



# 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 12, 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 Reverend Norm Bouchard, Center for Spiritual Living.

The Pledge of Allegiance was led by Councilmember Bagley's granddaughters, Vanessa and Victoria.

### 3. Changes to Agenda/Postponements

Council President Bennett stated there has been a request to postpone agenda items 12.A., 12.B. and 12.C. to the July 26, 2016 City Council 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.** [CPC ZC  
16-00053](#)

Ordinance No. 16-64 amending the zoning map of the City of Colorado Springs pertaining to 10.5 acres located 0.2 miles east of the intersection of South Academy Boulevard and Academy Park Loop from PBC/HR/AO (Planned Business Center with High Rise and Airport Overlay) to PF/AO (Public Facility with Airport Overlay).

(Quasi-Judicial)

Presenter:  
Daniel Sexton, Senior Planner, Planning and Community  
Development

Res/Ord Number: 16-64

**The ordinance was finally passed on the Consent Calendar.**

**4A.B.** [CPC ZC  
16-00037](#)

Ordinance No. 16-65 amending the zoning map of the City of Colorado Springs pertaining to 3.81 acres located northwest of East Woodmen Road and Campus Drive from OC (Office Complex) to PBC (Planned Business Center).

(Quasi-Judicial)

Related File: CPC CP 16-00038

Presenter:  
Katie Carleo, Principal Planner, Planning and Community  
Development

Res/Ord Number: 16-65

**The ordinance was finally passed on the Consent Calendar.**

**4A.C.** [16-414](#)

Ordinance No. 16-66 amending Section 201 (Definitions) and 213 (Economic Development Agreements) of Part 2 (General Provisions) of Article 1 (Municipal Airport Advisory Commission) of Chapter 14 (Municipal Enterprises) of the Code of the City of Colorado Springs 2001, as amended, authorizing economic development agreements with businesses performing commercial activities at the Colorado Springs Airport

Presenter:  
Dan Gallagher, Director of Aviation, Colorado Springs Airport

Res/Ord Number: 16-66

**The ordinance was finally passed on the Consent Calendar.**

**4A.D.** [16-415](#)

Ordinance No. 16-67 amending Section 102 (Definitions) of 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 commercial activity

Presenter:  
Dan Gallagher, Director of Aviation, Colorado Springs Airport

Res/Ord Number: 16-67

**The ordinance was finally passed on the Consent Calendar.**

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

**4B.A. [16-471](#)** City Council Meeting Minutes June 28, 2016

Presenter:  
Sarah Johnson, City Clerk

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

**4B.C. [16-429](#)** 2017 Audit Plan Approval

Presenter:  
Denny L. Nester, City Auditor, Office of the City Auditor

**The 2017 Audit Plan was approved on the Consent Calendar.**

**4B.D. [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 approved on first reading on the Consent Calendar.**

#### **Approval of the Consent Agenda**

**Motion by Councilmember Strand, 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 9-0-0.**

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

#### **5. Recognitions**

There were no Recognitions.

## **6. Citizen Discussion**

Citizen Charles Barber spoke about the need for drinking water in public parks in the City.

Citizen Shanon Greever spoke about housing issues he has experienced and the need for affordable housing in this city.

Citizen Carrie Baatz spoke about the need for affordable housing in this community.

Citizen Walter Lawson spoke about the proposed changes to the Planning Appeal process.

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

There was no Mayor's Business.

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

### **4B.B. [16-475](#) Appointments to Boards and Commissions**

Presenter:

Jacquelyn Puett, Assistant to Council

Eileen Gonzalez, Council Administrator, explained this item was pulled off the Consent Calendar to amend some of the expiration dates. The Drainage Board appointments will expire on March 31, 2019 and the appointment of the Alternate Parks Board member, Charlie Dunn, will expire on July 12, 2017.

**Motion by Councilmember Murray, seconded by Councilmember Strand, that the item be approve as amended. The motion passed by a vote of 9-0-0.**

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

## **9. Utilities Business**

There was no Utilities Business.

## **10. Unfinished Business**

### **10.A. [CPC A](#) [16-00020](#) Ordinance No. 16-68 Annexing to the City of Colorado Springs that Area Known as Mohl Hollow Consisting of 1.26 acres Located at the Southeast Corner of Vincent Drive and Dublin Boulevard.**

(Legislative)

Related File: CPC ZC 16-00021

Presenter:

Meggan Herington, AICP, Planning Manager  
Peter Wysocki, Planning and Development Director, Planning and  
Community Development Department

Res/Ord Number: 16-68

There were no questions or comments on this agenda item.

**Motion by Councilmember King, seconded by Councilmember Murray, that the Mohl Hollow annexation ordinance, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 and the Colorado Municipal Annexation Act of 1965 be finally passed. The motion passed by a vote of 9-0-0.**

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

**10.B.** [CPC ZC  
16-00021](#)

Ordinance No. 16-69 Amending the Zoning Map of the City of Colorado Springs Relating to 1.26 Acres Located at the Southeast Corner of Vincent Drive and Dublin Boulevard Establishing the A Zone District.

(Legislative)

Related File: CPC A 16-00020

Presenter:

Meggan Herington, AICP, Planning Manager  
Peter Wysocki, Planning and Development Director, Planning and  
Community Development Department

Res/Ord Number: 16-69

There were no questions or comments on this agenda item.

**Motion by Councilmember King, seconded by Councilmember Murray, that the ordinance establishing of the A (Agricultural) zone district, based upon the findings that the zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603 be finally passed. The motion passed by a vote of 9-0-0.**

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

**10.C.** [CPC PUZ  
16-00010](#)

Ordinance No. 16-70 amending the zoning map of the City of Colorado Springs pertaining to 135.63 acres located east of Marksheffel Boulevard and south of the Barnes Road extension from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential - 3.5 - 7.99 dwelling units per acre with a maximum building height of 36 feet with Streamside and Airport Overlays).

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A15MJ16, CPC PUZ 16-00011, CPC PUP 16-00013

Presenter:

Meggan Herington, Planning Manager for LUR/DRE, Planning and Community Development

Res/Ord Number: 16-70

Councilmembers Murray and Knight stated they cannot support this item due to the information including a fiscal impact analysis, statement on affordable housing, and report on the impact of this development on Marksheffel Road not being provided to Council.

**Motion by Councilmember King, seconded by Councilmember Bagley, that the ordinance changing the zoning from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential - 3.5 - 7.99 dwelling units per acre with a maximum building height of 36 feet with Streamside and Airport Overlays) based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603 and the criteria for the establishment and development of a PUD zone as set forth in City Code Section 7.3.603 be finally passed. The motion passed by a vote of 5-4-0.**

**Aye:** 5 - Bagley, Bennett, Gaebler, King, and Pico

**No:** 4 - Collins, Knight, Murray, and Strand

**10.D.** [CPC PUZ 16-00011](#)

Ordinance No. 16-71 amending the zoning map of the City of Colorado Springs pertaining to 17.7 acres located east of Marksheffel Boulevard and south of the Barnes Road extension from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PBC/AO (Planned Business Center with Airport Overlay).

(Quasi-Judicial)

Related Files: CPC MP 87-000381-A15MJ16, CPC PUZ 16-00010, CPC PUP 16-00013

Presenter:

Meggan Herington, Planning Manager for LUR/DRE, Planning and Community Development

Res/Ord Number: 16-71

Councilmember Murray stated he cannot support this item due to the same issues listed in the previous item.

**Motion by Councilmember King, seconded by Councilmember Bagley, that the ordinance changing the zoning from PIP-2/SS/AO (Planned Industrial Park with**

Streamside and Airport Overlays) to PBC/AO (Planned Business Center with Airport Overlay) based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603 be finally passed. The motion passed by a vote of 5-4-0.

**Aye:** 5 - Bagley, Bennett, Gaebler, King, and Pico

**No:** 4 - Collins, Knight, Murray, and Strand

**10.E.** [CPC ZC  
16-00028](#)

Ordinance No. 16-72 amending the zoning map of the City of Colorado Springs pertaining to 3.8 acres located to the northeast of the Black Forest Road and Woodmen Road intersection from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay).

(Quasi-Judicial)

Related Files: CPC MPA 06-00206-A7MJ16, CPC PUZ 16-00031, CPC CP 16-00033, CPC PUD 16-00034

Presenter:

Daniel Sexton, Senior Planner, Planning and Community Development

Res/Ord Number: 16-72

There were no questions or comments on this agenda item.

**Motion by Councilmember King, seconded by Councilmember Bagley, that the ordinance changing the zoning from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay) based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 be finally passed. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

**No:** 1 - Collins

**10.F.** [CPC PUZ  
16-00031](#)

Ordinance No. 16-73 amending the zoning map of the City of Colorado Springs pertaining to 13.3 acres located to the northeast of the Black Forest Road and Woodmen Road intersection from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay: Multi-Family Residential land use, 18.1 dwelling units per acre, 45-foot height maximum).

(Quasi-Judicial)

Related Files: CPC MPA 06-00206-A7MJ16, CPC ZC 16-00028, CPC CP 16-00033, CPC PUD 16-00034

Presenter:  
Daniel Sexton, Senior Planner, Planning and Community  
Development

Res/Ord Number: 16-73

There were no questions or comments on this agenda item.

**Motion by Councilmember Strand, seconded by Councilmember Bagley, that the ordinance changing the zoning from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay: Multi-Family Residential land use, 18.1 dwelling units per acre, 45-foot height maximum), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 and the development of a PUD zone as set forth in City Code Section 7.3.603 be finally passed. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

**No:** 1 - Collins

## **11. New Business**

There was no New Business.

## **12. Public Hearing**

### **12.A. [CPC ZC 16-00022](#)**

Appeal

An appeal of the City Planning Commission's recommendation of approval to the City Council to change the zoning of 2.95 acres from R/HS (Estate Single-Family Residential with Hillside Overlay) to PBC/CR/HS (Planned Business Center with Conditions of Record and Hillside Overlay) located north of the intersection of Elkton Drive and Chestnut Street.

(Quasi-Judicial)

Zone Change

An ordinance for a change of zone district rezoning 2.95 acres R/HS (Estate Single-Family Residential with Hillside Overlay) to PBC/CR/HS (Planned Business Center with Conditions of Record and Hillside Overlay) located north of the intersection of Elkton Drive and Chestnut Street.

(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

This item was postponed to the July 26, 2016 City Council Meeting.  
Please see agenda item 3.

- 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

This item was postponed to the July 26, 2016 City Council Meeting.  
Please see agenda item 3.

- 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 Development Department  
Peter Wysocki, Planning and Community Development Director

This item was postponed to the July 26, 2016 City Council Meeting.  
Please see agenda item 3.

### **13. Added Item Agenda**

There were no added agenda items.

### **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