



# City of Colorado Springs

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

## Meeting Minutes City Council

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Tuesday, August 8, 2023

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:** 9 - Councilmember Yolanda Avila, President Pro Tem Lynette Crow-Iverson, Councilmember Dave Donelson, President Randy Helms, Councilmember Nancy Henjum, Councilmember David Leinweber, Councilmember Mike O'Malley, Councilmember Brian Risley, and Councilmember Michelle Talarico

### 2. Invocation and Pledge of Allegiance

The Invocation was made by Chaim Goldman, Director of Repairing the Breach Ministries, and Founder/Director of Church Voter Guides.

President Helms led the Pledge of Allegiance.

### 3. Changes to Agenda/Postponements

President Helms stated item 4B.F. has been requested to be removed from the Consent Calendar and Councilmember O'Malley has requested item 4B.G. to be removed from the Consent Calendar.

Consensus of Council agreed to these changes on the agenda.

#### **4. Consent Calendar**

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

#### **4A. Second Presentation:**

- 4A.A. [23-309](#)** Ordinance No. 23-33 amending Ordinance No. 22-90 (2023 Budget Appropriation Ordinance) for a supplemental appropriation to the 2C2-Road Repair, Maintenance and Improvement Fund in the amount of \$16,000,000 for additional capital expenditures identified for 2023

Presenter:

Chris Fiandaca, City Budget Manager

Travis Easton, P.E., Deputy Chief of Staff

Corey Farkas, Manager, Operations and Maintenance Division of Public Works

**Attachments:** [Ordinance for Supplemental Approp-2C2 Road Repair and Maint - Fund Balance - July 2023 Signed Ordinance No. 23-33.pdf](#)

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

- 4A.B. [23-342](#)** Ordinance No. 23-34 amending Part 5 (License Fees) and Section 1008 (Payment By Cash Or Guaranteed Funds) of Part 10 (Offenses; Failure To File, Pay) Both 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 License Fees

Presenter:

Charae McDaniel, Chief Financial Officer

**Attachments:** [23-342 - SalesTax-LicenseFeesORD-2023-06-02v2 Signed Ordinance No. 23-34.pdf](#)

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

- 4A.C. [23-343](#)** Ordinance No. 23-35 amending Part 9 (Administration) 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 Sales And Use Tax Administration

Presenter:  
Charae McDaniel, Chief Financial Officer

**Attachments:** [23-343 - SalesUseTax-AdministrationORD-2023-05-22](#)  
[Signed Ordinance No. 23-35.pdf](#)

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

- 4A.D.** [23-344](#) Ordinance No. 23-36 amending Multiple Sections of Article 7 (Sales And Use Tax) and Article 12 (Economic Development Agreements) of Chapter 2 (Business Licensing, Liquor Regulation And Taxation) of the Code of the City of Colorado Springs 2001, as Amended, pertaining to Sales and Use Tax of Construction and Building Materials

Presenter:  
Charae McDaniel, Chief Financial Officer

**Attachments:** [23-344 - SalesTax-ConstructionCH2-ORD-2023-5-22 \(004\)](#)  
[Signed Ordinance No. 23-36.pdf](#)

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

- 4A.E.** [23-345](#) Ordinance No. 23-37 amending Sections 201 (Definitions) and 213 (Economic Development Agreements) of Part 2 (General Provisions) of Article 1 (Municipal Airport) of Chapter 14 (Municipal Enterprises) of the Code of the City of Colorado Springs 2001, as Amended, pertaining to Sales and Use Tax of Construction and Building Materials

Presenter:  
Charae McDaniel, Chief Financial Officer

**Attachments:** [23-345 - SalesTax-ConstructionCH14-ORD-2023-1-19](#)  
[Signed Ordinance No. 23-37.pdf](#)

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

- 4A.F.** [ANEX-22-0012](#) Ordinance No. 23-39 annexing the area known as T5 Addition No. 1 Annexation located at the southern portion of 3819 Janitell Road consisting of 20,064 square feet.  
(Legislative)

Related Files: ANEX-22-0012R, ZONE-22-0009, COPN-22-0026

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

## Development

**Attachments:** [Ordinance](#)  
[CPC Staff Report](#)  
[Project Statement](#)  
[Legal Description](#)  
[Annexation Plat](#)  
[Zone Change](#)  
[Concept Plan](#)  
[Development Plan](#)  
[Annexation Agreement - Draft](#)  
[FIA Below Threshold.T5 Addition No. 1](#)  
[Vicinity Map](#)  
[Aerial](#)  
[7.6.203-Annexation Conditions](#)  
[CPC Meeting Minutes\\_01.11.23](#)  
[Staff Presentation](#)  
[Signed Ordinance No. 23-39.pdf](#)

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

- 4A.G.** [ZONE-22-0009](#) Ordinance No. 23-40 establishing BP (Business Park) zone district located at the southern portion of 3819 Janitell Road consisting of 20,064 square feet.  
(Legislative)

Related Files: ANEX-22-0012, ANEX-22-0012R, COPN-22-0026

## Presenter:

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

**Attachments:** [Ordinance](#)  
[Exhibit A - Legal Desc](#)  
[Exhibit B - Zone Change](#)  
[Vicinity Map](#)  
[7.5.603.B Findings - ZC](#)  
[Staff Presentation](#)  
[Signed Ordinance No. 23-40.pdf](#)

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

- 4A.H.** [ANEX-22-0010](#) Ordinance No. 23-41 annexing the area known as Hope Chapel Addition No. 1 Annexation located at 2210 Old Ranch Road consisting of 4.6136 acres.

(Legislative)

Related Files: ANEX-22-0010R, ANEX-22-0011, ANEX-22-0011R, ZONE-22-0008, COPN-22-0008

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

**Attachments:** [Ordinance](#)

[CPC Staff Report](#)

[ProjectStatement](#)

[Annexation Plat - Hope Chapel Addition No.1](#)

[Annexation Plat - Hope Chapel Addition No.2](#)

[Legal Description](#)

[Zone Change](#)

[Concept Plan](#)

[Annexation Agreement Draft](#)

[FIA Below Threshold](#)

[FIA Memo](#)

[ProjectStatement](#)

[NearEnclave annexation north2](#)

[AERIAL](#)

[Public Comments](#)

[Impact Report](#)

[Fasterling.Brian\\_comments](#)

[7.6.203-Annexation Conditions](#)

[CPC Meeting Minutes 01.11.23](#)

[Staff Presentation](#)

[Signed Ordinance No. 23-41.pdf](#)

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

- 4A.I.** [ANEX-22-0011](#) Ordinance No. 23-42 annexing the area known as Hope Chapel Addition No. 2 Annexation located at 2210 Old Ranch Road consisting of 9.8807 acres.  
(Legislative)

Related Files: ANEX-22-0010, ANEX-22-0010R, ANEX-22-0011R, ZONE-22-0008, COPN-22-0008

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

**Attachments:** [Ordinance](#)

[Annexation Plat - Hope Chapel Addition No.2](#)

[Legal Description](#)

[FIA Below Threshold.T5 Addition No. 1](#)

[Impact Report](#)

[7.6.203-Annexation Conditions](#)

[CPC Meeting Minutes 01.11.23](#)

[Staff Presentation](#)

[Signed Ordinance No. 23-42.pdf](#)

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

- 4A.J.** [ZONE-22-0008](#) Ordinance No. 23-43 establishing R5/SS (Multi-family Residential with Streamside Overlay) zone district located at 2210 Old Ranch Road consisting of 11.1073 acres.

(Legislative)

Related Files: ANEX-22-0010, ANEX-22-0010R, ANEX-22-0011, ANEX-22-0011R, COPN-22-0008

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

**Attachments:** [Ordinance](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Zone Change](#)

[7.5.603.B Findings - ZC](#)

[Staff Presentation](#)

[Signed Ordinance No. 23-43.pdf](#)

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

**4B. First Presentation:**

**4B.A. [23-407](#)** City Council Regular Meeting Minutes July 26, 2023

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [7-25-2023 City Council Meeting Minutes Final](#)

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

**4B.B. [23-311](#)** Ordinance No. 23-44 including certain property into the boundaries of the Creekwalk Marketplace Business Improvement District

(Legislative)

Presenter:  
Mike Tassi, Assistant Director, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Attachments:** [Ordinance](#)  
[Exhibit A - Petition for Inclusion](#)  
[Exhibit B - Proof of Publication](#)  
[Revised Cover Letter to Colorado Springs BID Inclusion](#)  
[Notice of Inclusion](#)  
[Petition for Inclusion](#)  
[Staff PowerPoint](#)

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

**4B.C. [23-336](#)** A Resolution approving an Economic Development Agreement between the City of Colorado Springs and Project Bullseye

Presenter:  
Bob Cope, Economic Development Officer  
Shawna Lippert, Senior Economic Development Specialist

**Attachments:** [RES ProjectBullseye 2023](#)  
[Project Bullseye Economic Development Agreement](#)  
[Bullseye EDA Presentation WORK](#)  
[Signed Resolution No. 110-23.pdf](#)

**This Resolution was adopted on the Consent Calendar.**

**4B.D. [23-360](#)** Ordinance No. 23-45 amending Ordinance No. 22-90 (2023 Budget Appropriation Ordinance) for a supplemental appropriation to the Public Safety Sales Tax (PSST) Fund in the amount of \$2,000,000, and to the General Fund in the amount of \$1,000,000, for additional capital costs for construction of Fire Station 24 and remodel of an

existing fire station in Colorado Centre that will become Fire Station 25; and to the Capital Improvements Program (CIP) Fund in the amount of \$1,000,000 for the transfer from the General Fund to the Fire Station 24 existing project account

Presenter:

Chris Fiandaca, City Budget Manager  
Randy Royal, Fire Chief

**Attachments:** [Ordinance for Supplemental Approp-PSST and GF and CIP for FS 24 and 25](#)

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

- 4B.E. [23-361](#)** Ordinance No. 23-46 amending Ordinance No. 22-90 (2023 Appropriation Ordinance) for a Supplemental Appropriation to the Memorial Health System Enterprise Fund in the amount of \$1,465,848 for monies due to UCH-MHS for the periodic reconciliation with UC Health

Presenter:

Charae McDaniel, Chief Financial Officer

**Attachments:** [Supplemental Approp Ord for MHS to UCH recon payment](#)

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

- 4B.H. [23-352](#)** A Resolution Authorizing the Purchase of Fort Lyon Canal Company Stock Owned by Mathis Golden Farm, LLC for Colorado Springs Utilities and Authorizing the Filing of Water Court Applications for Changes of Water Rights and Appropriative Rights of Exchange

**Attachments:** [Water Acquisition City Council Resolution 8-8-23 Signed Resolution No. 111-23.pdf](#)

**This Resolution was adopted on the Consent Calendar.**

- 4B.I. [23-267](#)** A Resolution Authorizing the Acquisition of a Permanent Easement on Property Located at 2660 Astrozon Boulevard to be Used for the Kelker to South Plant Transmission Project

Presenter:

Jessica Davis, Land Resource Manager, Colorado Springs Utilities  
Travas Deal, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [CC Resolution\\_KelkerSouthPlantHPlaza3LLCEasement\\_Final Exhibits\\_H Plaza 3 LLC Legal Description 05 11 23 CC Presentation\\_Property Acquisition\\_K-SP\\_H Plaza 3 LLC\\_Final Signed Resolution No. 112-23.pdf](#)

**This Resolution was adopted on the Consent Calendar.**



- 4B.J.** [23-330](#) A Resolution by City Council Rescinding Resolution No. 99-23 and Adopting a New Resolution in Favor of the City of Fountain's Request to Join the Pikes Peak Rural Transportation Authority (PPRTA)

Presenter:

Travis Easton, P.E., Deputy Chief of Staff  
Randy Helms, Councilor, PPRTA Board Chair

**Attachments:** [RES\\_PPRTA Fountain\\_edit\\_Clean2](#)

[RES\\_PPRTA Fountain\\_edit\\_Redline](#)

[1\\_PPRTA Resolution for Fountain to Join PPRTA](#)

[2 Fountain Joining PPRTA Financial impact](#)

[3 Fountain Impact on PPRTA 3](#)

[5 Presentation on Fountain Joining PPRTA](#)

[Signed Resolution No. 99-23.pdf](#)

[Signed Resolution No. 113-23.pdf](#)

**This Resolution was adopted on the Consent Calendar.**

## Approval of the Consent Agenda

**Motion by Councilmember Talarico, seconded by President Pro Tem Crow-Iverson, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

## 5. Recognitions

- 5.A.** [23-410](#) A Resolution recognizing August 12, 2023 as Julie Penrose Day

Presenter:

Michelle Talarico, Councilmember District 3

**Attachments:** [Julie Penrose Day](#)

[Signed Resolution No. 114-23.pdf](#)

Councilmember Talarico read a Resolution celebrating August 12th, 2023 as Julie Penrose Day and identified how Ms. Penrose was a mentor to her and many others.

Kyle Hybl, President and Chief Executive Officer, El Pomar Foundation, provided a brief history of Julie Penrose, her work in the community, the El Pomar Foundation, their grants in honor of Julie Penrose, the Julie Penrose Award, and recognized Kathy Loo, former City Councilmember.

Councilmember Avila, an El Pomar Foundation scholar, expressed appreciation and recognized the legacy of Julie Penrose.

**Motion by Councilmember Donelson, seconded by Councilmember Henjum, that the Resolution recognizing August 12, 2023 as Julie Penrose Day be adopted. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

**5.B. [23-408](#) City Council Appointments to Boards, Commissions, and Committees**

Presenter:

Randy Helms, Council President & Councilmember District 2

**Attachments:** [080823 Boards Commissions and Committee Appointments](#)

President Helms presented the City Council Appointments to Boards, Commissions, and Committees.

Britt Haley, Director, Parks, Recreation, and Cultural Services Department, Councilmember Talarico, interviewer, and Councilmember Leinweber, interviewer, expressed appreciation for all the nominees who applied to serve on the Parks, Recreation, and Cultural Services Advisory Board.

**Motion by Councilmember Henjum, seconded by Councilmember Talarico, that the Appointments to City Council Boards, Commissions, and Committees be approved. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

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

There was no Mayor's Business.

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

Citizen Jim Cileti spoke about the need for holiday lighting on Pikes Peak Avenue and Bijou Street.

Citizen Jeffrey Ferguson identified his plans to honor his son and his son's girlfriend, who were murdered, with nonprofit programs to help make the community a better and safer place.

Citizens David Bayer and Chauncy Johnson stated the proposed Taxpayer Bill of Rights (TABOR) retention money should be used to assist people experiencing poverty and homelessness, which includes his father.

Citizen Carl Rippel identified some of the roads in need of repair along the City's transit routes and requested better lighting in the buses.

Citizen Jaymen Johnson spoke in favor of the proposed TABOR retention to build a police training center.

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

- 4B.F.** [23-365](#) A Resolution Authorizing Acquisition of Approximately 564 Acres and Recognizing a Partial Donation

Presenter:

Troy Stover, Business Park Development Director, Colorado Springs Airport

**Attachments:** [564-Acre Property Acquisition Resolution 2023 08 08.docx](#)  
[564 Acre Acquisition City Council PowerPoint August 8, 2023.pptx](#)

Sarah B. Johnson, City Clerk, stated this item was requested to be postponed indefinitely.

**Motion by President Pro Tem Crow-Iverson, seconded by Councilmember Donelson, that the Resolution authorizing acquisition of approximately 564 acres and recognizing a partial donation be postponed indefinitely. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

- 4B.G.** [23-404](#) The City Clerk reports that on July 26 2023 there was filed with her a petition for the annexation of Rock Creek Mesa Addition No. 1 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1).

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Petition for Annexation CITY OF COLORADO SPRINGS PCRS.pdf](#)  
[Rock Creek MEsa.pdf](#)  
[Petition for Annexation COLORADO SPRINGS EQUITIES LLC.pdf](#)  
[Rock Creek Mesa.pdf](#)  
[Petition for Annexation GOLDEN EAGLE RANCH LLC.pdf](#) Rock  
[Creek Mesa.pdf](#)  
[Petition for Annexation NEW DIRECTION IRA INC FBO.pdf](#) Rock  
[Creek Mesa.pdf](#)  
[ROCK CREEK MESA ANNEXATION PLAT.pdf](#) Rock Creek  
[Mesa.pdf](#)  
[New Direction SOA \(executed\).pdf](#) Rock Creek Mesa.pdf  
  
[Statement of Authority COLORADO SPRINGS EQUITIES LLC.pdf](#)  
[Rock Creek Mesa.pdf](#)  
[Statement of Authority GOLDEN EAGLE RANCH LLC Signed.pdf](#)  
[Rock Creek MEsa.pdf](#)

Councilmember O'Malley stated he pulled this item because he would like to see a relational map of where it is in relationship to City boundaries.

Katelyn Wintz, Senior Planner, Planning and Community Development, explained this is an area off Highway 115 just South of Cheyenne Mountain State Park, this annexation includes the parks property which is the triangle that has contiguity to the City boundary.

Ben Bolinger, Legislative Counsel, City Attorney's Office, explained the statutory process of this item which includes Council's review in order to be referred to the Planning Department.

**Motion by Councilmember Donelson, seconded by Councilmember Talarico, that the Resolution to refer the petition and map for Rock Creek Mesa Addition No. 1 to the City Administration to determine whether the petition and map substantially comply with the requirements of the Municipal Annexation Act of 1965 and City Code be adopted. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

## **9. Utilities Business**

There was no Utilities Business.

## **10. Unfinished Business**

There was no Unfinished Business.

## **11. New Business**

There was no New Business.

## **12. Public Hearing**

**Kum and Go Project Estimate Time: 1 Hour**

Meeting went into Recess

Meeting Reconvened

- 12.A.** [ZONE-23-0003](#) Ordinance No. 23-38 amending the zoning map of the City of Colorado Springs relating to 1.81 acres located at the southwest corner of the East San Miguel Street and North Circle Drive intersection to retain the current zoning classification of MX-M/CR (Mixed-Use Medium Scale with Conditions of Record) and remove the condition of record #2, which stipulates that “All activities shall be conducted entirely within a building.”

(Quasi-Judicial)

Related Files: COPN-23-0002

Presenter:

Austin Cooper, Planner II, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Attachments:** [Ordinance](#)

[Ordinance 12-92](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Zone Change](#)

[Staff Report](#)

[Project Statement](#)

[Public Comments](#)

[Response to Public Comments](#)

[Context Map](#)

[Community Meeting Neighborhood Sign-in Sheet](#)

[7.5.603 Findings - ZC](#)

[Post Planning Commission Public Comment](#)

[Signed Ordinance No. 23-38.pdf](#)

Ben Bolinger, Legislative Counsel, City Attorney’s Office, polled City Council regarding any ex parte communications. All Councilmembers responded and stated they are able to make fair and impartial decisions.

Austin Cooper, Planner II, Planning and Community Development Department, presented the Ordinance amending the zoning map to retain the current zoning classification of MX-M/CR (Mixed-Use Medium Scale with Conditions of Record) and remove the condition of record #2,

which stipulates that “All activities shall be conducted entirely within a building.” And a Concept Plan for a food convenience store with fuel sales on a 1.82-acre site, located at the southwest corner of East San Miguel and North Circle Drive. He provided an overview of the applications, site details, site history, public notification/involvement, context map, current zoning, zone change, Concept Plan, PlanCOS conformance, Planning Commission’s hearing/action, and staff recommendations.

Councilmember Donelson asked what the concerns were of the two Planning Commissioners who voted against the project. Mr. Cooper stated it based on a twenty-four-hour use located next to a residential area

Councilmember Talarico asked when the zoning was previously changed. Mr. Cooper stated it was 2012 in order to allow for more land uses.

Councilmember Henjum requested additional information regarding PlanCOS and the vision of the portion that embraces creative infill adaptation and land use change. Mr. Cooper stated that after twenty years of vacancy, the applicant had to make some determinations of how the market was going.

Councilmember Henjum asked if there was a master plan for this area. Mr. Cooper stated there was not.

Councilmember Henjum asked if a traffic study done. Mr. Cooper confirmed there was a traffic impact analysis completed on the site with the recommendation of a future traffic signal as well as a southbound right turn lane.

Krysta Houtchens, Entitlements and Engineering Solutions, representing the applicant, went over the existing condition of record, proposed use, development patterns, proposed site plan, visual perspectives, modified drainage patterns, community concerns of light, noise, odor, crime, vandalism, traffic impacts, fuel tankers, property values, and gas station use. He identified the elevations, market research, competition in the area, K&G fuel offerings, food offerings, and electric vehicle (EV) charge sessions.

Councilmember Henjum asked if they are planning on putting EV stations at this site. Ms. Houtchens stated it is unknown at this time, Kum & Go works with a couple Tesla and charge points where they present their sites to them, and those distributors choose which sites they want to bring EV to based on their research, and it will be determined later in the process, but it is Kum & Go's desire to add them. Chris Burton, Local District Supervisor, Kum & Go, stated the infrastructure will already be located on the site so it will be ready if EV stations are approved to be added.

Councilmember Henjum requested additional information regarding the multifamily complex to the west acting as a buffer from the commercial district to the single-family residential properties. Ms. Houtchens stated there is usually a commercial buffer before it goes into the residential area and that multifamily complex offers a bit of a buffer to the single-family residential.

Councilmember Avila asked how long Kum & Go has been around. Mr. Burton stated 1959 and they built their first store in 2012.

Councilmember Avila asked if any Kum & Go's have closed due to changes in the area and what happens to the site afterwards. Mr. Burton confirmed they have, but not in Colorado Springs. Dan Garneau, Site Development Manager, Kum & Go, explained the process for removing the fuel tanks from the ground and cleaning the site for the next user of the parcel.

Councilmember O'Malley requested more information regarding the move toward renewable energy. Mr. Burton stated their growth is based on need, they conduct cross-sectional studies to make sure their stores continue to make sense and they are evolving to include renewable fuel sections and new EV chargers.

Councilmember Henjum asked regarding the noise mitigation. Mr. Garneau stated the amount of noise generated from the surrounding streets is greater than the noise generated from their sites, and they take noise complaints very seriously. Mr. Burton explained the noise buffers they have included on their lots to filter out any noise.

Citizens Charles Barber, Abdul Bune, Ahmed Bune, Garret Gomez, and Barbara Snow spoke in opposition of the proposed project.

Ms. Houtchens stated the KA Transformers along San Miguel are worked into their grading design for this site with a sidewalk going around them so they will not be disturbed, they are providing underground infiltration, they are well meeting set back requirements, they will be paying for the traffic lights, they are willing to add any speed bumps that the City or neighbors request, and there has been phase one environmental studies done regarding any endangered species and none were found on this site.

Councilmember Donelson asked if the traffic signal could be required to be installed before the store opens. Mr. Cooper stated the Traffic Engineering Department reviewed the traffic impact analysis and determined that a traffic signal may be warranted. Mr. Garneau stated they are proposing that signal, at their expense, is part of the project and as far as timing, they would generally construct it at the same time or at the start of the construction so it would be in place before they open.

Councilmember Donelson asked if speed bumps are allowed. Mr. Cooper stated he does not believe they would add that, but Traffic Engineering could potentially add traffic calming measures.

Councilmember Donelson asked if there are any concerns about the traffic light being located too close to Palmer Park. Mr. Cooper stated the Traffic Engineering Department supports the installation of the traffic light.

Councilmember Donelson requested additional information regarding the other fuel stations in the area. Ms. Houtchens and Mr. Burton identified their locations in proximity to the proposed Kum & Go site.

Councilmember Talarico asked if there are other eateries, restaurants, or drive-thru's within close proximity to this site. Mr. Burton stated they will provide that information.

Councilmember Henjum asked if the proposed traffic signal will be the third light in this area. Todd Frisbie, City Traffic Engineering, stated because they are relatively close which is similar to the downtown grid, they feel that a signal location here would work when traffic warrants it and still provide the proper flow and progression.

Councilmember Donelson asked if the traffic signal could be installed



now. Mr. Frisbie stated they could do a projection and assess it to see if the light would be warranted from day one of the Kum & Go opening.

Councilmember Avila asked how close the nearest Kum & Go is from this site. Mr. Burton stated there is one located at North Circle and Airport Boulevard.

Councilmember Talarico stated that for future plans, since this is a bistro model, she recommended they include information regarding the competition factors for planning purposes.

Councilmember Henjum stated she is concerned about the lack of planning on the part of the City Planning Department because this is not what the neighbors want or need, it does not meet the spirit of PlanCOS, three traffic signals on a very busy street is too much, it may put nearby competitors out of business, and does not think this is the right place for a Kum & Go.

Councilmember Avila stated she believes this is an area which is underserved, this project is not compatible with PlanCOS, this area is already saturated with gas stations, a multi-family unit complex should not be viewed as a buffer because people live there, and she will not be supporting this project.

Councilmember Donelson stated Circle Drive is a little rundown all along there, the design that was shown for the Kum & Go is an attractive design, he is impressed with the amount of landscaping which is proposed for the west side of the property and along San Miguel Street, there will be a pretty good buffer between the multifamily and the gas station, the applicants addressed the noise concerns, and he would like assurance that the traffic light will be in place before the Kum & Go can open.

**Motion by Councilmember Donelson, seconded by President Pro Tem Crow-Iverson, that the Ordinance amending the zoning map of the City of Colorado Springs for 1.81-acres associated with the Kum and Go Convenience Store and Gas Station project and retain the current zoning classification of MX-M/CR (Mixed-Use Medium Scale with Conditions of Record) and remove Condition No. 2, which stipulates "All activities shall be conducted entirely within a building." based upon the review criteria for a zone change, as set forth in City Code Section 7.5.603 be finally passed. The motion passed by a vote of 5-3-1-0**

**Aye:** 5 - Crow-Iverson, Donelson, Helms, O'Malley, and Risley

**No:** 3 - Avila, Henjum, and Talarico

**Absent:** 1 - Leinweber

- 12.B.** [COPN-23-0002](#) A Concept Plan for a food convenience store with fuel sales on a 1.82-acre site, located at the southwest corner of East San Miguel and North Circle Drive.

(Quasi-Judicial)

Related Files: ZONE-23-0003

Presenter:

Austin Cooper, Planner II, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Attachments:** [Staff Report](#)  
[Concept Plan](#)  
[Context Map](#)  
[PlanCOS Vision Map](#)  
[7.5.501.E Concept Plans](#)  
[Post Planning Commission Public Comment](#)

Please see comments in agenda item 12.A.

**Motion by Councilmember Donelson, seconded by President Pro Tem Crow-Iverson, that the Concept Plan for the Kum and Go Convenience Store and Gas Station project, based upon 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) as amended to include the condition that the Certificate of Occupancy could not be issued until the proposed traffic signal at the intersection of Circle Drive and San Miguel Street is installed be approved. The motion passed by a vote of 6-2-1-0**

**Aye:** 6 - Crow-Iverson, Donelson, Helms, O'Malley, Risley, and Talarico

**No:** 2 - Avila, and Henjum

**Absent:** 1 - Leinweber

### **Launchpad Apartments Appeal Estimated Time: 3 Hours**

- 12.C.** [CPC 2063](#) An appeal of the Planning Commission's decision to affirm the administrative decision for the approval of a multi-family residential development plan, known as Launchpad Apartments, located at 864 North 19th Street, and deny the appeal filed against Launchpad Apartments.

(Quasi-Judicial)

Related Files: DEPN-23-0001

Presenter:

William Gray, Senior Planner, Planning & Community  
Development

Peter Wysocki, Director, Planning & Community Development

**Attachments:** [Request for Postponement 07.25.23](#)  
[Request for Postponement 06.14.23](#)  
[Staff Report](#)  
[Project Statement](#)  
[Appeal to City Council](#)  
[Appeal Memo to Planning](#)  
[Appeal Statement](#)  
[Development Plan](#)  
[Public Comments 07.27.23](#)  
[Public Comments](#)  
[Public Comment Response](#)  
[Support Letter](#)  
[Neighborhood Meeting Notes](#)  
[PlanCOS Vision Map](#)  
[Vicinity Map](#)  
[Context Map](#)  
[The Westside Plan 1979](#)  
[Westside Generalized Land Use Map](#)  
[Traffic Impact Study](#)  
[Geotech Report](#)  
[Appellant Document: 1999 Landslides Engineering Report SQUIRE](#)  
[Appellant Document: Deficiencies Geologic Hazard Study](#)  
[Appellant Document: Hofstead Landslide 1999](#)  
[Appellant Document: Transcript Neighborhood Meeting 09.26.22](#)  
[Appellant Document: Uphill Neighbor Letter 06.06.23](#)  
[Appellant Document: Uphill Neighbor Letter 07.11.23](#)  
[Appellant Request for Postponement 06.09.23](#)  
[Appellant Document: Inaccuracy Report](#)  
[Appellant Document: Staff Makes Appellant Case](#)  
[Appellant Document: Case Outline](#)  
[7.5.502.E Development Plan Review](#)  
[7.5.906 \(A\)\(4\) Administrative Appeal](#)  
[CPC Meeting Minutes\\_06.14.23](#)  
[Staff Presentation](#)  
[Opposition to Postponement.pdf](#)  
[Postion Statement in Opposition to Appeal.pdf](#)  
[Exhibit 1 - Applicant's Appeal PPT Presentation 6.14.2023.pdf](#)  
[Exhibit 2 - Community Leader and Neighbor Support Letters.pdf](#)

[Exhibit 3 - Public Comment Compilation.pdf](#)

[Appeal to City Council](#)

Ben Bolinger, Legislative Counsel, City Attorney's Office, polled City Council regarding any ex parte communications. All Councilmembers responded and stated they are able to make fair and impartial decisions.

William Gray, Senior Planner, Planning and Community Development, presented the appeal of the Planning Commission's decision to affirm the administrative decision for the approval of a multi-family residential development plan, known as Launchpad Apartments, located at 864 North 19th Street. He provided an overview of the vicinity map, site conditions, project summary, site plan, appeal basis, purpose of the project, development plan review criteria, development plan, context map, and photos of the street views. He identified the base zoning standards, surrounding use compatibility, landscape, parking, traffic, geologic hazards, and compatibility with PlanCOS and West Side Plan.

Councilmember Risley asked how often the City deviates from parking requirements for vehicles versus parking requirements for other types of multimodal transportation. Mr. Gray stated they do not do that often but in the more urban parts of the City where there are bike routes and bus routes that have a higher frequency of running, there are properties utilizing allowed parking reductions per the development code.

President Helms asked how many parking spaces would be required if there were no variance. Mr. Gray stated approximately seventy.

Councilmember Leinweber requested additional information regarding the elevation of the site and surrounding properties. Mr. Gray identified how the development plan anticipates a grade difference of forty-five feet between the finished floor of the building and the existing grade where the single-family homes are located to the west of this site.

Councilmember Donelson stated there is a total of fifty units so there would be seventy- five parking spaces. Mr. Gray stated he will check to make sure.

Catherine Duarte, United States Department of Housing and Urban Development (HUD) Programs Manager for the Housing and Community Vitality Department, stated this project, which the

Department is supporting through grant funds and other forms of assistance, meets the many and very high standards required by their Department, the State's Housing Finance Authority, and other federal funding agencies. She identified the criteria and went over how this project meets the requirements for affordable housing and its compatibility with HomeCOS.

Tracey Bradford, representing the appellant, stated she did not receive notice of this project because her home was not within the notification area, this building would tower over the surrounding neighborhood, it would not be harmonious or compatible with the area, she read statements from co-appellants, Mike Jean, Mario Vasquez, John Milman, and spoke with business owners Cathy Neechi, Bill Plummer, and Diane Christenson who spoke about crime issues in the area. She also stated there are neighborhood concerns regarding landslide susceptibility, drug/crime situation, building height/density, traffic, discrimination, parking, and safety issues for the children at Ruth Washburn Cooperative Nursery School and surrounding residents.

Scott Hiller, representing the appellant, identified where the appellants reside, the Planning Commission's denial of their request for postponement, and the appeal criteria they are required to provide evidence of. He stated the proposal does not substantially comply with The Westside Plan because it is thirty percent too high and 225 percent too dense, they do not believe the application is in line with the intent of the Zoning Code, there were many mistakes made and wrong assumptions at play when City staff made the administrative decision, the decision was made too hastily, with very little public commentary or input. Mr. Hiller stated he believes the application should have never been on the administrative track to begin with, it is in a landslide area, it is contrary to the neighborhood plan, it is using taxpayer money, and it is controversial. He went over the components of the Westside Plan and stated that where any provision of this Zoning Code conflicts with other provisions of City Code, or any other law or ordinance, the more stringent requirement, regulation, restriction, or land use limitation shall apply and a majority of the zoning in this area is R-2 which is incorrect. Mr. Hiller provided an overview of the September 8, 2022 Geologic Hazard Study, the contents of the original report caused a dramatic change in their design plan, key requirements of the City's Geologic Hazard Study, the third parties' review of the CTL Thompson report, how there is groundwater detected in the bedrock, details of the previous

residential landslides, landslide proximity to the proposed site, landslide information on Columbine Avenue, and how City staff made an incorrect administrative decision to approve the Development Plan.

Councilmember Risley asked if the zoning is compatible with this application and development plan. Mr. Gray confirmed it is.

Councilmember Risley asked if Mr. Hiller a geotechnical engineer. Mr. Hiller stated he was the Chief of Geosciences for an engineering firm, is a geophysicist, geologist, he has a degree in geophysics with a minor in geology mathematics and has worked in the field with more than 15 years of professional engineering. Councilmember Risley asked if he was certified in the state of Colorado. Mr. Hiller stated he was not.

Andrea Barlow, Principal NES, representing the applicant, introduced Shawna Kemppainen, CEO, The PLACE, Wayne Bland, Chair, Housing Stability Committee, The PLACE, and Lisa Sorensen, Development Director, Cohen-Esrey.

Ms. Sorenson provided an overview of the applicants.

Ms. Kemppainen went over the project intent and building features.

Ms. Sorenson identified the access to services/transit and why they chose this location.

Ms. Barlow provided an overview of surrounding land use, zoning, development features, and their response to the claims of the appeal.

Bill Hoffman, CTL Thompson, identified his experience with the City's geohazard Ordinance, landslides, landslide susceptibility zones, the geologic response, slope stability, existing condition, temporary construction condition, and proposed construction.

President Helms asked Mr. Hoffman how many recommendations he has made to build in the City. Mr. Hoffman stated if they feel a site is not suitable for development, they tell the client that and there have been at least a dozen of those.

President Helms asked if there were any reason for there to be additional inspections from the state. Mr. Hoffman stated the geologic

hazards of this site are irreputable, but it is the engineering behind it which is not the Colorado Geological Survey's purview because they are geologists.

President Helms asked if Mr. Hoffman was an engineer. Mr. Hoffman confirmed he has been a continuously registered, professional engineer for forty years and is also a Fellow in the organization that represents the business interests of all consulting engineers which requires a high degree of ethics and a high degree of community involvement.

Councilmember Donelson asked if Mr. Hoffman would object to his geotechnical report being reviewed by CGS. Mr. Hoffman stated he would not.

Councilmember Henjum asked if City Council has the purview to make decisions beyond a land use plan. Mr. Bolinger stated that generally when it comes to plans, they are not binding documents, they are advisory, planning documents, and not every decision that comes after the plan is adopted is one hundred percent conformative to the plan and it is there as guidance for people who make future decisions.

Councilmember Risley asked if the plan was written in 1979 and asked if it was aspirational in nature. Mr. Gray confirmed the Westside Plan is an advisory, aspirational document.

Councilmember Talarico asked how often the Westside Plan is used to make decisions in the Planning Department. Mr. Gray stated they do not use the Westside Plan by itself to make decisions.

Councilmember Risley requested additional information regarding use-by-right. Ms. Barlow stated the applicant had an expectation of what was allowed on the property which included multi-family residential.

President Helms asked if the building will be located one hundred twenty-five feet from the retaining wall. Ms. Barlow stated it will be one hundred twenty-five feet from the property line and the existing neighbor's fence, not the retaining wall.

Councilmember Henjum asked how public input was obtained. Ms. Barlow identified the numerous meetings held.



Citizens Beth Linqvist and Pastor Paula Stecker ceded their time to Susan Bolduc, Colorado Springs Faith Table, Sam Clark, Pikes Peak Real Estate Foundation, Evan Castor, Senior Manager, Homeless Initiatives, Becca Sickbert, Lee Patke, Executive Director, Greccio Housing and Cofounder of the Pikes Peak Housing Network, Wayne Bland, volunteer at The Place, Kat Lilley, Peer Programs and Volunteer Manager for National Alliance on Mental Illness (NAMI) of Colorado Springs, Beth Roalstad, CEO of Homeward Pikes Peak, Nancy Wallace, Angela Roberts, Community Health Partnership and the Pikes Peak Continuum of Care, Melanie Lindsay Brisbin, Deliah Eberhart, Jen Filonowich, Executive Director, Ruth Washburn Cooperative Nursery School, Daniel Figueroa, Justin Trudeau, Board President, Westside Neighbors, Liss Smith, Inside Out Youth Services, Susan Edmondson, President and CEO, The Downtown Partnership of Colorado Springs, Pam Bland read a letter of support from Jason Cooper, Lori Jarvis, Executive Director of the NAMI, Maryah Lauer, EmRhys Jenkins, Kelly Perry, Max Kronstad, and Cathy Verdier spoke in support of this project.

Councilmember Donelson asked if the board and the families of the Ruth Washburn Cooperative Nurse School unanimously support this project. Ms. Filonowich stated they only heard concerns from one family out of the 110 families.

Citizens Kevin Gigiano, Amanda Gigiano, Michael Greensmith, Orville Wilson ceded their time to Mike Wagner, Reggie Vandriest ceded their time to Catherine Gilsey, Dana McLaren, Tom Strand, Mike Wemple, John Pitchford ceded his time to Dana Duggan, and Sharon Dehalis spoke in opposition of this project.

Councilmember Donelson asked Mike Wemple if he had experienced any issues with his home's foundation shifting. Mr. Wemple confirmed he has.

Ms. Barlow stated for the resident who lives immediately south of the property regarding his concerns about the detention pond and water onto his property, the detention pond is going to be graded away from his property so the water will be stored and then released into the City stormwater sewer system on 19th street so it is going to significantly improve the stormwater flows, the survey of parents with children at the nursery school resulted in sixty-eight percent in favor of the Launchpad project, the building is not being built on a hill, CGS would have the

same findings at Mr. Hoffman, the Westside Plan Ordinance contents are just advisory, aspirational, and out of date, they are not City Code or policy.

Ms. Sorenson stated they are compliant with all zoning codes, they have obtained professional reports prepared by engineers, CTL Thompson, and reviewed by the City engineers, they have done their due diligence, they have followed all the steps, all the rules, and they would like to move forward with this development.

Ms. Kemppainen stated they would not have selected this place if they did not think it was the right spot for what they are doing, there is approximately 190 youth experiencing homelessness in any given month in across El Paso County, the data shows that one in five of them will trade their body for place to sleep, the return on investment is it costs \$37,000.00 a year to have someone stay on the street.

Councilmember Leinweber asked what the requirements are for someone to stay at The Place. Ms. Kemppainen stated permanent supportive housing is not only housing, it is housing first because when someone is housed first, whatever else it is that they must address is going to be a much lower hurdle and residents have to qualify with some form of disability.

Councilmember Leinweber asked how many full-time staff will be on duty. Ms. Kemppainen stated this will be defined by the funding, it is required that they must have one case manager for every fifteen people who are living at the Launchpad and that does not include the mental health workers from Peak Vista Community Health or other services which will be around. Ms. Sorenson stated there will also be a Property Manager, Assistant Manager, and maintenance person.

Councilmember Talarico asked how many people The Place has assisted in permanent supportive housing. Ms. Kemppainen stated approximately thirty to forty-five people.

Councilmember Talarico asked if they also assist with helping find employment. Ms. Kemppainen confirmed they do.

Councilmember Donelson asked if residents would be required to participate in the programs. Ms. Kemppainen stated it would not be

required or be time limited.

Councilmember Donelson asked if a resident could bring guests in to spend the night. Ms. Kemppainen stated residents would be allowed to have guests, but it would be monitored, and they have not worked out if they would be allowed to spend the night.

Councilmember Donelson asked how drugs would be prevented from entering the Launchpad. Ms. Kemppainen stated they will be setting standards and goals for the youth and there will be people there to deter certain behaviors.

Councilmember Donelson asked how old someone can be and still stay there. Ms. Kemppainen stated eighteen- to twenty-five-year-olds.

Mr. Bolinger encouraged City Council to refocus to the review criteria for the Development Plan.

Mr. Hiller stated the title of the Ordinance is the geological hazards Ordinance, not the engineering hazards Ordinance, geologic hazards need to be recognized such as groundwater detected in the bedrock, there is Pierre Shale, and there is steeply dipping bedrock on the site.

Councilmember Donelson asked if the CSG reviewed the CTL Thompson report, if they would have different conclusions. Mr. Hiller stated the CSG does their own research, and he would expect them to identify the shortcomings of the report.

Councilmember O'Malley asked if insurance companies seek advice from Mr. Hiller regarding actuarial assessments for viable projects. Mr. Hiller stated a wide variety of companies have come to him with those kinds of questions.

Ms. Barlow stated the reason Boulder, CO, Jefferson County, and El Paso County send everything to CGS is because they do not have any qualified staff to review such reports unlike the City who does have qualified staff, these geohazards concerns by the appellant were not as prevalent in the Planning Commission hearing nor inherit in the initial statements and the request to send the geohazard report to CGS for review is a bit of a red herring and an intent to delay this project which could delay the funding and jeopardize the project, this is a perfect

neighborhood for this project because it is a mixed-use neighborhood, it is zoned R-5 for multi-family, they went through the applicant's grounds for appeal one-by-one, the Fair Housing Act needs to be considered regarding the land use, but not the proposed programs, they have a very strong geohazard technical engineer on our team, this project will be reviewed throughout the construction, for the building permit Regional Building will require a site specific geological report to look at the foundations and the walls, this site will not be natural slope, it is a fill, it is being graded, it has been created artificially, and they are mitigating it through avoidance by putting the building in the northeast corner of the property.

Mr. Gray stated this is a multi-family apartment building in an R 5 zoning district, it is subject to review based on the adopted Unified Development Code (UDC), he went over the purpose/intent of the R-5 district, development plan review criteria, and how they reached their decision for recommendation on the project.

Tyra Sandy, City Engineering, stated they adequately identified the geologic hazards that were are on the site, they identified the mitigation measures with the primary mitigation measure which the applicant utilized was to just avoid this the slope altogether, they identified a slight cut into the slope which will be retained by utilizing a retaining wall to keep it stable, the other hazards which they identified were the expansive soils of which they recommended over excavation underneath the building to maintain stability and reduce differential movement, they also identified erodible soils and talked about vegetation to cover those issues, so from the City's standpoint they met their criteria of the geologic hazard report, and City Council can recommend that it go to CGS, however, CGS is only a review and the approval lies within City Engineering.

Councilmember Leinweber asked what the risk to the building will be. Ms. Sandy stated even though the building will be built on flat land, if the slope was to fail, it would hit the building.

Councilmember Leinweber requested additional information regarding the proposed retaining wall. Ms. Sandy explained that it is an engineered wall and by stabilizing the toe of the slope, it will provide additional support which will reduce the risk for the houses above.

Councilmember Talarico asked if it is City Engineering's recommendation that this appeal be denied. Ms. Sandy confirmed it is.

Councilmember Donelson asked if the CTL Thompson report should have included a statement about the steeply dipping bedrock on the property. Ms. Sandy stated steeply dipping bedrock is right across the Front Range and this site is significantly outside, about a mile, the zone of steeply dipping bedrock.

Councilmember Donelson requested that each of Mr. Hiller's concerns be addressed. Ms. Sandy stated the depth of the groundwater is below the range and Pierre Shale is very expansive.

President Helms requested how the CTL Thompson report was reviewed. Ms. Sandy explained they follow the Geohazard Code to identify hazards which need to be addressed such as dipping bedrock, undocumented fill, and slope stability, how the applicant mitigates it, if it addresses the slope stability adequately, they run the slope stability analysis, the factors of safety, and if those are within industry standards.

President Helms asked if Ms. Sandy felt there was a need for the State to review the project or geohazard report. Ms. Sandy stated she does not think they need to, and they are not the approval authority, City Engineering is.

Councilmember Donelson asked if City Engineering would consider recommendations from CGS. Ms. Sandy confirmed they would.

President Helms asked if Mr. Hoffman had any qualms regarding his recommendation. Mr. Hoffman stated he does not have any qualms about their recommendations, he thinks the engineering analysis was very robust and probably very untypical regarding the level of detail that would be provided by others.

President Helms stated he trusts the reports and recommendations provided by staff and Mr. Hoffman.

Councilmember Donelson stated he takes very seriously what the citizens that live directly above the site report as far as the condition of their homes, reports of other homes sliding nearby, and the different testimonies from experts, and requested the CTL Thompson report be

referred to the CGS for review and table this matter until they have had a chance to review it.

Councilmember Risley stated this project is a land use project and they are tasked with whether or not this meets the criteria for land use, this project is a use by right, he has worked on projects with all kinds of interesting geological and geographic technical concerns, but the reason for engineering is to overcome and mitigate those concerns in order to solve those problems. He stated the City has on staff geologists and geotechnical engineers who have looked at this and have determined that the reports are accurate, the reports will address and mitigate the concerns, having CGS review it will not change the outcome, and he does not support a postponement.

President Helms and Councilmember Leinweber stated they also do not support a delay.

Councilmember Donelson stated there has been concerns brought forward by someone he would say is a credible party and the fact that the applicant may have their finances structured to where this is difficult for them does not absolve City Council of their responsibility to look out for the safety of the citizens that live in that area, He request that they think of that and the people who have lived there for decades first and not a rush for fifty apartments of housing.

Councilmember Henjum asked if Ms. Sandy was one of three engineers working for the City and if the others have reviewed the CTL Thompson report. Ms. Sandy confirmed that she is, and Gayle Sturdivant and Patrick Morris also reviewed the report.

Councilmember Henjum stated the concerns seems to be more with the residents who live on the ridge and not the building which will be located on flat land.

Councilmember Talarico stated a referral to CGS disregards that there are experts in this City who have done their job and she will not be supporting the motion to refer it.

Councilmember Donelson asked Mr. Hiller if Ms. Sandy addressed his concerns. Mr. Hiller stated she did not and the biggest issue with the steeping dipping bedrock is the map itself says that the boundaries are

approximate, however the data that they have provided show that it does exist on the site, an inclinometer analysis would satisfy what the dip in the bedrock, they depict a hazard which they do not discuss or negate which is a public safety concern. He stated he consulted a third party, Chris Rudnick, and his findings mirrored his own, and the top of the ridge is at risk if the bottom of the hill is excavated.

Councilmember Risley provided an overview of different types of construction between residential and commercial, and the modernization of construction techniques.

Councilmember Leinweber asked when the application was submitted. Mr. Gray stated January 4, 2023 which is a reasonable amount of time for this type of project and went over the details of the application process.

Councilmember O'Malley asked Mr. Wagner (an excavator) if he would work on this project. Mr. Wagner stated he would not because he has seen projects like this which have failed, and it is way too dangerous.

**Motion by Councilmember Donelson, seconded by President Pro Tem Crow-Iverson, to refer the CTL Thompson geohazard report to Colorado Geological Survey (CGS) for review. The motion failed by a vote of 3-6-0-0.**

**Aye:** 3 - Crow-Iverson, Donelson, and O'Malley

**No:** 6 - Avila, Helms, Henjum, Leinweber, Risley, and Talarico

Councilmember Avila stated she thinks this is an amazing project because it creates more diversity for the City's housing, it is affordable housing, it offers walkability, and it promotes public transportation, which is not only good for the environment, it creates less traffic.

**Motion by Councilmember Avila, seconded by Councilmember Henjum, to deny the appeal and uphold the Planning Commission approval of the Launchpad Apartments project, based upon the findings that the development plan meets the review criteria set forth in City Code Section 7.5.502.E, and that the appeal criteria in UDC Section 7.5.415.2 are not met. The motion passed by a vote of 6-3-0-0**

**Aye:** 6 - Avila, Helms, Henjum, Leinweber, Risley, and Talarico

**No:** 3 - Crow-Iverson, Donelson, and O'Malley

### **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