



City of Colorado Springs

City Hall
107 N. Nevada Avenue
Colorado Springs, CO
80903

Meeting Minutes City Council

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Tuesday, August 9, 2022

10:00 AM

Council Chambers

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- Stratus IQ Channel 76 / 99 (Streaming)

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Estimated agenda item times are provided for planning purposes and do not constitute notice of a specific time for any item. Items may take more or less time than estimated. City Council may amend the order of items.

1. Call to Order and Roll Call

Present: 9 - Councilmember Yolanda Avila, Councilmember Dave Donelson, Councilmember Stephannie Fortune, President Pro Tem Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, Councilmember Mike O'Malley, President Tom Strand, and Councilmember Wayne Williams

Councilmember Murray attended the meeting virtually.

Councilmember Williams attended the meeting in person until approximately 2:00 PM and then attended the meeting virtually.

2. Invocation and Pledge of Allegiance

The Invocation was made by Chaplain Cindy Fiske from the Colorado Springs Police Department.

President Strand led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

There were no changes to the Agenda.

3.A. [CPC PUZ
21-00187](#)

An ordinance amending the zoning map of the City of Colorado Springs relating to 45.66 acres located southeast of Grand Vista Circle at West Fillmore Street from PUD/SS/HS (Planned Unit Development: Multi-Family, 3.5 to 7.99 dwelling units per acre not to exceed 500 units, maximum building heights as shown on any approved concept plan not to exceed 69 feet using hillside height calculations, with Streamside and Hillside Overlays) to PUD/SS/HS (Planned Unit Development: Single-Family and/or Multi-Family, 2.38 to 7.99 du/ac not to exceed 364 units, maximum building heights as shown on any approved concept plan not to exceed 69 feet using hillside height calculations with Streamside and Hillside Overlays)
(Quasi-judicial)

Related Files: CPC PUP 19-00026-A1MJ21, & AR PUD
20-00023-A1MJ21

Presenter:

Caleb Jackson, AICP, Senior Planner, Planning and Community
Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC_ThePreserveAtMesaCreek](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Zone Change](#)
[Staff Slides](#)
[Applicant Slides](#)
[Staff Report_PreserveAtMesaCreek](#)
[Vicinity Map](#)
[PROJECT STATEMENT](#)
[Public Comment](#)
[Preserve at Mesa Creek Single-Family PUD Zone Change](#)
[Preserve at Mesa Creek Single-Family PUD Concept Plan - Part 1 of 3](#)
[Preserve at Mesa Creek Single-Family PUD Concept Plan - Part 2 of 3](#)
[Preserve at Mesa Creek Single-Family PUD Concept Plan - Part 3 of 3](#)
[The Preserve SF - Development Plan - Part 1 of 5 - letter](#)
[The Preserve SF - Development Plan - Part 2 of 5 - letter](#)
[The Preserve SF - Development Plan - Part 3 of 5 - letter](#)
[The Preserve SF - Development Plan -Landscape_Part 4 of 5 - letter](#)
[The Preserve SF - Development Plan -Landscape_Part 5 of 5 ltr](#)
[PlanCOS Vision Map](#)
[PlanCOS Areas of Capacity and Change](#)
[PlanCOS Vibrant Neighborhoods Framework](#)
[PlanCOS Majestic Landscapes](#)
[7.3.603 Establishment & Development of a PUD Zone](#)
[7.5.603.B Findings - ZC](#)

There were no comments on this item.

Motion by Councilmember Williams, seconded by Councilmember Donelson, that that the Ordinance amending the zoning map of the City of Colorado Springs relating to 45.66 acres located southeast of Grand Vista Circle at West Fillmore Street from PUD/SS/HS (Planned Unit Development: Multi-Family, 3.5 to 7.99 dwelling units per acre not to exceed 500 units, maximum building heights as shown on any approved concept plan not to exceed 69 feet using hillside height calculations, with Streamside and Hillside Overlays) to PUD/SS/HS (Planned Unit Development: Single-Family and/or Multi-Family, 2.38 to 7.99 du/ac not to exceed 364 units, maximum building heights as shown on any approved concept plan not to exceed 69 feet using hillside height calculations with Streamside and Hillside Overlays), based upon the findings that the change of zone request complies with the zone change criteria as set forth in Section 7.5.603.B be postponed to the August 23, 2022 City Council meeting. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

- 3.B. [AR PUD 20-00023-A1 MJ21](#) A PUD development plan amendment for 45.66-acres located southeast of Grand Vista Circle and West Fillmore Street allowing 123 single-family dwelling units.

(Quasi-judicial)

Related Files: CPC PUZ 21-00187 & CPC PUP 19-00026-A1MJ21

Presenter:

Caleb Jackson, AICP, Senior Planner, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [The Preserve SF - Development Plan - Part 1 of 5](#)
[The Preserve SF - Development Plan - Part 2 of 5](#)
[The Preserve SF - Development Plan - Part 3 of 5](#)
[The Preserve SF - Development Plan - Part 4 of 5](#)
[The Preserve SF - Development Plan - Part 5 of 5](#)
[7.3.606 PUD Development Plan](#)
[7.5.502.E Development Plan Review](#)

There were no comments on this item.

Motion by Councilmember Williams, seconded by Councilmember Donelson, that the PUD Development Plan for 123 single-family dwelling units based upon the findings the proposal meets the review criteria for development plans as set forth in City Code Section 7.5.502(E) and criteria for PUD development plans set forth in City Code Section 7.3.606, subject to compliance with the following conditions and technical modifications: Conditions of Approval: 1. Applicant will receive final approval and acceptance of an amended geohazard report prior to final approval of the PUD Development Plan, 2. Applicant will receive final approval and acceptance of an amended final drainage report prior to final approval of the PUD Development Plan, Technical Modifications: 1. Make the requested modifications from Land Use Review regarding parking notes and building elevations, 2. Make the requested modifications from Stormwater Enterprise regarding the grading plan, 3. Make the requested modifications from Utilities regarding the utility plan. be postponed to the August 23, 2022 City Council meeting. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

- 3.C. [CPC PUP 19-00026-A1 MJ21](#) A PUD Concept Plan Amendment for 45.66 acres located southeast of Grand Vista Circle at West Fillmore Street for a single-family residential development.
(Quasi-judicial)

Related Files: CPC PUZ 21-00187 & AR PUD 20-00023-A1MJ21

Presenter:

Caleb Jackson, AICP, Senior Planner, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [Preserve at Mesa Creek Single-Family PUD Concept Plan - Part 1 of 3](#)
[Preserve at Mesa Creek Single-Family PUD Concept Plan - Part 2 of 3](#)
[Preserve at Mesa Creek Single-Family PUD Concept Plan - Part 3 of 3](#)
[7.3.605 PUD Concept Plan](#)
[7.5.501.E Concept Plans](#)

There were no comments on this item.

Motion by Councilmember Williams, seconded by Councilmember Donelson, that the PUD Concept Plan Amendment for 45.66 acres located southeast of Grand Vista Circle at West Fillmore Street for a single-family development, based upon the findings that the request meets the review criteria for establishing a PUD concept plan, as set forth in City Code Section 7.3.605, and the review criteria for establishing a concept plan, as set forth in City Code Section 7.5.501(E), subject to compliance with the following technical modification: 1. Revise the Concept Plan drawings for clarity as requested by Public Works Department, Stormwater Enterprise Division be postponed to the August 23, 2022 City Council meeting. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

4. Consent Calendar

These items will be acted upon as a whole, unless a specific item is called for discussion by a Councilmember or a citizen wishing to address the City Council. (Any items called up for separate consideration shall be acted upon following the Mayor's Business.)

4A. Second Presentation:

4A.A. [22-466](#)

Ordinance No. 22-43 of the City Of Colorado Springs, Colorado Providing for the Refunding of Certain Outstanding Utilities System Revenue Bonds of the City; Providing for the Extension, Betterment, Other Improvement and Equipment of the City of Colorado Springs Utilities System; Providing for the Issuance and Sale of the City of Colorado Springs, Colorado, Utilities System Refunding Revenue Bonds, Series 2022A in an Aggregate Principal Amount Not to Exceed \$150,000,000, and the City of Colorado Springs, Colorado, Utilities System Improvement Revenue Bonds, Series 2022B in an Aggregate Principal Amount Not to Exceed \$185,000,000, Payable Solely Out of the Net Revenues to be Derived From the Operation of the City of Colorado Springs Utilities System; Authorizing the Execution by the City of a Paying Agent Agreement, Escrow Agreement, a Bond Purchase Agreement and an Official Statement Related Thereto; and Providing

Other Matters Relating Thereto.

Presenter:

Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [2 - CSU 2022 AB Bond Ordinance](#)

[3 - July-Aug 2022 CC - 2022AB Bond Ordinance](#)

This Ordinance was finally passed on the Consent Calendar.

4A.B. [22-467](#)

Ordinance No. 22-44 of the City of Colorado Springs, Colorado Approving and Authorizing the Execution and Delivery of a First Amendment to Standby Letter of Credit and Reimbursement Agreement Between the City of Colorado Springs, Colorado and Sumitomo Mitsui Banking Corporation and an Amended and Restated Fee Agreement Between the City of Colorado Springs, Colorado and Sumitomo Mitsui Banking Corporation, Relating to the City of Colorado Springs, Colorado, Variable Rate Demand Utilities System Refunding Revenue Bonds, Series 2009C; and Providing Other Matters Relating Thereto.

Presenter:

Tristan Gearhart, Chief Planning and Financial Officer, Colorado Springs Utilities.

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities.

Attachments: [2 - Colorado Spring Utilities - Series 2009C Authorizing Ordinance Extension](#)

[3 - 07.2022 CC - 2009C Liquidity Renewal](#)

This Ordinance was finally passed on the Consent Calendar.

4A.C. [22-468](#)

Ordinance No. 22-45 of the City of Colorado Springs, Colorado Approving and Authorizing the Execution and Delivery of a Third Amendment to Standby Bond Purchase Agreement by and Among the City of Colorado Springs, Colorado, U.S. Bank National Association, and Computershare Trust Company, N.A., as Agent for Wells Fargo Bank, N.A., as Tender Agent and Paying Agent and a Second Amended and Restated Fee Agreement by and Among the City of Colorado Springs, Colorado, U.S. Bank National Association, and Computershare Trust Company, N.A., as Agent Wells Fargo Bank, National Association, as Tender Agent and Paying Agent, Relating to the City of Colorado Springs, Colorado, Variable Rate Demand Utilities System Improvement Revenue Bonds, Series 2012A; and Providing Other Matters Relating Thereto.

Presenter:

Tristan Gearhart, Chief Planning and Financial Officer, Colorado Springs Utilities.

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities.

Attachments: [2 - Colorado Spring Utilities - Series 2012A Authorizing Ordinance SBPA Extension](#)
[3 - 07.2022 CC - 2012A Liquidity Renewal](#)

This Ordinance was finally passed on the Consent Calendar.

4A.D. [22-469](#)

Ordinance No. 22-46 of the City of Colorado Springs, Colorado Approving and Authorizing the Execution and Delivery of the Revolving Loan Agreement Between the City of Colorado Springs, Colorado and U.S. Bank National Association and the Revolving Promissory Note of the City Relating Thereto; and Providing Other Matters Relating Thereto.

Presenter:

Tristan Gearhart, Chief Planning and Financial Officer, Colorado Springs Utilities.

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities.

Attachments: [2 - Colorado Spring Utilities - Revolving Loan Agreement Extension Ordinance](#)
[3 - 07.2022 CC - Revolving Loan Agreement \(Line of Credit\) Renewal](#)

This Ordinance was finally passed on the Consent Calendar.

4A.E. [CPC PUZ 22-00024](#)

Ordinance No. 22-47 amending the zoning map of the City of Colorado Springs relating to 5.9-acres located at the intersection of Silver Rose Lane and Silversmith Road from PUD (Planned Unit Development) to PUD (Planned Unit Development: commercial, office, and residential, 20 dwelling units per acre, maximum 90,000 square feet for nonresidential uses, maximum building height of 35 feet east of the Silversmith Road and Silver Rose Lane intersection)
(Quasi-Judicial)

Related Files: CPC MP 06-00219-A11MJ22, CPC PUP 13-00033-A3MJ22

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [ORD_ZC_FlyingHorseParcel22](#)
[Exhibit A - Legal Desc](#)
[Exhibit B - Zone Change](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.F.** [CPC PUZ 22-00052](#) Ordinance No. 22-48 amending the zoning map of the City of Colorado Springs pertaining to 46.754 acres located at the southwest corner of West Fillmore Street and Centennial Boulevard from PUD/SS (Planned Unit Development: Commercial with Streamside Overlay) and OC (Office Commercial) to PUD/SS (Planned Unit Development: Residential, maximum density of 8 dwelling units per acre, maximum height of 55 feet, with Streamside Overlay)

(Quasi-judicial)

Related Files: CPC MPA 04-00043-A9MJ22, CPC PUP 22-00053

Presenter:

Caleb Jackson, AICP, Senior Planner, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC_PikeView](#)

[Exhibit A - Legal Desc](#)

[Exhibit B Zone Change](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.G.** [CPC V 22-00070](#) Ordinance No. 22-49 vacating portions of a public right-of-way consisting of 0.037-acre of established tree lawn located south of the intersection of Hazel Avenue and 1st Street.

(Legislative)

Presenter:

Austin Cooper, Planner II, Planning and Community Development Department

Peter Wysocki, Planning Director, Planning and Community Development Department

Attachments: [ORD_VacationROW_Hazel&1st](#)

[Exhibit A - Legal Desc](#)

[Exhibit B - FirstStreetVacationPlat](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.H.** [CPC ZC 22-00068](#) Ordinance No. 22-50 amending the zoning map of the City of Colorado Springs relating to 5.261 acres located at 1951 Allegheny Drive from PUD/R/HS (Planned Unit Development and Estate Single-Family Residential with Hillside Overlay) to PF (Public Facilities).

(Quasi-Judicial)

Related File: CPC CP 22-00086

Presenter:
Peter Lange, Planner II, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC_CSUAllegheny](#)
[Exhibit A - Legal Desc](#)
[Exhibit B - Zone Change](#)
[Staff Report_CSU ALLEGHENY AND YELLOWPINE](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [22-510](#) City Council Regular Meeting Minutes July 12, 2022

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [7-12-2022 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.B. [22-520](#) City Council Regular Meeting Minutes July 26, 2022

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [7-26-2022 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.C. [22-513](#) The City Clerk reports that on July 25, 2022 there was filed with her a petition for the annexation of Villages at Waterview North Addition No. 1 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1).

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [Petition for Annexation Villages at Waterview North Add No 1](#)
[ANNEXATION LEGAL DESCRIPTION](#)
[Vicinity Map villages at waterview](#)
[WVN ADD1 annexation plat 6-24-22 Villages at Waterview](#)
[EI20Paso_2021_36727 PHI Real Estate Services 35 Waterview North](#)
[EI20Paso_2021_221009211 CPR Entitlements NW Waterview North](#)
[EI20Paso_2021_221036607 CPR Entitlements 81.5 Waterview North](#)
[EI20Paso_2021_221148575 PHI Real Estate Services QC15
Waterview North](#)
[EI20Paso_2021_221223733 Schulz Partnership Waterview North](#)
[EI20Paso_2021_221233917 Veteran Villa Operating Waterview North](#)

This Item was approved on the Consent Calendar.

4B.D. [22-524](#)

The City Clerk reports that on July 28, 2022 there was filed with her a petition for the annexation of Villages at Crossroads Chapel Addition No. 1 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1).

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Crossroads Chapel Addition No 1 - Petition](#)
[Crossroads Chapel Addition No 1 - Legal](#)
[Crossroads Chapel Addition No 1 - Vicinity Map](#)
[Crossroads Chapel Addition No 1 - Annexation Plat](#)

This Item was approved on the Consent Calendar.

4B.E. [22-502](#)

A resolution finding a petition for annexation of the area known as Dublin North Addition No. 5 Annexation consisting of 5.89 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of September 13, 2022, for the Colorado Springs City Council to consider the annexation of the area.

(Legislative)

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community
Development

Peter Wysocki, Planning and Community Development Director

Attachments: [RES_HearingDateDublinNorthNo5](#)
[Exhibit A_Dublin North No 5 Petition](#)
[Vicinity Map_Dublin North Addition No.5](#)

This Resolution was approved on the Consent Calendar.

- 4B.F. [22-461](#)** A Resolution Authorizing the Disposal of Surplus City Property to the One Logical, Potential Purchaser, Being the Directors of Peak Metropolitan District No. 3

Presenter:

Greg Phillips, Director of Aviation, Colorado Springs Airport

Attachments: [Resolution Peak Metropolitan District 3 Directors Parcel 2022 07 25.docx](#)
[Exhibit A Peak Metropolitan District 3 Peak Innovation Park Resolution 2022 07 25.pdf](#)
[Exhibit B Peak Metropolitan District 3 Directors Parcel Location Resolution 2022 07 25.pdf](#)
[Slideshow Peak Metropolitan District 3 Directors Parcel Resolution 2022 07 25.pptx](#)

This Resolution was approved on the Consent Calendar.

- 4B.G. [22-420](#)** A resolution declaring the intent of the City of Colorado Springs, Colorado to issue revenue bonds in connection with financing residential facilities for low-and middle-income families or persons

Presenter:

Katie Sunderlin, Senior Affordable Housing Coordinator
Steve Posey, Community Development Division Manager
Peter Wysocki, Director, Planning & Community Development

Attachments: [2022 Colorado Springs Carryforward Resolution](#)
[PAB Carryforward 2022 CC Presentation](#)

This Resolution was approved on the Consent Calendar.

- 4B.H. [22-455](#)** An ordinance by the City of Colorado Springs, Colorado authorizing the issuance and delivery of its multifamily housing revenue bonds (Paloma Garden project) series 2022, in an aggregate amount not to exceed \$19,000,000, for the purpose of financing the acquisition, construction, improvement and equipping of a senior multifamily housing facility in the City of Colorado Springs, State of Colorado and to pay certain issuance expenses of such bonds; approving and authorizing execution of a financing agreement and a tax regulatory agreement with respect to the bonds; making findings and determinations with respect to the project and the bonds; authorizing the execution and delivery of related documents; and repealing all action heretofore taken in conflict herewith

Presenter:

Katie Sunderlin, Senior Affordable Housing Coordinator
Steve Posey, Community Development Division Manager
John Bales, Fred Marienthal, Kutak Rock LLP
Peter Wysocki, Director of Planning and Community Development

Attachments: [COS Paloma Garden 2022 Ordinance](#)
[CC PowerPoint Paloma Garden 07252022](#)
[COS Paloma Garden 2022 Financing Agreement](#)
[COS Paloma Garden 2022 Tax Regulatory Agreement](#)

This Ordinance was approved on first reading on the Consent Calendar.

- 4B.I.** [22-491](#) An Ordinance amending Ordinance No. 21-112 (2022 Budget Appropriation Ordinance) for a Supplemental Appropriation to the General Fund in the amount of \$2,700,000 for establishing the Keep It Clean COS program which will proactively aim to reduce litter and improve the appearance of public rights-of-way

Presenter:

Charae McDaniel, Chief Financial Officer
Travis Easton, P.E., Director of Public Works

Attachments: [KeepItCleanORD-SupplApprop-2022-7-18](#)

This Ordinance was approved on first reading on the Consent Calendar.

- 4B.J.** [CPC MP 02-00254-A4 MJ22](#) A resolution of the City Council of the City of Colorado Springs, Colorado, approving a major amendment to the Powerwood 2 Master Plan located west of the intersection of Tutt Boulevard and Sorpresa Lane changing the land use designation from Commercial/Industrial to Multi-family Residential.

(Legislative)

Related Files: CPC ZC 22-00011, CPC CP 22-00012

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Attachments: [RES_Powerwood2MPA](#)
[Exhibit A - Powerwood 2 Master Plan](#)
[CPC Staff Report_Tutt Blvd Townhomes](#)
[Powerwood 2 Master Plan](#)
[Zone Change](#)
[Concept Plan](#)
[Project Statement](#)
[Neighbor Comments](#)
[Fiscal Impact Analysis](#)
[AAC Recommendation](#)
[Surrounding Use](#)
[Vision Map](#)
[Areas of Change](#)
[Vibrant Neighborhoods Framework1](#)
[7.5.408 Master Plan](#)

This Resolution was approved on the Consent Calendar.

- 4B.K.** [CPC ZC 22-00011](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 13.45 acres located west of the intersection of Tutt Boulevard and Sorpresa Lane from A/AO (Agricultural with Airport Overlay) to R-5/AO (Multi-Family Residential with Airport Overlay)

(Quasi-judicial)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC_TuttBlvdTownhomes](#)
[Exhibit A - Legal Desc](#)
[Exhibit B - Zone Change](#)
[7.5.603.B Findings - ZC](#)

This Ordinance was approved on first reading on the Consent Calendar.

- 4B.L.** [CPC CP 22-00012](#) Approve a concept plan for 13.45 acres located west of the intersection of Tutt Boulevard and Sorpresa Lane for a multi-family development

(Quasi-judicial)

Related Files: CPC MPA 02-00254-A4MJ22, CPC ZC 22-00011

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [Concept Plan](#)

[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

4B.M. [CPC ZC
22-00055](#)

An ordinance amending the zoning map of the City of Colorado Springs relating to 0.38-acre located at 518-520 West Brookside Street from R-1 6000 (Single-Family Residential) to R-2 (Two-Family Residential) to August 9, 2022.

(Quasi-Judicial)

Presenter:

Austin Cooper, Planner II, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Attachments: [ORD_ZC_518-520WBrooksideSt](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Zone Change Depiction](#)

[CPC Staff Report_Brookside](#)

[Project Statement](#)

[Concept Plan](#)

[Vibrant Neighborhoods Framework](#)

[Vision Map](#)

[Land Use Types](#)

[Aerial](#)

[CPC Consent Minutes](#)

This Ordinance was approved on first reading on the Consent Calendar.

4B.N. [CPC CP
22-00056](#)

A concept plan for 518-520 West Brookside Street to bring the existing duplexes into compliance.

(Quasi-Judicial)

Related Files: CPC CP 22-00056

Presenter:

Austin Cooper, Planner II, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Attachments: [Concept Plan](#)
[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Donelson, seconded by Councilmember Fortune, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

5. Recognitions

5.A. [22-521](#) A Resolution recognizing August 12, 2022 as Julie Penrose Day

Presenter:
Stephannie Fortune, Councilmember District 3

Attachments: [Julie Penrose Day](#)

Councilmember Fortune read a Resolution celebrating August 12th, 2022 as Julie Penrose Day.

Kyle Hybl, President and Chief Executive Officer, and Sarah Woods, Curator of Historic Properties and Archives, El Pomar Foundation, provided a brief history of Julie Penrose, her work in the community, the El Pomar Foundation, their Emerging Leaders program, and the Julie Penrose Award.

Councilmember Avila and Councilmembers spoke about the contributions of the El Pomar Foundation and the legacy of Julie Penrose.

Motion by Councilmember O'Malley, seconded by Councilmember Williams, that the Resolution recognizing August 12, 2022 as Julie Penrose Day be adopted. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

5.B. [22-516](#) City Council Appointments to Boards, Commissions, and Committees

Presenter:
Tom Strand, Council President and Councilmember At Large

Attachments: [080922 Boards Commissions and Committee Appointments](#)

President Strand presented the City Council Appointments to Boards, Commissions, and Committees.

Max Kronstadt, nominee to the Downtown Review Board, expressed appreciation for the opportunity to serve.

Motion by Councilmember Williams, seconded by Councilmember Murray, that the City Council Appointments to Boards, Commissions, and Committees be approved. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

6. Mayor's Business

There was no Mayor's Business.

7. Citizen Discussion For Items Not On Today's Agenda

Citizens Amanda Amazal, Kelly Perry, and Sharon Ivanoff-McFee spoke about the need for reproductive rights for women and safe abortions access.

Citizens Scott Dewalt, Marika Bower Teressa Schwinghamer Sarah Stegman, Austin Martz, Anthony Cabello, and Jill McCormick, spoke in favor of the decriminalization of psilocybin mushrooms, Amendment 58 on the November 8, 2022 ballot.

Citizen Dallas Gardner spoke about the City's sustainability programs and renewable energy.

Citizen Jaymen Johnson spoke in favor of the City utilizing Zonehaven and introduced his father, Mark Esri.

8. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11.A. [22-465](#) A Resolution Approving an Economic Development Agreement between the City of Colorado Springs and CS Dual Hotel, LLC

Presenter:

Bob Cope, Economic Development Officer

Attachments: [Marriot EDA RES-2022-07-19](#)
[CS Dual Hotel Marriot EDA](#)
[Marriott City Council Presentation 7-25-22 - File 22-465](#)

Bob Cope, Economic Development Officer, presented a Resolution approving an economic development agreement with CS Dual Hotel, LLC. He gave an overview of CS Dual Hotel, LLC, the location, element, Springhill Suites, rooftop restaurant/bar, background, proposed economic development agreement (EDA), financial implications, and staff recommendation.

Councilmember Murray stated he does not support additional incentives after the project is completed and will be voting no on this item.

Councilmember Williams asked if this sales tax rebate is based on the net increase. Mr. Cope stated it is on the sales tax for construction materials.

Councilmember O'Malley stated this hotel is a benefit to the community.

Jim Dibiasse, Olive Real Estate Group, spoke about the increase in costs, delays, and challenges they have faced due to COVID.

Motion by Councilmember Henjum, seconded by Councilmember Donelson, that the Economic Development Agreement between the City of Colorado Springs and CS Dual Hotel, LLC to partially mitigate the negative COVID 19 impacts and to support the Tejon and Costilla Urban Renewal Plan be approved. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Donelson, Fortune, Helms, Henjum, O'Malley, Strand, and Williams

No: 1 - Murray

- 11.B. [22-462](#) A Resolution authorizing the Mayor to transfer funds within the General Fund to accommodate transfer of positions between departments to drive organizational efficiency

Presenter:

Charae McDaniel, Chief Financial Officer

Mike Sullivan, Chief Human Resources and Risk Officer

Attachments: [PW-PR-TransferBudgetEfficiencyRES-2022-07-13](#)

Charae McDaniel, Chief Financial Officer, presented the Resolution authorizing the Mayor to transfer funds within the General Fund to accommodate transfer of positions between departments to drive organizational efficiency. She stated they are requesting City Council's approval to move the Forestry budget from Parks, Recreation and Cultural Services to Public Works and to transfer several positions from Public Works to Planning and Community Development.

There were no comments on this item.

Motion by Councilmember Henjum, seconded by Councilmember Williams, that that the Resolution authorizing the Mayor to transfer funds within the General Fund to accommodate transfer of positions between departments to drive organizational efficiency be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

- 11.C.** [22-279](#) Resolution Rescinding Resolution Nos. 9-06, 83-14, 111-21 and 112-21 and Adopting a New Policy to be Applied to Applications to Create or Modify a District Authorized under Titles 31 And 32 of the Colorado Revised Statutes, Model Service Plans and a Model Business Improvement District Operating Plan and Budget

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department

Peter Wysocki, Director of Planning and Community Development

Attachments: [RES SpecialDistrictPolicyPlansBIDPlan-2022-06-22](#)
[Exhibit A 2022-07-05-SpecialDistrictPolicy](#)
[Exhibit B 2022-07-05-SingleDistrictModelServicePlan](#)
[Exhibit C 2022-07-05-Multiple-District Model Service Plan](#)
[Exhibit D Model BID Operating Plan and Budget- 6-27-22 Draft](#)
[District Policy PowerPoint-7-12-22 Council Update](#)
[Recent Correspondence Addressed to All Council](#)
[Resolution 9-06](#)
[Resolution 111-21](#)
[Resolution 83-14](#)
[Resolution 112-21](#)
[21-18Citymetropolitandistrictaudit](#)
[Special District Working Group Membership](#)
[SpecialDistrictPolicyJan06](#)
[Staff Presentation](#)

Carl Schueler, Planning Manager- Comprehensive Planning, Planning and Development Department, presented the Resolution to adopting a new policy to be applied to applications to create or modify a district authorized under Titles 31 And 32 of the Colorado Revised Statutes (CRS), Model Service Plans and a Model Business Improvement District (BID) Operating Plan and Budget and provided a brief summary of the process.

Citizen David Talbot, homeowner Tuscan Foothills Village Metropolitan District, requested the revised policy include disclosure, transparency, oversight, and compliance by districts.

Councilmember Williams asked if the disclosures were listing on the closing documents. Mr. Talbot stated it was not on the documents he brought home from the closing, but it was on the documents provided to him after he requested them from the closing company.

Citizen Mike Jones, homeowner Tuscan Foothills Village Metropolitan District, spoke about the landscaping issues in the district.

Citizen Tim Hoiles, Owner, Maverick, and member of the Special District Working Group, stated there were major conflicts of interest regarding the members of the Special District Working Group.

Citizen Tim Leonard, Deep Water Point Company, stated there should not be related party private debt, the interest rate should be a percentage, and there are some legal definitions should be included or revised.

Councilmember Murray asked if Mr. Leonard approves of the proposed policy. Mr. Leonard stated as it is written, he does not.

Citizens Kevin Walker, President Walker, Schooler District Managers (WSDM), and Dave Dazlich, Vice President of Government Affairs, Colorado Springs Chamber and EDC, spoke in support of the policy as drafted.

Citizen Jaymen Johnson stated there needs to be more transparency and accountability regarding special districts.

Councilmember Henjum asked how the policy addresses related party privately placed debt held and requested the City Auditor make a

statement concerning the proposed policy. Mr. Schueler provided an overview of the definitions of the types of debt.

Jacqueline Rowland, City Auditor, stated the City Auditor's Office did not perform an audit of the proposed policy, but conducted an audit of the current policy last year and recommended it be updated. She stated there are some controls on the related party privately place debt which were not there previously.

Councilmember Henjum requested additional information regarding how the proposed policy addresses resident representation in cases of multi district boards such as Banning Lewis Ranch (BLR) which oversee operations and maintenance and if those types of districts will be grandfathered in. Mr. Schueler provided an overview of how the new policy relates to the existing BLR districts and stated this new policy will not apply to existing districts unless they are requesting an amendment.

Councilmember Williams provided an overview of how the proposed policy will benefit the community by ensuring compatibility with state requirements and by being a resource of information to residents serving on these district boards.

Councilmember Murray stated he is concerned with the roster of the Special District Working Group who created this new policy, there is no way to monitor the activity/transparency of these districts, there is no affordable or attainable housing coming from these districts, this policy has a great deal complexity and does not believe this policy is ready for a vote by the Council.

Motion by Councilmember Williams, seconded by Councilmember Donelson, that the Resolution rescinding Resolution Nos. 9-06, 83-14, 111-21 and 112-21 and adopting a new special district policy to be applied to applications to create or modify a district authorized under Titles 31 And 32 of the Colorado Revised Statutes, Model Service Plans and a Model Business Improvement District Operating Plan and Budget be adopted. The motion passed by a vote of 7-2-0-0

Aye: 7 - Donelson, Fortune, Helms, Henjum, O'Malley, Strand, and Williams

No: 2 - Avila, and Murray

12. Public Hearing

12.A. [AR DP
21-00813](#)

An appeal of the Planning Commission's decision to deny a Development Plan (AR DP 21-00813) for a Kum & Go gas station,

convenience store and associated parking and landscaping on a 1.04-acre site located at the southeast corner of south 8th street and West Brookside Street.

(Quasi-Judicial)

Related File: AR FP 21-00814

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development Department

Peter Wysocki, Planning and Community Development Director, Planning and Community Development Department

Attachments: [CC AppealStatement Kum&Go](#)
[Staff Presentation_Kum & Go Gas Station Appeal CC_MDA 080922](#)
[Kum&GoCCPresentation](#)
[CC_LetterUrbanStrategies](#)
[CPC_StaffReport_Kum&GoGasStationAppeal](#)
[Approval Letter Development Plan](#)
[Approved Plan Set](#)
[CPC Appeal Statement Urban Strategies](#)
[CPC_kum&goappellantexhibit](#)
[CPC Appeal Statement Severson](#)
[CPC Applicant Appeal Response](#)
[CPC PublicComments](#)
[Additional Public Comments](#)
[BrooksideGardens JanelleWalters](#)
[Map of known nearby gas stations](#)
[Context Map](#)
[Vicinity Map](#)
[PlanCOS Vision Map](#)
[CPC_Minutes_Kum&Go_draft](#)
[7.5.906 \(B\) Appeal of Commission-Board](#)
[7.5.502.E Development Plan Review](#)
[CC_PostponementRequest_Kum&Go](#)

Matthew Alcuran, Planner II, Planning and Community Development, presented the appeal of the Planning Commission's decision to deny a Development Plan for a Kum & Go gas station, convenience store, and associated parking and landscaping on a 1.04-acre site located at the southeast corner of South 8th street and West Brookside Street. He

provided an overview of the background information, analysis, project site, applications, stakeholder notice, alternatives, applicant's appeal, and proposed motions.

Councilmember Williams asked if all five lots were zoned within the C-5 Zone district. Mr. Alcuran confirmed they were.

President Strand asked if there is a noise restriction for this area. Mr. Alcuran stated he will provide that information.

Mary Kasal, Entitlement Engineering Solutions, Kum & Go L.C. Civil Engineer, representing the appellant/applicant, went over the proposed site plan, traffic, shielding light/noise, crime, drainage, drainage patterns, and benefits to the community.

Bruce Wright, Kum & Go Attorney, representing the appellant/applicant, read a letter from the prior landowner regarding existing issues at the proposed site.

President Strand asked what business the previous landowner had on site. Mr. Wright stated they owned a consignment store.

President Strand asked what the pay scale is for Kum & Go employees. Chris Burton, Supervisor, Kum & Go, representing the appellant/applicant, stated their associates start around \$14.25 per hour and goes up to \$21.00 per hour with more than seventy percent of staff being full-time with paid time off and medical, dental, and vision benefits.

Mr. Wright identified the development patterns, existing versus proposed site, historical uses, legal standards (allowed uses under C-5 Zoning).

Citizens Eva Garretton and Nicky Fox spoke in support of the proposed project.

Citizens John Severson, Eric Nickel, Les Gruen, Clay Taylor, Janelle Walter, Reverend Kat Fittrakis, Steve Carlson, Julie Nedrow, JoAnn Lucey, Lee Westin, Cheryl Mach, Victoria Heim, James Kin, Anna Kruse, Denyse Carlson, Kaye Mitchell, Pam Cramer, Mary Sue Wildman, Jeff Borst, Kelly Demuth, Kelly Chuwanik, Laura Smith, spoke in opposition of the proposed project.

Councilmember Williams asked if the C-5 has a limitation of hours. Mr. Gruen stated not that he is aware of.

Councilmember Williams requested additional information regarding the intensity of the proposed project. Mr. Gruen stated the type of use would add noise, lights, traffic, and hours of operation which is a huge difference from what currently exists on the site and their preference is that a commercial business similar to what exists today be put on the site.

Mr. Burton stated the mission of Kum & Go is to serve the communities that they operate in, they want to be a partner in the community, the leadership team cares, deliveries can be controlled, and there will not be a large intensity of use.

Mr. Wright stated the positioning of the building will provide a noise buffer and this project will not increase traffic on 8th Street.

Ms. Kasal stated the building is less than four thousand square feet which is a much smaller prototype than the other Kum & Go locations within the City, and Kum & Go does conduct sound studies which shows they are below the ambient noise level, the lighting will not have spillage over the property, there will not be any odor/fumes, they meet all of the Zoning Code/City Code standards, and they have exceeded requirements in many areas at the request of the residents.

Robert Fiebig, Kum & Go Real Estate Manager, representing the appellant/applicant gave an overview of the calls of service provided by the Colorado Springs Police Department related to their stores.

Mr. Gruen stated the Planning Commission found both the Development Plan and Final Plat application did not comply with zoning requirements, there is no basis for the noise abatement, older gas stations will lose business as the expense of Kum & Go, there will be more activity at this location, allowable uses is not mean it is an appropriate use.

Mr. Severson stated the Planning Commission members who voted against this project are long-time members, Kum & Go has not been forward with information, Mr. Wright is an attorney and does not know sound engineering or traffic patterns, and this project will change the

neighborhood, but will not provide any value or benefit to it.

Ms. Kasal stated the noise and traffic data has been approved by the City, this is located in a commercial corridor, this building is smaller than most in the area, their building materials exceed City Code, they are making significant improvements that are not required by Code, they buffer noise from 8th Street, everybody needs gas, this site had a historic gas station use, and this project is compatible along this commercial corridor.

Mr. Alcuran stated permissible noise levels for this area from 7:00 AM to 7:00 PM is 60 decibels and from 7:00 PM to 7:00 AM is 55 decibels with additional criteria of periodic impulse noises and there is not a non-use variance request on record because the alternative landscape design is done through a separate process.

Councilmember Henjum asked what the noise levels are at a Kum & Go. Mr. Alcuran stated he does not have that information because the City does not require a noise study.

Councilmember Williams asked if the consolidation of the properties is dependent on the approval or denial of the appeal of the Development Plan. Ben Bolinger, Assistant City Attorney, confirmed it is.

Councilmember Donelson asked if compatibility is a factor when considering a Development Plan. Mr. Alcuran confirmed it is part of review criteria.

Councilmember O'Malley asked if remediation will be done if there are current contaminants on the site. Ms. Kasal stated they will fix any environmental concerns as they exist today.

Councilmember Henjum asked if any soil studies have been completed. Ms. Kasal stated there has been and there will be minor remediation and over excavation which Kum & Go has agreed to complete.

Councilmember Henjum asked if the purchase of the property had any approval contingencies. Ms. Kasal stated there were no contingencies.

Councilmember Henjum asked if there is a setback requirement in City Code specific to gas stations and residential and if there will be one in

RetoolCOS. Mr. Alcuran stated just the standard twenty-foot setback for C-5 Zoning uses and the landscape buffer requirement. Mike Tassi, Assistant Planning Director, stated it is not proposed for RetoolCOS. Councilmember Henjum requested that requirement be considered for RetoolCOS.

Councilmember Fortune disclosed that she and her husband love Kum & Go, she has worked with Mr. Gruen for many years, she goes to Loyal Coffee often, she was one of the youth leaders for one of the caller's son, and she lives in the area, but can remain impartial in her decision.

Councilmember Fortune and Councilmember Murray stated they do not believe this project is compatible with the neighborhood.

Councilmember Donelson read a paragraph provided by the Planning and Community Development staff where they wrote that this project meets all applicable review criteria for the C-5 Zoning District and was compatible and harmonious with the neighborhood and he will be supporting this project.

Councilmember Williams stated he has not heard any evidence that this project does not meet the use by right and will be voting in favor of the appeal.

Councilmember Henjum stated Council has the opportunity to do what is right for the City and the neighborhoods and does not believe this is the best place for Kum & Go can serve the City or the community and will be voting against the appeal.

Motion by Councilmember Donelson, seconded by Councilmember O'Malley, to uphold the appeal and approve the Development Plan for the Kum & Go Gas Station, based upon the finding that the application complies with the review criteria in City Code Section 7.5.502.E, and that the appeal criteria found in City Code Section 7.5.906.A.4 and B are not met. The motion passed by a vote of 6-3-0-0

Aye: 6 - Avila, Donelson, Helms, O'Malley, Strand, and Williams

No: 3 - Fortune, Henjum, and Murray

12.B. [AR FP 21-00814](#)

An appeal of the Planning Commission's decision to deny a Final Plat (AR FP 21-00814) for a K & G Subdivision combining 5 parcels into one single parcel on a 1.04-acre site located at the southeast corner of south 8th street and West Brookside Street.

(Quasi-Judicial)

Related File: AR DP 21-00813

Presenter:
Matthew Alcuran, Planner II, Planning and Community Development
Department
Peter Wysocki, Planning and Community Development Director,
Planning and Community Development Department

Attachments: [Approved Final Plat](#)
[7.5.906 \(B\) Appeal of Commission-Board](#)
[7.5.906 \(A\)\(4\) Administrative Appeal](#)
[7.7.303 Final Plat Requirements](#)
[7.7.305 Replat Requirements](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Donelson, seconded by Councilmember O'Malley, to uphold the appeal and approve the Final Plat to combine 5 parcels into one parcel based upon the finding that the application complies with all standards and procedures within Article 7 (Subdivision Regulations), of Chapter 7 of City Code, and that the appeal criteria found in City Code Section 7.5.906.A.4 and B are not met. The motion passed by a vote of 6-3-0-0

Aye: 6 - Avila, Donelson, Helms, O'Malley, Strand, and Williams

No: 3 - Fortune, Henjum, and Murray

13. Added Item Agenda

There were no items added to the Agenda.

14. Executive Session

There was no Executive Session.

15. Adjourn

There being no further business to come before City Council, Council adjourned.

Sarah B. Johnson, City Clerk