



City of Colorado Springs

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

Meeting Minutes - Final City Council

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Tuesday, July 26, 2016

1:00 PM

Council Chambers

1. Call to Order

Present: 9 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Keith King, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, and Councilmember Tom Strand

2. Invocation and Pledge of Allegiance

The Invocation was led by Father David Price, St. Mary's Cathedral.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Councilmember Knight requested agenda item 11.A. be postponed to the August 23, 2016 meeting. Consensus of Council agreed to this request.

Council President Bennett stated there has been a request to postpone agenda item 12.C. to the August 23, 2016 meeting. Consensus of Council agreed to this request.

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. [16-466](#)

Ordinance No. 16-74 of the City of Colorado Springs, Colorado Approving and Authorizing the Execution and Delivery of the First Amendment to Standby Bond Purchase Agreement by and Among the City of Colorado Springs, Colorado and Wells Fargo Bank, National Association, as Tender Agent and Paying Agent and Bank of

America, N.A., as Credit Facility Bank and the First Amendment to Fee Agreement Between the City of Colorado Springs, Colorado and Bank of America, N.A.; and Providing Other Matters Relating Thereto

Presenter:
Bill Cherrier, Chief Planning and Finance Officer
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities
Res/Ord Number: 16-74

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [16-484](#) City Council Meeting Minutes July 12, 2016

Presenter:
Sarah Johnson, City Clerk

The Meeting Minutes were approved on the Consent Calendar.

4B.B. [16-488](#) Appointments to Boards and Commissions

Presenter:
Jacquelyn Puett, Assistant to Council

This item was approved on the Consent Calendar.

4B.C. [16-420](#) A resolution approving and authorizing the Mayor to execute a revised amendment to an Intergovernmental Agreement with the Colorado Department of Transportation (CDOT) regarding funding for the Woodmen Road Widening Project

Presenter:
Mike Chaves, P.E., CIP Engineering Manager
Res/Ord Number: 73-16

The resolution was adopted on the Consent Calendar.

4B.D. [CPC ZC
16-00048](#) Ordinance No. 16-75 amending the zoning map of the City of Colorado Springs relating to 4.23 acres located at 5520 and 5540 North Nevada Avenue from OC/CR (Office Complex with Conditions of Record) to PUD (Planned Unit Development: Commercial and Large Animal Veterinary Service, up to 47,500 square feet with a 45-foot maximum building height).

(Quasi-Judicial)

Presenter:

Conrad Olmedo, Planner II, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Res/Ord Number: 16-75

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

4B.E. [CPC CP
16-00049](#)

A PUD (Planned Unit Development) Concept Plan for veterinary medical services on a site consisting of 4.23 acres located at 5520 and 5540 North Nevada Avenue.

(Quasi-Judicial)

Presenter:

Conrad Olmedo, Planner II, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

This item was approved on the Consent Calendar.

4B.F. [CPC ZC
16-00058](#)

Ordinance No. 16-76 amending the zoning map of the City of Colorado Springs pertaining to .96 acre located at the northwest corner of North Cascade Avenue and West Van Buren Street from R-1 6000 (Single-family Residential) and M-1 (Light Industrial) to R-5 (Multi-family Residential).

(Quasi-Judicial)

Related File: CPC DP 16-00059

Presenter:

Michael Schultz, Principal Planner, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Res/Ord Number: 16-76

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

4B.G. [CPC DP
16-00059](#)

A development plan for 2428 and 2434 North Cascade Avenue.

(Quasi-Judicial)

Related File: CPC ZC 16-00058

Presenter:

Michael Schultz, Principal Planner, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

This item was approved on the Consent Calendar.

- 4B.H.** [CPC MP 04-00254-A4 MN16](#) An adjustment to The Farm Master Plan changing the alignment of New Life Drive, integrating 1.49 acres from the Interquest at Marketplace Master Planned area into The Farm Master Plan area, and changing the land use designation for the integrated land from deeded right-of-way and Regional Commercial to High Density Residential (12-24 Dwelling Units per Acre).

(Quasi-Judicial)

Related Items - CPC MP 05-00095-A1MN16, CPC PUZ 16-00051, CPC PUP 16-00052

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

This item was approved on the Consent Calendar.

- 4B.I.** [CPC MP 05-00095-A1 MN16](#) An adjustment to the Interquest at Marketplace Master Plan changing the alignment of New Life Drive and moving 1.49 acres from the Marketplace Master Plan to The Farm Master Plan to the north.

(Quasi-Judicial)

Related Items - CPC MP 04-00254-A4MN16, CPC PUZ 16-00051, CPC PUP 16-00052

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

This item was approved on the Consent Calendar.

- 4B.J.** [CPC PUZ 16-00051](#) Ordinance No. 16-77 amending the zoning map of the City of Colorado Springs pertaining to 18 acres located to the northwest of the New Life Drive and Voyager Parkway intersection from PUD/A/CR (Planned Unit Development and Agricultural with Conditions of Record) to PUD (Planned Unit Development: Multi-Family Residential, 15.58 dwelling units per acre, 40-foot height maximum).

(Quasi-Judicial)

Related Items - CPC MP 04-00254-A4MN16, CPC MP 05-00095-A1MN16, CPC PUP 16-00052

Presenter:
Daniel Sexton, Senior Planner, Planning and Community

Development
Peter Wysocki, Planning and Community Development Director
Res/Ord Number: 16-77

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

- 4B.K.** [CPC PUP
16-00052](#) Continental Apartments at Voyager concept plan pertaining to 18 acres illustrating a multi-family residential development with 280 dwelling units contained within 14 multi-family buildings, located to the northwest of the New Life Drive and Voyager Parkway intersection.

(Quasi-Judicial)

Related Items - CPC MP 04-00254-A4MN16, CPC MP
05-00095-A1MN16, CPC PUZ 16-00051

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

This item was approved on the Consent Calendar.

- 4B.L.** [16-478](#) Resolution Appointing Keith Riley to the Homestake Steering Committee and the Board of Directors of the Aurora-Colorado Springs Joint Water Authority to Fill the Remainder of the Three (3) Year Terms Vacated by Tyler Allison Effective July 26, 2016

Presenter:
Wayne Vanderschuere, General Manager, Water Services
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities
Res/Ord Number: 74-16

The resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Bagley 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 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

5. Recognitions

- 5.A.** [16-440](#) A resolution proclaiming August 2016 to be Science, Technology, Engineering and Math (STEM) Education month in the City of

Colorado Springs

Presenter:

Councilmember Don Knight

Res/Ord Number: 75-16

Dr. Charles Bennett, Secretary and Treasurer of the National Space, Science and Technology Institute thanked Council for their support.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Resolution be adopted. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

6. Citizen Discussion

Citizen John Kilbury spoke about loud screaming in Acacia Park on Saturday, inappropriate conversation on the streets, litter on the sidewalks, and a large tree hanging over the sidewalk on Platte Avenue.

Citizen Gerald Miller spoke about raising funds for a political candidate and voiced concern about the 1100 block of E. Moreno St. being overly crowded with parked vehicles blocking emergency vehicle access.

Citizen Miguel Houser thanked Council for supporting Senior Recognition Day and invited everyone to a senior celebration at the Hillside Community Center on August 13th and asked that the situation of College Graduates living with Seniors be addressed.

Citizens Kat O'Hearn, Christina Gretz, Lindy Carol, Dace Starkweather representing Janet Starkweather, William Farkas, Tracy Hansen, Jane Hoyer, spoke about the landslide problems, thanked City staff for their help and support and urged Council to expedite the FEMA process. Councilmember King stated Council had a good discussion earlier about what they can do to mitigate the issues these people are going through and assured citizens Council will continue to do everything they can to help with this situation. Councilmember Knight stated he visited this area and urged every Councilmember to do the same. He complemented Tim Mitros on his work involving this situation. Jeff Greene, Chief of Staff, stated the Mayor is also committed to do everything he can to help citizens involved in this situation.

Citizen Melissa Marts, Executive Director of the Women's Resource Center, spoke about womens' homelessness in our community.

Citizens Trig Bundgaard and Marilyn Vyzourek spoke about the need for affordable housing in the City. Mr. Greene stated the Mayor is very concerned about the lack of affordable housing and is working to alleviate this problem.

Citizen Walter Lawson spoke about the need to include geological hazard concerns in the appeal process and the need to allow more time for citizens to file appeals on planning cases.

Citizen Deborah Stout-Meiningner spoke about the correlation between fracking in eastern Colorado and the landslides on the west side of Colorado Springs.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

9. Utilities Business

- 9.A.** [16-479](#) A Resolution Setting the Electric Cost Adjustment Effective August 1, 2016

Presenter:

Sonya Thieme, Pricing Manager

Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Res/Ord Number: 76-16

Councilmember Knight requested confirmation of the rate included in the Councilmember packets. Sonya Thieme, Rates manager, CSU, confirmed the rate is correct.

Motion by Councilmember Pico, seconded by Councilmember Bagley, that the resolution be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

- 9.B.** [16-480](#) A Resolution Setting the Gas Cost Adjustment Effective August 1, 2016

Presenter:

Sonya Thieme, Pricing Manager

Jerry Forte, P.E., Chief Executive Officer

Res/Ord Number: 77-16

There were no questions or comments on this item.

Motion by Councilmember Pico, seconded by Councilmember Strand, that the resolution be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11.A. [CPC CA 16-00079](#) An ordinance amending Part 5 (Geological Hazard Study and Mitigation) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to geological hazard study and mitigation.

(Legislative)

Presenter:
Peter Wysocki, AICP, Director of Planning and Community Development

This item was postponed to the August 23, 2016 meeting.

12. Public Hearing

Councilmember Knight disclosed an ex parte communication regarding this matter. Council President Bennett requested David Andrews, Legislative Counsel, poll Council regarding ex parte communication and having the ability to make a fair and impartial decision based on the information presented in this meeting. No Councilmember, with the exception of Councilmember Knight, had ex parte communications regarding this matter. All Councilmembers stated they have the ability to make a fair and impartial decision based on the information presented in this meeting. There were no objections to any Councilmember hearing the appeal by anyone in attendance at the meeting.

- 12.A. [CPC ZC 16-00022](#) Ordinance No. 16-78 amending the zoning map of the City of Colorado Springs relating to 2.95 acres located north of the intersection of Elkton Drive and Chestnut Street from R/HS (Estate Single-family residential with Hillside Overlay) to PBC/CR/HS (Planned Business Center with Conditions of Record and Hillside Overlay)

(Quasi-Judicial)

Related File: CPC DP 16-00023

Presenter:

Hannah Van Nimwegen, Planner II, Planning and Community
Development Department
Peter Wysocki, Planning Director

Res/Ord Number: 16-78

Hannah Van Nimwegen, Planner II, provided an overview of the proposed development for this area including the process leading to the appeal.

Kirk McCormick, representing the appellants, presented a summary of the concerns of the neighbors in opposition to this plan.

Councilmembers discussed concerns presented by the appellants with Mr. McCormick. At this time, Council President Bennett disclosed knowing William Vaupel, a neighbor of the appellants and stated he is still able to make a fair and impartial decision in this case. There were no objections to Council President Bennett hearing the appeal from anyone in attendance at the meeting.

Councilmember Knight asked how far the homes are from the proposed facility. Ms. Van Nimwegen stated the homes will be about 550 to 600 feet from the facility in distance and about 150 in elevation above the facility.

Kristin Albers with the Architectural firm of Ireland Dean, representing the applicant, responded to the concerns presented by the appellants.

Councilmember Knight requested additional information about the original zoning and subsequent zone changes for this property. Ms. Van Nimwegen reviewed the zoning history of the property and stated the proposed facility could have been approved through a conditional use permit, however; an aspect of the business did not fit within the definition of the membership club, which is why they chose to pursue the zone change.

Council President Bennett spoke of his experience building pools in the city and the lack of complaints due to noise, complemented the architecture of the building design and stated he will support the proposal.

Councilmember Knight stated he will support this proposal as the bluff provides a natural barrier between the areas, the noise will not be a

huge issue, and the developer has agreed to make good compromises in the plan to accommodate the requests of the appellants.

Motion by Councilmember Murray, seconded by Councilmember Strand, to deny the appeal, upholding City Planning Commission's recommendation to the City Council of a change of zone application CPC ZC 16-00022 and approval of the development plan application CPC DP 16-00023, based on the finding that the applications meet City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries) and City Code Section 7.5.502.E (Review Criteria for Development Plans), respectively, subject to the technical modifications noted. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

Res/Ord Number: 16-78

Motion by Councilmember Murray, seconded by Councilmember Strand, that the ordinance to approve the change of zone district from R/HS (Estate Single-Family Residential with Hillside Overlay) to PBC/CR/HS (Planned Business Center Conditions of Record and Hillside Overlay), based upon the finding that the zone change complies with the review criteria outlined in City Code Sections 7.5.603.B. Conditions of Record: The following land uses shall be prohibited: 1. Automotive rentals, 2. Automotive repair garage, 3. Automotive sales, 4. Automotive service, 5. Automotive wash, 6. Bar, 7. Campground, 8. Construction sales and services, 9. Drive-in or fast food restaurants, 10. Liquor sales, 11. Medical marijuana center, 12. Medical marijuana cultivation operation, 13. Medical marijuana infused product manufacturer, 14. Sexually oriented business, 15. Social Service Center, be approved on first reading. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

- 12.B.** [CPC DP 16-00023](#) (The Appeal was included with the zoning application under item CPC ZC 16-00022.)

Development Plan

A development plan for a 28,890 swim and athletic facility located north of the intersection of Elkton Drive and Chestnut Street associated with the proposed change of zone district.

(Quasi-Judicial)

Related File: CPC ZC 16-00022

Presenter:

Hannah Van Nimwegen, Planner II, Planning and Community Development Department
Peter Wysocki, Planning Director

Please see the vote to uphold the Planning Commission's recommendation and deny the appeal and comments in agenda item 12.A.

Motion by Councilmember Murray, seconded by Councilmember Bagley, to

approve the development plan for a swim and athletic facility based upon the finding that the development plan meets the review criteria as set forth in City Code Section 7.5.502.E. subject to compliance with the following technical modifications: Technical Modifications to the Development Plan: Revise the Development Plan to alter the following: 1. Revise all existing and proposed zone districts from PBC/HS to PBC/CR/HS on Development Plan sheets. 2. Place the Conditions of Record on sheet one of the Development Plan. 3. Label the neighboring property to the west's subdivision name on site plan (sheet two) as "McCullough Sub.". 4. An additional handicap accessible parking stall is required for the number of parking stalls provided. When added, adjust the parking count accordingly. 5. Adjust sidewalk connection from Elkton Drive to building entrance to be handicap accessible. This connection currently proposes stairs, which are not ADA compliant. 6. Provide a note stating, "Electronic message center signage prohibited". 7. Provide a note stating, "Flat roof area to be painted beige". 8. Provide a note corresponding to the northern building elevation, "All windows on northern building face to be inoperable". 9. Revise the building elevations to include the new raised building section for the remaining mechanical equipment. 10. Revise the Landscape Plan to include six additional evergreen trees along the northern property line. 11. Provide evidence the turf in the setback does not exceed the 50% maximum, or make the planting area larger. We do not include the parkway in this calculation, only the setback (this is applicable "by category"). Staff calculates the total area the same (about 12,500 sf) and the proposed turf to be about 6900 sf. Please further increase the planting / drip area in the setback. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

12.C. [CPC AP
16-00071](#)

An appeal of the City Planning Commission's decision to grant the appeal of the Notice of Violation & Order to Abate served on the property owner of 2215 North Farragut Avenue or violation of fence height.

(Quasi-Judicial)

Presenter:

Dennis Wolf, Land Use Inspector, Planning and Community Department

Peter Wysocki, Planning and Community Development Director

This item was postponed to the August 23, 2016 meeting.

13. Added Item Agenda

There were no items added to the agenda.

14. Executive Session

There was not an Executive Session.

15. Adjourn

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

Sarah Johnson, City Clerk