



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, June 23, 2020

10:00 AM

Council Chambers

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1. Call to Order

Present: 9 - Councilmember Yolanda Avila, Councilmember Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, President Pro Tem Tom Strand, and Councilmember Wayne Williams

2. Invocation and Pledge of Allegiance

The Invocation was made by Stan Lightfoot from Rustic Hills Baptist Church.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Councilmember Knight requested item 4A.A. and Councilmember Geislinger requested items 4B.G., 4B.H., and 4B.I. 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:

4B. First Presentation:

4B.A. [20-289](#) City Council Regular Meeting Minutes June 9, 2020

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [6-9-2020 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

4B.B. [20-284](#) Appointments to Boards and Commissions

Presenter:
Michael Montgomery, Deputy City Council Administrator

Attachments: [06232020 Boards and Commissions](#)

This Item was approved on the Consent Calendar.

4B.C. [20-236](#) A Resolution Accepting a Donation of a 5.3679 Acre Parcel of Real Property from Armstrong Financial Services, LLC to the City of Colorado Springs as part of the Flood Control - Colorado Springs Sand Creek/Karr to West Fork Stabilization Project

Presenter:
Tim Biolchini, City Stormwater Capital Projects Program Manager

Attachments: [AcceptingDonationArmstrongPropertyRES Final](#)
[Armstrong Doation Exhibit](#)
[Signed Resolution 42-20.pdf](#)

This Resolution was adopted on the Consent Calendar.

4B.D. [20-254](#) 2021 Audit Plan Approval

Presenter:
Jacqueline Rowland, Assistant City Auditor, Office of the City Auditor

Attachments: [2021 Audit Plan final.pdf](#)
[2021 Audit Plan Final for Approval](#)

This Item was approved on the Consent Calendar.

- 4B.E.** [CPC ZC 20-00026](#) Ordinance No. 20-42 amending the zoning map of the City of Colorado Springs pertaining to 4.48 acres located at 2520 Arlington Drive from R-1 6000/CU (single-family residential with a conditional use) to R5 (multi-family residential).

(Quasi-Judicial)

Related Files: CPC ZC 20-00026 and CPC CP 20-00027

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Attachments: [ZC_ORD_SolidRockChristianCtr](#)

[Exhibit A - Legal description](#)

[Exhibit B - Zoning depiction](#)

[Aerial Vicinity Map](#)

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

- 4B.F.** [CPC CP 20-00027](#) A concept plan for Solid Rock Christian Center establishing a multi-family and a religious institution located at 2520 Arlington Drive.

(Quasi-Judicial)

Related Files: CPC ZC 20-00026 and CPC CP 20-00027

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Attachments: [FIGURE 1- Concept Plan](#)

[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

Approval of the Consent Agenda

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

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

5. Recognitions

5.A. [20-285](#) COVID-19 Anti-Hate Day Proclamation

Presenter:

Yolanda Avila, Councilmember District 4

Attachments: [Anti Hate](#)

Councilmember Avila read the COVID-19 Anti-Hate Day Proclamation recognizing June 23, 2020 as COVID-19 Anti-Hate Day.

Councilmember Geislinger stated there are many more COVID-19 cases and related deaths than what is identified in the Proclamation. He encouraged everyone to refrain from speaking hatefully to others, to wear masks, and to social distance from others.

5.B. [20-290](#) Juneteenth Proclamation

Presenter:

Andy Pico, Councilmember District 6

Attachments: [Juneteenth 2020](#)

Councilmember Pico read a Proclamation honoring June 19, 2020 as Juneteenth.

Councilmember Geislinger stated Juneteenth was also honored with a Proclamation by City Council in 2019.

Councilmember Avila gave a brief history of Juneteenth.

5.C. [20-297](#) Bike Month Proclamation

Presenter:

Jill Gaebler, Councilmember District 5

Kate Brady, Senior Bicycle Planner

Attachments: [Bike Month](#)

Councilmember Gaebler read the Proclamation recognizing June 2020 as Bike Month.

Kate Brady, Senior Bicycle Planner, gave an overview of the increased number of bicyclists over the past few months, availability of Pike Ride, Bike to Biz Week, additional bicycle street lanes, and trail crossing improvements.

- 5.D. [20-270](#) A Resolution of Appreciation of Denny Nester, City Auditor for the City of Colorado Springs for his 20 years of service to the City of Colorado Springs

Presenter:

Richard Skorman, City Council President, Colorado Springs City Council

Attachments: [DNester Retiree](#)
[Signed Resolution 43-20.pdf](#)

President Skorman presented the Resolution of appreciation for Denny Nester, City Auditor, for his twenty years of service with the City of Colorado Springs.

Mr. Nester pressed appreciation for the opportunities he had been given with the City.

Several Councilmembers expressed gratitude for Mr. Nester's accomplishments during his time with the City.

Mr. Nester expressed appreciation for his staff and the Proclamation.

Motion by Councilmember Pico, seconded by Councilmember Geislinger, that the Resolution of Appreciation of Denny Nester, City Auditor for the City of Colorado Springs for his 20 years of service to the City of Colorado Springs be adopted. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

- 5.E. [20-283](#) A resolution Confirming the Appointment of Jacqueline Rowland as Interim City Auditor

Presenter:

Richard Skorman, City Council President

Attachments: [Resolution Interim City Auditor](#)
[Signed Resolution 44-20.pdf](#)

Councilmember Pico, Audit Committee Chair, presented the Resolution confirming the appointment of Jacqueline Rowland as Interim City Auditor.

Councilmember Geislinger and Councilmember Knight thanked Ms. Rowland for her support and Councilmember Pico performed the swearing in ceremony.

Ms. Rowland expressed appreciation for the opportunity she has been given with the City.

Motion by Councilmember Pico, seconded by Councilmember Geislinger, that the Resolution confirming the appointment of Jacqueline Rowland as Interim City Auditor. The motion passed by a vote of 8-0-1-0

Aye: 8 - Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

Excused: 1 - Avila

Councilmember Knight requested a reconsideration of item 5.E. in order for Councilmember Avila's vote to be included.

Motion by Councilmember Knight, seconded by Councilmember Pico, that the reconsideration of the Resolution confirming the appointment of Jacqueline Rowland as Interim City Auditor be approved. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

Motion by Councilmember Pico, seconded by Councilmember Geislinger, that the Resolution confirming the appointment of Jacqueline Rowland as Interim City Auditor. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

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

There was no Citizen Discussion.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

4A.A. [20-151](#)

Ordinance No. 20-40 amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks Fund in the Amount of \$6,243,900 for the Phase I Acquisition of Approximately 193.47 Acres of Property at the Black Canyon Quarry and 89.85 Acres of Property Known as the Pikeview Frontage Property (of a total of 148.02 Acres) for the Purpose of Public Open Space and Trails in the Mountain Shadows Candidate Open Space Area.

Presenter:

Britt Haley, TOPS Program Manager, Parks, Recreation & Cultural Services Department

Attachments: [Appropriation Ordinance.MTNSHADOWS PhaseI](#)

Councilmember Knight stated he and Citizen Lee Milner requested this

item be removed from the Consent Calendar because if this land was purchased in its entirety with Trails, Open Space and Parks (TOPS) funding, the restriction for voluntary conveyance would have to be by a vote of the people.

Britt Haley, TOPS Program Manager, Parks, Recreation and Cultural Services Department, stated this item is for the purchase of 148.02 acres to be used as an Open Space area and the seven to ten acres is not intended to be a parking lot or part of the bike park, it was purchased in the event the one hundred acres adjacent to the property becomes available as a donation in the future.

Denny Nester, City Auditor, stated he has reviewed the proposed TOPS purchase of the seven to ten acres and if the use of the land changes in the future, it would need to be a reportable item.

Ms. Haley requested the minutes of the June 9, 2020 City Council meeting be revised to strike the statement that indicated the contract for the purchase of the open space was contingent on the endorsement and approval of a reclamation plan amendment.

Citizen Lee Milner stated Jerry Schnabel stated the price of the Black Canyon Quarry property was a little light and the price of the adjoining parcels to Pikeview Frontage property were heavy so any subsequent purchases will start with the higher price. He requested City Council approve the total price of the purchase, but then work on bringing down the amount of money paid for the adjoining parcels or move the administrative settlement to the Black Canyon Quarry.

Ms. Haley stated TOPS purchases are based on fair market value which is determined by an appraisal from a third-party licensed professional, the administrative settlement is completely separate from the appraisals, and the value of the parcels should not be manipulated.

Motion by Councilmember Geislinger, seconded by Councilmember Gaebler, that the Ordinance to approve a supplemental appropriation in the amount of \$6,243,900 to support the cost of the Phase I acquisitions identified for the Mountain Shadows Open Space acquisitions of the Black Canyon Quarry parcels and the 89.85 acres (of a total 148.02 acres) from The Conservation Fund of the Pikeview Frontage property to include the purchase prices, the administrative settlement, and professional services fees with revenues from the TOPS Open Space Category be finally passed and include a revision of the minutes of the June 9, 2020 City Council meeting to strike the statement which indicated the contract for the purchase of the open space was contingent on the endorsement

and approval of City Council for a reclamation plan amendment. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

- 4B.G.** [CPC MP 07-00061-A8 MN20](#) A minor amendment to the Briargate Master Plan changing the land use classification of 7.29 acres from Residential - Medium High to Residential-Medium, generally located north and east of the Austin Bluffs Parkway and Research Parkway intersection along Scarborough Drive.

(Legislative)

Related Files: CPC MP 07-00061-A8MN20, CPC PUZ 20-00002, CPC PUD 20-00003

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

Attachments: [Presentation - Staff - Urban Research Duplexes](#)
[CPC Staff Report - Urban Collection at Briargate Square](#)
[Figure 1 - Briargate Master Plan Amendment](#)
[Figure 2 - Development Plan \(003\)](#)
[Figure 3 - Project Statement](#)
[Figure 4 - Surrounding Zoning & Land Uses](#)
[Figure 5 - Public Comments](#)
[Additional Public Comment](#)
[CPC Minutes_UrbanCollectionAtBriargate_draft](#)
[7.5.408 Master Plan](#)

Councilmember Geislinger recused himself due to being a staff member at St. Gabriel the Archangel Catholic Church located at Austin Bluffs Parkway and Research Parkway.

Citizen Rick Butler requested this area have an infrastructure review conducted due to the volume of traffic on the intersections in this area.

Hannah Van Nimwegen, Senior Planner, Planning and Community, stated the application process includes reviews by approximately fifteen different agencies with no concerns identified.

Councilmember Williams stated even though it had been delayed due to COVID-19, the Pikes Peak Area Council of Governments (PPACG) and

Colorado Department of Transportation (CDOT) has prioritized the infrastructure for this intersection.

Motion by Councilmember Gaebler, seconded by President Pro Tem Strand, that the minor amendment to Briargate Master Plan changing the land use designation classification from "Residential Medium-High" to "Residential Medium" based upon the finding that the request complies with the master plan amendment review criteria in City Code Section 7.5.408 be approved. The motion passed by a vote of 8-0-1

Aye: 8 - Avila, Gaebler, Knight, Murray, Pico, Skorman, Strand, and Williams

Recused: 1 - Geislinger

4B.H. [CPC PUZ 20-00002](#)

Ordinance No. 20-43 amending the zoning map of the City of Colorado Springs pertaining to 7.29 acres located north and east of the Austin Bluffs Parkway and Research Parkway intersection from PUD/CR/AO (Planned Unit Development with a Condition of Record and Airport Overlay) to PUD/AO (Planned Unit Development: 30-foot maximum building height, single-family attached units, density range of 8 to 11.99 dwelling units per acre with an Airport Overlay).

(Quasi-Judicial)

Related Files: CPC MP 07-00061-A8MN20, CPC PUZ 20-00002, CPC PUD 20-00003

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

Attachments: [Ordinance](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Legal Description Depicted](#)

[Surrounding Zoning & Land Uses](#)

[Vicinity Map](#)

[7.5.603.B Findings - ZC](#)

[7.3.603 Establishment & Development of a PUD Zone](#)

Please see comments in Agenda item 4B.G.

Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, that the Ordinance changing the zoning of 7.29 acres from PUD/CR/AO (Planned Unit Development with a Condition of Record and Airport Overlay) to PUD/AO (Planned Unit Development: 30-foot maximum building height, single-family attached units, density range of 8 to 11.99 dwelling units per acre with an 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(B), as well as the criteria for establishment of a PUD zone district

as set for in City Code Section 7.3.603 be approved on first reading. The motion passed by a vote of 8-0-0-1

Aye: 8 - Avila, Gaebler, Knight, Murray, Pico, Skorman, Strand, and Williams

Recused: 1 - Geislinger

- 4B.I.** [CPC PUD 20-00003](#) A development plan for The Urban Collection at Briargate Square, developing 7.29 acres into 70 single-family attached residential units generally located north and east of the Austin Bluffs Parkway and Research Parkway intersection along Scarborough Drive.

(Quasi-Judicial)

Related Files: CPC MP 07-00061-A8MN20, CPC PUZ 20-00002, CPC PUD 20-00003

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

Attachments: [Figure 2 - Development Plan](#)

[7.5.502.E Development Plan Review](#)

[7.3.606 PUD Development Plan](#)

Please see comments in Agenda item 4B.G.

Motion by President Pro Tem Strand, seconded by Councilmember Williams, that the development plan for The Urban Collection at Briargate Square based upon the findings that the development plan complies with the review criteria for development plans as set forth in City Code Section 7.5.502(E) and criteria for PUD development plans set forth in City Code Section 7.3.606 be approved. The motion passed by a vote of 8-0-0-1

Aye: 8 - Avila, Gaebler, Knight, Murray, Pico, Skorman, Strand, and Williams

Recused: 1 - Geislinger

9. Utilities Business

- 9.A.** [20-250](#) A Resolution of the City of Colorado Springs, Colorado regarding the City's intention to issue tax-exempt obligations.

Presenter:

Scott Shewey, Acting Chief Planning and Finance Officer, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [Reimbursement Resolution CC 6-23-2020](#)
[Reimbursement Resolution CC 6-23-2020 FINAL](#)
[Signed Resolution 45-20.pdf](#)

Scott Shewey, Acting Chief Planning and Finance Officer, Colorado Springs Utilities (CSU), presented a reimbursement Resolution regarding the City's intention to issue tax-exempt obligations which enables CSU to closed on the debt on August 18, 2020 to utilize proceeds from the upcoming 2020C bond issue to finance capital expenditures incurred from June 1, 2020 through the bond issuance date. He stated this will give CSU flexibility in regards to the unknown impacts of COVID-19 related to their cash position.

There were no comments on this item.

Motion by Councilmember Gaebler, seconded by Councilmember Pico, that the Resolution of the City of Colorado Springs, Colorado regarding the City's intention to issue tax-exempt obligations be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

10. Unfinished Business

- 10.A.** [CPC PUZ 19-00090](#) Ordinance No. 20-36 amending the zoning map of the City of Colorado Springs relating to 61.71 acres located southeast of Powers Blvd and Highway 83 from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, maximum density of 4.0 du/ac)

(Quasi-Judicial)

Related File: CPC PUP 19-00091

Presenter:
Hannah Van Nimwegen, Senior Planner, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Attachments: [ZC Ordinance](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Legal Description Depicted](#)
[Vicinity Map](#)
[Kettle Creek North Presentation](#)
[CPC Staff Report - Kettle Creek](#)
[Figure 1 - Concept Plan](#)
[Figure 2 - Project Statement](#)
[Figure 3 - Surrounding Area & Context Map](#)
[Figure 4 - Neighborhood Comments](#)
[Figure 5 - Briargate Master Plan](#)
[Kettle Creek North - Additional Public Comments](#)
[CPC Minutes_KettleCreek_draft](#)
[7.5.603.B Findings - ZC](#)
[7.3.603 Establishment & Development of a PUD Zone](#)
[City Planning Commission Minutes - 4.30.20](#)
[Signed Ordinance 20-36.pdf](#)

Peter Wysocki, Planning and Community Development Director, provided a brief overview of the project, the original Briargate Master Plan, and identified how Thunder Mountain Avenue was classified as a minor arterial road, but in the 2014 Briargate Master Plan amendment, the road classification was removed and north of the Pine Creek High School it was changed to a collector roadway.

Councilmember Knight asked if the traffic analysis contemplated the entire build out of the master plan for the area. Mr. Wysocki confirmed it did.

Citizen Sam Bryan stated they are opposed to the zoning change due to traffic safety issues.

Councilmember Geislinger and Councilmember Pico stated there needs to be more collaboration between the City and El Paso in regards to traffic and these shared boundaries.

Councilmember Knight, Councilmember Murray, President Skorman, President Pro Tem Strand, and Councilmember Avila stated they will not be supporting this item because it does not meet City Code criteria 7.5.603(b) and the actions will be detrimental to the public health, safety, and general welfare because it was designed to be four lanes and is now

down to two lanes and there is a risk during the event of an evacuation.

Mr. Wysocki stated the Concept Plan was approved, but with the failure of the zone change, it makes the approval of the Concept Plan null and void.

John Maynard, representing the applicants, questioned how this could be determined as a safety issue even though building permits continue to be approved in North Fork and continued construction of the elementary school.

Motion by Councilmember Gaebler, seconded by Councilmember Geislinger, that the Ordinance of the rezone of 61.71 acres from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, maximum density of 4.0 dwelling units per acre), 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(B), as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603 be finally passed. The motion failed by a vote of 4-5-0-0

Aye: 4 - Gaebler, Geislinger, Pico, and Williams

No: 5 - Avila, Knight, Murray, Skorman, and Strand

President Pro Tem Strand stated he thoroughly considered the statements and reviewed all of the documents over the lunch recess of item 10.A. He stated he has had a change of heart and requested a reconsideration of item 10.A.

Councilmember Murray asked why he is changing his vote.

Councilmember Strand stated if it passes, he would be glad to comment on it during discussion.

Motion by Councilmember Strand, seconded by Councilmember Geislinger, that the request for reconsideration for the Ordinance of the rezone of 61.71 acres from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, maximum density of 4.0 dwelling units per acre), 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(B), as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603 be approved. The motion passed by a vote of 4-5-0-0

Aye: 5 - Gaebler, Geislinger, Pico, Strand, and Williams

No: 4 - Avila, Knight, Murray, and Skorman

President Pro Tem Strand stated on July 9, 2020 he voted in favor of this item, but over the last two weeks, he reviewed concerns regarding violation of City Code 7.5, access and connection to Howells Road, and wildfire season which is why he voted against the item today. He said he drove out to the site, spoke with the school district, and has decided to reverse his

opinion from earlier today.

Councilmember Murray asked if he had any ex parte communications regarding this item since his last vote. President Pro Tem Strand stated Peter Wysocki, Planning and Community Development Director, and Jeff Greene, Chief of Staff, asked him why he had changed his mind, but they did not influence his decision regarding reconsideration.

Councilmember Knight stated President Pro Tem Strand's discussions with the school district, Mr. Wysocki, and Mr. Greene is opening the door for a Colorado Rule of Civil Procedure (CRCP) 106 complaint and respectively asked President Pro Tem Strand to recuse himself from voting in the affirmative.

President Pro Tem Strand stated his conversation with the school district occurred over the weekend, with one of the teachers, and was regarding how many people came to the school, the parking, the traffic, and what their concerns were.

Motion by Councilmember Gaebler, seconded by Councilmember Geislinger, that the Ordinance of the rezone of 61.71 acres from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, maximum density of 4.0 dwelling units per acre), 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(B), as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603 be finally passed. The motion passed by a vote of 5-4-0-0

Aye: 5 - Gaebler, Geislinger, Pico, Strand, and Williams

No: 4 - Avila, Knight, Murray, and Skorman

10.B. [CPC CA
20-00006](#)

Ordinance No. 20-37 amending Article 2 (Basic Provisions, Definitions, and Land Use Types and Classifications) and Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Accessory Family Suites

(Legislative)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development Department

Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD_CodeAmendment_AccessoryFamilySuites](#)

[6.9.20 ADUs](#)

[CPC Staff Report - Accessory Dwelling Unit](#)

[Ordinance 1.1 - Accessory Family Suites](#)

[Affidavit - Occupancy total](#)

[Restrictive Covenant - Subdivision](#)

[Council Work Session Minutes - 9.9.19](#)

[Council Work Session Minutes - 01.27.20](#)

[City Planning Commission Minutes 4.30.20](#)

[5.22.20 City Council Work Session Presentation](#)

Hannah Van Nimwegen, Senior Planner, Planning and Community Development Department, stated the language revisions requested by City Council have been included in the revised Ordinance which had been approved on first reading at the June 9, 2020 City Council meeting.

There were no comments on this item.

Motion by Councilmember Gaebler, seconded by Councilmember Knight, that the Ordinance amending Article 2 (Basic Provisions, Definitions, and Land Use Types and Classifications) and Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Accessory Family Suites be finally passed. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

10.C. [CPC CA
20-00087](#)

Ordinance No. 20-38 amending multiple sections of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) and Multiple sections of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Accessory Dwelling Units

(Legislative)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development Department

Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD_CodeAmendmentADU_Definitions & Conditional Use Permit](#)

[Restrictive Covenant - Owner Occupancy](#)

[Restrictive Covenant - Subdivision](#)

Please see comments in Agenda item 10.B.

Motion by Councilmember Gaebler, seconded by Councilmember Geislinger, that the Ordinance amending multiple sections of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) and Multiple sections of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Accessory Dwelling Units be finally passed. The motion passed by a vote of 6-3-0-0

Aye: 6 - Avila, Gaebler, Geislinger, Murray, Skorman, and Williams

No: 3 - Knight, Pico, and Strand

- 10.D.** [CPC CA 20-00088](#) Ordinance No. 20-39 amending Part 5 (Overlay Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Accessory Dwelling Unit Overlay

(Legislative)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development Department

Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD_CodeAmendment_ADUOverlay](#)

Please see comments in Agenda item 10.B.

Motion by Councilmember Gaebler, seconded by Councilmember Geislinger, that the Ordinance amending Part 5 (Overlay Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Accessory Dwelling Unit Overlay be finally passed. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

- 10.E.** [CPC PUZ 19-00095](#) Ordinance No. 20-41 to amend the zoning map of the City of Colorado Springs pertaining to 59.52 acres from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, 2-3.5 dwelling units per acre).

(Quasi-Judicial)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

Peter Wysocki, Planning and Community Development Director

Attachments: [ZC Ordinance](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Legal Description Depicted](#)
[Vicinity Map](#)
[1 - Notice of Appeal & Appellant Narrative](#)
[2 - Palermo - Additional Public Comments](#)
[Palermo Presentation](#)
[CPC Minutes Palermo Filings 345 draft](#)
[CPC Staff Report - Palermo Filings 3, 4, and 5](#)
[Figure 1 - Development Plan](#)
[Figure 2 - Project Statement](#)
[Figure 3 - Public Comments \(Initial & Following Neighborhood Meeting\)](#)
[Figure 4 - Public Comments \(Following CPC Notification\)](#)
[Figure 5 - Flying Horse Master Plan](#)
[Figure 6 - Deer Creek at Northgate Staff Report](#)
[Item 6.D.E. - Palermo - Additional Public Comments](#)
[7.5.603.B Findings - ZC](#)
[7.3.603 Establishment & Development of a PUD Zone](#)
[7.5.906 \(B\) Planning Commission Appeal](#)
[Signed Ordinance 20-41.pdf](#)

Hannah Van Nimwegen, Senior Planner, Planning and Community, presented the second reading of the zone change for the Palermo Filings 3, 4, and 5 within the Flying Horse Development.

Councilmember Murray stated he will be voting no because there are other ways to do this.

Councilmember Avila stated the quality of life in her district is a really, really, low barrier which is relative and after giving this item much thought, she will not be supporting it.

Councilmember Geislinger requested the completion of the Powers Boulevard route.

Motion by Councilmember Geislinger, seconded by Councilmember Gaebler, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 59.52 acres from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, 2-3.5 dwelling units per acre), based upon the findings that the appellant has failed to meet the appeal criteria set forth in City Code Section 7.5.906.B, and 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(B) as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603 be finally passed. The motion passed by a vote of 7-2-0-0

Aye: 7 - Gaebler, Geislinger, Knight, Pico, Skorman, Strand, and Williams

No: 2 - Avila, and Murray

11. New Business

- 11.A. [20-282](#) Ordinance No. 20-44 creating the Citizens' Accountability Advisory Committee to the City Council of the City of Colorado Springs

Presenter:

Richard Skorman, City Council President and Third District Representative

Wayne Williams, City Council At-Large Representative

Attachments: [LETAC ORD](#)

President Skorman introduced the discussion of the formation of a City Council appointed Colorado Springs Police Department (CSPD) Accountability Advisory Committee. He stated there will be between nine to thirteen members, and who should appoint the members, what qualifies someone to be on the committee and how fast this committee is established, frequency of meetings, reports to City Council is still under consideration

Wynetta Massey, City Attorney, gave an overview of the draft Ordinance which is available online to the public and stated based on Charter and City Code, this will be a commission.

Citizens Derek Matthews, Ryan Brown, Ted Brassfield, Brent Windebank, Robert Johnson, Justin Baker, Alex Anderson, Shannon Katsos, Adriana Layne, Amanda Kleinschmidt, Behr Boswell, Wayne Arvizu, Dianne Stober, Joe Killians, Talon Turman, Ash Kruse, Riley Hutchings, Calil Antwoin D. Yarbrough, Matt Radcliffe, Timothy Vilchiati, Molly Avion, and Rodney Gullatte spoke about the necessity to expedite the formation of the CSPD Accountability Advisory Commission and gave an overview of their recommendations regarding the commission's objectives and membership.

Citizen Nichole Hennigen, Deb Walker, Celia Palmer, and Hannah Hotchkiss also requested the commission be independent from City Council.

Citizen Chi'neta Davis stated past CSPD cases of excessive use of force, misconduct, as well as exemplary behavior must to be investigated

Ms. Massey stated if City Council wishes, this Ordinance may be approved on first reading today and as an Ordinance City Council would have the authority to make changes if needed.

President Skorman asked if this commission would have the ability to create sub commissions. Ms. Massey stated the commission will have the opportunity to propose its own rules of procedure in compliance with City Council's Rules and Procedures.

President Skorman asked if the commission could apply for grants. Ms. Massey stated the City would have to apply for any grants.

Ms. Massey recommended direction be given regarding how the applications for membership will be processed no later than the second reading of the Ordinance.

President Skorman asked if a stipend from an outside funding source could be allocated. Ms. Massey stated she will research that information.

Councilmember Williams recommended the close date for applications be June 30, 2020.

Councilmember Pico stated the draft Ordinance encompasses a large amount of the suggestions brought forward by the public and suggested the close date for applications be June 26, 2020.

Councilmember Geislinger asked if the Mayor's Office has any concerns with the draft Ordinance moving forward today for a vote. Jeff Greene, Chief of Staff, stated this commission would be independent from the Mayor's Office, but the Mayor is supportive if City Council chooses to proceed.

Councilmember Geislinger asked if the commission would have the authority to work in an ombudsman role. Ms. Massey stated it would take coordination with the CSPD and City Council should be comfortable with it.

Councilmember Geislinger stated there is a lot of misinformation regarding the goals of this commission and they are not working towards getting rid of the Police Department.

Councilmember Avila asked what the commission is called. Ms. Massey stated The Law Enforcement Transparency and Accountability Commission.

Councilmember Avila stated the people have requested no ex police officers or their families as members and five at-large members from the impacted communities.

Councilmember Gaebler stated the Colorado Springs Police Protective Association (PPA) prefers the use of background checks in the event an applicant has an outstanding warrant, but she is willing to compromise regarding them.

Councilmember Murray stated this Ordinance is a good first step towards resolution, the application close date should be June 26, 2020, and he is comfortable with President Skorman, President Pro Tem Strand, Councilmember Avila, and Councilmember Williams select the board.

President Pro Tem Strand requested the application close date be extended to July 3, 2020 and stated some citizens have sent emails requesting to defund the police and choosing the members will need to be considered carefully.

Councilmember Knight he has concerns with passing this Ordinance on first reading because it still has a lot of holes in it. He stated the board needs to be well-rounded, inclusive of ex-police officers, there should not be accessibility to personnel documents, it should be able to address when a police or a citizen/community does something wrong, and he would like to be part of selection process. He recommended working out the details and bringing it forward for first reading at the July 14, 2020 City Council meeting.

President Skorman stated he believes it should be passed today because most of the meat of the Ordinance is there and the group should be independent enough to come up with their own suggestions. He stated there should not be a requirement for the members to have background

checks, they do not need to be registered voters, but they need to be residents of the City with six members from each district and five at-large.

Councilmember Pico stated there is diversity in each of the districts, the term “law enforcement” should remain in the name due to cases of disparity in sentencing, the Ordinance includes ninety percent of what the groups have asked for, but the bylaws which will need to be approved by City Council, still need a lot of work. He stated he will not support a commission second guessing the outcomes regarding individual police officers and people who have outstanding warrants or alternative agendas, should not be on this commission.

Councilmember Knight recommended the bylaws of the commission such as their general areas of focus, be brought before City Council for approval within ninety days after formation. He stated as the Ordinance is worded currently, the commission can choose their areas of inquiry carte blanche. Ms. Massey recommended the language be revised to state “the City Council may suggest and the commission may recommend its areas of inquiry”.

Motion by Councilmember Williams, seconded by Councilmember Pico, that the Ordinance be approved on first reading with the condition that the bylaws of the commission be brought before City Council for approval within ninety days of the commission's appointment. The motion passed by a vote of 8-1-0-0

Aye: 8 - Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

No: 1 - Avila

11.B. [20-239](#)

A Resolution of the City Council of the City of Colorado Springs Approving Issuance of Limited Tax General Obligation Series 2020 Bonds by the Interquest Town Center Business Improvement District in an Amount Not to Exceed \$2,860,000

(Legislative Item)

Presenters:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

Attachments: [Resolution](#)
[ITC PowerPoint](#)
[Attachment 1- Transmittal Letter](#)
[Attachment 2- Draft District Bond Resolution](#)
[Attachment 3- Bond Details](#)
[Attachment 4- Preliminary Financing Numbers](#)
[Attachment 5- Draft General Counsel Opinion](#)
[Attachment 6- Draft Bond Counsel Opinion](#)
[Attachment 7- External Financial Advisor Opinion](#)
[Attachment 8- Summary of Improvements Costs](#)
[Attachment 9- Improvements Map](#)
[Attachment 10- Summary of Interest Rates for Privately Placed Debt](#)
[Attachment 11 Interquest Town Center Cost Detail](#)
[Attachment 12.a- 2020-06-01 RBCCM Memo for Interquest Town Center BID vfinal](#)
[Attachment 12.b- 2020-06-02 Interquest TC Comps - Corrected](#)

Jeff Greene, Chief of Staff, stated the applicant requested this item be postponed to the July 14, 2020 City Council meeting.

Motion by President Pro Tem Strand, seconded by Councilmember Pico, that the Resolution of the City Council of the City of Colorado Springs approving issuance of Limited Tax General Obligation Series 2020 Bonds by the Interquest Town Center Business Improvement District in an amount not to exceed \$2,860,000 be postponed to the July 14, 2020 City Council meeting. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

12. Public Hearing

- 12.A.** [CPC MP 87-00381-A2 2MJ18](#) A resolution approving a major amendment to the Banning Lewis Ranch Master Plan changing the land use designation of 10.09 acres from Research and Development to Commercial.

(Legislative)

Related Files: CPC MP 87-00381-A22MJ18, CPC CU 18-00170

Presenter:
Hannah Van Nimwegen, Senior Planner, Planning & Community Development Department
Peter Wysocki, Planning & Community Development Director

Attachments: [Resolution](#)
[Exhibit A - Banning Lewis Ranch Master Plan Amendment](#)
[Vicinity Map](#)
[Presentation - Staff - Advanced Motocross](#)
[CPC Staff Report - Advanced Concrete Motocross](#)
[Figure 1 - Banning Lewis Ranch Master Plan Amendment](#)
[Figure 2 - Conditional Use Development Plan](#)
[Figure 3 - Project Statement](#)
[Figure 4 - Surrounding Zoning & Land Uses](#)
[Figure 5 - Fiscal Impact Analysis](#)
[CPC Minutes AdvancedConcreteMotocross draft](#)
[7.5.408 Master Plan](#)
[Signed Resolution 46-20.pdf](#)

Hannah Van Nimwegen, Senior Planner, Planning and Community Development, presented the resolution approving a major amendment to the Banning Lewis Ranch Master Plan changing the land use designation of 10.09 acres from Research and Development to Commercial for an indoor motocross training facility known as Advanced Concrete Motocross. She gave an overview of the site, requests under consideration, development plan, site details, public notification and involvement, and staff recommendations.

Councilmember Murray stated his preference is to keep the land use designation as research and development. Councilmember Pico stated there is a huge amount of land designated as research and development which is vacant.

Jim Houk, Thomas and Thomas/Kimley-Horn, representing the applicant, stated the use will be for a private recreation facility, but may evolve into another use in the future.

Councilmember Murray asked how the noise abatement will be handled. Mr. Houk stated it is intended to be an indoor facility and is also located within the Airport Overlay zone.

Motion by Councilmember Gaebler, seconded by Councilmember Williams, that the Resolution amending the Banning Lewis Ranch Master Plan by changing the land use designation of 10.09 acres from Research & Development to Commercial, based upon the finding that the request complies with the master plan amendment review criteria in City Code Section 7.5.408 be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

- 12.B.** [CPC CU 18-00170](#) A conditional use development plan for an indoor motorcross training facility on 10.09 acres zoned PIP-2/CR/AO APZ-2 (Planned Industrial Park with Conditions of Record and an Airport Overlay-Accident Potential Subzone 2), located south of the southwest corner of Drennan Road and Aerospace Boulevard.

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A22MJ18, CPC CU 18-00170

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development Department

Peter Wysocki, Planning & Community Development Director

Attachments: [Figure 2 - Conditional Use Development Plan](#)

[7.5.704 Conditional Use Review](#)

[7.5.502.E Development Plan Review](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Geislinger, seconded by Councilmember Gaebler, that the conditional use development plan, based upon the findings that the application meets the review criteria for granting a conditional use as set forth in City Code Section 7.5.704 and meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E) be approved. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

- 12.C.** [CPC A 19-00068-R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Sorpresa East Addition No.1

(Legislative)

Related Files: CPC A 19-00068-R, CPC A 19-00068, CPC PUZ 19-00138, CPC PUP 19-00139

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Director of Planning & Community Development

Attachments: [RES FindingsOfFact_SorpresaEastAdditionNo.1](#)

[Exhibit A](#)

[Exhibit B - Sorpresa East Add. No. 1 Annexation Agreement](#)

[Clerk Affidavit Sorpresa East](#)

[Planner Affidavit Sorpresa East](#)

[Surveyor Affidavit Sorpresa East](#)

[Signed Resolution 47-20.pdf](#)

Katie Carleo, Principal Planner, Planning and Community Development, presented the proposed Sorpresa East Addition No.1 annexation. She presented maps of the site location and gave a brief background of the property, proposed development, conformance with PlanCOS, fiscal impact analysis, stakeholder process, and staff recommendations.

Dave Morris, Land Patterns Incorporated, representing the applicant, Challenger Homes, stated the proposed density is in line with the surrounding areas and presented photos of the site, Sopresa Lane, and Sopresa Ramp. He gave an overview of the concept plan, how neighborhood concerns have been met, and the secondary emergency access road into the development.

Citizen Melanie Oliver spoke regarding her concerns regarding the safety of Sopresa Lane and requested the asphalt be widened to the standards of a collector street. She also expressed concerns regarding the loss of the use of Sopresa Ramp.

Mr. Morris gave an overview of the proposed use and repair of Sopresa Ramp.

Councilmember Knight asked if Sopresa Lane is currently below the standards of City Code. Ms. Carleo stated the identified concerns with Sopresa Lane is currently included in a previous litigation case, the current traffic analysis report was accepted by the City's Traffic Department, and the developer will have to meet the residential classification standards for the street.

Motion by Councilmember Geislinger, seconded by Councilmember Gaebler, that the Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Sorpresa East Addition No.1 be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

12.D. [CPC A](#)
[19-00068](#)

Ordinance No. 20-45 annexing to the City of Colorado Springs that area known as Sorpresa East Addition No. 1 consisting of 8.83 acres.

(Legislative)

Related Files: CPC A 19-00068-R, CPC A 19-00068, CPC PUZ 19-00138, CPC PUP 19-00139

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Director of Planning & Community Development

Attachments: [ORD AnnexSorpresaEastAdditionNo.1](#)

[Exhibit A](#)

Please see comments in Agenda item 12.C.

Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the Ordinance annexing into the City of Colorado Springs the area known as Sorpresa East Addition No.1, based upon the findings that the annexation complies with the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

12.E. [CPC PUZ 19-00138](#)

Ordinance No. 20-46 amending the zoning map of the City of Colorado Springs pertaining to 8.83 acres located southeast of Sorpresa Lane and Gilpin Peak Drive establishing the PUD/AO (Planned Unit Development: single-family residential, 8 DU/AC, 35-foot maximum building height with Airport Overlay) zone

(Legislative)

Related Files: CPC A 19-00068-R, CPC A 19-00068, CPC PUZ 19-00138, CPC PUP 19-00139

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Director of Planning & Community Development

Attachments: [ZC ORD SorpresaEastAdditionNo.1](#)

[Exhibit A - Legal Desc](#)

[Exhibit B - ZoneChangeDepiction](#)

Please see comments in Agenda item 12.C.

Motion by Councilmember Geislinger, seconded by President Pro Tem Strand, that the Ordinance establishing 8.83 acres as PUD/AO (Planned Unit Development; Single-family Residential, maximum residential density 8 DU/AC, 35-foot maximum building height with Airport Overlay) zone district, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603 be approved on first reading. The motion passed by a vote of

9-0-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

- 12.F.** [CPC PUP 19-00139](#) Sorpresa East PUD Concept Plan for 8.83 acres of residential development located southeast of Sorpresa Lane and Gilpin Peak Drive.

(Quasi-Judicial)

Related Files: CPC A 19-00068-R, CPC A 19-00068, CPC PUZ 19-00138, CPC PUP 19-00139

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Director of Planning & Community Development

Attachments: [FIGURE 9 Sorpresa East PUD Concept Plan](#)
[7.5.501.E Concept Plans](#)
[7.3.605 PUD Concept Plan](#)

Please see comments in Agenda item 12.C.

Motion by Councilmember Geislinger, seconded by President Pro Tem Strand, that the Sorpresa East PUD Concept Plan, based upon the findings the proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E) and criteria for PUD concept plans set forth in City Code Section 7.3.605 be approved. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

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