



# City of Colorado Springs

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

## Meeting Minutes City Council

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Tuesday, May 22, 2018

1:00 PM

Council Chambers

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### **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 Councilmember Geislinger.

President Skorman led the Pledge of Allegiance.

### **3. Changes to Agenda/Postponements**

Eileen Krauth, City Council Administrator, stated the appellant has requested items 12.A. and 12.B. be postponed. Councilmember Murray requested items 4B.D., 4B.E., and 4B.F. be removed from the Consent Calendar.

Consensus of Council agreed to these changes 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.** [18-0152](#) Ordinance No. 18-44 amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the Trails, Open Space and Parks (TOPS) Fund in the amount of \$159,500 for acquisition of approximately 40 acres owned by Justin Watkins and Melissa Watkins for the purpose of public open space and trails as an extension of Cheyenne Mountain State Park

Presenter:

Britt Haley, Design and Development Manager/TOPS Program Manager  
- Parks, Recreation and Cultural Services  
David Deitemeyer, Senior Landscape Architect - Parks, Recreation and  
Cultural Services

**Attachments:** [050818 Watkins Property Appropriation Ordinance](#)

**This Ordinance was finally passed on the Consent Calendar.**

**4A.B. [18-0196](#)**

Ordinance No. 18-45 amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the Trails, Open Space and Parks (TOPS) Fund in the amount of \$139,000 for acquisition of approximately 31.918 acres owned by Jacob Snell and Shantell Snell for the purpose of public open space and trails as an extension of Cheyenne Mountain State Park

Presenter:

Britt Haley, Design and Development Manager / TOPS Program  
Manager  
David Deitemeyer, Senior Landscape Architect

**Attachments:** [4-23-18 - Snell Appropriation Ordinance - FINAL](#)

**This Ordinance was finally passed on the Consent Calendar.**

**4A.C. [18-0194](#)**

Ordinance No. 18-46 amending Section 507 (License Fees Enumerated) of Part 5 (License Fees) of Article 1 (General Business License Provisions) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to bicycle-share business licensing

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Clerk-BikeShareFees-2018-04-23](#)

**This Ordinance was finally passed on the Consent Calendar.**

**4A.D. [18-0193](#)**

Ordinance No. 18-47 adopting a new Part 13 (Bicycle-Share Businesses) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulations and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to bicycle-share business licenses and providing penalties for the violation thereof

Presenter:

Jill Gaebler, District 5 City Council Member  
Susan Edmonson, Downtown Partnership  
Sarah B. Johnson, City Clerk

Mitch Hammes, Code Enforcement Services Manager

**Attachments:** [BikeShareDraftORD-4-09-18.docx](#)

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.E.** [18-0215](#) Ordinance No. 18-48 amending Sections 102 (Legislative Findings), 107 (Authorities, Powers and Duties of Utilities Chief Executive Officer), and 112 (User Charges for Utility Service), and creating a new Section 120 (Stormwater Service Fee Billing) of Article 1 (General Provisions) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, pertaining to changes related to Stormwater billing.

Presenter:

Chris Bidlack, Senior Attorney, Colorado Springs City Attorney's Office - Utilities Division

**Attachments:** [CSU-StormwaterBillingCh12ORD-2018-04-23.docx](#)

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.F.** [CPC PUZ 18-00016](#) Ordinance No. 18-49 amending the zoning map of the City of Colorado Springs pertaining to 152.4 acres located at the southeast intersection of Interquest Parkway and Voyager Parkway from PUD (Planned Unit Development; maximum density of 24.99 du/ac residential, mixed-use, commercial, office, civic and park use with a maximum height of 125-feet) zone district to a PUD (Planned Unit Development; maximum density of 24.99 du/ac residential, mixed-use, commercial, office, light industrial, civic and park use with a maximum height of 125-feet) zone district.

(Quasi-Judicial)

Related File: CPC PUP 05-00078-A3MJ18

**Attachments:** [Exhibit A Legal](#)  
[Exhibit B Zone Change Exhibit](#)  
[ZoningMap-InterquestVoyagerORD-2018-05-02](#)

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.G.** [18-0145](#) Ordinance No. 18-50 repealing and reordaining Part 1 (Fire Prevention Code) of Article 4 (Fire Prevention) of Chapter 8 (Public Safety) of the Code of the City of Colorado Springs 2001, as amended, adopting the 2015 Edition of the International Fire Code with amendments and providing penalties for the violation thereof

Presenter:

Fire Marshal Brett Lacey

**Attachments:** [Fire-2015 IFC AmendmentsAdoptionByReferenceORD-2018-04-04](#)

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.H.** [18-0163](#) Ordinance No. 18-53 amending Section 212 (Unlawful Transfer of Marijuana) of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the unlawful transfer of marijuana and providing penalties for the violation thereof

Presenter:

Mattie Albert Gullixson, Senior Regulatory Compliance Analyst

**Attachments:** [MarijuanaDistributionORD-2018-04-10 final](#)

**This Ordinance was finally passed on the Consent Calendar.**

#### **4B. First Presentation:**

- 4B.A.** [18-0234](#) City Council Regular Meeting Minutes May 8, 2018

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [5-8-2018 City Council Meeting Minutes Final.pdf](#)

**The Minutes were approved on the Consent Calendar.**

- 4B.B.** [18-0245](#) Appointments to Boards and Commissions

Presenter:

Jacquelyn Puett, Assistant to Council

**Attachments:** [052218 Boards and Commissions](#)

**This Item was approved on the Consent Calendar.**

- 4B.C.** [18-0164](#) A Resolution Approving a Memorandum of Agreement for Transportation Planning and Programming between the Colorado Department of Transportation, the Pikes Peak Area Council of Governments, and the City of Colorado Springs

Presenter:

Brian Vitulli, Transit Planning Supervisor

**Attachments:** [Joint MOA RES\\_04262018](#)  
[MOA PPACG CDOT MMT](#)  
[METROPOLITAN PLANNING AGREEMENT PPACG\\_04242018](#)  
[MOA Implementation Guidance PPACG\\_04242018](#)  
[2010 PPACG MOA re MPO Coordination - superseded](#)

This Resolution was adopted on the Consent Calendar.

### Approval of the Consent Agenda

Motion by Councilmember Strand, seconded by President Pro Tem Gaebler, 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

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

## 5. Recognitions

- 5.A. [18-0226](#) A resolution of appreciation recognizing May 20-26, 2018 as National Public Works Week

Presenter:

Travis Easton, P.E., Public Works Director and City Engineer  
Ryan Phipps, P.E., Civil Engineer III

**Attachments:** [Resolution-National Public Works Week 2018](#)

Travis Easton, P.E., Public Works Director and City Engineer, presented a Resolution recognizing May 20-26, 2018 as National Public Works Week and expressed appreciation for the men, women, and community partners who collectively work in the Public Works arena.

Councilmember Geislinger read the Resolution.

**Motion by Councilmember Strand, seconded by President Pro Tem Gaebler, that the Resolution of Appreciation recognizing May 20-26, 2018 as National Public Works Week be adopted. The motion passed by a vote of 9-0-0**

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

- 5.B. [18-0206](#) A proclamation recognizing May 22, 2018 as Military Spouse Economic Empowerment Zones Day in Colorado Springs

Presenter:

Katie Lally, Director of Community Engagement & Strategic Initiatives

**Attachments:** [Military Spouse Economic Empowerment Zones- 2018](#)

Katie Lally, Director of Community Engagement and Strategic Initiatives,

presented a Proclamation recognizing May 22, 2018 as Military Spouse Economic Empowerment Zones Day in support of the efforts related to employment opportunities for military spouses.

Councilmember Strand read the Proclamation.

- 5.C. [18-0250](#) A proclamation recognizing May 22, 2018 as The North End Woodlands Project Day in the City of Colorado Springs

Presenter:

Council President Pro Tem Jill Gaebler

**Attachments:** [The North End Woodlands Project Day](#)

President Pro Tem Gaebler presented a Proclamation recognizing May 22, 2018 as The North End Woodlands Project Day and expressed appreciation for everyone who supported the project and assisted with planting trees.

Siri Everett introduced several members of The Woodlanders who participated in the project and gave a brief overview of the group and their objectives.

## **6. Citizen Discussion**

Citizen Charles Barber expressed appreciation for the City's street repair department.

Citizen Gerald Miller spoke regarding arrogance and presented City Council a St. Michael coin.

Citizen Carl Strow spoke regarding the Broadmoor and Strawberry Fields land swap and the closing of the Manitou Incline.

Citizen Kevin Bright spoke about the dismantled thermostats of the South Pointe Apartments.

Citizen Tom Gallivan invited everyone to attend Territory Days.

Citizen Deborah Stout-Meiniger spoke regarding the proposed I-25 toll lane.

Sarah Vaas, Assistant Director of Council of Neighbors and Organizations

(CONO), gave a brief overview of their fall Civic Series.

Citizen Ryan Jones spoke of the lack of enforcement regarding the homeless in Dorchester Park.

## **7. Mayor's Business**

There was no Mayor's Business.

## **8. Items Called Off Consent Calendar**

- 4B.D.** [CPC ZC 18-00019](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 8.7 acres of land from (PUD) Planned Unit Development (Single-Family Detached Residential, Maximum Density of 2.98 dwelling units per acres, and Maximum Building Height of 35 feet) to (PK) Public Park, located southeast of the Old Ranch Road and Milam Road intersection.

(QUASI-JUDICIAL)

Presenter:

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

**Attachments:** [Exhibit A - Legal Description](#)  
[Exhibit B - Zone Change Exhibit](#)  
[PublicComment\\_Amsden\\_4102018](#)  
[BradleyRanch\\_Staff-Presentation](#)  
[CPC Report\\_BradleyRanch Park ZC](#)  
[Figure 1 - Zone Change Exhibit](#)  
[Figure 2 - Project Statement-Concept Statement](#)  
[Figure 3 - Bradley Ranch PUD](#)  
[7.5.603 Findings - ZC req\\_CA](#)  
[ZoningMap-BradleyRanchORD-2018-05-15](#)

Councilmember Murray stated this proposed Ordinance would change the zoning of 8.7 acres from residential to a public park and asked where the funding will come from to develop and maintain the park. Catherine Carleo, Principal Planner, Planning and Community Development, stated this project is part of the standard Park Land Dedication Ordinance (PLDO) and this land was designated for the dedication requirement.

Jeff Mark with the Landhuis Co., representing the property owner, stated

the Parks, Recreation, and Advisory Board approved this land for dedication and due to the natural state of this property, it would require minimal maintenance. He said the property owner will be also be constructing a playground on this site at their own cost.

**Motion by Councilmember Bennett, seconded by Councilmember Pico, that the ordinance amending the zoning map of the City of Colorado Springs pertaining to 8.7 acres from PUD (Planned Unit Development: Single-Family Detached Residential, Maximum Density of 2.98 dwelling units per acres, and Maximum Building Height of 35 feet) to PK (Public Park), 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(B) 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

- 4B.E.** [CPC ZC 18-00022](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 1.3 acres of land from (A) Agricultural to (OC) Office Complex, located north of Flying Horse Club Drive near the future alignment of Powers Boulevard.

(QUASI-JUDICIAL)

Related File: CPC CP 12-00048-A1MN18

Presenter:

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

**Attachments:** [Exhibit A - Legal Description](#)  
[Exhibit B - Zone Change Exhibit](#)  
[Vicinity Map](#)  
[Classic Offices @ FH Staff-Presentation \(1\)](#)  
[CPC Report Classic Offices @ Flying Horse\\_DJS](#)  
[Figure 1 - Concept Plan MN](#)  
[Figure 2 - Zone Change Exhibit](#)  
[Figure 3 - Project Statement](#)  
[Figure 4 - Original Concept Plan](#)  
[7.5.603 Findings - ZC req\\_CA](#)  
[ZoningMap-ClassicOCFlyingHorse-2018-05-15](#)

Councilmember Murray stated this proposed Ordinance would replace an interchange planned for the future extension of Powers Boulevard, but there is no map showing where the new exit or on ramps will be located.



Meggan Herington, Assistant Director, Planning and Community Development, said the interchange is no longer needed due to the substantial decrease in residential and commercial developments since the original proposal in 2002 in the Flying Horse area. She presented maps identifying the preliminary design for the Powers Boulevard extension as well as the current design.

Kathleen Krager, Traffic Engineering Division Manager, explained the original request for the interchange came from the developer, but is no longer required.

Councilmember Knight asked how many miles it is from the Highway 83 intersection to the Voyager Parkway intersection. Ms. Krager stated it was approximately 2.5 miles.

Citizen Ross Klinger expressed his support of extending Powers Boulevard.

Citizen Tom Noonan asked what the cost of the Powers Boulevard improvements would be. President Skorman said it would be a Colorado Department of Transportation (CDOT) project.

Citizen Deborah Stout-Meiniger said CDOT may make the Powers Boulevard extension a toll road. Councilmember Pico stated CDOT is only considering toll roads for new capacity not existing lanes.

Citizen Scott Anderson spoke in opposition of extending Powers Boulevard to The Flying Horse development.

**Motion by Councilmember Bennett, seconded by Councilmember Pico, that the ordinance amending the zoning map of the City of Colorado Springs pertaining to 1.3 acres from A (Agricultural) to OC (Office Complex), 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(B) be approved on first reading. The motion passed by a vote of 7-2-0-0**

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

**No:** 2 - Murray, and Strand

- 4B.F.** [CPC CP 12-00048-A1 MN18](#) The Flying Horse Parcel Number 18 minor concept plan amendment for 7 acres of land illustrating a layout for an office complex development, located north of Flying Horse Club Drive near the future alignment of Powers Boulevard.

(QUASI-JUDICIAL)

Related File: CPC ZC 18-00022

Presenter:

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

**Attachments:** [Figure 1 - Concept Plan MN](#)  
[7.5.501.E Concept Plans](#)

Please see comments in Agenda item 4B.E.

**Motion by Councilmember Bennett, seconded by Councilmember Pico, that the minor concept plan amendment for the Flying Horse Parcel Number 18 project, based upon the findings that the minor concept plan amendment meets the review criteria for granting a concept plan as set forth in City Code Section 7.5.501(E) 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

## **9. Utilities Business**

- 9.A.** [18-0207](#) An Ordinance authorizing the termination by the City of existing Interest Rate Exchange Agreements; delegating to the Utilities Chief Executive Officer and the Utilities Chief Planning and Finance Officer the authority to determine the financial terms of transactions terminating such agreements; ratifying action heretofore taken and relating to such agreements; and providing other matters relating thereto.

Presenter:

Bob Leshner, Manager, Treasury and Finance  
Jerry A. Forte, P.E., CEO, Colorado Springs Utilities

**Attachments:** [Swap Termination Ordinance No. 18- \(48158302v4\).docx](#)  
[2018 Plan of Finance\\_5-22-2018.pptx](#)

Tamela Monroe, Chief Planning and Finance Officer, Colorado Springs Utilities, presented the Ordinance delegating to the Colorado Springs Utilities Chief Executive Officer and the Colorado Springs Utilities Chief Planning and Finance Officer the authority to determine the termination of existing interest rate exchange agreements during 2018 and the Ordinance providing for the refunding of outstanding Colorado Springs Utilities System 2018A-1 Revenue Bonds. She explained the reason behind the interest rate swap terminations was due to the fast moving financial

markets. Ms. Monroe gave an overview of interest rate swaps portfolio, the 2006A and 2007B swap terminations, the 2008B bonds, and the 2018 Plan of Finance regarding the 2018A bonds.

Councilmember Knight asked if the expiration of the Ordinance regarding the swap terminations could be extended to March 31, 2019. Ms. Monroe agreed to that change.

**Motion by Councilmember Pico, seconded by Councilmember Murray, that the Ordinance authorizing the termination by the City of existing Interest Rate Exchange Agreements; delegating to the Utilities Chief Executive Officer and the Utilities Chief Planning and Finance Officer the authority to determine the financial terms of transactions terminating such agreements; ratifying action heretofore taken and relating to such agreements; and providing other matters relating thereto as amended that the delegated authority shall expire on March 31, 2019 (the "Delegation Expiration Date") be approved on first reading. The motion passed by a vote of 9-0-0-0**

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

- 9.B.** [18-0232](#) An Ordinance of the City of Colorado Springs, Colorado providing for the refunding of certain outstanding Utilities System Revenue Bonds: Series 2018A-1

Presenter:

Bob Leshner, Manager, Treasury and Finance

Jerry A. Forte, P.E., CEO, Colorado Springs Utilities

**Attachments:** [2018 Plan of Finance\\_5-22-2018.pptx](#)

[1 Bond Ordinance - 2018A - ARIAL 11 \(v.4\) - City Council \(48431293v1\).DOCX](#)

[2 Ordinance Summary \(First Publication\) - 2018A \(48427607v1\).DOC](#)

[3 BPA - 2018A-1, A-2, A-4 Rev Bonds - DRAFT 4.26.18 \(48377396v2\) \(2\).DOCX](#)

[4 BPA - 2018A-3 Rev Bonds - DRAFT 5-7-18 \(48422406v1\) \(2\).DOCX](#)

[5 Paying Agent Agreement - 2018A \(48373766v1\) \(2\).DOC](#)

[6 Escrow Agreement - 2018A-3 \(48373694v1\) \(2\).DOC](#)

[7 DOCSOC-#1878533-v6-CSU\\_2018A\\_POS.DOCX](#)

[8 DOCSOC-#1888774-v1-Continuing Disclosure Certificate.DOCX](#)

Please see comments in Agenda item 9.A.

**Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance of the City of Colorado Springs, Colorado providing for the refunding of certain outstanding Utilities System Revenue Bonds: Series 2018A-1 be approved on first reading. The motion passed by a vote of 9-0-0-0**

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

- 9.C.** [18-0248](#) A Resolution Fixing Water Surplus Rates as authorized by the Charter of

the City of Colorado Springs, Art. VI, § 6-40(b)

Presenter:

Brian Whitehead, System Extensions Manager

Jerry A. Forte, P.E., CEO, Colorado Springs Utilities

**Attachments:** [10c - Resolution Parks Watering Surplus-3-KJB 5-10-2-18.docx](#)  
[Water Surplus Pmt to City Calc.pdf](#)

Brian Whitehead, System Extensions Manager, presented a Resolution establishing a planned water surplus to be included in Colorado Springs Utilities' water rates for the Parks, Recreation and Cultural Services Department to be used for watering parks.

Councilmember Murray stated this is not the responsibility of Colorado Springs Utilities to create a new water fund and resolve this issue.

Councilmember Geislinger said he supports it because fifteen percent of the funds will be subsidized regionally by non-citizen rate payers and because the water is a City resource.

Councilmember Pico said the City's water budget has been increased over the years to water the parks and that he does not support it being subsidized. President Skorman said there are other subsidies and discounts offered in the community because it benefits the City.

Councilmember Knight said this is a non-binding Resolution because the rates will not be voted on until October 2018.

Jeff Greene, Chief of Staff, stated this is a solution to resolve the parks watering issue and this is a long-term strategy for economic development. He stated that when employers look at the quality of life in the City, the parks system is a major aspect of that.

Councilmember Strand asked what this would mean to the quality of the parks. Kurt Schroeder, Parks Maintenance and Operations Manager, stated that in 2009-2010, the parks system was required to reduce their budget which caused a significant impact to the parks and trees. He said this would help improve and maintain the landscapes.

President Pro Tem Gaebler said this a policy decision that will support economic development.

Councilmember Knight asked if the City's water bill will be reimbursed after payment. Tamela Monroe, Chief Planning and Finance Officer, Colorado Springs Utilities, confirmed it would. Mr. Greene said it will go into the program account to be used for parks watering. Councilmember Knight commented there are other sources of funds available such as Trails, Open Space and Parks (TOPS) and Conservation Trust Fund (CTF) that can be used.

President Skorman stated the parks have not been made priority and identified the backlog of needed repairs in the parks department.

Citizen Michael Tozier stated citizens already pay for parks watering through their utilities bill and that the City continues to accept parks that it cannot maintain.

Susan Davies, Trails and Open Space Coalition, expressed support of this item.

Mr. Greene said the current City funding for watering parks will be maintained going forward and the funds received from Colorado Springs Utilities for watering parks will be restricted to that purpose.

**Motion by Councilmember Bennett, seconded by President Pro Tem Gaebler, that the Resolution Fixing Water Surplus Rates as authorized by the Charter of the City of Colorado Springs, Art. VI, § 6-40(b) as amended that the City's intent that any surplus earnings authorized by this Resolution and generated by actual sales of water within the City that are then transferred to the general fund of the City will be dedicated by the City to fund the irrigation of City-owned parks be adopted. The motion passed by a vote of 6-3-0-0**

**Aye:** 6 - Avila, Bennett, Gaebler, Geislinger, Skorman, and Strand

**No:** 3 - Knight, Murray, and Pico

## **10. Unfinished Business**

- 10.A.** [18-00033](#) Ordinance No. 18-52 amending Section 211 (Personal Cultivation of Medical Marijuana) of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the cultivation of marijuana and providing penalties for the violation thereof

Presenter:

Mattie Albert Gullixson, Senior Regulatory Compliance Analyst

**Attachments:** [MarijuanaCultivation-2018-04-10 MC final](#)

Councilmember Geislinger asked about the status of the follow-up research in regards to caregivers. Bret Waters, Deputy Chief of Staff, stated they are reviewing state laws and there is a meeting scheduled to present their findings.

Councilmember Strand stated there needs to be consideration for patients who require more than a twelve count marijuana plant grow limit and suggested that patients or caregivers be able to submit an application for an exception to the residential twelve count plant grow limit.

President Pro Tem Gaebler said that she does not support more than a twelve plant count allowance in residential areas and that it would be a very subjective determination to allow an exception to the limit.

Councilmember Knight stated he also does not support Councilmember Strand's suggestion because it would reset the residential plant count discussion.

Michael Curran, Division Chief, Prosecution stated cultivation of more than twelve marijuana plants in a residential area and cultivation in a commercial area is prohibited under the zoning code. In order to allow cultivation in a commercial space, City Council would have to amend the zoning code and approve it as a permitted land use.

Citizen Eric Korzowski asked if it is illegal to grow twelve plants in a commercial building. President Skorman confirmed it is unless it is done by a licensed medical facility.

**Motion by Councilmember Bennett, seconded by President Pro Tem Gaebler, that the Ordinance amending Section 211 (Personal Cultivation of Medical Marijuana) of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the cultivation of marijuana and providing penalties for the violation thereof be finally passed. 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

**10.B.** [CPC CA  
18-00033](#)

Ordinance No. 18-51 amending Section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building)

of the Code of the City of Colorado Springs 2001, as amended, pertaining to the cultivation of marijuana and medical marijuana in violation of the Zoning Code and providing remedies for the violation thereof (Legislative)

Presenter:

Mattie Albert Gullixson, Senior Regulatory Compliance Analyst

**Attachments:** [ORD MJ Cultivation-Non-Residential-2018-03-05](#)  
[Staff Report Code Amendment - Section 7.3.205](#)  
[7.2.302.C.22 DefinitionUseType MMJ Facility](#)  
[7.3.105.P Personal Cultivation of MJ.MMJ](#)  
[7.3.205.M Additional Standards MMJ Facility](#)  
[7.5.602 Applications](#)  
[7.5.603 Findings - ZC req\\_CA](#)  
[Non-Licensed Commercial Grows Ord Package Apr232018](#)

Please see comments in Agenda item 10.A.

**Motion by Councilmember Bennett, seconded by Councilmember Geislinger, that the Ordinance amending section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the cultivation of marijuana and medical marijuana in violation of the zoning code and providing remedies for the violation thereof be finally passed. 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

**10.C. [18-0170](#)** Resolution approving an amendment to the Service Plan for the Wildgrass at Rockrimmon Metropolitan District.

Presenter:

Peter Wysocki, Director of Planning and Development  
Carl Schueler, Comprehensive Planning Manager, Planning & Community Development Department

**Attachments:** [Wildgrass at Rockrimmon Metropolitan District Service Plan Amendment-5-22-18](#)  
[RES Wildgrass at Rockrimmon Metro Dist amend](#)  
[Exhibit 1- Wildgrass at Rockrimmon Service Plan5-3-18](#)  
[Figure 1A- Redline Service Plan5-2-18](#)  
[Figure 6- Draft Buildout Budget Wildgrass at Rockrimmon](#)  
[Figure 7- Wildgrass at Rockrimmon MD Proposed O M Map](#)  
[Figure 8- Metropolitan Districts Operating in Lieu of an HOA presentation](#)

Peter Wysocki, Director of Planning and Development, presented the Resolution approving an amendment to the service plan the Wildgrass at Rockrimmon Metropolitan District which would allow the district to perform operations and maintenance in lieu of a homeowners association (HOA).

Councilmember Knight asked if any other metropolitan districts have covenant enforcement included in their service plan. Mr. Wysocki stated there were not.

Councilmember Geislinger asked if the district could be dissolved without an election. Mr. Wysocki stated the district would need to remain intact in order to continue operations and maintenance. Elisabeth Cortese from McGeady Becher, PC, representing the district, said the district could not be dissolved if there were outstanding debt obligations and a special election would not be required in regards to amending covenants.

Councilmember Pico stated he does not object to the idea of a metropolitan district taking over the HOA functions, but has reservations with the amount of the proposed fees.

Josh Miller, Public Manager from Clifton, Larson and Allen, representing the district, stated that Banning Lewis Ranch does not have an HOA and the covenant enforcement is done by the district. Councilmember Knight asked if it is within their service plan. Mr. Miller stated he is unaware, but that there is not an HOA within the district.

Mike Fenton, President of Wildgrass at Rockrimmon Metropolitan District, stated that several districts outside the City limits have adopted this arrangement and it has been very effective. He said a postponement of this item would delay two home closings scheduled for May 29, 2018.

**Motion by Councilmember Geislinger, seconded by Councilmember Knight, that**



**the Resolution approving an amendment to the Service Plan for the Wildgrass at Rockrimmon Metropolitan District, specifically authorizing the District to perform covenant enforcement and design review functions be postponed to the June 12, 2018 City Council meeting. The motion failed by a vote of 3-6-0-0**

**Aye:** 3 - Geislinger, Knight, and Murray

**No:** 6 - Avila, Bennett, Gaebler, Pico, Skorman, and Strand

**Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution approving an amendment to the Service Plan for the Wildgrass at Rockrimmon Metropolitan District, specifically authorizing the District to perform covenant enforcement and design review functions be adopted. The motion passed by a vote of 7-2-0-0**

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

**No:** 2 - Knight, and Murray

## **11. New Business**

## **12. Public Hearing**

- 12.A.** [AR PUD 06-00515-A1 MN17](#) An appeal of the City Planning Commission's decision to uphold the administrative approval of a minor PUD development plan amendment of the Westcreek III at Wolf Ranch project illustrating a revised layout of a 95-lot single-family detached residential development on 32.8 acres located north of Cowpoke Road and Tutt Boulevard intersection.

(QUASI-JUDICIAL)

Related Files: AR PUD 06-00515-A1MN17, AR FP 17-00331

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

**Attachments:** [CPC Report WestcreekIII@WR\\_DJS](#)  
[Figure 1 - Westcreek III @ WR PUD-MN 2018](#)  
[Figure 2 - Westcreek @ WR Filing 13\\_FP\\_2018](#)  
[Figure 3 - Ross Clinger's Appeal Request](#)  
[Figure 4 - Applicants Project Statement](#)  
[Figure 5 - Public Comments](#)  
[Figure 6 - Wolf Ranch MP](#)  
[Figure 7 - Westcreek III @ WR PUD 2006\\_resize](#)  
[7.5.906 \(A\)\(4\) Administrative Appeal](#)  
[7.3.606 PUD Development Plan](#)  
[7.5.502.E Development Plan Review](#)  
[Vicinity Map](#)  
[Westcreek III @ WR-Appeal\\_Staff-Presentation](#)

Citizen Ross Klinger, representing the appellant, stated the reason for the request for postponement to the June 12, 2018 City Council meeting was due to the documents that he submitted with the appeal were not published with the Agenda packet that was presented to City Council.

There were no comments on this item.

**Motion by Councilmember Strand, seconded by Councilmember Bennett, that the appeal of the City Planning Commission's decision for Westcreek III minor PUD development plan amendment based on the findings that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906(A)(4), and that the minor PUD development plan amendment application meets the review criteria in City Code Section 7.3.606 and City Code Section 7.5.502.E be postponed to the June 12, 2018 City Council meeting. The motion passed by a vote of 9-0-0**

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

**12.B.** [AR FP 17-00331](#)

An appeal of the City Planning Commission's decision to uphold the administrative approval of the final subdivision plat for the Westcreek III at Wolf Ranch Subdivision Filing Number 13 illustrating a 52 lot subdivision on 18.4 acres of land located north of the Cowpoke Road and Tutt Boulevard intersection.

(QUASI-JUDICIAL)

Related Files: AR PUD 06-00515-A1MN17, AR FP 17-00331

Presenter:

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

**Attachments:** [Figure 2 - Westcreek @ WR Filing 13 FP 2018](#)  
[7.5.906 \(A\)\(4\) Administrative Appeal](#)  
[7.7.102 Subdivision Plats Review Criteria](#)  
[7.7.303 Final Plat Req - Subdivision Plats Review Criteria](#)

Please see comments in Agenda item 12.A.

**Motion by Councilmember Bennett, seconded by Councilmember Strand, that the appeal of the City Planning Commission's decision to approve Westcreek III's final subdivision plat based on the findings that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906(A)(4), and that the final subdivision plat for Westcreek III at Wolf Ranch Subdivision Filing Number 13 meets the review criteria in City Code Section 7.7.102 and City Code Section 7.7.303. be postponed to the June 12, 2018 City Council meeting. The motion passed by a vote of 9-0-0**

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

- 12.C.** [CPC A 17-00004R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as The Sands Addition No. 1 Annexation.

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00005, CPC A 17-00006, CPC A 17-00007, CPC MP 17-00080, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083, CPC CP 17-00084

Presenter:

Peter Wysocki, Director, Planning and Community Development  
Catherine Carleo, Principal Planner, Planning and Community Development

**Attachments:** [RES-FindingsOfFact-Sands Addition No 1](#)  
[Exhibit A Legal The Sands Addition No.1](#)  
[Planners Affidavit The Sands](#)  
[City Clerk Affidavit The Sands](#)  
[Surveyor Affidavit The Sands](#)

Catherine Carleo, Principal Planner, Planning and Community Development, presented the site location of The Sands Additions No. 1-4, gave a brief background on the property, the serial annexation, fiscal impact, proposed zoning, and proposed master plan. She identified the Cimarron Hills enclave and the stakeholder process that had been completed. Ms. Carleo stated The Sands Metropolitan District 4 is not eligible to be annexed due to the lack of contiguity required by state statute. She compared the City's standard service plan conditions to El Paso County's standard service plan conditions.

Ben Bollinger, Senior Attorney, provided an overview of the proposed intergovernmental agreement (IGA) between the City and The Sands Metropolitan District 1, 2, and 3. He said the IGA would be on the June 12, 2018 City Council meeting agenda for approval.

President Pro Tem Gaebler asked why the City would want to annex in Capital Drive which will be used for heavy industrial vehicles. Kathleen Krager, Traffic Engineering Division Manager, stated that if the City does not own the right-of-way or have stormwater control, the City would not be able to maintain them or have access control over them.

President Pro Tem Gaebler asked if the developer would have to honor their current metropolitan agreement with El Paso County for the next three years. Mr. Bollinger confirmed they would remain under the County's service plan with the exception of mill levy and the eminent domain aspect which are identified in the proposed IGA.

Councilmember Geislinger asked if the County had identified any objections to the IGA. Mr. Bollinger stated he was not aware of any objections because the IGA would lessen the County's authority over the district.

Craig Dossey, Director of Planning and Community Development for El Paso County, stated the service plan will have to be revised under the County's jurisdiction, but does not believe the County would be opposed to the IGA.

Councilmember Knight asked about the three properties allowed to be excluded from requiring City Council's approval for eminent domain and if it would affect a future City Council's authority over eminent domain. Mr. Bollinger said this agreement will not bind a future Council for a specific action.

Councilmember Murray asked why the developers do not dissolve the metropolitan district and annex in as property owners. Mr. Bollinger explained that there is a property owner who is annexing into the City, but is subject to the metropolitan district and because the City does not want County metropolitan districts operating within the City's boundaries, the City is now negotiating with the metropolitan district to become a City district through the IGA.

Jeff Mark with the Landhuis Co., representing the petitioner, explained why they are requesting the use of eminent domain and identified the three easements that are currently being negotiated. He stated the risk is minimal, but adds a level of protection to ensure access to the development. He explained the reason the metropolitan district asked for three years to separate from the County was due to the cost and the amount of time it takes to set up the board meetings and elections.

Councilmember Knight asked if any additional inclusions of property would be voluntary. Mr. Mark stated they do not intend to include any additional property, but believes it would require consent from that property owner. Pat Hrbacek, general counsel for the district, confirmed the property owner would have to submit a petition for inclusion.

Citizen Kurt Schlagel, Cherokee Metropolitan District, stated that The Sands Districts submitted a petition for exclusion from the Cherokee Metropolitan District which was denied, subsequently appealed, and is currently pending litigation in district court.

Councilmember Strand asked about the impact of the pending litigation. Mr. Bollinger stated the developer may be subject to payment of additional fees to the Cherokee Metropolitan District. Mr. Schlagel stated depending on the outcome of the case, The Sands Districts 1-3 may be required to receive their water and wastewater services from the Cherokee Metropolitan District. Mr. Hrbacek explained the Board of County Commissioners have granted the exclusion so the district court would have to overturn that decision and then the landowners would have the right to appeal. He stated there is also a statutory process known as municipal exclusion which could be utilized.

Mr. Dossey said The Sands District recently denied acceptance of the County's Annexation Impact Report due to the issues with the Marksheffel Road, Constitution Road, and Capital Drive right-of-way and stated that he is in support of the City taking ownership of those roads not only from a land use standpoint, but also a multi-jurisdictional standpoint.

Councilmember Geislinger asked what adverse impacts to the industrial properties will the proximity of residential developments cause. Marc Smith, Division Chief, Corporate Legislative Counsel, stated that once the

districts are annexed in they will have to abide by the City's standards and that information will not be available until the development plan is created. Mr. Dossey stated they have not identified any potential problems with the existing industrial property owners.

President Pro Tem Gaebler stated that she does not support this due to the number of exceptions to City policies that are being made and the amount of information that was just received today.

Councilmember Pico asked if an annexation would override the Cherokee Metropolitan District litigation. Mr. Smith stated that he would research that.

**Motion by Councilmember Bennett, seconded by Councilmember Geislinger, that the Resolution of finding that The Sands Addition No. 1 Annexation meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation as amended contingent on the subsequent approval of the Intergovernmental Agreement (IGA) between the City and the Sands Metro Districts No. 1 through 3 and adoption on second reading of the associated Ordinances be adopted. The motion passed by a vote of 7-2-0-0**

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

**No:** 2 - Gaebler, and Murray

**12.D.** [CPC A  
17-00004](#)

An ordinance annexing to the City of Colorado Springs an area known as The Sands Addition No.1 Annexation consisting of 38.67 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue.

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00004R, CPC A 17-00005R, CPC A 17-00005, CPC A 17-00006R, CPC A 17-00006, CPC A 17-00007R, CPC A 17-00007, CPC MP 17-00080, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083, CPC CP 17-00084

Presenter:

Peter Wysocki, Director, Planning and Community Development  
Catherine Carleo, Principal Planner, Planning and Community Development

**Attachments:** [Annex\\_ORD\\_SandsAdditionNo1](#)  
[Exhibit A Legal The Sands Addition No.1](#)  
[Exhibit B FINAL DRAFT The Sands Annexation Agreement 5-4-2018](#)  
[Exhibit 1 Petitioner's Memo-Draft IGA](#)  
[The Sands Annexation Addition No. 1 Plat](#)  
[Vicinity Map The Sands](#)  
[Street Map](#)  
[EnclaveMap The Sands Annexation](#)  
[CPC Staff Report The Sands Annexation\\_KAC](#)  
[FIGURE 1 Project Statements](#)  
[FIGURE 2 Airport Advisory Committee Review](#)  
[FIGURE 3 District 49 Comments](#)  
[FIGURE 4 The Sands Annexation Addition No. 1](#)  
[FIGURE 5 The Sands Annexation Addition No. 2](#)  
[FIGURE 6 The Sands Annexation Addition No. 3](#)  
[FIGURE 7 The Sands Annexation Addition No. 4](#)  
[FIGURE 8 Sands Annex Agreement](#)  
[FIGURE 9 Fiscal Impact Report FIA The Sands Annexation](#)  
[FIGURE 10 Rezone Map M1 ZONE](#)  
[FIGURE 11 Rezone Map PBC ZONE](#)  
[FIGURE 12 Rezone Map R1 6000](#)  
[FIGURE 13 The Sands Master Plan](#)  
[FIGURE 14 The Sands Concept Plan](#)  
[FIGURE 15 Land Suitability Analysis](#)  
[FIGURE 16 Natural Resource Letter](#)  
[FIGURE 17 SECWCD Letter of Assent](#)  
[FIGURE 18 CGS Comments](#)  
[7.6.203-Annexation Conditions](#)

Please see comments in Agenda item 12.C.

**Motion by Councilmember Bennett, seconded by Councilmember Pico, that the Ordinance annexing to the City of Colorado Springs the Sands Addition No.1 Annexation based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be approved on first reading. The motion passed by a vote of 7-2-0-0**

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

**No:** 2 - Gaebler, and Murray

**12.E.** [CPC A](#) A resolution adopting findings of fact and conclusions of law based  
[17-00005R](#) thereon and determining the eligibility for annexation of property known

as The Sands Addition No. 2 Annexation.

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00005, CPC A 17-00006, CPC A 17-00007, CPC MP 17-00080, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083, CPC CP 17-00084

Presenter:

Peter Wysocki, Director, Planning and Community Development  
Catherine Carleo, Principal Planner, Planning and Community Development

**Attachments:** [RES-FindingsOfFact-Sands Addition No 2](#)  
[Exhibit A Legal The Sands Addition No.2](#)  
[Planners Affidavit The Sands](#)  
[City Clerk Affidavit The Sands](#)  
[Surveyor Affidavit The Sands](#)

Please see comments in Agenda item 12.C.

**Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution of finding of finding that The Sands Addition No. 2 Annexation meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation be adopted. The motion passed by a vote of 7-2-0-0**

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

**No:** 2 - Gaebler, and Murray

**12.F.** [CPC A 17-00005](#)

An ordinance annexing to the City of Colorado Springs an area known as The Sands Addition No.2 Annexation consisting of 23.90 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue.

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00004R, CPC A 17-00005R, CPC A 17-00005, CPC A 17-00006R, CPC A 17-00006, CPC A 17-00007R, CPC A 17-00007, CPC MP 17-00080, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083, CPC CP 17-00084

Presenter:

Peter Wysocki, Director, Planning and Community Development  
Catherine Carleo, Principal Planner, Planning and Community Development



**Attachments:** [Annex ORD SandsAdditionNo2](#)  
[Exhibit A Legal The Sands Addition No.2](#)  
[Exhibit B FINAL DRAFT The Sands Annexation Agreement 5-4-2018](#)  
[The Sands Annexation Addition No. 2 Plat](#)  
[7.6.203-Annexation Conditions](#)

Please see comments in Agenda item 12.C.

**Motion by Councilmember Bennett, seconded by Councilmember Pico, that the Ordinance annexing to the City of Colorado Springs the Sands Addition No. 2 Annexation based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be approved on first reading. The motion passed by a vote of 7-2-0-0**

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

**No:** 2 - Gaebler, and Murray

- 12.G.** [CPC A 17-00006R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as The Sands Addition No. 3 Annexation.

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00005, CPC A 17-00006, CPC A 17-00007, CPC MP 17-00080, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083, CPC CP 17-00084

Presenter:

Peter Wysocki, Director, Planning and Community Development  
Catherine Carleo, Principal Planner, Planning and Community Development

**Attachments:** [RES-FindingsOfFact-Sands Addition No 3](#)  
[Exhibit A Legal The Sands Addition No.3](#)  
[City Clerk Affidavit The Sands](#)  
[Planners Affidavit The Sands](#)  
[Surveyor Affidavit The Sands](#)

Please see comments in Agenda item 12.C.

**Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution of finding that The Sands Addition No. 3 Annexation meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation be adopted. The motion passed by a vote of 7-2-0-0**

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

No: 2 - Gaebler, and Murray

- 12.H. [CPC A 17-00006](#) An ordinance annexing to the City of Colorado Springs an area known as The Sands Addition No. 3 Annexation consisting of 24.74 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue.

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00004R, CPC A 17-00005R, CPC A 17-00005, CPC A 17-00006R, CPC A 17-00006, CPC A 17-00007R, CPC A 17-00007, CPC MP 17-00080, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083, CPC CP 17-00084

Presenter:

Peter Wysocki, Director, Planning and Community Development  
Catherine Carleo, Principal Planner, Planning and Community Development

**Attachments:** [Annex ORD SandsAdditionNo3](#)  
[Exhibit A Legal The Sands Addition No.3](#)  
[Exhibit B FINAL DRAFT The Sands Annexation Agreement 5-4-2018](#)  
[The Sands Annexation Addition No. 3 Plat](#)  
[7.6.203-Annexation Conditions](#)

Please see comments in Agenda item 12.C.

**Motion by Councilmember Strand, seconded by Councilmember Pico, that the Ordinance annexing to the City of Colorado Springs the Sands Addition No.3 Annexation based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be approved on first reading. The motion passed by a vote of 7-2-0-0**

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

**No:** 2 - Gaebler, and Murray

- 12.I. [CPC A 17-00007R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as The Sands Addition No. 4 Annexation.

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00005, CPC A 17-00006, CPC A 17-00007, CPC MP 17-00080, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083, CPC CP 17-00084

Presenter:

Peter Wysocki, Director, Planning and Community Development  
Catherine Carleo, Principal Planner, Planning and Community  
Development

**Attachments:** [RES-FindingsOfFact-Sands Addition No 4](#)  
[Exhibit A Legal The Sands Addition No.4](#)  
[City Clerk Affidavit The Sands](#)  
[Planners Affidavit The Sands](#)  
[Surveyor Affidavit The Sands](#)

Please see comments in Agenda item 12.C.

**Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution of finding that The Sands Addition No. 4 Annexation meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation be adopted. The motion passed by a vote of 7-2-0-0**

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

**No:** 2 - Gaebler, and Murray

- 12.J. [CPC A 17-00007](#) An Ordinance annexing to the City of Colorado Springs an area known as The Sands Addition No. 4 Annexation consisting of 53.29 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue.

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00004R, CPC A 17-00005R, CPC A 17-00005, CPC A 17-00006R, CPC A 17-00006, CPC A 17-00007R, CPC A 17-00007, CPC MP 17-00080, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083, CPC CP 17-00084

Presenter:

Peter Wysocki, Director, Planning and Community Development  
Catherine Carleo, Principal Planner, Planning and Community  
Development

**Attachments:** [Annex ORD SandsAdditionNo4](#)  
[Exhibit A Legal The Sands Addition No.4](#)  
[Exhibit B FINAL DRAFT The Sands Annexation Agreement 5-4-2018](#)  
[The Sands Annexation Addition No. 4 Plat](#)  
[7.6.203-Annexation Conditions](#)

Please see comments in Agenda item 12.C.

**Motion by Councilmember Strand, seconded by Councilmember Pico, that the**

**Ordinance annexing to the City of Colorado Springs the Sands Addition No.4 Annexation based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be approved on first reading. The motion passed by a vote of 7-2-0-0**

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

**No:** 2 - Gaebler, and Murray

- 12.K.** [CPC MP 17-00080](#) A resolution for The Sands Master Plan illustrating future development of 140.61 acres including 10.79 acres commercial, 17.58 acres industrial, 77.94 acres residential, 8.00 acres public park and 26.30 acres future right-of-way located northeast of the intersection of Marksheffel road and Constitution Avenue.

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00004R, CPC A 17-00005R, CPC A 17-00005, CPC A 17-00006R, CPC A 17-00006, CPC A 17-00007R, CPC A 17-00007, CPC MP 17-00080, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083, CPC CP 17-00084

Presenter:

Peter Wysocki, Director, Planning and Community Development  
Catherine Carleo, Principal Planner, Planning and Community Development

**Attachments:** [RES SandsMasterPlan](#)  
[Exhibit A The Sands Master Plan](#)  
[FIGURE 13 The Sands Master Plan](#)  
[7.5.408 MASTER PLAN REVIEW CRITERIA](#)

Please see comments in Agenda item 12.C.

**Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution for establishment of The Sands Master Plan that meets the requirements of and fully complies with Part 1 Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965, as amended, and finds that the Plan conforms to the review criteria contained in Section 7.5.408 of City Code be adopted. The motion passed by a vote of 7-2-0-0**

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

**No:** 2 - Gaebler, and Murray

- 12.L.** [CPC ZC 17-00081](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 17.58 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue establishing the M-1/AO/SS (Light Industrial with Airport and Streamside Overlay) zone district

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00004R, CPC A 17-00005R, CPC A 17-00005, CPC A 17-00006R, CPC A 17-00006, CPC A 17-00007R, CPC A 17-00007, CPC MP 17-00080, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083, CPC CP 17-00084

Presenter:

Peter Wysocki, Director, Planning and Community Development  
Catherine Carleo, Principal Planner, Planning and Community Development

**Attachments:** [ZC ORD TheSands M-1-AO-SS](#)

[Exhibit A Legal Sands Industrial](#)

[Exhibit B Rezone Map M1 ZONE](#)

[7.5.603 Findings - ZC req CA](#)

Please see comments in Agenda item 12.C.

**Motion by Councilmember Strand, seconded by Councilmember Pico, that the Ordinance establishing the M-1/AO/SS (Light Industrial with Airport and Streamside Overlay) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) be approved on first reading. The motion passed by a vote of 7-2-0-0**

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

**No:** 2 - Gaebler, and Murray

**12.M.** [CPC ZC 17-00082](#)

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 85.94 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue establishing the R1-6000/DFOZ/AO/SS (Single-Family Residential with Design Flexibility, Airport and Streamside Overlays) zone district.

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00004R, CPC A 17-00005R, CPC A 17-00005, CPC A 17-00006R, CPC A 17-00006, CPC A 17-00007R, CPC A 17-00007, CPC MP 17-00080, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083, CPC CP 17-00084

Presenter:

Peter Wysocki, Director, Planning and Community Development  
Catherine Carleo, Principal Planner, Planning and Community Development

**Attachments:** [ZC ORD TheSands R1-6000](#)  
[Exhibit A Legal Sands Residential](#)  
[Exhibit B Rezone Map R1 6000](#)  
[7.5.603 Findings - ZC req CA](#)

Please see comments in Agenda item 12.C.

**Motion by Councilmember Pico, seconded by Councilmember Strand, that the Ordinance for the establishment of the R1-6000/DFOZ/AO/SS (Single-Family Residential with Design Flexibility Overlay, Airport Overlay and Streamside Overlay) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) be approved on first reading. The motion passed by a vote of 7-2-0-0**

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

**No:** 2 - Gaebler, and Murray

- 12.N.** [CPC ZC 17-00083](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 10.79 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue establishing the PBC/AO/SS (Planned Business Center with Airport and Streamside Overlays) zone district.

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00004R, CPC A 17-00005R, CPC A 17-00005, CPC A 17-00006R, CPC A 17-00006, CPC A 17-00007R, CPC A 17-00007, CPC MP 17-00080, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083, CPC CP 17-00084

Presenter:

Peter Wysocki, Director, Planning and Community Development  
Catherine Carleo, Principal Planner, Planning and Community Development

**Attachments:** [ZC ORD TheSands PBC](#)  
[Exhibit A Legal Sands Commercial](#)  
[Exhibit B Rezone Map PBC ZONE](#)  
[7.5.603 Findings - ZC req CA](#)

Please see comments in Agenda item 12.C.

**Motion by Councilmember Knight, seconded by Councilmember Pico, that the Ordinance establishing the PBC/AO/SS (Planned Business Center with Airport and Streamside Overlays) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) be approved on first reading.**

**The motion passed by a vote of 7-2-0-0****Aye:** 7 - Avila, Bennett, Geislinger, Knight, Pico, Skorman, and Strand**No:** 2 - Gaebler, and Murray**12.O. [CPC CP  
17-00084](#)**

A Concept Plan for The Sands illustrating future development of 140.61 acres of commercial, industrial, residential, and park land located northeast of the intersection of Marksheffel Road and Constitution Avenue.

(Quasi-Judicial)

Related Files: CPC A 17-00004, CPC A 17-00004R, CPC A 17-00005R, CPC A 17-00005, CPC A 17-00006R, CPC A 17-00006, CPC A 17-00007R, CPC A 17-00007, CPC MP 17-00080, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083, CPC CP 17-00084

Presenter:

Peter Wysocki, Director, Planning and Community Development  
Catherine Carleo, Principal Planner, Planning and Community Development

**Attachments:** [FIGURE 14\\_The Sands Concept Plan  
7.5.501.E Concept Plans](#)

Please see comments in Agenda item 12.C.

**Motion by Councilmember Bennett, seconded by Councilmember Pico, that The Sands Concept Plan, based upon the findings that the proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E) be approved. The motion passed by a vote of 7-2-0-0**

**Aye:** 7 - Avila, Bennett, Geislinger, Knight, Pico, Skorman, and Strand**No:** 2 - Gaebler, 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

