



# City of Colorado Springs

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

## Meeting Minutes City Council

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Tuesday, June 28, 2022

10:00 AM

Council Chambers

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

## 1. Call to Order and Roll Call

**Present:** 8 - 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

**Excused:** 1 - Councilmember Yolanda Avila

President Pro Tem Helms arrived at approximately 1:00 PM.

Councilmember Williams attended the meeting virtually.

## 2. Invocation and Pledge of Allegiance

The Invocation was made by Chaplain Bill Gandy from the Colorado Springs Fire Department/Cross Fellowship Church.

President Strand led the Pledge of Allegiance.

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

- 10.B. [22-339](#) Ordinance No. 22-39 amending Section 810 (Refunds) of Part 8 (Tax Returns and Payments) of Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Refunds

Presenter:

Charae McDaniel, Chief Financial Officer

**Attachments:** [SalesTaxHousingRefundORD-2022-07-05-clean](#)  
[SalesTaxHousingRefundORD-2022-07-05-redline](#)

Councilmember Henjum stated a couple of Councilmembers requested this item be postponed to the July 12, 2022 City Council meeting in order to work out the details of the measure in order to provide refunds to builders and developers who choose to build affordable housing units and assist with addressing the City's affordable housing crisis.

**Motion by Councilmember Fortune, seconded by Councilmember Henjum, that the Ordinance amending Section 810 (Refunds) of Part 8 (Tax Returns and Payments) of Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Refunds be postponed to the July 12, 2022 City Council meeting. The motion passed by a vote of 7-0-2-0**

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

**Excused:** 2 - Avila, and Helms

### **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.B. [22-308](#) Ordinance No. 22-33 Amending Ordinance No. 20-44 Revising the Name of the Law Enforcement Transparency and Accountability Commission

Presenter:

Janice Frazier, Chair, Law Enforcement Transparency and Accountability Commission

Steve Kern, Vice Chair, Law Enforcement Transparency and Accountability Commission

**Attachments:** [LETAC Revision20-44ORD-2022-05-11](#)

This Ordinance was finally passed on the Consent Calendar.

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

**4B.A.** [22-375](#) City Council Regular Meeting Minutes June 14, 2022

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [6-14-2022 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

**4B.B.** [CPC V  
21-00077](#) Ordinance No. 22-35 vacating the public right-of-way known as Greeley Street consisting of 0.567-acres located north of Wheeler Avenue and west of Golden Avenue.

(Legislative)

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

**Attachments:** [ORD\\_ROWVaction\\_GreeleyStreet](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Vacation Plat](#)

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

**4B.C.** [22-297](#) A resolution approving the administrative dissolution of the Gold Hill Mesa Metropolitan District No. 3 located near the intersection of U.S. Highway 24 and 21st Street

Presenters  
Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

**Attachments:** [GoldHillNo3DissolutionRES-2022-06-07](#)

[Exhibit A -Board Resolution](#)

[Gold Hill MD No. 3 Dissolution - Staff Presentation](#)

[Applicant Budget Committe Presentation](#)

[GOLD-HILL-MD ALIGNMENT-FINAL](#)

[Letter of Intent](#)

This Resolution was adopted on the Consent Calendar..

## Approval of the Consent Agenda

**Motion by Councilmember Henjum, seconded by Councilmember Murray, 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 7-0-2-0**

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

**Excused:** 2 - Avila, and Helms

## **5. Recognitions**

### **5.A. [22-422](#) City Council Appointments to Boards, Commissions, and Committee**

Presenter:

Tom Strand, Council President and Councilmember At Large

**Attachments:** [062822 Boards Commissions and Committee Appointments](#)

Councilmember Henjum recognized Christine Lowenberg for her marvelous job serving on the Historic Preservation Board (HPA).

**Motion by Councilmember Henjum, seconded by Councilmember Murray, that the Council Appointments to Boards, Commissions, and Committees be approved. The motion passed by a vote of 7-0-2-0**

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

**Excused:** 2 - Avila, and Helms

### **5.B. [22-330](#) A Resolution celebrating July 4, 2022 as Independence Day**

Presenter:

Stephannie Fortune, Councilmember District 3

**Attachments:** [Independence Day](#)

Councilmember Fortune introduced Nathan Newbrough, President and Chief Executive Officer (CEO), Colorado Springs Philharmonic, Megan Leatham, President and CEO, SportsCorp, and Davis Tutt, Director of Operations, SportsCorp Colorado Springs Philharmonic and read the Resolution celebrating July 4, 2022 as Independence Day.

Mr. Newbrough provided information regarding the Star Spangled Symphony and July 4th Block Party, a brief history of the Colorado Springs Philharmonic, and the impact to the community.

Ms. Leatham and Mr. Davis identified additional details of the Star Spangled Symphony and July 4th Block Party taking place at the Pikes Peak Center and expressed appreciation for the funding provided by the Lodgers and Rental Tax (LART) and the partnership with the Colorado Springs Philharmonic.

Councilmember Murray reminded everybody to be respectful of everyone's Constitutional rights.

Councilmember Donelson stated everyone who lives in America should be proud of that opportunity.

Councilmember Williams read a paragraph from the Declaration of Independence and reminded everyone to exercise their right to vote in the Primary Election which is occurring today.

**Motion by Councilmember Murray, seconded by Councilmember Williams, that the Resolution celebrating July 4, 2022 as Independence Day be adopted. The motion passed by a vote of 7-0-2-0**

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

**Excused:** 2 - Avila, and Helms

## **6. Mayor's Business**

There was no Mayor's Business.

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

Citizen Michael Diaz-Rivera spoke about his felony conviction for possession and distribution of cannabis at the age of nineteen and requested cannabis delivery be allowed within the City.

Citizens Monika May and Jacques Sears representing the Boulder Street Neighborhood Watch, requested enforcement of Public Nuisance City Code 9.6.702 due to the illegal activities which have occurred at the Babilonia Bar and Grill.

Citizens Dana Duggan and Bill Wysong stated the emergency evacuation Ordinance on the July 12, 2022 City Council meeting agenda does not address the issues proposed in the Westside Watch Ordinance and requested both Ordinances be presented to City Council.

Citizen Rebecca Shields, Owner, New Vision Professional Services, and

Frank Encino spoke against the demolition of the Golf Acres Complex.

Citizen Jaymen Johnson expressed gratitude toward the Colorado Springs Police Department and the Law Enforcement Advisory Committee, and recommended drone displays for the City's 4th of July celebrations.

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

- 4A.A.** [22-256](#) Ordinance No. 22-32 amending Ordinance No. 21-112 (2022 Budget Appropriation Ordinance) for a Supplemental Appropriation to the General Fund in the amount of \$34,617,510 and to the Lodgers and Auto Rental Tax (LART) Fund in the amount of \$603,284, for the retention and refund of 2021 fiscal year revenue above the 2021 fiscal year revenue and spending limitations (TABOR cap); and a Supplemental Appropriation to the newly established Wildfire Mitigation Fund in the amount of \$1,000,000 which represents the 2022 expenditure budget and is funded by a \$20,000,000 transfer from the General Fund for the purposes stated in Ballot Issue 2D approved by voters in the November 2021 coordinated election; and with \$15,220,794 refunded to residents

Presenter:

Charae McDaniel, Chief Financial Officer

**Attachments:** [SupplementalAppropriationTABOR\\_2021ORD-2022-05-17 final](#)

Citizen Walter Lawson requested this item be removed the Consent Calendar and a breakdown of how the money will be allocated in support of wildfire mitigation, prevention, and evacuation planning because he does not see any funds going toward evacuation planning.

Jeff Greene, Chief of Staff, stated he stands by the recommendations made by the Mayor, the Fire Chief, and the Advisory Board and the City takes evacuation planning very seriously and there is much coordination between the Colorado Springs Police Department and the Pikes Peak Region Office of Emergency Management.

Councilmember Donelson stated he serves on the Advisory Board and will request the Colorado Springs Fire Department contact Mr. Lawson regarding how the money will be spent.

Councilmember Williams stated the money from the ballot issue can only be used for purposes identified in Ballot Issue 2D.

**Motion by Councilmember Williams, seconded by Councilmember Murray, that the Ordinance amending Ordinance No. 21-112 (2022 Budget Appropriation Ordinance) for a Supplemental Appropriation to the General Fund in the amount**

of \$34,617,510 and to the Lodgers and Auto Rental Tax (LART) Fund in the amount of \$603,284, for the retention and refund of 2021 fiscal year revenue above the 2021 fiscal year revenue and spending limitations (TABOR cap); and a Supplemental Appropriation to the newly established Wildfire Mitigation Fund in the amount of \$1,000,000 which represents the 2022 expenditure budget and is funded by a \$20,000,000 transfer from the General Fund for the purposes stated in Ballot Issue 2D approved by voters in the November 2021 coordinated election; and with \$15,220,794 refunded to residents be finally passed. The motion passed by a vote of 8-0-1-0

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

**Excused:** 1 - Avila

## **9. Utilities Business**

- 9.A.** [22-333](#) A Resolution Setting the Gas Cost Adjustment and Gas Capacity Charge Rates Effective July 1, 2022

**Attachments:** [1- 06-28-2022 CC Mtg-Gas Fuel Related Rates Resolution](#)

[2- Sheet 2.4 G Rate Tbl - 18th Revised Redline](#)

[3- Sheet 2.4 G Rate Tbl - 18th Revised Final](#)

[4- GCA Schedule 1 \(06-28-2022\)](#)

[5- GCC Schedule 1 \(06-28-2022\)](#)

[6- GCC Schedule 2 \(06-28-2022\)](#)

Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities (CSU) presented the Resolutions setting the Gas Cost Adjustment (GCA) and the Electric Cost Adjustment (ECA), Industrial Service - Large Power and Light Supply Credit and Electric Capacity Charge effective July 1, 2022 and provided an overview of a multiplier option which would increase the ECA by another .3 cents and a sample bill impact of the proposed July 2022 rate.

President Strand stated City Council also serves on the Utilities Board and this item has been thoroughly vetted and discussed.

Councilmember Fortune stated people who need assistance with cost and energy savings can find more information on the CSU website.

Councilmember Williams stated these costs are lower than if the Martin Drake Power Station had remained open. Mr. Gearhart provided the detailed results of that analysis.

Councilmember Williams stated he does not support applying the multiplier

option at this time and CSU does not make a profit on the sale of utilities.

Councilmember Murray stated CSU is very efficient at recovering the costs associated with the nationwide gas cost increase and supports the multiplier option.

Councilmember Henjum and Councilmember Donelson reminded citizens that CSU has and will lower rates when it is appropriate.

Citizen Natalie Ashton spoke in opposition to the CSU rate increases.

Citizen Jaymen Johnson spoke in support of CSU and the Utilities Board.

**Motion by Councilmember Murray, seconded by Councilmember O'Malley, that the Resolution as amended to include the multiplier option and setting the Gas Cost Adjustment and Gas Capacity Charge rates effective July 1, 2022 be adopted. The motion was withdrawn due to the multiplier only impacting the Electric Cost Adjustment (item 9.B.) not the Gas Capacity Charge.**

**Motion by Councilmember Williams, seconded by President Pro Tem Helms, that the Resolution setting the Gas Cost Adjustment and Gas Capacity Charge rates effective July 1, 2022 be adopted. The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Avila

- 9.B.** [22-334](#) A Resolution Setting the Electric Cost Adjustment, Industrial Service - Large Power and Light Supply Credit and Electric Capacity Charge Rates Effective July 1, 2022

**Attachments:** [2 - 06-28-2022 CC Mtg-Electric Fuel Related Rates Resolution](#)

[3 - Sheet 2.9 E Rate Tbl - 17th Revised Redline](#)

[4 - Sheet 2.9 E Rate Tbl - 17th Revised Final](#)

[5 - ECA Schedule 1 \(06-28-2022\)](#)

[6 - ECC Schedule 1 \(06-28-2022\)](#)

Please see comments in Agenda item 9.A.

**Motion by Councilmember Murray, seconded by Councilmember O'Malley, that the Resolution setting the Electric Cost Adjustment, Industrial Service - Large Power and Light Supply Credit and Electric Capacity Charge Rates Effective July 1, 2022 with multiplier. The motion failed by a vote of 6-2-1-0**

**Aye:** 2 - Murray, and O'Malley

**No:** 6 - Donelson, Fortune, Helms, Henjum, Strand, and Williams



**Excused:** 1 - Avila

**Motion by Councilmember Henjum, seconded by Councilmember Fortune, that the Resolution setting the Electric Cost Adjustment, Industrial Service - Large Power and Light Supply Credit and Electric Capacity Charge rates effective July 1, 2022 be adopted. The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Avila

- 9.C.** [22-337](#) Consideration of a Resolution Adopting Certain Changes to Colorado Springs Utilities' Open Access Transmission Tariff

**Attachments:** [06-28-2022 Hearing Agenda - OATT](#)  
[06-28-2022 City Council Instructions - OATT Hearing](#)  
[06-28-2022 Issues for Decision - OATT Hearing](#)

David Beckett, Senior Attorney, City Attorney's Office, Colorado Springs Utilities (CSU) Division, read the CSU Open Access Transmission Tariff (OATT) rate case hearing procedures and the quasi-judicial role of City Council. Mr. Beckett presented the hearing agenda and polled City Council regarding any ex parte communication. City Council indicated there were none.

Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities (CSU), provided an overview of the procedural compliance, OATT background, Joint Dispatch Authority (JDA), imbalance market, and summary of OATT revisions.

Mr. Becket polled City Council regarding support of the two items identified in the evidentiary hearing. City Council indicated their support. He stated today's rate case hearing will not be voted on by City Council until the July 12, 2022 City Council meeting.

There were no comments on this item.

## **10. New Business**

- 10.A.** [22-285](#) A resolution adopting a land use fee rebate program for affordable and attainable housing

Presenter:  
Steve Posey, Community Development Division Manager

Peter Wysocki, Director, Planning & Community Development

**Attachments:** [AffordableHousingFeeRebateRES-2022-05-18](#)

[Fee Rebate Program CC 2022\(1\)](#)

[HomeCOS Update 2022 Incomes and Rent](#)

[ProgramRules\\_MultiFamilyAffordable&AttainableRentalHousingFreeRebate](#)

Steve Posey, Community Development Division Manager, presented the Resolution adopting a land use fee rebate program for affordable/attainable housing and provided an overview of program and scoring metrics for the rebates.

Councilmember O'Malley stated this program is not ready and suggested that the item go back to the drawing board to include revisions such as requiring the units are built in a manner which would lower residents' utility bills such as increasing energy efficiencies including sufficient insulation and preferably solar.

Councilmember Henjum stated she is in support of this item as it is because there has been substantial stakeholder input.

Councilmember Williams stated he supports this item moving forward and this item could be altered in the future if needed.

President Pro Tem Helms stated he believes this program should move forward and also supports Councilmember O'Malley's request for energy conservation as something to include in the future.

Mr. Posey clarified the scope of this program versus some of the incentives for energy efficiency and conservation efforts.

Matt Dudden, Colorado Springs Utilities (CSU), stated they have been working with the Community Development Division for years and the conservation measures which are in place are above and beyond the standard building envelope.

**Motion by Councilmember O'Malley, seconded by President Strand, that the Resolution establishing a land use fee rebate program for affordable and attainable housing be postponed to the July 26, 2022 City Council meeting The motion failed by a vote of 5-3-1-0**

**Aye:** 3 - Fortune, O'Malley, and Strand

**No:** 5 - Donelson, Helms, Henjum, Murray, and Williams

**Excused:** 1 - Avila

**Motion by Councilmember Murray, seconded by Councilmember Henjum, that the Resolution establishing a land use fee rebate program for affordable and attainable housing be adopted. The motion passed by a vote of 7-1-1-0**

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

**No:** 1 - O'Malley

**Excused:** 1 - Avila

**10.C.** [22-305](#)

A resolution declaring the intent of the City of Colorado Springs, Colorado to issue its multifamily housing revenue bonds to finance the acquisition, construction, improvement and equipping of an affordable multifamily housing facility known as Paloma Garden

Presenter:

Katie Sunderlin, Senior Affordable Housing Coordinator

Steve Posey, Community Development Division Manager

John Bales, Fred Marienthal, Kutak Rock LLP

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [Colorado Springs Paloma Gardens 2022 Inducement Resolution](#)  
[CC WS Inducement Resolution Paloma Garden 20220613](#)

Steve Posey, Community Development Division Manager, introduced the Ordinance authorizing the issuance and delivery of its multifamily housing revenue Private Activity Bonds (PAB), in an aggregate amount not to exceed \$19,000,000, for the purpose of financing the acquisition, construction, improvement and equipping of an affordable multi-family rental housing facility (Paloma Garden) of 127 units (76 new and 51 rehab).

Katie Sunderlin, Senior Affordable Housing Coordinator, Planning and Community Development, provided an overview of the site location, project proposal, alignment with HomeCOS, unit mix, and available PAB.

Councilmember O'Malley stated this project should have energy conservation features such as solar on the southern facing rooftops and recommended this item be postponed to the July 26, 2022 City Council meeting.

Brian Reilly, Development Director, Volunteers of America National Service, stated Paloma Gardens has been designed to support the

installation of photovoltaic (PV) roof solar systems and explained the utilities preset calculations of the residents rent. He stated their intent is to add solar panels after construction is complete.

**Motion by Councilmember Murray, seconded by Councilmember Williams, that the Resolution declaring the intent of the City of Colorado Springs, Colorado to issue its multifamily housing revenue bonds to finance the acquisition, construction, improvement and equipping of an affordable multifamily housing facility known as Paloma Garden be adopted. The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Avila

## **11. Unfinished Business**

- 11.A. [CPC ZC 22-00008](#) Ordinance No. 22-34 amending the zoning map of the City of Colorado Springs relating to 10.4 acres located southeast of Chapel Hills Drive and Dynamic Drive from PIP1/cr (Planned Industrial Park with conditions of record) to OC/cr (Office Complex with conditions of record)

(Quasi-Judicial)

Related Files: CPC ZC 22-00008; CPC CP 22-00009

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

**Attachments:** [ORD\\_ZC\\_AllasoAtBriargate](#)  
[Exhibit A Legal](#)  
[Exhibit B Zone Change Depiction](#)  
[staff report Allaso KAW](#)  
[Zone Change Exhibit](#)  
[Concept Plan](#)  
[Project Statement](#)  
[Vision Map](#)  
[Traffic Study](#)  
[View Studies](#)  
[public comments 1](#)  
[public comments2](#)  
[public comments3](#)  
[D20\\_response Capacity comments](#)  
[public comments\\_afterinformalCPC](#)  
[7.5.603.B Findings - ZC](#)

Katelynn Wintz, Planning Supervisor, Planning and Community Development, presented the Ordinance amending the zoning map of the City relating to 10.4 acres located southeast of Chapel Hills Drive and Dynamic Drive from PIP1/cr (Planned Industrial Park with conditions of record) to OC/cr (Office Complex with conditions of record) and the Concept Plan for Allaso Briargate illustrating the development framework for 10.4-acres for multi-family residential located at 2505 Dynamic Drive.

Councilmember Murray stated there is absolutely no reason to build these apartments in this area and the residents of this neighborhood purchased their houses with certain premium expectations which included the views.

Councilmember Williams stated he disagrees with Councilmember Murray and the height limit for this area is actually being reduced.

**Motion by Councilmember Henjum, seconded by President Pro Tem Helms, that the Ordinance approving the rezone of 10.4-acres from PIP1/cr to OC/cr, based on the findings that the change of zoning request complies with the three (3) criteria for granting a zone change as set forth in City Code Section 7.3.603(B) with the following conditions of record: 1. 38-foot maximum building height for multi-family residential uses only at its highest point from average finished grade where the height calculation for pitched roofs in 7.4.102.C shall not apply, 2. A 70 foot landscape/open space buffer area will extend along the entire east property line. This buffer area shall not allow development (i.e. parking, buildings, etc.), 3. One tree per 10 feet is required within the 70 foot buffer area, one third of which will be evergreen. Tree sizes within the 70 foot buffer area shall be a minimum of 8' (eight feet) high for evergreens and 2 1/2 inch caliper for**

deciduous trees, 4. No direct access to Dynamic Drive be finally passed. The motion passed by a vote of 6-2-1-0

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

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

**Excused:** 1 - Avila

## **12. New Business**

### **12.A. [22-301](#) Resolution Endorsing Extension of the Pikes Peak Rural Transportation Authority Capital Program**

Presenter:

Gayle Sturdivant, P.E., City Engineer/Deputy Public Works Director,  
Public Works Department

Todd Frisbie, P.E., P.T.O.E., City Traffic Engineer, Public Works  
Department

Tim Roberts, Transportation Planning Program Manager, Public Works  
Department

**Attachments:** [1 DRAFT Ballot Issue w All Projects](#)  
[2 RES\\_PPRTANov2022Ballot-2022-05-23](#)  
[3 PPRTA3 COS Program Lists with Detail](#)  
[4 PPRTA3 COS Projects for Map](#)

Gayle Sturdivant, City Engineer/Deputy Public Works Director, Public Works Department, presented the Resolution endorsing extension of the Pikes Peak Rural Transportation Authority (PPRTA) Capital Program. She stated the purpose of today's meeting is to take a straw poll regarding the projects to be included in the City's project list and there will not be an official vote by City Council until the July 12, 2022 City Council meeting. Ms. Sturdivant provided a background of the PPRTA, draft ballot language for the November 8, 2022, Coordinated Election to extend the fifty-five percent of the one-cent sale tax for transportation capital improvements for a period of ten years, the City's project lists, schedule, and next steps.

Councilmember Donelson asked if the Constitution Avenue feasibility study has been permanently removed from the project list. Ms. Sturdivant confirmed it has been.

Councilmember Donelson asked what will occur on the Colorado Avenue project. Ms. Sturdivant stated it will widen the sidewalks, change the parking configuration, changing traffic to one way in each direction with a

two-lane center turn lane.

Councilmember Donelson asked if the Nevada Avenue Safety Study is being conducted due to speeding. Ms. Sturdivant stated primarily it is and there have been incidents of high-speed crashes.

Councilmember Murray stated there should be plans to improve Highway 24 and reducing traffic on Colorado Avenue will force more traffic onto Highway 24. Councilmember Williams stated there are plans to expand Highway 24, but there is not funding for it because the State legislature has not made transportation a priority.

Citizens Dutch Schultz, Carol Jesmer, Lisa Mason, expressed appreciation for the removal of the Constitution Avenue expansion being removed from the PPRTA project list.

Citizen Diane Bridges, Chair, Historic Neighborhoods Partnership, expressed gratitude for the efforts and collaboration of the City in establishing the PPRTA project list.

Citizen Lisa Mason stated the City needs to expand east, improve connectivity, and public transportation.

Citizen Peter Frantz requested the Nevada Avenue Safety Study be moved to the PPRTA Project "A" list.

Citizen Bailey Gearheart and Murray Bubus spoke in opposition of Shooks Run Trail being underneath Platte Avenue.

Citizen Murray Viewbus stated the bridge repair on Platte Avenue at Shooks Run Trail should be moved to the PPRTA Project "A" list. Ms. Sturdivant stated that bridge is included in the Platte Avenue improvement project.

Ms. Sturdivant clarified that even though the Constitution Avenue expansion is no longer on the PPRTA project list, it was never intended that any homes or businesses would be impacted by it, Nevada Avenue is not a residential street, it is a minor arterial street, and they are looking at traffic safety mitigation measures to be put on that road to help alleviate the safety concerns,

Councilmember Henjum read a statement regarding her thoughts and feelings regarding the public engagement process of this project list and the input regarding the Constitution Avenue Feasibility Study.

Councilmember Williams stated there are challenges and competing interests regarding what is best for a neighborhood, or the overall transportation needs of the City.

### **13. Public Hearing**

- 13.A. [CPC A 21-00153R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Space Village Addition No. 1.

(Legislative)

Related Files: CPC A 21-00153, CPC ZC 21-00165, CPC CP 20-00137-A1MJ21

Presenter:

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

**Attachments:** [RES FindingsOfFact\\_SpaceVillageNo.1](#)

[Exhibit A - AnnexLegalDesc](#)

[Exhibit B - Agreement](#)

[City Clerk Affidavit](#)

[Planner Affidavit](#)

[Surveyor Affidavit](#)

[AnnexationImpactReport](#)

Gabe Sevigny, Planning Supervisor, Planning and Community Development, presented the Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Space Village Addition No. 1, the Ordinance annexing to the City of Colorado Springs that area known as Space Village Addition No. 1 annexation consisting of 21.82 acres, the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 14.665 acres located northeast of the Space Village Avenue and Marksheffel Road intersection establishing a PIP-2/APZ2/AO (Planned Industrial Park, Accident Potential Subzone 2 with Airport Overlay) zone,



and the concept plan amendment for Reagan Ranch to add office/industrial use located northeast of the Space Village Avenue and Marksheffel Road intersection consisting of 28.08 acres. He provided an overview of the site location, gave a brief background on the property, the proposed annexation, fiscal impact, stakeholder process, staff recommendation, fiscal impact analysis, and the Planning Commission's approval.

Jason Alwine, Matrix Design Group, identified the project map, proposed concept plan, and airport overlay zone.

**Motion by Councilmember Williams, seconded by Councilmember Murray, that the Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Space Village Addition No. 1 and approving an annexation agreement be adopted. The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Avila

- 13.B.** [CPC A 21-00153](#) Ordinance No. 22-36 annexing to the City of Colorado Springs that area known as Space Village Addition No. 1 annexation consisting of 21.82 acres.

(Legislative)

Related Files: CPC A 21-00153R, CPC ZC 21-00165, CPC CP 20-00137-A1MJ21

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

**Attachments:** [ORD\\_AnnexSpaceVillageAdditionNo.1](#)

[Exhibit A - Legal Description Annexation Reagan Ranch](#)

[STAFF PP\\_Space Village Annexation\\_CC 6-28-2022](#)

[CPC Staff Report\\_Space Village Addition No. 1\\_final](#)

[Project Statement](#)

[Enclave 2020](#)

[Exhibit B - Annexation Plat](#)

Please see comments in Agenda item 13.A.

**Motion by Councilmember Murray, seconded by Councilmember Henjum, that the Ordinance annexing into the City of Colorado Springs the area known as**

**Space Village Addition No.1, 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 8-0-1-0**

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

**Excused:** 1 - Avila

- 13.C.** [CPC ZC 21-00165](#) Ordinance No. 22-37 amending the zoning map of the City of Colorado Springs pertaining to 14.665 acres located northeast of the Space Village Avenue and Marksheffel Road intersection establishing a PIP-2/APZ2/AO (Planned Industrial Park, Accident Potential Subzone 2 with Airport Overlay) zone

(Legislative)

Related Files: CPC A 21-00153R, CPC A 21-00153, CPC CP 20-00137-A1MJ21

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

**Attachments:** [ORD\\_ZC\\_SpaceVillageNo.1](#)

[Exhibit A - Legal Desc ZC](#)

[Exhibit B - Zone Depiction](#)

Please see comments in Agenda item 13.A.

**Motion by Councilmember Murray, seconded by Councilmember Williams, that the Ordinance establishing 14.665 acres as PIP2/APZ2/AO (Planned Industrial Park/Accident Potential Zone 2/Airport Overlay) zoned district, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603 be approved on first reading. The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Avila

- 13.D.** [CPC CP 20-00137-A1 MJ21](#) A concept plan amendment for Reagan Ranch to add office/industrial use located northeast of the Space Village Avenue and Marksheffel Road intersection consisting of 28.08 acres.

(Quasi-Judicial)

Related Files: CPC A 21-00153R, CPC A 21-00153, CPC ZC 21-00165

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

**Attachments:** [Reagan Ranch Concept Plan](#)

[7.5.501.E Concept Plans](#)

[7.5.503.C Concept & Development Plan App Rev Procedures](#)

Please see comments in Agenda item 13.A.

**Motion by Councilmember Murray, seconded by Councilmember Williams, that the Reagan Ranch Concept Plan Amendment, based upon the findings the proposal meets the review criteria for concept plan amendment as set forth in City Code Section 7.5.503(C) and criteria for concept plan set forth in City Code Section 7.3.501(E) be approved. The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Avila

- 13.E.** [CPC ZC 22-00001](#) Ordinance No. 22-38 amending the zoning map of the City of Colorado Springs relating to 6.49-acres located southwest of the intersection of Lexington Drive and Parliament Drive from R-5/P (Multi-Family with Planned Provisional Overlay) to R-5 (Multi-Family Residential)

(Quasi-Judicial)

Related File: CPC CP 22-00002

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

**Attachments:** [Ord ZC LexingtonVistas](#)

[Exhibit A](#)

[Exhibit B](#)

Katelynn Wintz, Planning Supervisor, Planning and Community Development, presented the Ordinance amending the zoning map of the City relating to 6.49-acres from R-5/P (Multi-Family with Planned Provisional Overlay) to R-5 (Multi-Family Residential and the concept plan for 6.49-acres containing a mix of religious institution and residential land

uses located southwest of the intersection of Parliament Drive and Lexington Drive. She provided an overview of the vicinity map, background information, public notice, concept plan, PlanCOS conformance, and staff recommendations.

Councilmember Williams disclosed that he has lived near this site for thirty years and asked how this is zoned multi-family yet is not multi-family. Ms. Wintz stated staff is unclear why it was zoned this way.

President Pro Tem Helms asked if there is currently a detention pond on the site. Ms. Wintz stated there is not and per the City's stormwater criteria, any development would be required to capture any off flows from this development and the existing development.

Councilmember Murray stated there is currently a community garden on the site which will be turned into concrete and asphalt. Ms. Wintz stated the community garden will be moved to another location on the parcel.

President Strand if there was a unanimous approval from Planning Commission.

Andrea Barlow, NES Inc, representing the applicants, Springland Ventures, and Goodwin Knight, gave an overview of the site location, context, requests,

Harold Overstreet, representing Covenant Presbyterian Church, stated the neighborhood has been utilizing the community garden so they have worked with the developer to move it to another location on the property, the founding committee of the church bought land with a vision for a large congregation but they have settled on a healthy membership of over two hundred active members, the property mortgage takes too many resources away from their priorities of serving the congregation/community so they have decided to sell a portion of the land to Springland Ventures, and the church will remain serving the Briargate community.

Councilmember Murray asked if church offered the community the opportunity to purchase the property. Mr. Overstreet stated they did not. Councilmember Murray asked if they would be willing to let the community raise the same amount of funds to purchase the property in ninety days that the developer offered. Mr. Overstreet stated they have already signed a contract to sell the land. Ben Bolinger, Assistant City Attorney, City Attorney's Office, stated this item is not a review of the contract and City

Council needs to adhere to the Land Use Code review criteria.

Ms. Barlow provided an overview of the zoning, proposed zoning, concept plan, and conceptual site plan

Nicole Renner, Director of Architecture and Community Development, Goodwin Knight, gave a brief background of Goodwin Knight, projected resident types, market rates of \$1,300 to \$1,400 for studio units, and \$2,000 for a three-bedroom unit which is ten percent lower than resort-style complexes, and provided examples of their four-story products.

Councilmember Williams asked what the rent is for The Commons at Briargate. Ms. Barlow stated they range from \$1,700 to \$2,700.

Ms. Barlow identified the neighborhood engagement, existing traffic conditions, future traffic conditions, surrounding development in 1985, surrounding development today, existing/allowed forty-five-foot buildings within a half mile, and building height comparison. Ms. Barlow went over the relationship to adjacent neighbors, building orientation, proposed expansion approved development plan, conformance with the Briargate Master Plan, PlanCOS, and Housing for All.

Councilmember Williams asked if the traffic study was conducted when Rampart High School was in session. Ms. Barlow confirmed it was.

Citizen Pat Webb, representing the homeowners of Cypress Ridge, presented a map of the site location/context, and stated a four-story apartment building is not consistent with the neighborhood, the density is too high for the area, and the proposed plan does not meet the sections 1,4, 6, and 7 of the Concept Plan Review Criteria.

Citizens Claire Kirk, Joyce Kentner, Mary Carlisle, Pat Carlisle, Keith Kaski, Chris Walters, Charlie Conser, Barbara Nealy spoke in opposition of the project.

Mike Rocha, SM Rocha LLC, representing the applicant, summarized how the traffic count baseline was calculated.

President Strand asked if Mr. Rocha's opinion was that the surrounding streets are currently not over-used. Mr. Rocha confirmed that based on the results of the traffic study, they are not and identified the steps taken for a traffic impact study.

Councilmember Donelson asked what additional percentage of traffic could Lexington Drive handle. Mr. Rocha stated Lexington Drive is currently

at approximately twenty-five percent of its capacity.

Councilmember Murray asked what agency conducted the traffic count. Mr. Rocha stated they hire an independent consultant to collect that data.

.Councilmember Murray asked how the traffic congestion around Rampart High School will be addressed. Mr. Rocha explained that due to the separation of access points along the frontage of Lexington Drive, they are not seeing operational issues.

Councilmember Williams asked if the City's Traffic Department has reviewed the traffic study. Todd Frisbie, Public Works Division Manager, Traffic Engineering, confirmed they had, and it was conducted according to the City's standards.

Councilmember Williams asked if one access point is sufficient for this development. Mr. Frisbie confirmed it is.

Councilmember Williams asked if the traffic study analysis meets the requirements of the City. Mr. Frisbie confirmed it does.

Ms. Barlow provided an overview of the peak traffic hours for the development, multiple zones in the area have similar building height limits of forty-five feet, the 28-unit density is due to the offering of smaller studio and one-bedroom apartments, there is a 120-foot separation between the building and the nearest homes, there is a trail on the west side of the development that connects Parliament Drive to the school for safe pedestrian access, adequate parking will be provided based on the City's requirements, and this project will provide attainable housing on an infill property which is currently underutilized.

Councilmember Williams asked if there will be a five-foot allowance for the building height. Ms. Barlow stated there will not be due to the development having a flat roof.

Councilmember Murray stated putting a four-story apartment building in the middle of this community is abhorrent.

Councilmember Donelson, President Pro Tem Helms, Councilmember Williams, and President Strand stated they do not see any violations of the review criteria for this project.

President Pro Tem Helms stated he believes this project will be a benefit to the community.

Councilmember O'Malley stated he would like this project to be reduced to two-stories.

**Motion by Councilmember Williams, seconded by Councilmember O'Malley, the Ordinance amending the zoning map of the City of Colorado Springs relating to 6.49-acres from R5/P to R5, based on the findings that the change of zoning request complies with the three (3) criteria for granting a zone change as set forth in City Code Section 7.3.603(B) be approved on first reading. The motion passed by a vote of 7-1-1-0**

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

**No:** 1 - Murray

**Excused:** 1 - Avila

- 13.F.** [CPC CP 22-00002](#) Concept plan for 6.49-acres containing a mix of religious institution and residential land uses located southwest of the intersection of Parliament Drive and Lexington Drive.

(Quasi-Judicial)

Related File: CPC ZC 22-00001

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

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

Please see comments in Agenda item 13.E.

**Motion by President Pro Tem Helms, seconded by Councilmember Donelson, that the Concept Plan for Lexington Vistas based on the findings that the plan meets the review criteria for establishing a concept plan, as set forth in City Code Section 7.5.501(E) be approved. The motion passed by a vote of 7-1-1-0**

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

**No:** 1 - Murray

**Excused:** 1 - Avila

## **14. Added Item Agenda**

There were no items added to the Agenda.

## **15. Executive Session**

There was no Executive Session.

**16. Adjourn**

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

Sarah B. Johnson, City Clerk