



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, October 24, 2017

1:00 PM

Council Chambers

1. Call to Order

Present: 9 - Councilmember Yolanda Avila, Councilmember Merv Bennett, President Pro Tem Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, and Councilmember Tom Strand

2. Invocation and Pledge of Allegiance

The Invocation was made by Pastor Dean Francini from Solid Rock Deaf Baptist Church.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Eileen Lynch Gonzalez, City Council Administrator, stated that Councilmember Knight requested items 4.B.G., 4.B.H., and 4.B.I. pertaining to the amendments to the Bradley Ranch Master Plan be removed from the Consent Calendar.

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. [17-1197](#)

Ordinance No. 17-97 adopting the South Nevada Urban Renewal Area Streetscape Standards (Legislative)

Presenter:

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

Jariah Walker, Executive Director, Colorado Springs Urban Renewal Authority

Attachments: [ORD S Nevada Streetscape](#)
[S Nevada Streetscape Council Formal 101017](#)
[Exhibit A -- Figure 1](#)
[Figure 2](#)
[Signed Ordinance 17-97](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [17-1298](#) City Council Regular Meeting Minutes October 10, 2017

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [10-10-2017 City Council Regular Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.B. [17-1302](#) Appointments to Boards and Commissions

Presenter:
Jacquelyn Puett, Assistant to Council

Attachments: [102417 Boards and Commissions Final](#)

This Item was approved on the Consent Calendar.

4B.C. [12-1273](#) A Resolution Accepting a Donation of Real Property Consisting of Approximately 12.867 Acres from Cloud Family Partnership, LLLP to the City of Colorado Springs

Presenter:
Brian Kelley, P.E. City Water Resources Engineering Programs
Manager

Attachments: [Resolution Accepting Donation of Cloud Property 09-28-17](#)
[Legal Description - Cloud - Exhibit A and B](#)
[Exhibit C](#)
[Signed Resolution 111-17](#)

This Resolution was adopted on the Consent Calendar.

4B.D. [17-1274](#) A Resolution Accepting a Donation of Real Property Consisting of Approximately 4.141 Acres and 0.695 Acres from Dynamic Sciences, Inc. to the City of Colorado Springs

Presenter:

Brian Kelley, P.E., City Water Resources Engineering Programs
Manager

Attachments: [Resolution Accepting Donation of Dynamic Sciences Property
09-28-17](#)
[Legal Description - Dynamic Parcel 1 Exhibit A-1 B-1](#)
[Legal Description - Dynamic Parcel 2 Exhibit A-2 B-2](#)
[Exhibit C](#)
[Signed Resolution 112-17](#)

This Resolution was adopted on the Consent Calendar.

4B.E. [CPC ZC
17-00075](#)

Ordinance No. 17-98 amending the zoning map of the City of Colorado Springs pertaining to 16.85 acres located at 1935, 1955, 1975, 1995, and 2015 Aerotech Drive from C6/CR/AO (General Business with Conditions of Record and Airport Overlay) and PBC/CR/AO (Planned Business Center with Conditions of Record and Airport Overlay) to C6/CR/AO (General Business with Conditions of Record and Airport Overlay).

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Department
Peter Wysocki, Director of Planning and Community Development

Attachments: [ZC Ord Aerotech RV](#)
[EXHIBIT A - Legal Description](#)
[EXHIBIT B - zone change depiction](#)
[Vicinity Map](#)
[Signed Ordinance 17-98](#)

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

4B.F. [CPC DP
17-00076](#)

Aerotech RV Park and Mini-Storage Development Plan illustrating an RV park and mini-storage facility on 16.85 acres located at 1935, 1955, 1975, 1995, and 2015 Aerotech Drive.

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Department
Peter Wysocki, Director of Planning and Community Development

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

This Item was approved on the Consent Calendar.

- 4B.J.** [CPC MPA
05-00278-A4
MN17](#) Northgate Master Plan minor amendment changing the land use designation of 7 acres from I/O (Office-Industrial Park/Research & Development) to MF (Multi-Family).

(Quasi-Judicial)

Presenter:

Peter Wysocki, Director Planning and Community Development
Daniel Sexton, Senior Planner, Planning and Community Development

Attachments: [OracleBlvdTownhomes_CC_StaffPresentation](#)
[CPC Report_OracleBlvdTownhomes](#)
[FIGURE-1_ZC Exhibit](#)
[FIGURE-2_Concept Plan](#)
[FIGURE-3_ProjectStatement](#)
[FIGURE-4_MasterPlan](#)
[Vicinity Map](#)
[7.5.408 MASTER PLAN REVIEW CRITERIA](#)

This Item was approved on the Consent Calendar.

- 4B.K.** [CPC ZC
17-00098](#) Ordinance No. 17-99 amending the zoning map of the City of Colorado Springs pertaining to 7 acres located southeast of the Sybilla Lane and Oracle Boulevard intersection from OC/cr (Office Complex with Conditions of Record) to OC (Office Complex).

(Quasi-Judicial)

Presenter:

Peter Wysocki, Director Planning and Community Development
Daniel Sexton, Senior Planner, Planning and Community Development

Attachments: [ZC_Ord_OracleTownhomes](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Zone Change Exhibit](#)
[FIGURE-1_ZC Exhibit](#)
[Signed Ordinance 17-99](#)

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

- 4B.L.** [CPC CP
17-00099](#) Oracle Boulevard Townhomes concept plan for 7 acres to be developed as multi-family residential consisting of 73 townhome units and associated site improvements, located southeast of the Sybilla Lane and

Oracle Boulevard intersection.

(Quasi-Judicial)

Presenter:
Peter Wysocki, Director Planning and Community Development
Daniel Sexton, Senior Planner, Planning and Community Development

Attachments: [FIGURE-2 Concept Plan](#)
[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Bennett, seconded by Councilmember Strand, 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, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

5. Recognitions

There were no Recognitions.

6. Citizen Discussion

Citizen Francis Gomeztagle spoke regarding relevant data.

Citizen Gerald Miller recommended implementing a bicycle registration program and fee within the City.

Citizen Tim Hoiles introduced a new electronic newspaper called The Fourth Estate.

Citizen Deborah Stout-Meiningner spoke about the allocation of 2C and Pikes Peak Rural Transportation Authority (PPRTA) funding.
Councilmember Bennett explained how the funds are divided.

Citizen Trig Bundgaard gave a brief presentation regarding the Colorado Springs Emergency Winter Shelter Task Force and homelessness.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

- 4B.G.** [CPC MP 86-520-A2MJ 17](#) Major Amendment of the Bradley Ranch Master Plan changing the land use designations for a 120-acre master planned area to remove the commercial land use category and establish Residential Very Low (0-1.99 Dwelling Units per Acre) and Residential Low (2-3.49 Dwelling Units per Acre) categories.

(Legislative)

Presenter:

Peter Wysocki, Director Planning and Community Development
Daniel Sexton, Senior Planner, Planning and Community Development

Attachments: [RES Bradley Ranch Master Plan Amendment](#)

[RES-Exhibit A - Master Plan](#)

[Vicinity Map](#)

[BradleyRanch_CC_StaffPresentation](#)

[CPC Report_BradleyRanch](#)

[FIGURE-1_PUZ Exhibit](#)

[FIGURE-2_PUD Development Plan](#)

[FIGURE-3 ProjectStatement](#)

[FIGURE-4_PublicComments](#)

[FIGURE-5 MasterPlan](#)

[FIGURE-6_FiscallImpactAnalysis](#)

[7.5.408 MASTER PLAN REVIEW CRITERIA](#)

[Signed Resolution 113-17](#)

Daniel Sexton, Senior Planner, Planning and Community Development, identified where the property is located and said that all the properties surrounding the development are residential developments. He identified the neighborhood notifications that took place regarding the proposed land use change and explained that the original plan for commercial use changed due to the developments of commercial properties along Powers Boulevard and other major street corridors.

Councilmember Knight said that his concern is the loss of sales tax revenue that would occur with changing it to residential and asked if the plan included connecting Union Boulevard to Milam Road. Mr. Sexton said that Union Blvd is scheduled to extend to connect to Milam Road within the next couple years. Mr. Sexton said that discussion with the development community and the private sector indicates there is not enough residential capacity in the area to support a commercial development.

Councilmember Knight said that nine years ago the financial impact statement suggested that the best use for this parcel was commercial. Mr. Sexton said the current fiscal impact analysis for this development indicates it would be a positive revenue projection as a residential development.

Councilmember Pico said that he supports the change to residential because of the commercial development that already exists along the Powers corridor.

Councilmember Geislinger said that he is concerned that this development would not support infill, walkability, and bikeability due to not having the commercial elements available such as a gas station, market, coffee shop, etc. Mr. Sexton said the developer did plan for connectivity and that residents would be able to access the regional trail systems, the elementary school as well as a connections to the future filing of Cordera. He also said there are pockets of commercial land use already in the adjacent area.

President Pro Tem Gaebler commented that the surrounding property owners purchased their homes with the perception that this area would be commercial and that Council needs to decide what would be beneficial for the comprehensive plan and the long term health of the City.

Councilmember Murray stated that the same standards should be held for this property that have been held for other developments and leave it zoned commercial.

Councilmember Pico said that not every community needs to walkable, not every development needs to be self-sustaining, and that free market needs to be allowed to work.

Councilmember Avila said it is urban sprawl and this area would not be available for people that rely on transportation and require a sustainable community.

Jeff Mark, Landhuis Company, the applicant, identified the changes that have been made to the property since the purchase ten years ago and stated that due to the location, surrounding developments, and traffic volumes, keeping it zoned for commercial would not be viable.

Citizens Deborah Stout-Meininger, Jaymen Johnson and Walter Lawson spoke for keeping the land use as commercial.

Bret Waters, Deputy Chief of Staff, stated that there has been a very thorough analysis that identifies this property should be rezoned as residential and supports staff's recommendation.

Mr. Mark said that after twelve months of research, this plan would be a better use of the property and provide a better neighborhood. He also mentioned that the proposed park area provided by the developer has been expanded which would alleviate a cost to the Parks, Recreation and Cultural Services Department.

Councilmember Avila commented that the I-25 corridor will be burdened with the addition of new residents as well as the Fire Department, Police Department and other infrastructures.

Marc Smith, Division Chief-Corporate Legislative Counsel, reiterated to Council to vote and tailor comments based on compliance with the review criteria.

Councilmember Bennett commented that this area has evolved since inception of the original master plan and believes that residential would be the best use for this property.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the major master plan amendment for the Bradley Ranch Master Plan, based upon findings that the amendment request meets the review criteria for granting a master plan as set forth in City Code Section 7.5.408 be approved. The motion passed by a vote of 6-3-0

Aye: 6 - Bennett, Gaebler, Geislinger, Pico, Skorman, and Strand

No: 3 - Avila, Knight, and Murray

4B.H. [CPC PUZ
17-00002](#)

Ordinance No. 17-100 amending the zoning map of the City of Colorado Springs pertaining to 120 acres located southeast of the Old Ranch Road and Milam Road intersection from PUD/PBC/PK/A/cr (Planned Unit Development/Planned Business Center/Public Park/Agricultural with Conditions of Record) to PUD (Planned Unit Development: Single-Family Detached Residential, Maximum Density of 2.98 Dwelling Units per Acre, and Maximum Building Height of 35 feet).

(Quasi-Judicial)

Presenter:

Peter Wysocki, Director Planning and Community Development
Daniel Sexton, Senior Planner, Planning and Community Development

Attachments: [ZC Ord Bradley Ranch](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Zone Change Exhibit](#)
[FIGURE-1_PUZ Exhibit](#)
[7.5.603 Findings - ZC req_CA](#)
[7.3.603 Establishment & Development of a PUD Zone](#)
[Signed Ordinance 17-100](#)

Please see comments in Agenda item 4.B.G.

Motion by Councilmember Bennett, seconded by Councilmember Pico, that the Ordinance changing the zone of 120 acres from PUD/PBC/PK/A/cr (Planned Unit Development/Planned Business Center/Public Park/Agricultural with Conditions of Record) to PUD (Planned Unit Development: Single-Family Detached Residential, Maximum Density of 2.98 dwelling units per acre, and Maximum Building Height of 35 feet), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 and the development of a PUD zone as set forth in City Code Section 7.3.603 be approved on first reading. The motion passed by a vote of 6-3-0

Aye: 6 - Bennett, Gaebler, Geislinger, Pico, Skorman, and Strand

No: 3 - Avila, Knight, and Murray

4B.I. [CPC PUD
17-00003](#)

Bradley Ranch PUD Development Plan for 120 acres to be developed as single-family residential consisting of 358 single-family detached lots and associated site improvements, located southeast of the Old Ranch Road and Milam Road intersection between the future alignment of Union Boulevard and Black Forest Road.

(Quasi-Judicial)

Presenter:

Peter Wysocki, Director Planning and Community Development
Daniel Sexton, Senior Planner, Planning and Community Development

Attachments: [FIGURE-2_PUD Development Plan](#)
[7.3.606 PUD Development Plan](#)
[7.5.502.E Development Plan Review](#)

Please see comments in Agenda item 4.B.G.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the

PUD development plan for the Bradley Ranch project, based upon the findings that the PUD development plan meets the review criteria for granting a PUD development plan as set forth in City Code Section 7.3.606 and meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E) be approved. The motion passed by a vote of 6-3-0

Aye: 6 - Bennett, Gaebler, Geislinger, Pico, Skorman, and Strand

No: 3 - Avila, Knight, and Murray

9. Utilities Business

- 9.A.** [17-1266](#) A resolution setting the Electric Cost Adjustment and Electric Capacity Charge effective November 1, 2017

Presenter:

Sonya Thieme, Rates Manager

Jerry A. Forte, P.E., Chief Executive Officer

Attachments: [10-24-2017 City Council Agenda-ECA ECC Rate Adj.pdf](#)
[Signed Resolution 114-17](#)

Sonya Thieme, Rates Manager, Colorado Springs Utilities, presented the proposed rate reduction adjustment of the Electric Cost Adjustment (ECA) and Electric Capacity Charge (ECC) to be effective November 1, 2017.

Councilmember Strand commented that this would reduce the average residential Colorado Springs Utility bill by approximately \$1 per month and industrial by approximately \$1,000 per month.

Motion by Councilmember Strand, seconded by Councilmember Bennett, that the Resolution setting the Electric Cost Adjustment (ECA) and Electric Capacity Charge (ECC) effective November 1, 2017 be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 9.B.** [17-1267](#) A resolution setting the Gas Cost Adjustment and Gas Capacity Charge effective November 1, 2017

Presenter:

Sonya Thieme, Rates Manager

Jerry A. Forte, P.E., Chief Executive Officer

Attachments: [10-24-2017 City Council Agenda-GCA GCC Rate Adj.pdf](#)
[Signed Resolution 115-17](#)

Councilmember Strand commented that this would reduce the average residential Colorado Springs Utility bill by approximately \$2 per month,

commercial by \$40, and industrial by approximately \$400 per month.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that this Resolution setting the Gas Cost Adjustment (GCA) and Gas Capacity Charge (GCC) effective November 1, 2017 be adopted.. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 9.C.** [17-1268](#) Ordinance No. 17-101 Identifying and Accepting the Annual Sources of Funds for Colorado Springs Utilities for the Year Ending December 31, 2018

Presenter:

Scott Shewey, Interim Chief Planning and Finance Officer
Jerry Forte, P.E., Chief Executive Officer

Attachments: [2018 Appropriation Accept Source Funds Ord-Revised.docx](#)
[Signed Ordinance 17-101](#)

There were no comments on this item.

Motion by Councilmember Bennett, seconded by Councilmember Murray, that the Ordinance Identifying and Accepting the Annual Sources of Funds for Colorado Springs Utilities for the Year Ending December 31, 2018 be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 9.D.** [17-1269](#) Ordinance No. 17-102 Approving the Annual Budget for Colorado Springs Utilities and Appropriating Monies for the Several Purposes Named in the Annual Colorado Springs Utilities Budget for the Year Ending December 31, 2018

Presenter:

Scott Shewey, Interim Chief Planning and Finance Officer
Jerry Forte, P.E., Chief Executive Officer

Attachments: [2018 Annual Budget Formal Ord-Revised.docx](#)
[10242017 - City Council Budget Presentation ss-jm.pptx](#)
[Signed Ordinance 17-102](#)

There were no comments on this item.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance approving the annual budget for Colorado Springs Utilities and appropriating monies for the several purposes named in the annual Colorado Springs Utilities budget for the year ending December 31, 2018 be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11.A. [17-1083](#) Approval of the Proposed 2018 Operating Plan and Budget for the Greater Downtown Colorado Springs Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [Greater Downtown BID Submittal to City \(2\)](#)

Carl Schueler, Comprehensive Planning Manager, stated there have not been any changes made to this item since the presentation at the October 9, 2017 City Council work session meeting.

Councilmember Murray asked who audits compliance of the actions listed in these operating plans. Mr. Schueler stated that they have their own auditors and are also part of the Comprehensive Annual Financial Report (CAFR) for the City.

Charae McDaniel, Chief Financial Officer, said the auditing contracts are overseen by the Office of the City Auditor, the Finance Department, and are recorded in the Office of the City Clerk.

Councilmember Murray asked if actions towards items such as stormwater issues are followed up on for compliance. Mr. Schueler stated they are statutory districts which have to follow all provisions of statutes that are applicable. He also commented that the districts are public entities that are responsible for meeting any rules, regulations, and requirements in the state statutes including financial transparency, but they are not asked to detail every aspect of their business.

President Skorman recused himself due to being a downtown business owner.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the proposed 2018 Operating Plan and Budget for the Greater Downtown Colorado Springs Business Improvement District be approved. The motion passed by a vote of 7-1-0-1

Aye: 7 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, and Strand

No: 1 - Murray

Recused: 1 - Skorman

- 11.B.** [17-1084](#) Approval of the Proposed 2018 Operating Plan and Budget for the Barnes & Powers North Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [2018 Operating Plan- Barnes and Powers North BID](#)

Carl Schueler, Comprehensive Planning Manager, stated there have not been any changes made to this item since the presentation at the October 9, 2017 City Council work session meeting.

There were no comments on this item.

Motion by Councilmember Bennett, seconded by Councilmember Pico, that the proposed 2018 Operating Plan and Budget for the Barnes & Powers North Business Improvement District be approved. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

No: 1 - Murray

- 11.C.** [17-1086](#) Approval of the Proposed 2018 Operating Plan and Budget for the Barnes & Powers South Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [2018 Operating Plan and Budget- Barnes and Powers South BID](#)

Carl Schueler, Comprehensive Planning Manager, stated there have not been any changes made to this item since the presentation at the October 9, 2017 City Council work session meeting.

There were no comments on this item.

Motion by Councilmember Pico, seconded by Councilmember Bennett, that the proposed 2018 Operating Plan and Budget for the Barnes & Powers South Business Improvement District be approved. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

No: 1 - Murray

- 11.D.** [17-1087](#) Approval of the Proposed 2018 Operating Plan and Budget for the

Briargate Center Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [2018 Operating Plan and Budget-Briargate Center BID](#)

Carl Schueler, Comprehensive Planning Manager, stated that the Briargate Center Business Improvement District is proposing potentially issuing additional subordinate debt that would come before Council for authorization at a later time.

There were no comments on this item.

Motion by Councilmember Strand, seconded by Councilmember Bennett, that the proposed 2018 Budget and Operating Plan for the Briargate Center Business Improvement District be approved. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

No: 1 - Murray

- 11.E. [17-1088](#) Approval of the Proposed 2018 Operating Plan and Budget for the Creekwalk Marketplace Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [Creekwalk Marketplace Business Improvement District - 2018 Operating Plan and Budget-cleaned](#)

Carl Schueler, Comprehensive Planning Manager, stated that the Creekwalk Marketplace Business Improvement District intends to include some additional properties in the near future and to issue bonded indebtedness which would come before Council at that time.

There were no comments on this item.

Motion by Councilmember Strand, seconded by Councilmember Bennett, that the proposed 2018 Operating Plan and Budget for the Creekwalk Marketplace Business Improvement District be approved. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 11.F. [17-1089](#) Approval of the Proposed 2018 Operating Plan and Budget for the First and Main Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [2018 Operating Plan and Budget- First and Main BID](#)

Carl Schueler, Comprehensive Planning Manager, stated there have not been any changes made to this item since the presentation at the October 9, 2017 City Council work session meeting.

There were no comments on this item.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the proposed 2018 Operating Plan and Budget for the First and Main Business Improvement District be approved. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

No: 1 - Murray

- 11.G.** [17-1090](#) Approval of the Proposed 2018 Operating Plan and Budget for the First and Main Business Improvement District 2

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [2018 Operating Plan and Budget- First and Main BID No. 2](#)

Carl Schueler, Comprehensive Planning Manager, stated there have not been any changes made to this item since the presentation at the October 9, 2017 City Council work session meeting.

There were no comments on this item.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the proposed 2018 Operating Plan and Budget for the First and Main Business Improvement District No. 2 be approved. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

No: 1 - Murray

- 11.H.** [17-1091](#) Approval of the Proposed 2018 Operating Plan and Budget for the First and Main North Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [2018 Operating Plan and Budget- First and Main North BID](#)

Carl Schueler, Comprehensive Planning Manager, stated that the First and Main North Business Improvement District responded to Council's request for the reason for the proposed increase to their debt service mill levy by eleven mills stating it was due to the applicant's preference to pay off their

existing debt earlier to finance a significant parking lot improvement project.

Russ Dykstra from Spencer Fane, representing the applicant, said that the bond holder requested the mill levy be increased by eleven mills to pay off the bonds quicker to allow for the capital project repaving of the parking lot.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the proposed 2018 Operating Plan and Budget for the First and Main North Business Improvement District be approved. The motion passed by a vote of 7-2-0-0

Aye: 7 - Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

No: 2 - Avila, and Murray

- 11.I. [17-1092](#) Approval of the Proposed 2018 Operating Plan and Budget for the Interquest North Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [2018 Operating Plan and Budget- Interquest North BID](#)

Carl Schueler, Comprehensive Planning Manager, stated that the Interquest North Business Improvement District responded to Council's request for the reason for the proposed increase to their maximum authorized indebtedness from \$13 million to \$25 million stating it was due to the second phase of their project which is fifty commercial acres and will incur additional costs for public improvements.

Councilmember Knight said that there is a discrepancy from the district's anticipated charges and what was listed in their budget. Mr. Schueler said that the 51 mills should take precedence for consideration because the abatements are finished and the mill levy is dropping.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the proposed 2018 Operating Plan and Budget for the Interquest North Business Improvement District as amended to remove the language of the 2018 mill levy for refunds and abatements be approved. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 11.J. [17-1093](#) Approval of the Proposed 2018 Operating Plan and Budget for the Interquest South Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [Interquest South Business Improvement District - 2018 Operating Plan and Budget-cleaned](#)

Carl Schueler, Comprehensive Planning Manager, stated there have not been any changes made to this item since the presentation at the October 9, 2017 City Council work session meeting.

Councilmember Geislinger asked for justification as to why they are proposing to exclude property. Mr. Schueler said that those questions will be addressed in the following agenda items.

Councilmember Knight asked what would give the district the flexibility to go to ten mills without coming back to Council first since the budget is set at five mills.

Russ Dykstra from Spencer Fane, representing the applicant, stated that based on the Public Improvement Fee (PIF) revenue, the district will certify five mills for 2018.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the proposed 2018 Operating Plan and Budget for the Interquest South Business Improvement District be approved. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

No: 1 - Murray

- 11.K.** [17-1094](#) Approval of the Proposed 2018 Operating Plan and Budget for the Powers & Woodmen Commercial Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [REVISED 2018 Operating Plan and Budget- Powers and Woodmen Commercial BID-Revised \(2\)](#)

Carl Schueler, Comprehensive Planning Manager, stated there have not been any changes made to this item since the presentation at the October 9, 2017 City Council work session meeting.

There were no comments on this item.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the proposed 2018 Operating Plan and Budget for the Powers & Woodmen Commercial Business Improvement District be approved. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

No: 1 - Murray

- 11.L. [17-1236](#) Approval of the Proposed 2018 Budget for the Colorado Springs Downtown Development Authority

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [DDA 2018 Prelim Budget Submittal to City](#)

Carl Schueler, Comprehensive Planning Manager, stated that for the Colorado Springs Downtown Development Authority which was presented by Susan Edmondson only the budget requires approval, not the operating plan.

President Skorman recused himself due to being a downtown business owner.

There were no comments on this item.

Motion by Councilmember Strand, seconded by Councilmember Bennett, that the proposed 2018 budget for the Colorado Springs Downtown Development Authority be approved. The motion passed by a vote of 8-0-0-1

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Strand

Recused: 1 - Skorman

- 11.M. [17-1254](#) Ordinance No. 17-103 excluding certain property from the Interquest South Business Improvement District. (Legislative Item)

(Legislative)

Presenter:

Conrad Olmedo, Comprehensive Planner II, Planning & Community Development

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Attachments: [Ordinance](#)

[Exhibit A Petition for Exclusion of Property-cleaned](#)

[Exhibit B Notice of Exclusion 10-9-17 Worksession](#)

[Petitioner's Letter re-Exclusion of Property](#)

[10.09.17 InterquestBID WorkSession PowerPoint](#)

Conrad Olmedo, Comprehensive Planner II, Planning & Community Development, stated the next three Agenda items were presented at the

October 9, 2017 City Council work session meeting.

Councilmember Knight asked if both properties were owned by the same owner. Russ Dykstra, from Spencer Fane, representing the applicant, said there were two separate owners.

Councilmember Knight asked where the bonds will be held. Mr. Dykstra said the bonds will be sold on the general market.

Councilmember Knight said that Exhibit B for Agenda item 11.O., which was to be the proposed budget, was blank. Mr. Schueler said that it was inadvertently left out of the file, but will be provided to Council and recommended a postponement until after Council receives it.

Councilmember Geislinger asked what assurances of consistency will the City have that the excluded property will be developed as what is proposed in the BID. Mr. Dykstra said that it is being excluded from the Interquest South Business Improvement District (BID) and added to the Interquest Town Center BID which has the same development ownership.

Peter Wysocki, Planning and Community Development Director, commented that the BID process is not where the public improvement City Code requirements are approved, those are approved through the development plan approval process.

Scott Bryan, Interquest Town Center LLC, representing the property owner, stated that their intention is an upscale first class development.

Dan Martin, Broadmoor Bluffs Neighborhood Association, requested that all of these BID districts be required to make their improvement plans public.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Ordinance excluding certain property from the boundaries of the Interquest South Business Improvement District be approved on first reading. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

No: 1 - Murray

11.N. [17-1253](#) Authorization of Interquest South Business Improvement District to issue up to \$4,000,000 in debt as Limited Property Tax and Public

Improvement Fee Revenue Bonds. (Legislative Item)

Presenter:

Conrad Olmedo, Comprehensive Planner II, Planning & Community Development

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Attachments: [City Council Resolution](#)
[Development Projection](#)
[District Bond Resolution](#)
[Draft District Bond Opinion](#)
[FINAL PROJECT VALUE 9-05-2017](#)
[Indenture of Trust ISBID](#)
[Letter re Prop. Tax an PIF Bonds](#)
[Signed Resolution 116-17](#)

Please see comments in Agenda item 11.M.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution authorizing the Interquest South Business Improvement District to issue debt of \$3,485,000, not to exceed \$4,000,000, in the form of Limited Property Tax and Public Improvement Fee Revenue Bonds be adopted The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

No: 1 - Murray

- 11.O. [17-1255](#)** An ordinance organizing the Interquest Town Center Business Improvement District and appointing an initial Board of Directors. (Legislative Item)

Presenter:

Conrad Olmedo, Comprehensive Planner II, Planning and Community Development
Carl Schueler, Comprehensive Planning Manager,
Planning & Community Development

Attachments: [Ordinance](#)
[Exhibit A- Petition for Organization](#)
[Exhibit B- ITCBID Notice Hearing on Petition](#)
[Exhibit C- Interquest Town Center BID Operating Plan and Budget-10.24.17](#)
[Exhibit D- SpecialDistrictPolicyJan06](#)

Please see comments in Agenda item 11.M.

Motion by Councilmember Bennett, seconded by Councilmember Knight, that the

Ordinance organizing the Interquest Town Center Business Improvement District be postponed until the November 14, 2017 City Council meeting. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 11.P.** [17-1275](#) A resolution expressing Colorado Springs City Council's support for Issue 3E on the November 7, 2017 ballot, relating to a mill levy for Colorado Springs School District 11

Presenter:
Councilmember Bill Murray

Attachments: [102417 RESOLUTION SUPPORT FOR D11](#)
[Signed Resolution 117-17](#)

Councilmember Pico commented that in researching the history of City Council Resolutions of support, as a general rule, Council did not approve initiatives by other entities unless it had a direct impact on the City.

Councilmember Geislinger said one of the weaknesses of the City is the low graduation rates among high schools.

President Pro Tem Gaebler said that Ballot Issue 3E has a direct impact on the City because of families moving to school districts that receive more funding and there needs to be equity among the school districts.

Councilmember Avila and Councilmember Strand stated that they support this Resolution and Councilmember Stranded listed how the school proposes to use the money if the ballot measure passes.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Resolution expressing Colorado Springs City Council's support for Issue 3E on the November 7, 2017 ballot, relating to a mill levy for Colorado Springs School District 11 be adopted. The motion passed by a vote of 7-2-0-0

Aye: 7 - Avila, Bennett, Gaebler, Geislinger, Murray, Skorman, and Strand

No: 2 - Knight, and Pico

12. Public Hearing

- 12.A.** [CPC SWP 16-00155](#) An appeal of City Planning Commission approval of a Subdivision Waiver from subdivision design standards allowing primary residential access from an alley for three duplex buildings on lots zoned R-2 (Two-Family Residential) located at 543 Robbin Place.

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Department

Peter Wysocki, Director of Planning and Community Development

Attachments: [EXHIBIT 1 appeal request](#)
[EXHIBIT 2 - alley right-of-way](#)
[20' wide alley - Robbin PI - CC Powerpoint - LT](#)
[Vicinity Map](#)
[Robbin PI - CC Powerpoint - LT](#)
[Staff Report - CPC SWP 16-00155; CPC PFP 16-00156; CPC NV 17-00141 \(Robbin PI\)](#)
[EXHIBIT 2 postponement request FW August 22nd City Council Meeting appeal item](#)
[FIGURE 1A.rev - Preliminary Plat](#)
[FIGURE 1B - Final Plat](#)
[FIGURE 2 - Project Statement](#)
[FIGURE 3 - emails](#)
[FIGURE 4 - Letters](#)
[FIGURE 5 - Appeal Letter](#)
[FIGURE 6 - OWN letter](#)
[FIGURE 7 - CGS Recommendations](#)
[FIGURE 8.rev - Geological Hazard Investigation](#)
[FIGURE 9 - Survey Ltr for Admin Relief](#)
[7.7.1302 Waiver of Subdivision Dev](#)
[CPC July 20 2017 543 Robbins Place Minutes](#)

Councilmember Bennett recused himself due to being absent for the appeal hearing that was held at the September 26, 2017 City Council meeting and not being able to watch the video of that meeting.

Councilmember Pico stated that he was absent, but did watch the video.

Marc Smith, Division Chief-Corporate Legislative Counsel, gave a brief review of the previous public hearing on September 26, 2017.

President Pro Tem Gaebler withdrew the motion that she had previously made at the September 26, 2017 City Council meeting on the first item of the appeal hearing, Councilmember Geislinger withdrew his second of that motion.

Mr. Smith reminded Council to utilize the review criteria as contained in the

City's Subdivision Code.

Lonna Thelen, Principal Planner, Planning and Community Department, stated that installing a twenty-foot wide alley in that location is not possible. Ms. Thelen presented a survey of the alley right-of-way which detailed the structures, retaining walls, and patios that are located within the alley right-of-way. Ms. Thelen said the four concerns of widening the alley to twenty feet include existing structures in the alley, additional utility easement needed for electric lines to be moved out of the alley, changes to the drainage pattern for the alley, and the change to grade adjacent to the alley.

Councilmember Pico asked if construction would have to be completed in order for a fire truck to get into the alley. Ms. Thelen said that the south entrance would have to be reconstructed, but the alley would not require additional right-of-way from individual property owners.

Councilmember Geislinger asked if the alley will be widened to between 12-20 feet. Ms. Thelen stated that a full analysis has not been completed, but widening it beyond twelve feet could affect drainage and that the Fire Department is comfortable with the twelve-foot width. Ms. Thelen also said that before any Certificates of Occupancy (CO) are granted on the site, staff will ensure the southern access point, the alley, and the northern access point is constructed correctly so a fire truck could get in and out.

Councilmember Murray asked if the standard width requirement for alleys is twenty feet. Ms. Thelen said the standard for a two-way alley is twenty feet, but for a one-way alley the standard is twelve feet.

Councilmember Knight commented that if both parties are not present, the floor should not be open for presentation. Mr. Smith said that Council rules state that final comments from the applicant or other parties are only allowed with permission from the Council President. President Skorman confirmed that both parties were represented and gave permission for the applicant and appellant to speak.

John Osborn, representing the appellant, stated that in regards to the twelve-foot alley width, the Fire Marshal said that it was acceptable although not the best or safest and that the Fire Department has seen worse situations elsewhere in the City. Mr. Osborn said that he does not

feel that defense is acceptable. He said the applicant should not be allowed to develop six properties on a half-acre and put the neighbors at risk. Mr. Osborn said the City Codes are written for safety and waiving the Code would put more people at risk. Mr. Osborne also spoke regarding the landslide and mitigation safety concerns.

Paul Rising, the applicant with Tara Custom Homes, stated that this alley should allow access to this property just like the nine other neighbors who utilize it. Mr. Rising said that this property represents an infill lot and in its improved state will be better for safety, access, and response time for first responders. He stated that this project has met and exceeded all criteria and received approvals from all entities involved. Mr. Rising then presented photos of the alley illustrating the structures and the access points from the alley. He stated that with the proposed alley improvements, homeowners using this alley will have better access and will be safer.

Councilmember Pico asked for clarification on if the alley was twelve feet or eighteen feet. Ms. Thelen said the alley is twelve feet and the right-of-way is twenty feet.

Councilmember Knight said that the request for a waiver is a safety issue because the owner vacated the part of Chestnut Street on the west side and if it was a street, fire trucks would be able to access it, but as it is now, there is only access from the alley.

Councilmember Geislinger said that the Fire Marshal takes into consideration the safety issues and he trusts the Planning Department's and the Fire Marshal's approval.

Councilmember Pico said that there are already existing houses utilizing the alley and the Fire Marshal has stated that the Fire Department can access it.

Motion by Councilmember Murray, seconded by Councilmember Knight, to approve the appeal and overturn the City Planning Commission decision to approve the subdivision waiver of design standards for the property located at 543 Robbin Place, based on the finding that the applicant did not meet the subdivision waiver review criteria contained in City Code Section 7.7.1302. The motion failed by a vote of 4-4-0-1

Aye: 4 - Avila, Knight, Murray, and Skorman

No: 4 - Gaebler, Geislinger, Pico, and Strand

Recused: 1 - Bennett

Mr. Smith said a tie vote does represent a failure of the underlying action and the Planning Commission decision stands.

Councilmember Knight asked what the result would be if he made the motion to deny the appeal and it failed on a 4-4 vote.

Mr. Smith stated a dispositive motion to deny the appeal would have the same result.

- 12.B.** [AR NV 17-00141](#) An appeal of City Planning Commission approval of a Non-Use Variance to allow for a reduced 50-foot minimum lot width standard in the R-2 (Two-Family Residential) zone district for three (3) duplex units located at 543 Robbin Place.

(Quasi-Judicial).

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Department

Peter Wysocki, Director of Planning and Community Development

Attachments: [FIGURE 1A.rev - Preliminary Plat 7.5.802 Nonuse Variance](#)

Please see comments in Agenda item 12.A.

Councilmember Geislinger stated that this is for a variance which was measured fifty years ago at fifty feet and now measures at over forty nine feet which is a very minimal difference.

Motion by Councilmember Murray, seconded by Councilmember Avila, to approve the appeal and overturn the City Planning Commission decision to approve the non-use variance to allow a lot width of less than 50 feet as required per City Code Section 7.3.104.A, based upon the finding that the applicant did not meet the nonuse variance review criteria contained in City Code Section 7.5.802.B. The motion failed by a vote of 2-6-0-1

Aye: 2 - Avila, and Murray

No: 6 - Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

Recused: 1 - Bennett

- 12.C. [CPC PFP 16-00156](#) An appeal of City Planning Commission approval of a Preliminary and Final Plat to create six (6) lots for the development of three (3) duplex buildings located at 543 Robbin Place.

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Department

Peter Wysocki, Director of Planning and Community Development

Attachments: [FIGURE 1A.rev - Preliminary Plat](#)

[FIGURE 1B - Final Plat](#)

[7.7.102 Subdivision Plats Review Criteria](#)

[7.7.204 Preliminary Plat Req - Subdivision Plats Review Criteria](#)

[7.7.303 Final Plat Req - Subdivision Plats Review Criteria](#)

Please see comments in Agenda item 12.A.

Councilmember Pico and President Skorman said they support the appeal on this item because the six units in such a small area do not fit the neighborhood.

Motion by Councilmember Murray, seconded by Councilmember Avila, to approve the appeal and overturn the City Planning Commission decision to approve the preliminary/final plat for 543 Robbin Place based upon the finding that the applicant did not meet the preliminary and final plat review criteria contained in City Code Section 7.7.102, 7.7.204 and 7.7.303. The motion failed by a vote of 4-4-0-1

Aye: 4 - Avila, Murray, Pico, and Skorman

No: 4 - Gaebler, Geislinger, Knight, and Strand

Recused: 1 - Bennett

Marc Smith, Division Chief-Corporate Legislative Counsel, stated the motion fails and therefore the Planning Commission decision stands.

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