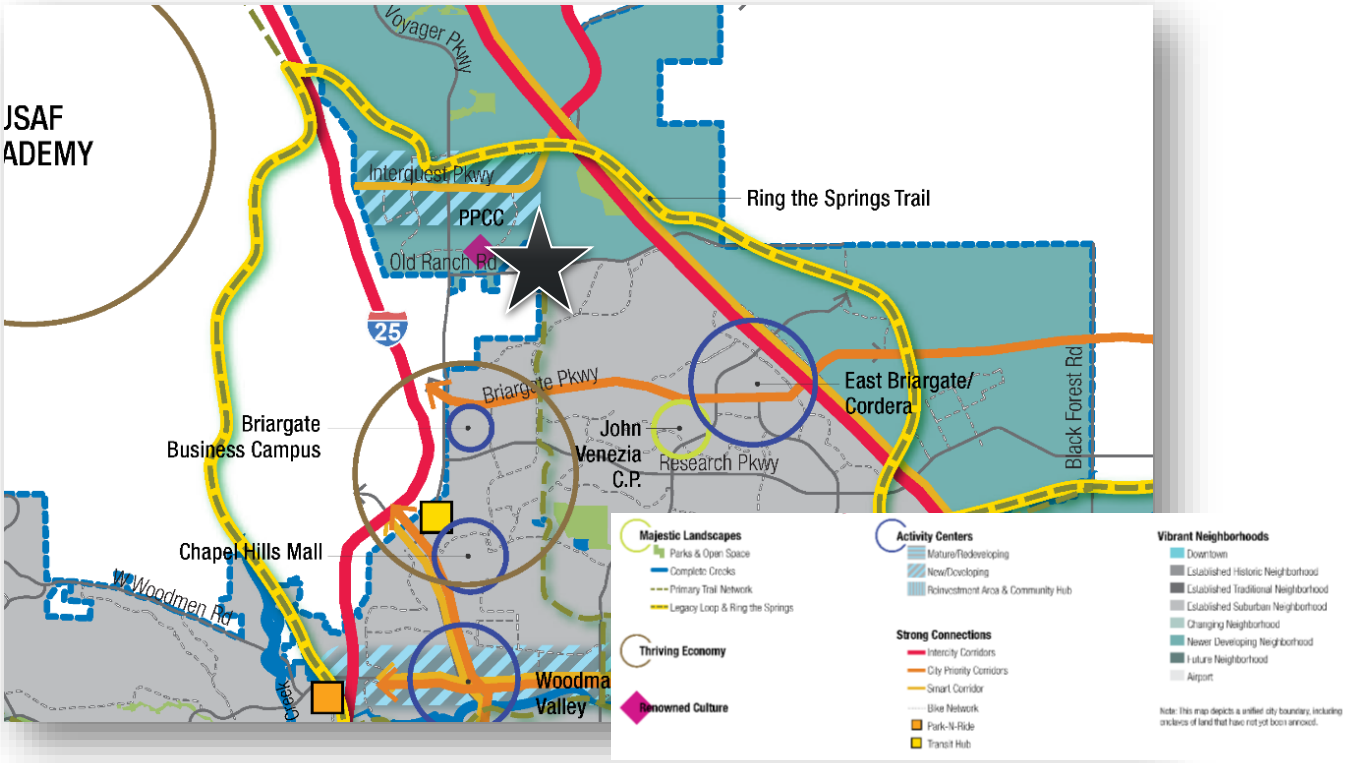
   Staff Response: The boundary of the Preble's jumping mouse habitat is located along the boundary of the Kettle Creek Open Space which is located to the northwest of the site approximately 1,900 feet away from the subject property. The existing single-family detached homes to the north and west of the subject site likely have more impact to this habitat than the proposed use.

4. *Incompatible architectural design, unrestricted 24/7 operations, security fencing around the project, large traffic volume of the project, and project lighting. The project is detrimental to public interest, health, safety, convenience and general welfare.*

   Staff Response: The project is proposed on a remanent commercial parcel surrounded by residential development. The proposed mini warehouse use is not an impactive use compared with other use types allowed in the MX-M (Mixed-Use Medium Scale) zone district that have higher traffic volumes. Mini warehouses, or self-storage facilities, traffic volumes are generally low and dispersed throughout the day. The architecture and design standards in Chapter 7 do not compare to the building design standards of the UDC. The proposed architectural design met the standards of Chapter 7, as well as meets the building design standards of the UDC. In accordance with Chapter 7, light fixtures shall be fully shielded from adjacent residence and rights-of-ways. A photometric plan was included in the approved development plan. Per the photometric plan, lighting will be contained within the property boundary.

Compliance with PlanCOS

PlanCOS Vision



The proposed development plan was evaluated for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to PlanCOS, the project site lays between "*Established Suburban Neighborhood*" and "*Newer Developing Neighborhood*" and is adjacent to "*Intercity Corridor*" and "*City Priority Corridor*" (Powers Boulevard). Common desired elements "*should be widely encouraged, supported, and promoted for most neighborhood.*" This includes "*an integrated mix of land uses to allow siting of residential, retail, office, recreational, and educational facilities within close proximity*".

Optional Actions - Motions

APPL-25-0006 – Old Ranch Storage Filing No. 1 Development Plan Appeal

1. Affirm the decision of the City Planning Department and deny the appeal; or
2. Reverse the decision of the City Planning Department and approve the appeal; or
3. Reject the appeal due to insufficiency.

Motion to Deny

Deny the Appeal and affirm the administrative approval of the Development Plan application, based on the provisions of the City Code (UDC), and that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code (UDC) Section 7.5.415.A.2.

Motion to Approve

Uphold the Appeal and deny the administrative approval of the Development Plan application, based on the provisions of the City Code (UDC), and that the appellant has substantiated that the appeal satisfies the review criteria outlined in City Code (UDC) Section 7.5.415.A.2.

Motion to Reject

Reject the Appeal and affirm the administrative approval of the Development Plan application, based on the insufficiency of the request to meet the requirements of City Code (UDC) Section 7.5.415.A.2.a and c.