



City of Colorado Springs

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

Meeting Minutes City Council

City Council meetings are broadcast live on Channel 18. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event.

Tuesday, September 13, 2022

10:00 AM

Council Chambers

How to Watch the Meeting

Coloradosprings.gov/springstv | Facebook Live: Colorado Springs City Council
Facebook Page @coscity Council | SPRINGS TV - Comcast Channel 18 / 880 (HD)
- Stratus IQ Channel 76 / 99 (Streaming)

How to Comment on Agenda Items

Before the meeting, you may email general comments for items not on the agenda or comments regarding agenda items to: allcouncil@coloradosprings.gov

During the meeting, those who wish to comment should submit their name, telephone number, and the topic or agenda item for comment via allcouncil@coloradosprings.gov in addition to calling +1 720-617-3426 United States, Denver (Toll) and entering this Conference ID: 374 013 215#

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

1. Call to Order and Roll Call

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

Councilmember Murray attended the meeting virtually.

2. Invocation and Pledge of Allegiance

The Invocation was made by Chaplain Kevin Ballard from the Colorado Springs Fire Department.

President Strand led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

President Strand stated staff requested Item 4B.H. be removed from the Consent Calendar in order to identify corrections.

- 3.A. [CPC PUZ 22-00057](#) An appeal of the Planning Commission's denial of the Spectrum Loop Multi-Family project to change 11.925 acres from A (Agricultural) to PUD (Planned Unit Development: Residential, 35 dwelling units per acre, and 40 feet to 60 feet maximum building height).

(Quasi-Judicial)

Related Files: CPC PUP 20-00058

Presenter:

William Gray, Senior Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Attachments: [Exhibit A - Legal](#)
[Exhibit B - Zone Change_09.13.22](#)
[Spectrum Loop - WEG Presentation](#)
[AppealStatment](#)
[Concept Plan Revised_9.13.22](#)
[NewPerspective_9.13.22](#)
[Traffic Impact Study_09.12.22](#)
[CPC Staff Report_Spectrum Loop Multi-Family](#)
[Project Statement](#)
[Public Comment](#)
[Public Comment Response](#)
[Context Map](#)
[Vicinity Map](#)
[CPC_Minutes_SpectrumLoop](#)
[Exhibit B - Zone Change_CPC](#)
[Concept Plan_CPC](#)
[PlanCOS Vision Map](#)
[7.3.603 Establishment & Development of a PUD Zone](#)
[7.5.603.B Findings - ZC](#)
[7.5.906 \(B\) Appeal of Commission-Board](#)

There were no comments on this item.

Motion by Councilmember Donelson, seconded by Councilmember O'Malley, that the appeal be postponed to the September 27, 2022, City Council regular hearing per City Code Section 7.5.906.B.3. The motion passed by a vote of 9-0-0

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

- 3.B. [CPC PUP 22-00058](#) An appeal of the Planning Commission's denial of the Spectrum Loop Multi-Family project for a PUD Concept Plan graphically representing a

future multi-family development.

(Quasi-Judicial)

Related Files: CPC PUZ 20-00057 and CPC PUP 20-00058

Presenter:

William Gray, Senior Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Attachments: [Concept Plan Revised 9.13.22](#)

[Perspective 9.13.22](#)

[7.5.906 \(B\) Appeal of Commission-Board](#)

There were no comments on this item.

Motion by Councilmember Williams, seconded by Councilmember Donelson, that the appeal be postponed to the September 27, 2022, City Council regular hearing per City Code Section 7.5.906.B.3. The motion passed by a vote of 9-0-0

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

4. Consent Calendar

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

4A. Second Presentation:

4A.A. [CPC PUZ 21-00187](#)

Ordinance No. 22-55 amending the zoning map of the City of Colorado Springs relating to 45.66 acres located southeast of Grand Vista Circle at West Fillmore Street from PUD/SS/HS (Planned Unit Development: Multi-Family, 3.5 to 7.99 dwelling units per acre not to exceed 500 units, maximum building heights as shown on any approved concept plan not to exceed 69 feet using hillside height calculations, with Streamside and Hillside Overlays) to PUD/SS/HS (Planned Unit Development: Single-Family and/or Multi-Family, 2.38 to 7.99 du/ac not to exceed 364 units, maximum building heights as shown on any approved concept plan not to exceed 69 feet using hillside height calculations with Streamside and Hillside Overlays)
(Quasi-judicial)

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

Presenter:

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

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC_ThePreserveAtMesaCreek](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Zone Change](#)

[Signed Ordinance No. 22-55](#)

This Ordinance was finally passed on the Consent Calendar

4A.B. [CPC A
21-00048](#)

Ordinance No. 22-56 annexing to the City of Colorado Springs that area known as Woodmen East Commercial Center Addition No. 1 annexation consisting of 30.74 acres located southeast of the Mohawk Road and East Woodmen Road intersection

(Legislative)

Related Files: CPC A 21-00048R, CPC ZC 21-00141, CPC CP 21-00142

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_WoodmenEastCommercialCtrAddNo1Annex](#)

[Exhibit A - AnnexLegalDesc](#)

[Signed Ordinance No. 22-56](#)

This Ordinance was finally passed on the Consent Calendar

4A.C. [CPC ZC
21-00141](#)

Ordinance No. 22-57 amending the zoning map of the City of Colorado Springs pertaining to 30.74 acres located southeast of the Mohawk Road and East Woodmen Road intersection establishing a PBC/AO (Planned Business Center with Airport Overlay) zone

(Legislative)

Related Files: CPC A 21-00048R, CPC A 21-00048, CPC CP 21-00142

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC_WoodmenEastCommercialCtrAddNo1](#)
[Exhibit A - Legal ZC](#)
[Exhibit B - Zone Change Depiction](#)
[Signed Ordinance No. 22-57](#)

This Ordinance was finally passed on the Consent Calendar

4B. First Presentation:

4B.A. [22-573](#) City Council Regular Meeting Minutes August 23, 2022

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [8-23-2022 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.B. [22-509](#) Ordinance No. 22-58 amending Ordinance No. 21-112 (2022 Budget Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$2,500,000 to complete the replacement of the heating, ventilation and air conditioning (HVAC) system at the Colorado Springs Pioneers Museum

Presenter:
Chris Fiandaca, City Budget Manager
Charae McDaniel - Chief Financial Officer
Britt Haley - Acting Parks, Recreation and Cultural Services Director

Attachments: [Ordinance for Supplemental Approp-Pioneer Museum HVAC 2022](#)

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

4B.C. [22-485](#) Ordinance No. 22-59 declining the participation of the City of Colorado Springs in the Colorado Paid Family and Medical Leave Insurance Program

Presenter:
Michael Sullivan, Chief Human Resources Officer, City of Colorado Springs
Renee Adams, General Manager - Human Resources, Colorado Springs Utilities

- Attachments:** [FAMLIDeclinationORD](#)
[LocalGov 2](#)
[FAMLI April Webinar - Local Governments](#)
[FAMLI Decline Participation Council Presentation Final2](#)
[knowledgenow-famli-online](#)

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

- 4B.D. [22-575](#)** Request to Establish a Public Hearing Date for the Consideration of Resolutions Setting Water, Wastewater, and Certain Electric Rates Within the Service Areas of Colorado Springs Utilities and Certain Changes to Electric, Natural Gas, Water, and Wastewater Rate Schedules, Utilities Rules and Regulations, and the Open Access Transmission Tariff

This Item was approved on the Consent Calendar.

- 4B.E. [22-557](#)** A Resolution Repealing Resolution 157-91 Dissolving the City Investment Advisory Committee

Presenter:
Bill Murray, Councilmember At Large
Charae McDaniel, Chief Financial Officer

- Attachments:** [DissolvingInvestmentAdvisoryCommitteeRES-2022-08-11](#)
[Signed Resolution No. 122-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.F. [22-574](#)** A resolution finding a petition for annexation of the area known as West Colorado Addition No. 1 - 3 Annexation consisting of 7.21 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of October 25, 2022, for the Colorado Springs City Council to consider the annexation of the area.

(Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

Attachments: [RES_SettingHearingDate_WColoradoAvAdNos1-3](#)
[Exhibit A - PetitionsForWColoradoAvAddNos1-3](#)
[W.Colorado Annex_Memo to Clerk to Advertise](#)
[PUBLIC NOTICE_W.Colo Annexation](#)
[W.ColoradoAveAdditionNo.1_AnnexationPlat](#)
[W.ColoradoAveAdditionNo.2_AnnexationPlat](#)
[W.ColoradoAveAdditionNo.3_AnnexationPlat](#)
[Vicinity_AddNo.1](#)
[Vicinity_AddNo.2](#)
[Vicinity_AddNo.3](#)
[Signed Resolution No. 123-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.G. [22-546](#)** A resolution granting a request for an Amendment to Plat Restriction for Falcon Estates Filing No. 4 Subdivision No. 1, Lot 2

Legislative

Presenter:

Drew Foxx, Planner II, Planning and Community Development
 Peter Wysocki, Planning Director, Planning and Community Development.

Attachments: [RES_AmendmentPlatRestriction](#)
[Exhibit A Certificate of Amendment to Plat Restriction Recorded](#)
[CC_1115 Cragin Rd_DFF](#)
[7.7.503.D.1 ResolutionsForAmendingPlatRestrictions](#)
[Signed Resolution No. 124-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.I. [CPC PUZ](#)
[22-00036](#)** Ordinance No. 22-60 amending the zoning map of the City of Colorado Springs relating to 20.26 acres located west of South Chelton Road along the north and south side of Hancock Expressway from PUD/PUD/OC/CR/PBC/AO (Planned Unit Development: Townhomes, 30-foot maximum building height with 15 dwelling units per acre; Planned Unit Development: Townhomes, 35-foot maximum building height, 11.668 dwelling units per acre with Navigation Preservation Overlay; Office Complex with Airport Overlay; and Planned Business Center with Airport Overlay) to PUD/AO (Planned Unit Development: Community Commercial, 20,000 square foot maximum, and 45-foot maximum building height; Residential Very High, 25 dwelling units per acre maximum, and 45-foot maximum building height; Residential Medium, 8 dwelling units per acre maximum, and 35-foot maximum building height;

with Airport Overlay)

(Quasi-judicial)

Related File: CPC PUP 22-00037

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD ZC HancockCommons](#)

[Exhibit A - Legal Desc](#)

[Exhibit B - Zone Change](#)

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

4B.J. [CPC PUP 22-00037](#)

A concept plan for 20.26 acres located west of South Chelton Road along the north and south sides of Hancock Expressway for multi-family residential and commercial development.

(Quasi-judicial)

Related Files: CPC PUZ 22-00036, CPC PUP 22-00037

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [Concept Plan](#)

[7.3.605 PUD Concept Plan](#)

[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

4B.K. [CPC MP 87-00381-A3 MJ22](#)

A resolution approving a major amendment to the Banning Lewis Ranch Master Plan changing land use designations from residential-medium high, neighborhood retail, school, and park to residential-medium, commercial, mixed commercial/residential-high, park and open space consisting of 184.29 acres located east of the North Marksheffel Road and Barnes Road intersection.

(Legislative)

Related Files: CPC PUZ 22-00034 and CPC PUP 16-00013-A4MJ22

Presenter:

William Gray, Senior Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Attachments: [RES BanningLewisRanchMPA](#)
[Exhibit A - Master Plan Amendment](#)
[Enclaves@MVE WEG Presentation](#)
[CPC Staff Report_ Enclaves at Mountain Vista East](#)
[Project Statement](#)
[Master Plan](#)
[Zone Change](#)
[Concept Plan](#)
[Fiscal Impact Analysis](#)
[Vicinity Map](#)
[Context Map](#)
[PlanCOS Vision Map](#)
[CPC Minutes ConsentCalendar](#)
[7.5.408 Master Plan](#)
[Signed Resolution No. 125-22](#)

This Resolution was adopted on the Consent Calendar.

**4B.L. [CPC PUZ](#)
[22-00034](#)**

Ordinance No. 22-61 amending the zoning map of the City of Colorado Springs for the Enclaves at Mountain Vista Ranch East project changing 184.29 acres from R-1 6000/PBC/AO/R-5/PUD/PK/SS/AO (Single-Family Residential, Planned Business Center, Multi-Family Residential, Planned Unit Development, and Public Parks with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential, 3.5 dwelling units per acre to 24.99 dwelling units per acre, and 35 feet maximum building height; and Commercial, 138,500 square feet maximum, and 45 feet maximum building height, with Streamside and Airport Overlays).

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A31MJ22 and CPC PUP
16-00013-A4MJ22

Presenter:

William Gray, Senior Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

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

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

4B.M. [CPC PUP 16-00013-A4 MJ22](#) A PUD Concept Plan for the Enclaves at Mountain Vista Ranch East project illustrating a phased residential and commercial development with a mix of land uses, public and private improvements, and the realignment of Barnes Road.

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A31MJ22 and CPC PUZ 22-00034

Presenter:
 William Gray, Senior Planner, Planning & Community Development
 Peter Wysocki, Director, Planning & Community Development

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

This Item was approved on the Consent Calendar.

Approval of the Consent Agenda

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

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

5. Recognitions

5.A. [22-553](#) A Resolution recognizing September 2022 as Suicide Prevention Month

Presenter:
 Nancy Henjum, Councilmember District 5

Attachments: [Suicide Prevention Month](#)
[Signed Resolution No. 126-22](#)

Councilmember Henjum read a Resolution recognizing September 2022 as Suicide Prevention Month and read several tenets of companioning the bereaved.

Cassandra Walton, Executive Director, Pikes Peak Prevention Partnership

and Co-Chair, Suicide Prevention Collaborative of El Paso County, stated they work to unite community partners in addressing suicide prevention by creating quality lives for everyone.

Motion by Councilmember Fortune, seconded by President Pro Tem Helms, that the Resolution recognizing September 2022 as Suicide Prevention Month be adopted. The motion passed by a vote of 9-0-0-0

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

- 5.B.** [22-580](#) A Resolution recognizing September 17, 2022 as Constitution Day and Citizenship Day

Presenter:

Wayne Williams, Councilmember At Large

Attachments: [Constitution Day and Citizenship Day](#)
[Signed Resolution No. 127-22](#)

Councilmember Williams read a Resolution recognizing September 17, 2022 as Constitution Day and Citizenship Day, gave a brief history of the United States Constitution, and expressed appreciation for those who have protected it.

Motion by Councilmember Donelson, seconded by Councilmember O'Malley, that the Resolution recognizing September 17, 2022 as Constitution Day and Citizenship Day be adopted. The motion passed by a vote of 9-0-0-0

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

- 5.C.** [22-581](#) A Resolution Celebrating September 18, 2022 as the 75th Anniversary Of The United States Air Force

Presenter:

Randy Helms, President Pro Tem and Councilmember District 2

Attachments: [Air Force Anniversary](#)
[Signed Resolution No. 128-22](#)

Randy Helms, President Pro Tem and Councilmember District 2, provided a brief history of the United States Air Force and read a Resolution celebrating September 18, 2022 as the 75th Anniversary of the United States Air Force

Colonel Randy Combs, Space Base Delta One Vice Commander, Schriever Space Force Base, and Chief Master Sergeant Sevin Balkuvvar, Space Base Delta One Command Chief of Peterson Space Force Base, expressed appreciation of the City's and City Council's support of service members and veterans.

Several Councilmembers honored the members and veterans of the United States Air Force.

Motion by Councilmember Donelson, seconded by Councilmember Fortune, that the Resolution celebrating September 18, 2022 as the 75th Anniversary of the United States Air Force be adopted. The motion passed by a vote of 9-0-0

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

- 5.D.** [22-582](#) A Resolution Recognizing September 24 through October 2 as Creek Week 2022

Presenter:

Stephannie Fortune, Councilmember District 3

Helen Sweeney, Watershed Outreach Assistant, Fountain Creek Watershed District

Attachments: [Creek Week](#)
[Signed Resolution No. 129-22](#)

Councilmember Fortune read the Resolution recognizing September 24 through October 2 as Creek Week 2022.

Amy Brautigan, Watershed Outreach Coordinator Fountain Creek Watershed District, presented the Resolution recognizing the annual Creek Week clean-up which started nine years ago. She stated they have removed tons of litter from public lands, trails, and waterways and identified their website (www.fountain-creek.org) and the public events being offered during the week.

Councilmember Fortune and Councilmember Henjum expressed appreciation for their clean-up efforts.

Motion by Councilmember Fortune, seconded by Councilmember Murray, that the Resolution recognizing September 24 through October 2 as Creek Week 2022 be adopted. The motion passed by a vote of 9-0-0

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

- 5.E.** [22-554](#) A Resolution celebrating September 15th to October 15th as Hispanic Heritage Month

Presenter:

Yolanda Avila, Councilmember District 4

Attachments: [Hispanic Heritage Month](#)
[Signed Resolution No. 130-22](#)

Councilmember Avila read a Resolution celebrating September 15 to

October 15 as Hispanic Heritage Month.

Mariachi Tigre from Colorado College and Mariachi Wild Cat from University of Pueblo played a song in recognition of Hispanic Heritage Month.

Councilmember Avila introduced Carmen Abeyta, Dora Gonzalez, Julie Ramirez, Anna Marie Ortiz, Amy Sanchez Martinez, Josie Ornelas, Joyce Salazar, Jeannie Lira, Nancy Hernandez, Fabiola Jacquez, Jacqueline Jaramillo, Moni Hernandez, Cory Arcarese and Rose Martinez who are Latinas who have made great contributions to the community.

Ms. Arcarese expressed appreciation for the recognition.

Citizen Jaymen Johnson honored Councilmember Avila for her service to the community.

Several Councilmembers expressed gratitude for the members of the Hispanic community and their contributions to the community.

Motion by Councilmember Murray, seconded by Councilmember Donelson, that the Resolution celebrating September 15th to October 15th as Hispanic Heritage Month be adopted. The motion passed by a vote of 9-0-0

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

6. Mayor's Business

There was no Mayor's Business.

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

Citizens Andrew Dalby stated Councilmember Williams conspired with Jena Griswold to misappropriate over a million dollars of taxpayer's money to fund a joint campaign ad and requested that he resign from City Council.

Citizen Lawrence Martinez invited Councilmembers to visit Golden Lotus, the Asian Heritage Center.

Citizen Jaymen Johnson expressed appreciation for the recognitions given by City Council at today's meeting and spoke about the importance of the Constitution and the citizens of the City.

8. Items Called Off Consent Calendar

- 4B.H. [CPC ZC 22-00097](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 7.98 acres located at the intersection of Hidden Pool Heights and Democracy Point from PUD (Planned Unit Development) to PK (Public Park)

(Quasi-Judicial)

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Attachments: [ORD_ZC_VictoryPark](#)

[Exhibit A - Legal Desc](#)

[Exhibit B - Zone Depict](#)

[CPC Report_Victory Ridge Park](#)

[Project Statement](#)

[Victory Ridge Zone Change](#)

[Vision Map](#)

[CPC Minutes ConsentCalendar](#)

[7.5.603.B Findings - ZC](#)

Katelynn Wintz, Planning Supervisor, Planning Community Development, stated this item was pulled off the Consent Calendar because the location information in the title and Ordinance is incorrect. She stated this property is located in Victory Ridge which is at the intersection of Interquest Parkway and Voyager Parkway.

Councilmember Williams asked if the correct property was publicly posted and the affected property owners were notified of this hearing. Ms. Wintz confirmed it was.

Ben Bolinger, Assistant City Attorney, stated the Open Meetings notice for the title on the meeting agenda was incorrect but believes it would be legal to vote on the item today or City Council can choose to postpone the item so that the correct title can be posted with the next agenda.

Councilmember Murray stated he believes this item should be postponed.

Motion by Councilmember Donelson, seconded by Councilmember Murray, that the Ordinance be postpone to the September 27, 2022 City Council meeting. The motion passed by a vote of 9-0-0

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

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11.A. [22-512](#) Ordinance No. 22-62 repealing Part 18 (Acquisition and Disposition of Real Property Interests) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) and creating a new Part 5 (Acquisition of Real Property Interests) of article 2 (City Properties) of Chapter 3 (Public Property and Public Works) of the Code of the City of Colorado Springs 2001, as amended, pertaining to acquisition and disposition of real property.

Presenter:

Ben Bolinger, Legislative Counsel, Office of the City Attorney
Darlene Kennedy, Real Estate Services Manager

Attachments: [Staff Memo for Real Estate Code Amendment](#)
[ORD_Real Estate A&D](#)

Ben Bolinger, Assistant City Attorney, Office of the City Attorney, presented the Ordinance pertaining to acquisition and disposition of real property and explained that the real estate code provisions are currently located within the Zoning and Subdivision Code, however, the majority of City real estate transactions are not related to development or subdivision platting. He stated the list of dispositions which did not require City Council approval, has been removed from the Ordinance and refers to the Real Estate Manual which is adopted by City Council.

Motion by Councilmember Williams, seconded by President Pro Tem Helms, that the Ordinance repealing Part 18 (Acquisition and Disposition of Real Property Interests) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) and creating a new Part 5 (Acquisition of Real Property Interests) of Article 2 (City Properties) of Chapter 3 (Public Property and Public Works) of the Code of the City of Colorado Springs 2001, as amended, pertaining to acquisition and disposition of real property be approved on first reading. The motion passed by a vote of 9-0-0

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

12. Public Hearing

- 12.A. [CPC A 21-00137R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Dublin North Addition No. 5 annexation consisting of 5.895 acres located southeast of the Spring Breeze Drive and Tutt Boulevard intersection

(Legislative)

Related Files: CPC A 21-00137, CPC PUZ 21-00171, CPC PUD 21-00172

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [RES DublinNorthAdditionNo5 Findings](#)
[Exhibit A - Annex Legal Dublin North](#)
[Exhibit B - Annex Agreement](#)
[Annex Plat DublinNorthAddNo.5](#)
[Planner Affidavit](#)
[Surveyor Affidavit](#)
[Signed Resolution No. 131-22](#)

Katelynn Wintz, Planning Supervisor, Planning and Community Development, presented the Resolution, Ordinances, and Pikes Vista PUD Development Plan determining the eligibility for annexation of property known as Dublin North Addition No. 5 annexation, amending the zoning map establishing the PUD/AO (Planned Unit Development: attached and detached single-family residential, 7.7 dwelling units per acre, 40-foot maximum building height, with Airport Overlay) zone, and establishing residential land use for 45-units pertaining to 5.895 acres located southeast of the Spring Breeze Drive and Tutt Boulevard intersection. She provided an overview of the applications, vicinity map, general information, annexation, development plan, conformance with PlanCOS, and staff recommendations.

Bill Guman, Principal, William Guman and Associates, Ltd, representing the applicant, provided an overview of the Pikes Vista at Dublin North project, annexation plat, annexation vicinity, development plan, grading plan, utility plan, landscape plan, and elevations.

President Strand asked if all the units were duplexes. Mr. Guman

confirmed that they are all paired houses.

Councilmember Henjum asked if they have considered landscaping with native grasses. Mr. Guman confirmed they do adhere to the Colorado Springs Utilities' principles of water conservation.

Motion by President Pro Tem Helms, seconded by Councilmember Henjum, the Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Dublin North Addition No. 5 annexation consisting of 5.895 acres located southeast of the Spring Breeze Drive and Tutt Boulevard intersection be adopted. The motion passed by a vote of 9-0-0

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

- 12.B.** [CPC A 21-00137](#) Ordinance No. 22-63 annexing to the City of Colorado Springs that area known as Dublin North Addition No. 5 annexation consisting of 5.895 acres located southeast of the Spring Breeze Drive And Tutt Boulevard intersection

(Legislative)

Related Files: CPC A 21-00137R, CPC PUZ 21-00171, CPC PUD 21-00172

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_DublinNorthAdditionNo5Annex](#)
[Exhibit A - Annex Legal Dublin North](#)
[Annex Plat_DublinNorthAddNo.5](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Williams, seconded by Councilmember Murray, the Ordinance annexing into the City of Colorado Springs the area known as Dublin North Addition No. 5 consisting of 5.895 acres located southeast of the Spring Breeze Drive and Tutt Boulevard intersection, based upon the findings that the annexation complies with 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 9-0-0

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

- 12.C.** [CPC PUZ 21-00171](#) Ordinance No. 22-64 amending the zoning map of the City of Colorado Springs pertaining to 5.895 acres located southeast of the Spring Breeze Drive and Tutt Boulevard intersection establishing the PUD/AO (Planned Unit Development: attached and detached single-family

residential, 7.7 dwelling units per acre, 40-foot maximum building height, with Airport Overlay) zone

(Legislative)

Related Files: CPC A 21-00137R, CPC A 21-00137, CPC PUD 21-00172

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC_DublinNorthAddNo5](#)

[Exhibit A - ZC Legal](#)

[Exhibit B - ZoneChange](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Murray, seconded by Councilmember Henjum, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 5.895 acres located southeast of the Spring Breeze Drive and Tutt Boulevard intersection establishing the PUD/AO (Planned Unit Development: attached and detached single-family residential, 7.7 dwelling units per acre, 40-foot maximum building height, with Airport Overlay) zone, based upon the findings that the request meets the review criteria for establishing a PUD zone, as set forth in City Code Section 7.3.603, and that the change of zone request complies with the 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 9-0-0

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

12.D. [CPC PUD 21-00172](#)

The Pikes Vista PUD Development Plan establishing residential land use for 45-units located southeast of the Spring Breeze Drive And Tutt Boulevard intersection

(Quasi-Judicial)

Related Files: CPC A 21-00137R, CPC A 21-00137, CPC PUZ 21-00171

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [Development Plan](#)
[7.3.606 PUD Development Plan](#)
[7.5.502.E Development Plan Review](#)

Please see comments in Agenda item 12.A.

Motion by President Pro Tem Helms, seconded by Councilmember Henjum, that the Pikes Vista PUD Development Plan, based upon the findings that the proposal meets the review criteria for establishing a PUD Development Plan as set forth in City Code Section 7.3.606 and the review criteria for a Development Plan as set forth in City Code Section 7.5.502.D be approved. The motion passed by a vote of 9-0-0-0

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

- 12.E.** [CPC CU 22-00059](#) An appeal of City Planning Commission's approval of a conditional use development plan with technical modification that a multi-family residential project located at 2525 Concord Street comply with the OR (Office Residential) zone district of 20-foot minimum front yard setback.

Related File: CPC NV 22-00061

Presenter:

Tamara Baxter, Senior Planner, Planning & Community Development Department
 Peter Wysocki, Director, Planning and Community Development Department

Attachments: [Appellant Statement](#)
[2525 Concord Street TPB](#)
[CPC Staff Report 2525 Concord Street](#)
[AppellantPresentation 2525 Concord](#)
[Conditional Use Development Plan_itr](#)
[Project Statement](#)
[Vision Map](#)
[Public comments](#)
[Public Comment Response](#)
[Context Map](#)
[7.5.704 Conditional Use Review](#)
[7.5.502.E Development Plan Review](#)
[7.5.906 \(B\) Appeal of Commission-Board](#)

Tamara Baxter, Senior Planner, Planning and Community Development Department, presented the appeals of City Planning Commission's decision to approve a conditional use development plan with technical modification that a multi-family residential project located at 2525 Concord

Street comply with the OR (Office Residential) zone district of 20-foot minimum front yard setback and denial of a nonuse variance to reduce the minimum front yard setback from the required twenty feet to ten feet along North Cascade Avenue, West Harrison Street, and Concord Street for a multi-family residential project located at 2525 Concord Street. She provided an overview of the context map, general site details, project details, parking, nonuse variance setbacks, business operation, application, Planning Commission's action, stakeholder notice/comment, impact, conformance with PlanCOS, Planning Commission's decision, appellant appeal, and staff recommendation.

Councilmember Williams asked if anything precludes moving the buildings to the twenty-foot setback. Ms. Baxter stated the fire separation provisions would require the applicant to reduce the number of units or a building.

John Olson, Principal, Urban Landscapes, representing the appellant, identified the development team, site location, house design, concept plan, conformity with PlanCOS, nonuse variance discussion, ten-foot, eight-foot, and two-foot setback examples, and the sight distance.

Councilmember Donelson asked if there are properties on streets other than Cascade Avenue with setbacks of less than twenty feet. Mr. Olson stated not within the four-hundred-foot radius.

Councilmember O'Malley asked if the plan includes a sprinkler fire suppression system. Mr. Olson confirmed it does.

Councilmember Williams asked what the minimum setback could be and keep the same number of buildings. Mr. Olson stated he would have to ask the architects but believes it could be eighteen to nineteen feet.

Darsey Nicklasson, Owner and President, DH Investments, LLC, representing the applicant, spoke about the rising cost of housing and construction and the importance of infill projects, and they attempted to meet the twenty-foot setback, but it would mean losing an entire building from the project.

Citizen Alex Rodriguez spoke in opposition of the project.

Mr. Olson identified the proposed parking availability for the project and

stated the proposed buildings will not be higher than two-stories.

Councilmember Avila stated she supports this project.

Councilmember Fortune disclosed that she and her husband are investors in one of Ms. Nicklasson projects although not this particular one, has done work with Greccio Housing who are supporters of the project, and can remain fair and impartial, but will recuse herself from voting.

Councilmember Donelson stated the proposed buildings fit the character of the neighborhood, does believe there can be too much density, and will be supporting this project.

Motion by President Pro Tem Helms, seconded by Councilmember Murray, to uphold the appeal based upon the findings that the appeal criteria found in City Code Section 7.5.906.B are met and that the application complies with the review criteria for granting a Conditional Use as set forth in City Code Sections 7.5.704 and the review criteria for granting a Development Plan set forth in City Code Section 7.5.502.E. The motion passed by a vote of 8-0-0-1

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

Recused: 1 - Fortune

- 12.F.** [CPC NV 22-00061](#) An appeal of the City Planning Commission's denial of a nonuse variance to reduce the minimum front yard setback from the required 20 feet to 10 feet along North Cascade Avenue, West Harrison Street, and Concord Street for a multi-family residential project located at 2525 Concord Street.

(Quasi-Judicial)

Related File: CPC CU 22-00059

Presenter:

Tamara Baxter, Senior Planner, Planning & Community Development Department

Peter Wysocki, Director, Planning and Community Development Department

Attachments: [7.3.104\(A\)](#)
[7.5.802.B Nonuse Variance Criteria](#)
[7.5.802.E GuidelinesforReview NonuseVariance](#)
[7.5.906 \(B\) Appeal of Commission-Board](#)

Please see comments in Agenda item 12.E.

Motion by Councilmember Henjum, seconded by Councilmember Murray, to

uphold the appeal and approve the non-use variance based upon the finding that the appeal meets the requirements of City Code Section 7.5.906.B and that the application meets the criteria for a non-use variance as set forth in City Code Section 7.5.802.B. The motion passed by a vote of 8-0-0-1

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

Recused: 1 - Fortune

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