



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, February 8, 2022

10:00 AM

Council Chambers

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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.

2. Invocation and Pledge of Allegiance

The Invocation was made by Pastor Jeff Anderson, President of the International Bible Conference.

President Strand led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Sarah B. Johnson, City Clerk, stated Councilmember Avila requested item 4B.E. be removed from the Consent Calendar.

Consensus of Council agreed to this change on the agenda.

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. [21-762](#)** Ordinance No. 22-03 amending Ordinance No. 20-92 (2021 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$2,261,331 for a transfer to the Capital Improvement Program Fund, and to the Capital Improvement Program Fund in the amount of \$2,261,331 for a capital transportation infrastructure project, the funding being the result of one-time American Rescue Plan Act (ARPA) funding distributed through the Highway Users Tax Fund

Presenter:

Charae McDaniel, Chief Financial Officer
Travis Easton, Public Works Director

Attachments: [Supplemental Approp Ordinance for addl HUTF funding-2021](#)
[Signed Ordinance 22 03](#)

This Ordinance was finally passed on the Consent Calendar

- 4A.B. [21-756](#)** Ordinance No. 22-04 Amending Ordinance No. 21-112 (2022 Appropriation Ordinance) for a Supplemental Appropriation to the Memorial Health System Enterprise Fund in the Amount of \$1,634,877 to Transfer UC Health Margin Share Proceeds to the Colorado Springs Health Foundation

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Supplemental Approp Ord for MHS Revenue Share-2022](#)
[Signed Ordinance 22 04](#)

This Ordinance was finally passed on the Consent Calendar

- 4A.C. [22-021](#)** Ordinance No. 22-05 amending the cable franchise agreement between Falcon Broadband, LLC doing business as StratusIQ and the City of Colorado Springs to expand the Service Area in which StratusIQ may provide cable television services.

Presenter:

Joshua Pace, Senior Contracting Specialist, Office of Innovation

Attachments: [ORD CableFranchise StratusIQ](#)
[Falcon Broadband Amended and Reinstated Cable Franchise Agreement - 12.6.21](#)
[StratusIQ Existing and Proposed Service Area 1.18.22](#)
[Signed Ordinance 22 05](#)

This Ordinance was finally passed on the Consent Calendar

- 4A.D.** [CPC PUZ 21-00128](#) Ordinance No. 22-06 amending the zoning map of the City of Colorado Springs relating to 35.727 acres located southeast of the future Marksheffel Road and Barnes Road intersection, from PIP/cr/AO (Planned Industrial Park with Conditions of Record and Airport Overlay) to PUD/AO (Planned Unit Development: Single-Family Residential, 3.5-7.99du/ac, Maximum Building Height 35 feet; Multi-Family Residential, 12-24.99du/ac, Maximum Building Height 45 feet; and Commercial, 40,000 square footage, Maximum Building Height 45 feet; with Airport Overlay).

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A29MJ21, CPC PUP 21-00129

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Attachments: [ORD ZC FalconTrucking](#)
[Exhibit A - PUD Legal Description Exhibits](#)
[Exhibit B - PUD Zone Change](#)
[7.3.603 Establishment & Development of a PUD Zone](#)
[7.5.603.B Findings - ZC](#)
[Signed Ordinance 22 06](#)

This Ordinance was finally passed on the Consent Calendar

4B. First Presentation:

- 4B.A.** [22-100](#) City Council Regular Meeting Minutes January 25, 2022

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [1-25-2022 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.B. [22-102](#) Appointments to Boards, Commissions, and Committees

Presenter:

Michael Montgomery, Deputy City Council Administrator

Attachments: [020822 Boards Commissions and Committee Appointments](#)

This Item was approved on the Consent Calendar.

4B.C. [22-008](#) A resolution of the City of Colorado Springs, Colorado repealing Resolution No. 43-21 and approving the issuance of debt by the Barnes Center Metropolitan District in the form of Limited Tax General Obligation Bonds in an aggregate amount not to exceed \$1,313,796.51

Presenter:

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

Attachments: [Resolution](#)

[PowerPoint](#)

[1- BCMD City bond process cover letter 12-4-21](#)

[2- BCMD Bonds Cash Flow v3 12-7-21](#)

[3- Barnes Center MD Financial Plan 12.07.21](#)

[4- BCMD - Form of Engineer Certificate 1 November 2021](#)

[5- Piper Sandler Certificate of Structuring Agent, Barnes Center MD](#)

[6- BCMD 2021 - Authorizing Resolution v 4 with new amount](#)

[Signed Resolution 43-21](#)

[Signed Resolution 15-22](#)

This Resolution was adopted on the Consent Calendar.

4B.D. [22-026](#) Resolution to approve the draft 2022 Annual Action Plan for HUD submittal

Presenter:

Catherine Duarte, Senior Analyst, Community Development Division

Attachments: [2022 AAP Infographic](#)

[2022 AAP Council presentation slides](#)

[2022 Action Plan Council Resolution.docx](#)

[Signed Resolution 16 22](#)

This Resolution was adopted on the Consent Calendar.

4B.F. [22-101](#) A Resolution Authorizing the Acquisition of 0.850 Acres of Land and Easements from Woodmen Land Development, L.L.C. Using PPRTA Funds for the Black Forest Road Improvements: Woodmen Road to

Research Parkway Project

Presenter:

Gayle Sturdivant, City Engineer/Deputy Public Works Director

Mike Chaves, Engineering Manager

Darlene Kennedy, Real Estate Services Manager

Attachments: [Resolution](#)

[Woodmen Land Development Council Presentation](#)

[Signed Resolution 17 22](#)

This Resolution was adopted on the Consent Calendar.

4B.G. [22-023](#)

A Resolution Approving a Memorandum of Understanding among Colorado Springs Utilities, the City of Colorado Springs, El Paso County, the El Paso-Teller County E911 Authority, Teller County, and the City of Fountain to Acquire Digital Orthorectified Imagery in 2022

Attachments: [2 PPGA2022 PowerPoint](#)

[3 PPGA2022 Resolution](#)

[PPGA2022 MOU](#)

[Signed Resolution 18-22 MOU part 1](#)

[Signed Resolution 18-22 MOU part 2](#)

[Signed Resolution 18-22](#)

This Resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Avila, seconded by Councilmember Donelson, 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

There were no Recognitions.

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

Citizen Tao Thai spoke about the issues he is having with his trash service.

Citizens Welling Clark, Richard Mi Cathy Perry, Chuck Lucas requested a Work Session in order to discuss the future of the Westside Community Center. Councilmember Avila and Councilmember Henjum recommended Hillside Community Center be included in that discussion, but if there were

a request for citizen discussion, they would need to have it during a Regular meeting or Town Hall meeting.

Citizen Charles Barber stated he is concerned about the future water supply diversion from west of the Continental Divide to the City and the need for water conservation.

Citizen Jaymen Johnson spoke about his concerns with the Student Resource Officer and Careers in Construction programs in schools.

Citizen David Tone stated Jesus Christ told him the City will be destroyed because of the wickedness of them that dwell within.

7. Items Called Off Consent Calendar

4B.E. [22-103](#) Request for approval of settlement amount in Case No. 20-cv-1600-WJM-KMT

Presenter:

Wynetta Massey, City Attorney

Erik Lamphere, Division Chief, City Attorney's Office, presented the request for approval of settlement amount in Case No. 20-cv-1600-WJM-KMT.

Councilmember Avila requested the Plaintiff and Defendant for this matter be disclosed for full transparency. Mr. Lamphere stated this matter involves a shooting death and the parties are Defendants Sergeant Van't Land and Officer Evenson and the Plaintiff is the Estate of Bailey. He stated all parties have agreed to the terms of the settlement and the City's insurance carrier has determined the settlement is reasonable.

Councilmember O'Malley stated the City trained and equipped these Officers to perform their duties to the best of their abilities, they put their lives on the line, and the community needs to do the right thing by supporting its brothers in blue and not support this settlement which would be similar to paying hostage money.

Councilmember Donelson stated the Officers did exactly what they were trained to do, did nothing wrong, and it is disheartening and demoralizing when the City fails to defend its policies and their actions in court.

Councilmember Williams stated this settlement has no admission of liability and it is made with the support of the Officers being sued so he believes it is supporting the Colorado Springs Police Department (CSPD) by approving the settlement. He stated with the cost of attorney fees, even if the City prevails, this is a fiscally prudent decision for taxpayers.

President Pro Tem Helms stated the Officers involved were found to have done their job correctly based on the training they were provided.

Councilmember Murray stated approval of this settlement is in the best interest of the City, its citizens, and the Police Officers.

Councilmember Avila stated the City needs to look at its policy and practices where CSPD and the community work as one.

Councilmember Henjum stated CSPD secured the service of Transparency Matters regarding use of force and Law Enforcement Transparency Advisory Committee (LETAC) has requested a meeting with CSPD to discuss the results of the study and listed their requests/recommendations in response to the study.

President Strand stated it was his opinion that this settlement is in the best interest of the City and the two Police Officers who were exonerated from any criminal responsibility and did what they were trained to do under those circumstances.

Citizen Jaymen Johnson stated he does not believe approving this settlement would express not supporting the Officers and it may provide closure to both parties.

Citizen Hettie McKing stated there needs to be more transparency regarding these decisions and there needs to a change in policy and training.

Citizen Theresa Urban stated comparing a negotiated settlement to paying hostage money is inappropriate.

Motion by Councilmember Williams, seconded by President Pro Tem Helms, that the \$2,975,000.00 settlement amount in Case No. 20-cv-1600-WJM-KMT be approved. The motion passed by a vote of 7-2-0-0

Aye: 7 - Avila, Fortune, Helms, Henjum, Murray, Strand, and Williams

No: 2 - Donelson, and O'Malley

8. Utilities Business

There was no Utilities Business.

9. Unfinished Business

- 9.A. [22-020](#) Ordinance No. 22-07 amending Section 112 (Sitting or Lying in Commercial Districts) of Article 2 (Offenses Affecting Public Safety) of Chapter 9 (Public Offenses) of the City Code

Presenter:

Commander John Koch, Colorado Springs Police Department
Anne Turner, Assistant City Attorney - Litigation/Employment

Attachments: [PAACommercialDistrictORD-2021-12-30](#)
[Ordinance Letter - Switchbacks & Weidner](#)
[Ordinance Letter - Downtown Partnership](#)
[Ordinance Letter - O'Neill Group](#)
[Ordinance Letter - Norwood Group](#)
[Ordinance Letter - Danny Mientka](#)
[2022 Pedestrian Access Act \(01-18-2022\)](#)
[Signed Ordinance 22 07](#)

Commander John Koch, Colorado Springs Police Department, presented the Ordinance amending Section 112 (Sitting or Lying in Commercial Districts) of Article 2 (Offenses Affecting Public Safety) of Chapter 9 (Public Offenses) of the City Code also known as the Pedestrian Access Act.

Councilmember Williams stated the City needs to continue to look at the issues that have been raised and he supports this Ordinance.

Councilmember Avila asked if the boundaries have been expanded to include the Vanguard School area. Commander Koch stated it had not.

Councilmember Williams stated he is open to discussing that, but they have not had the opportunity to review a new boundary line at this time.

Citizens Monica Snowbird, Hettie McKing, Berniece Mulvahill, Theresa Urban, Reverend Claire Twomey, Co-Pastor with Vista Grande United Church of Christ, Christopher Bonn, and Jaymen Johnson spoke in

opposition to the proposed Ordinance.

Citizens Steve Mulliken spoke in favor of expanding the proposed boundaries identified in the proposed Ordinance and requested a further expansion.

Councilmember Fortune requested the Administration provide information regarding boundary expansion within sixty days. Jeff Greene, Chief of Staff, agreed to Councilmember Fortune's request to review the boundary expansion further.

Councilmember Henjum stated this Ordinance does not take care of the problem, it just moves it, and the City needs to do a better job of addressing this issue.

Councilmember Avila stated there is already a shortage of Police Officers, the City cannot warn, cite, fine, and incarcerate this issue away, and they need to work with El Paso County to provide services to the homeless population.

Councilmember Murray stated this addresses people who are physically blocking citizen's ability to walk down the sidewalk, the City provides support services, and he supports the proposed Ordinance.

Motion by Councilmember Murray, seconded by Councilmember Williams, that the Ordinance amending Section 112 of Article 2 of Chapter 9 of the Code of the City of Colorado Springs 2001, as amended, pertaining to commercial districts be finally passed. The motion passed by a vote of 7-2-0-0

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

No: 2 - Avila, and Henjum

10. Mayor's Business

- 10.A.** [22-084](#) Nomination to appoint Cathi Sullivan to serve a four term on the Colorado Springs Housing Authority Board, expiring on February 7, 2026

Presenter:
Mayor John Suthers

Attachments: [Council Memo--Cathi Sullivan](#)
[Cathrine Sullivan Redacted](#)

Mayor John Suthers presented the nomination to appoint Cathi Sullivan to

serve a four-year term on the Colorado Springs Housing Authority Board (CSHAB) set to expire February 7, 2026. He gave a brief history of the CSHAB and provided an overview of Ms. Sullivan's qualifications.

Ms. Sullivan expressed appreciation for the nomination.

Motion by Councilmember Williams, seconded by Councilmember O'Malley, to appoint Cathi Sullivan to serve a four-year term on the Colorado Springs Housing Authority Board, expiring on February 7, 2026. The motion passed by a vote of 9-0-0-0

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

- 10.B.** [22-085](#) Nomination to appoint Laura Nelson to serve a four-year term on the Colorado Springs Housing Authority Board, expiring on February 7, 2026

Presenter:
Mayor John Suthers

Attachments: [Council Memo--Laura Nelson](#)
[Laura Nelson_Redacted](#)

Mayor John Suthers presented the nomination to appoint Laura Nelson to serve a four-year term on the Colorado Springs Housing Authority Board (CSHAB) set to expire February 7, 2026. He gave a brief history of the CSHAB and provided an overview of Ms. Nelson's qualifications.

Motion by Councilmember Henjum, seconded by Councilmember Williams, to appoint Laura Nelson to serve a four-year term on the Colorado Springs Housing Authority Board, expiring on February 7, 2026. The motion passed by a vote of 9-0-0-0

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

11. New Business

- 11.A.** [22-070](#) Appointment of Erin Bents to the Pikes Peak Library District Board of Trustees for a term that expires December 31, 2026

Presenter:
Randy Helms, Council President Pro Tem & Councilmember District 2
Wayne Williams, Councilmember At Large

Councilmember Williams presented the nominations to appoint Erin Bents and Aaron Salt to the Pikes Peak Library District Board of Trustees. He stated Aaron Salt was recommended by Cathy Grossman, previous Board of Trustees member, and Erin Bents was recommended by the Governance Committee.

President Pro Tem Helms stated the previous Chair, Wayne Vanderschuere, did reapply for the Board of Trustees, but Ms. Bents was selected by the Committee, and he supports the appointment of both individuals.

Councilmember Avila stated taking and banning books from the library is a political and cultural war. She stated not reappointing Mr. Vanderschuere is disheartening and does not support the people.

Councilmember Murray asked why Ms. Bents was chosen over Mr. Vanderschuere. President Pro Tem Helms stated he voted to maintain Mr. Vanderschuere, but the overall Board recommendation was for Ms. Bents, and he supports that decision.

Councilmember Henjum stated First Amendment rights are behind these appointments and she will be voting against these appointments.

Councilmember Avila commented that former Councilmember Skorman voted "no" on these appointments. President Pro Tem Helms stated the appointments were not separated at that time.

Motion by Councilmember Williams, seconded by President Pro Tem Helms, to appoint Erin Bents to the Pikes Peak Library District Board of Trustees for a term that expires December 31, 2026. The motion passed by a vote of 6-3-0-0

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

No: 3 - Avila, Henjum, and Murray

- 11.B.** [22-071](#) Appointment of Aaron Salt to the Pikes Peak Library District Board of Trustees for a term that expires December 31, 2026

Presenter:

Randy Helms, Council President Pro Tem & Councilmember District 2
Wayne Williams, Councilmember At Large

Please see comments in Agenda item 11.A.

Motion by Councilmember Donelson, seconded by Councilmember O'Malley, to appoint Aaron Salt to the Pikes Peak Library District Board of Trustees for a term that expires December 31, 2026. The motion passed by a vote of 6-3-0-0

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

No: 3 - Avila, Henjum, and Murray

12. Public Hearing

- 12.A. [CPC MP 97-00261-A7 MN21](#) A minor amendment to the Colorado College Master Plan adding multiple properties on the block bound by East Dale Street, North Weber Street, East Cache la Poudre Street, and North Nevada Avenue

(Quasi-Judicial)

Related Files: CPC ZC 21-00084, CPC DP 21-00085

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development Department

Peter Wysocki, Planning Director, Planning and Community Development Department

Attachments: [CC Dale and Weber Rezone Staff Report 121621](#)

[Figure 1 - Development Plan](#)

[Figure 2 - Project Statement](#)

[Figure 3 - Zoning Exhibit](#)

[Figure 4 - PlanCOS Vision Map](#)

[Figure 5 - Stakeholder Comments](#)

[Figure 6 - CC MP Amendment](#)

[Figure 7 - Zone Change](#)

[CPC_Minutes_ColoradoCollege_draft](#)

[7.5.408 Master Plan](#)

Ryan Tefertiller, Planning Manager, Planning and Community Development, presented the minor amendment to the Colorado College (CC) Master Plan adding multiple properties on the block bound by East Dale Street, North Weber Street, East Cache la Poudre Street, and North Nevada Avenue, a zone change for 1.57-acres located on the block bound by East Dale Street, North Weber Street, East Cache la Poudre Street, and North Nevada Avenue from the C5 (Intermediate Business) and R4 (Multi-Family Residential) to SU (Special Use) zone, and the Weber and Dale Development Plan for CC covering multiple properties on the block bound by E. Dale Street, N. Weber Street., E. Cache la Poudre Street., and N. Nevada Avenue. He provided a background on the site, proposal, applications approval history, stakeholder notice, analysis, and staff recommendation.

Councilmember Williams asked if the side yard setback from the nearest structure is being reduced from twenty-five feet to five feet. Mr. Tefertiller stated he will verify that information.

President Helms asked if there were any concerns regarding the proposed sixty-foot height allowance. Mr. Tefertiller confirmed there were and those opponents will be speaking about that issue later in today's meeting.

Councilmember Henjum asked why CC is requesting a rezone if no changes are proposed to the subject's properties. Mr. Tefertiller stated nearly all other college-owned property is SU zoned.

Councilmember Donelson asked why this zone change would be advantageous to CC. Mr. Tefertiller stated the SU zone allows them a lot more predictability and flexibility to move uses around as needed.

Councilmember Williams asked what uses are allowed under the proposed zone that are not permitted in R4 zoning. Mr. Tefertiller stated a university or college falls into a different category of zoning uses in the City's zoning code which would not be permitted in a residential zone. Mike Tassi, Assistant Planning Director, Planning and Community Development Department, stated R4 zones allows for public schools and private schools, but not colleges.

Councilmember Williams asked if CC wanted to change their development plan if it would be reviewed by Administration. Mr. Tefertiller stated it would as long as it was a permitted use as opposed to a conditional use.

Councilmember Henjum asked how HistoricCOS is compatible with PlanCOS. Mr. Tefertiller stated the east half of this block is located within the Weber/Wasatch Historic District which has a set of guidelines and one of the review criteria of a development plan is consistent with other adopted plans or guidelines.

Councilmember Williams asked if there was a response from the occupant of the 808 North Weber Street property. Mr. Tefertiller stated there was not.

Chris Lieber with N.E.S, gave an overview of the City entitlement request, project purpose/goals, context map, CC campus map, properties owned by CC, properties to be rezoned, existing zoning, proposed zoning, North Weber/Wahsatch Historic District, and SU Zone District development standards. He went over the details of the properties located at 822, 820, 818, 816, 810, 812, and 802 North Weber Street, 228 and 222 East Dale

Street, and 801 and 809 North Nevada Street. Mr. Lieber identified the review criteria for a zone change and project summary.

Councilmember O'Malley asked if the use of these properties will change. Mr. Lieber stated it may over time, but there are no immediate plans.

Councilmember Williams asked if sixty feet of height is required on the east side of the alley. Mr. Lieber stated CC would like to see consistent zone standards across the SU zone.

Amber Brannigan, Vice President of Facilities for Colorado College, stated the intent of this rezone request is to allow CC the flexibility to do the work that they need to do in those spaces when it needs to be done, they have to be prepared to utilize spaces in the best and highest use that they can whether it is used for housing, classroom, or office, and they are not suggesting changing anything in the neighborhood.

Councilmember Donelson asked when CC purchased these properties. Ms. Brannigan stated the first property was bought in 2015.

Councilmember Donelson asked if CC knew these properties were in a residential area when they were purchased. Ms. Brannigan stated the intent of purchasing these properties was to grow the campus to the east and the south and keep the properties as they are but be able to use them internally as the college sees fit.

Citizens Dutch Schulz, President of the Old North End Homeowners Association, Dianne Bridges, Chair of Historic Neighborhoods Partnership, Cheryl Brown, on the Board of the Near North End Neighborhood Association, spoke in opposition of the rezone.

Councilmember Williams asked if there is opposition to rezoning the property to the west of Robson Arena. Ms. Bridges stated the Board did not oppose that.

Mr. Lieber stated the setbacks would be increased or equal to what is currently there, they do not want a moratorium on all the properties concerning Retool COS, the SU zone is intended to be transition zone, CC has no opposition to the North Weber/Wahsatch Historic District guidelines, and it is difficult to have a discussion regarding what the

increased height limit would look like because there are no plans for that on the table.

President Strand read a statement from Citizen Carol Willis who spoke in opposition of the rezone.

Councilmember Henjum inquired about the twenty-four raccoons which needed to be captured and relocated. Mr. Lieber stated the situation occurred at the vacant property which had been condemned.

Councilmember Henjum asked if since there are no plans for development, CC wait until Retool COS is in place. Mr. Lieber stated he does not believe it would be reasonable or rational to put a moratorium on anyone who is wishing to pursue an entitlement process while waiting for the City to rewrite the zoning code.

Councilmember O'Malley asked how high the tallest dormitory and administrative buildings are. Clay Matlock, Facilities Services for Colorado College, stated the tallest dormitories are on a hillside so even though they are only two to three stories high, they may appear larger, the academic and administration buildings are two to three stories, and the tallest building on campus is four stories.

Councilmember Williams requested the modifications be made that CC agrees to abide by the guidelines of the North Weber/Wahsatch Historic District and there be a forty-foot building height limit for the property to the east of the alley in the residential area.

Councilmember Henjum requested additional information regarding the proposed mixed-use zoning in RetoolCOS. Peter Wysocki, Planning Director, Planning and Community Development Department, stated this hearing is not about what will be ultimately adopted for RetoolCOS because they have not even had any Public Hearings for it, but they are proposing to rename the SU zone to MXT which is mixed-use transitional zone specifically for the uses of the CC campus. He stated their goal is to present RetoolCOS to the Planning Commission late spring or early summer 2022.

Mr. Schultz stated they would be in agreement with the terms of the proposed rezone with the condition restricting the height limit of forty feet

on the properties on the west side of Weber Street.

Mr. Lieber stated CC has concerns with creating anomalies within the SU zone because of all the other parcels which are immediately adjacent to residential properties, but they would be willing to have a condition of record that states if a future building proposal for the west side of Weber Street is greater than forty feet in height, it would require going before City Council for approval.

Councilmember Murray asked how high Robson Arena is. Mr. Lieber stated eighty-five feet and is located in a FB zone district.

Councilmember Avila commented that in order for CC to grow and attract quality students, they need to have the desired amenities.

Councilmember Henjum asked if CC will be in compliance with the guidelines of the North Weber/Wahsatch Historic District for any future designs. Mr. Lieber confirmed the college is committed to abiding by those existing guidelines. Mr. Wysocki stated the development review criteria in City Code already requires that compliance.

Motion by Councilmember Williams, seconded by President Pro Tem Helms, that the minor amendment to the Colorado College Master Plan, based upon the finding that the amendment complies with the review criteria in City Code Section 7.5.408 be approved. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Donelson, Fortune, Helms, Henjum, Murray, Strand, and Williams

No: 1 - O'Malley

12.B. [CPC ZC
21-00084](#)

Ordinance No. 22-08 amending the zoning map of the City of Colorado Springs relating to 1.57-acres located on the block bound by East Dale Street, North Weber Street, East Cache la Poudre Street, and North Nevada Avenue from the C5 (Intermediate Business) and R4 (Multi-Family Residential) to SU/cr (Special Use with conditions of record) zone

(Quasi-Judicial)

Related Files: CPC MP 97-00261-A7MN21, CPC DP 21-00085

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development Department

Peter Wysocki, Planning Director, Planning and Community Development Department

Attachments: [ORD ZC ColoradoCollege w CR](#)

[Exhibit A - Legal Desc](#)

[Exhibit B - Zone Change](#)

[Figure 3 - Zoning Exhibit](#)

[Figure 7 - Zone Change](#)

[7.5.603.B Findings - ZC](#)

Please see comments in Agenda item 12.B.

Councilmember Williams made a motion with the following additional Conditions of Record for those properties east of the alley which include 802, 810, 812, 816, 818, 820, and 822 North Weber Street, 228 and 222 East Dale Street: 1. Use of the "Design Guidelines for the North Weber/Wahsatch Historic District" produced by the City of Colorado Springs, published in 1990, as a review criteria for future development, and 2. Any buildings over 40' in height require City Council approval

Councilmember Donelson requested Agenda item 12.B. be postponed until the February 22, 2022 City Council meeting to provide both parties additional time to review the proposed Conditions of Record.

Motion by Councilmember Donelson, seconded by Councilmember O'Malley, that the Ordinance amending the zoning map of the City of Colorado Springs relating to 1.57-acres located on the block bound by East Dale Street, North Weber Street, East Cache la Poudre Street, and North Nevada Avenue from the C5 (Intermediate Business) and R4 (Multi-Family Residential) to SU (Special Use) zone be postponed to the February 22, 2022 City Council meeting. The motion failed by a vote of 2-7-0-0

Aye: 2 - Donelson, and O'Malley

No: 7 - Avila, Fortune, Helms, Henjum, Murray, Strand, and Williams

Motion by Councilmember Williams, seconded by President Pro Tem Helms, that the Ordinance amending the zoning map of the City of Colorado Springs relating to 1.57-acres located on the block bound by East Dale Street, North Weber Street, East Cache la Poudre Street, and North Nevada Avenue from the C5 (Intermediate Business) and R4 (Multi-Family Residential) to SU (Special Use) zone with CR (Conditions of Record) overlay, based upon the finding that the application complies with the review criteria in City Code Section 7.5.603.B and the criteria for conditions of record as set forth in City Code Section 7.3.507.A. with the following two Conditions of Record applicable only to properties east of the alley which include 802, 810, 812, 816, 818, 820, and 822 North Weber Street, and 222 and 228 East Dale Street: 1. Development shall substantially comply with the "Design Guidelines for the North Weber/Wahsatch Historic District" produced by the City of Colorado Springs, published in 1990, and 2. Future development shall not exceed a maximum building height of forty feet (40') be approved on first reading. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Donelson, Fortune, Helms, Henjum, Murray, Strand, and Williams

No: 1 - O'Malley

- 12.C.** [CPC DP 21-00085](#) The Weber and Dale Development Plan for Colorado College covering multiple properties on the block bound by E. Dale St., N. Weber St., E. Cache la Poudre St., and N. Nevada Ave. and totaling 1.57-acres.

(Quasi-Judicial)

Related Files: CPC MP 97-00261-A7MN21, CPC ZC 21-00084

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development Department

Peter Wysocki, Planning Director, Planning and Community Development Department

Attachments: [Figure 1 - Development Plan](#)
[7.5.502.E Development Plan Review](#)

Please see comments in Agenda item 12.B.

Mr. Tefertiller stated this Development Plan does not include any physical changes to the site, it just documents the uses of the existing buildings.

Motion by Councilmember Williams, seconded by President Pro Tem Helms, that the Approve the Weber and Dale Development Plan for Colorado College, based upon the finding that the application complies with the review criteria in City Code Section 7.5.502.E, subject to compliance with the following technical and/or informational plan modifications: 1. Update the plan to include sheet numbers on all sheets, 2. Update the parking table to ensure that all properties use City standard use and parking categories, and 3. Gain final acceptance of the drainage report be approved. The motion passed by a vote of 9-0-0

Aye: 8 - Avila, Donelson, Fortune, Helms, Henjum, Murray, Strand, and Williams

No: 1 - O'Malley

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