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PLANNING + NEIGHBORHOOD SERVICES

Land Use Review

Appeal of a City Planning Commission Decision to City Council

Appeal of a City Planning Commission Decision to City Council

Complete this form if you are appealing a **City Planning Commission, Historic Preservation Board or Downtown Review Board Decision** to City Council.

Appellant Contact Information

JULIE C PRICE (ADDITIONAL HOMEOWNERS) 703-200-8180
Name of Appellant Phone Number
10565 SLUMBER RIDGE WAY COLO SPRGS CO 80908
Address (Include City, State, ZIP)
julie.c.price @ comcast.net
Email

Project Information

OLD RANCH ROAD STORAGE
Project Name
PARCEL NUMBER: 6222300007 / TSN SAME AS PARCEL
Site Address (TSN if not yet addressed)
NEW DEVELOPMENT PLAN / PLANNING COMMISSION APPEAL
Type of Application Being Appealed
DEPN-22-0021 / APPL-25-0006
All File Numbers Associated with the Application
TAMARA BAXTER
Project Planner's Name
Hearing Date
Item Number on Agenda

Appellant Authorization

The signature(s) below certifies that I (we) is(are) the authorized appellant and that the information provided on this form is in all respects true and accurate to the best of my (our) knowledge and belief. I (we) familiarized myself(ourselves) with the rules, regulations and procedures with respect to preparing and filing this petition. I agree that if this request is approved, it is issued on the representations made in this submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval.

Julie C Price
Signature of Appellant

9/22/2025
Date



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Appeal Submittal Should Include:

All Items Are Required

- ☒ Completed Appeal Form (this document).
- ☒ Evidence of "Affected Party" Status – check the box below and provide justification for the chosen box.
- ☒ Notice of Appeal Statement (see requirements on page 3 of this document).
- ☒ \$176 fee payable to the City of Colorado Springs. **WILL CALL AS SUBMITTING VIA EMAIL PRIOR COORDINATION MADE**

Submit all 4 items above to into the City Clerk's Office at 30 South Nevada, Colorado Springs, Colorado. Appeals are accepted for 10 days after a decision has been made. Submittals must be received no later than 5pm MST on the due date of the appeal. Incomplete submittals and / or submittals received after 5pm or outside of the 10-day window will not be accepted. If the due date for the submittal falls on a weekend or federal holiday, the deadline is extended to the following business day no later than 5 pm MST.

If you need additional assistance with this application, please call the Land Use Review front desk at (719) 385-5905.

Affected Party Status

Please indicate, per UDC Subsection 7.5.415.A(1)(a) (Right to Appeal), which of the definitions of "Affected Party" that applies to the Appellant.

- ☐ (1) The applicant for the decision being appealed;
- ☒ (2) The owner or tenant of a lot or parcel of land located within one thousand (1,000) feet of the subject lot; or
- (3) Any owner or tenant of a lot or parcel of land located within three (3) miles of the subject property who has preserved standing by:
 - ☒ (a) Testifying at the public hearing on the application; **PLANNING COMMISSION HEARING FOR APPEAL**
 - ☒ (b) Submitting written comments prior to the public hearing on the application; or
 - ☐ (c) In the case of applications approved by the Manager or an administrative official, submitting written comments to the Manager or administrative official during the comment period before the Manager or administrative official's action.



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Notice of Appeal

UDC 7.5.415.A.2 (Notice of Appeal):

- (1) The specific provision(s) of this UDC that is the basis of the appeal;
- (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;
 - (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.

Appeal Statement for City Council Appeal to DEPN-22-0021 and APPL-25-0006

Project: Old Ranch Road Storage

Appeal to Planning Commission (APPL-25-0006) – 9/10/2025 – Denied 2/5

Appellant: Community in Area of Old Ranch Road and Rhinestone

(Representatives of Community: Julie Price, James Loban, David Murphy, Jennifer Murphy, Terra Sumstine, Will Sani)

The Community was placed at a clear and unfair disadvantage by the City Planning Office's in that the project was reviewed under the previous Chapter 7 standards, and the appeal would fall under the Unified Development Code (UDC). This was due to the project application being submitted in August 2022, prior to the UDC ratification. Other than the date of filing of the original project application, it is not clear to the Community as to why a project reviewed under one set of Code requires the appeal to be reviewed under a different set of Code. It was not until the hearing with the Planning Commission on 10 September 2025, when Ms. Tamara Baxter presented, that the Community learned what the differences were between the differing standards from Chapter 7 to UDC.

The stalls and delays to the application process, for nearly three (3) years and the rush to approval, were major contributing factors as to why the appeal was required to be filed under different Code standards. The only plausible rationale for why this application was allowed to span nearly three (3) years, when the online process is in months and not years, would be the Applicant not having a buyer for said project, and the rush to approval was because the Landowner (Venezia Family Trust) had found a buyer and needed to get the project moving.

The actions of the City Planning Office during the past nearly three (3) years in this matter are nothing short of egregious. Communication and information crucial to the Community's understanding and participation during the original application process went ignored and dismissed – which is not consistent with PlanCOS and Importance of Neighborhoods. The Community was in contact with the assigned Planner, Mr. Peter Lange. The last contact with Mr. Lange was 15 March 2023 and attempts in July 2023 went unanswered. The Community had no idea this project was still in work, as prior to 15 March 2023, Mr. Lange promised the Community he would require the Applicant to provide responses to all the Community Comments (comment period ended 28 September 2022) and he would require a Community

Meeting to address our concerns. The Community did not learn until after 9 July 2025, when the project was approved that Mr. Lange left in June 2023 and the application was handed off to Ms. Kyle Fenner. There was no communication from Ms. Fenner during her tenure with this application. The Community did not learn until after 9 July 2025, when the project was approved, that Ms. Fenner was replaced by Ms. Baxter in February 2025.

After 15 March 2025, no further communication was had with the City Planning Office until 9 July 2025, when a handful (not all who submitted comments and not all in the 1000-foot radius) received an email stating the project had been approved. This demonstrates that the City Planning Office had electronic contact information for members of the Community but did not attempt communication until an approval determination was made. This is not in concert with PlanCOS Policy VN-1.B: Inform and Engage with Neighborhoods, Neighborhood Based-Organizations, and Individual Residents During the Development Review Process, Capital Improvement Planning, and Decisions on the City and County Facilities and Services

During the Appeal to the Planning Commission preparation, the Community learned that if the application was dormant for more than one-hundred-eighty (180) days, it would be withdrawn or expired. We learned at the Planning Commission Hearing, when Ms. Baxter presented, that the Applicant paid the application fee on 28 February 2023 – after communication from Mr. Lange on 1 February 2023 that the application fees were not paid and the one-hundred-eighty (180) days was nearing. The one-hundred-eighty (180) days would have been 11 February 2025 – the fees were paid seventeen (17) days past this. The application should have been withdrawn or expired, but the City Planning Office accepted this lapse and allowed the application to proceed. This was not the only occasion in which the Applicant allowed the application to go dormant, but the City Planning Office allowed the application to proceed – this is demonstrated by comments within the record from Ms. Fenner and Mr. Jonathan Scherer.

This same consideration for timelines was NOT granted to the Appellant during the Planning Commission Appeal process when the Appellant asked for an extension to get our appeal paperwork in. We were told by the City Planning Office that by Code, we had only ten (10) days to file an appeal. Then, when the Appellant asked to delay the Planning Commission Hearing so we could gather more data, we were told that the Applicant did not want to allow this. The irony is the Community waited nearly three (3) years for any communication on this project and was under the assumption the project was no longer in process due to lack of communication for the City Planning Office, due to delays from the Applicant. It is clear the Code was waived for the Applicant for the delays, instead of expiring the application. However, delaying one (1) week for the appeal application or one (1) month for the Planning Commission Hearing by the Community was not acceptable – due to both the Applicant's desires and the City Planning

Office deciding to enforce the Code as it pertained to the Community (after waiving the Code for the Applicant over nearly three (3) years. It is clear there is a bias toward the Applicant and against the Community – which is a major disconnect in the process and against Plan COS. It is also clear the Community does not hold the clout that the Landowner has – as evidenced by Ms. Andrea Barlow (NES Representative for the Applicant) mentioning the Venezia Family specifically at the Planning Commission Hearing in her rebuttal.

Pertaining to other egregious actions by the City Planning Office, at a meeting on 18 July 2025, Mr. Kevin Walker told Ms. Julie Price and Mr. Jim Loban (to the effect) “We made mistakes, let’s just move on, this has already been approved.” At the Planning Commission Hearing, the Community was told (to the effect) by another member of the City Planning Office – “We are sorry, and we messed up, we won’t let it happen again. We will work with City Council to make sure this doesn’t happen in the future.” This does nothing for the Community that was robbed of their input into the application process favoring the Applicant – the Community voices were not allowed to be heard, and the Community was an afterthought, which is against the premise of Plan COS. Pertaining to the responses to the comments from September 2022 and the Community Meeting, the City Planning Office touted at the Planning Commission Hearing that the items Mr. Lange promised were met in that the Applicant did provide responses to the Community Comments and a Community Meeting was held.

- There was a one-page, minimal response, that did not address the concerns sufficiently, that was made available to the Community on 9 July 2025 (same day as approval) on Accela (the Community did not know what Accel was or how to access it until the afternoon of 9 July 2025)
- There was an OPTIONAL Community Meeting held on 12 August 2025, after the appeal was filed, for which Mr. Walker and Ms. Barlow took half the meeting to discuss the Master Plan and Concept Plans dating back thirty (30) or more years, minimizing the opportunity for the Community to discuss our concerns; the concerns from the Community were responded to by Ms. Barlow in a very dismissive and condescending manner

The Community deserves better!

The Community deserves a City Planning Office that values the Community input; that provides open communication throughout the application process – to include notifying when Planners change, honoring promises made as it pertains to Community concerns, and taking accountability and making right when there are procedural missteps; that holds the Code requirements and timelines consistent for both the Applicant and the Community; and that

ensures the Community has access to all necessary resources to advocate effectively for the rights and the integrity of our neighborhood.

This situation demands immediate rectification and accountability for the mismanagement by the City Planning Office.

The City Planning Office acknowledged (and dismissed) on multiple occasions that Old Ranch 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 and recent studies or conduct a study the effects of the project on its surroundings. Ms. Baxter noted in her presentation at the Planning Commission Hearing that the most recent homes in the Community adjacent to the project site likely caused more disruption to the Preble's Jumping Mouse habitat than this project. Without any studies to defend this, that assertion is invalid. Additionally, with the construction of homes, the only place for the Preble's Jumping Mouse to relocate their habitat would be the proposed project site. The project plan fails to address the negative impact this project will have on the Preble's Jumping Mouse, specifically through habitat destruction, increased noise, and light pollution.

In addition to how the City Planning Office mishandled this application, throughout the nearly three (3) years duration – with the stalls and delays and ultimately the rush to approval, there are elements of the UDC that this appeal addresses.

Detriment to Public Interest, Health, Safety, Convenience, and General Welfare (7.5.603.B.1)

- The proposed storage facility introduces industrial-scale, commercial use buildings at the edge of a high-density residential neighborhood. Its massing, fencing, and lighting are fundamentally incompatible with the character and expectations of adjacent communities.
 - The Community is required to follow specific standards to keep consistency and character of the area, for which the aesthetics in the approved application do not have to, nor intend to, follow.
- The developer has proposed open metal fencing rather than solid masonry walls, which do not meet neighborhood standards and thereby fail to provide adequate buffering, privacy, and transition, directly conflicting with longstanding expectations for compatibility.
- The project is expected to generate an estimated 750 vehicle trips per day, with over 50 trips during peak hours, placing an undue burden on local residential streets that are not designed for such high intensity.

- Ms. Barlow and her team, using the same data and calculations, came up with drastically different numbers than the Community. While this may be her area of expertise, this is our community, and we see and know firsthand what occurs on our neighborhood streets.
- Ms. Barlow noted that vehicles going through the neighborhood would be no different than the Amazon or Fed Ex trucks that are in the neighborhood daily. After talking with comparable storage facilities, there are often large moving trucks – up to twenty-six (26) feet in length in and out.
- There was no traffic study done for this project, per the Traffic Representative – Mr. Todd Frisbie at the Planning Commission Hearing, due to the lack of perceived traffic, despite the sizes and types of vehicles visiting a storage facility and going through a neighborhood. When asked about making a turn lane from Old Ranch Road to divert traffic out of the neighborhood, Mr. Frisbie mentioned he had not been to the location, did not know if the median was raised (there is a raised median), and was not in support of unprotected left turn lanes. It is not clear how Mr. Frisbie can speak with expertise and certainty on roadways he has not personally observed.
- The original application included all-day, all-hours operations. The approved application does not allow for that, but the hours are not specified in the application. There is no certainty for the Community that the hours will be changed at whim or become an all-day, all-hours facility, without any communication or input from the Community or enforcement from the appropriate City Office.
 - Ms. Barlow noted somewhat reasonable hours at the Community Meeting (Monday – Sunday 9:00am-6:00pm). Ms. Baxter passed along to the Community after the Applicant met with the Buyer that the hours changed substantially (Monday – Saturday 6:00am-10:00pm and Sunday 8:00am-6:00pm).
 - High-output lighting threatens to increase late-night traffic, bring crime risk to a neighborhood with families, and add significant light pollution for open hours after dark, which directly undermines the welfare and peace of neighboring families and wildlife habitats.

Inconsistency with the Comprehensive Plan (7.5.603.B.2)

- Contravention of Community Goals: The Comprehensive Plan and related Master Plans emphasize the protection of neighborhood character, ensuring compatible infill, and mitigating the negative impacts of non-residential development. The proposed facility directly violates these principles by introducing a non-integrated, visually discordant structure into a residential gateway.

- **Failure to Advance Community Livability:** The project does not make a positive contribution to the neighborhood's fabric. Instead, it creates a harsh, commercial edge and fails to provide amenities, transitions, or features that would support the goals of livability, walkability, or a harmonious built environment.
- **No Demonstrated Community Need:** The application fails to establish a community-based need for this type of development at this sensitive, residential location, nor does it address the absence of local precedent for similar commercial uses.
 - Community research indicates there are ten (10) such facilities within a five (5) mile radius from the project site. These facilities are not at capacity.

Inconsistency with Master Plan(s) (7.5.603.B.3)

- **Lack of Alignment with Adopted Master or Sub-Area Plans:** Where master plans or neighborhood frameworks exist, this proposal is inconsistent with stated objectives to protect residential edges, provide transition areas, and avoid adverse impacts from incompatible commercial development.
 - The Master Plan, from forty (40) years ago as Ms. Baxter presented at the Planning Commission Hearing, was for the entire area to be commercial. Over time with all the changes to the Master Plan, it is clear this entire area is all residential but this single plot of land. It is not clear why it was kept as commercial (MX-M with the latest zoning updates) after the last round to rezone other plots to residential – which would have made sense considering the changes to the Master Plan since its inception.
- **No Master Plan Amendment or Justification:** If the proposal is inconsistent, it should require an amendment or additional justification, which has not been provided or supported by community engagement.

Locational Criteria for Mixed-Use Not Applicable (7.5.603.B.4)

- **Not a Mixed-Use Zone:** Although this criterion does not directly apply, it is notable that the proposed facility is purely commercial, rather than mixed-use, and thus offers none of the community or transitional benefits that mixed-use development is intended to provide.

The Appellant understands that this land belongs to the Landowner and is theirs to do with as they choose. The Appellant understands that this plot of land is zoned to be commercially used (MX-M) – while it is not clear why this plot of land was left with this zoning when all the land around it was rezoned as residential over time.

The Appellant would like to see this appeal accepted due to the stalls and delays in this project, that took years and not months – which is the typical application cycle duration, the egregious missteps by the City Planning Office, and the elements of the UDC that apply. Should the Applicant want to proceed with this project, the Appellant would like to see a new application filed and the PROPER process and timelines followed – to include the Community involvement and the intent of Plan COS followed – and the City Planning Office be held accountable with more than a “We will do better next time” approach.

Should the City Council deny this appeal, the Appellant would like the City Council to entertain some considerations that would make this project more conducive to being a part of the Community. The Appellant was told at the Planning Commission Hearing that the Planning Commission was not empowered to put Terms and Conditions, and add Enforcement Actions, to the approved application – but the City Council is empowered to mandate such things.

- Hours of Operation
 - The hours of operation should be conducive to a neighborhood environment. The hours Ms. Barlow told the Community at the Community Meeting of Monday – Sunday of 9:00am-6:00pm would meet this.
 - Should the Applicant want to consider extended hours that align with seasonal daylight operations, the Community would entertain that provided the agreed upon hours would not be allowed to change without City Council (or City Planning Office) approval through an application process.
 - There should be enforcement actions noted should the Applicant (or their Buyer who would assume responsibility for this upon purchase) violate these hours or impose changes without the proper application process and involvement of the Community.
- Traffic Flow
 - To alleviate traffic from the neighborhood streets, the Community would like consideration given to requiring the Applicant to work with the appropriate City Office to put in a left-turn lane on Old Ranch Road (eastbound) that is wide enough for traffic to make a left-turn onto Old Ranch Road (eastbound) from Rhinestone Drive. The roadway median is wide enough to do this.
 - If an unprotected turn is of concern, consider a light or a four-way stop. There are unprotected turns throughout the City of Colorado Springs, so this should not be an impediment to this project and the Community impact.
- Aesthetics
 - Landscaping should be considered to make sure the sides of the property adjacent to or near to have the more mature plantings. This would include using plantings not as affected by seasonal changes so that the neighbors do not have

to have a full bird's eye view of this industrial facility made up of horizontal corrugated metal and metal roofing that would reflect the sunlight into homes.

- Lighting would include what was approved in the proposal, with no exceptions to entertain late night hours. The Community is concerned that as the Applicant has already changed hours of operations several times, that in doing so, the facility will become all-days, all-hours and the need for other lighting to maintain this will be needed.
- Aesthetics include conforming to the Community Standards. As such, barriers and signage are a concern.
 - Barriers should be the precast, greater than six (6) foot concrete type of barrier around the perimeter of the facility.
 - The metal fencing and use of buildings for barriers should not be allowed as they pose security and safety concerns for the neighborhood and do not conform to Community Standards that have all perimeter barriers to be of the concrete type of barrier.
 - Not only do the concrete type barriers provide a consistent look, but they also provide deterrence from a security and safety perspective. This also provides for consistency when using the existing concrete type barrier from the adjacent townhomes to tie in the project barrier.
 - Signage should be consistent with the signage in place for the neighborhoods. To date, there has been no information provided regarding the signage. The signage is important as it offers the only transition from the residential neighborhood to the commercial facility.



City of Colorado Springs

30 S Nevada
Suite 204
Colorado Springs, CO

Ph: 719-385-2367

Receipt # 166401
Date Issued: 9/22/2025

Receipt

Record Information

Record ID: 10FDD-00000-#0001

Record Type:

Project Name

Site Address

Payor

JULIE C. PRICE

Fee Information

Fee Item	Notes	Amount
Planning Appeal Fee	Julie C. Price.	\$ 176.00
Total Fee Amount:		\$ 176.00

Payment Information

Method	Reference No	Comments	Transaction Amount
Credit Card in-house	256799174	OLD RANCH ROAD STORAGE ITEM: DEPN-22-0021	\$ 176.00
Total Amount Paid:			\$ 176.00