



City of Colorado Springs

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

Meeting Minutes - Draft City Council

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Tuesday, October 11, 2016

1:00 PM

Council Chambers

1. Call to Order

- Present:** 8 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Keith King, Councilmember Don Knight, Councilmember Bill Murray, and Councilmember Tom Strand
- Excused:** 1 - Councilmember Andy Pico

2. Invocation and Pledge of Allegiance

The Invocation was led by Chaplain Roger Butts, Penrose St. Francis Health Services.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Councilmember Murray requested formal excusal for the next couple of meetings and permission to listen to the planned Closed Executive Session for the October 18, 2016 meeting. Consensus of Council agreed to his requests.

Councilmember Murray requested agenda items 4.B.I. and 4.B.J. be pulled from the Consent Calendar and heard under Public Hearings.

Per a staff request, agenda item 4.B.R. will be heard under Items Called Off the Consent Calendar.

Agenda items 4.B.N. through 4.B.Q. will be pulled off the Consent Calendar per a citizen request and heard under Public Hearings.

Citizen Jaymon Johnson requested agenda item 4.B.H. be pulled from the Consent Calendar.

Consensus of Council agreed to these changes to 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. [16-580](#) City Council Meeting Minutes September 27, 2016

Presenter:
Sarah Johnson, City Clerk

The Meeting Minutes were approved on the Consent Calendar.

4B.B. [16-617](#) Appointments to Boards and Commissions

Presenter:
Jacquelyn Puett, Assistant to Council

This item was approved on the Consent Calendar.

4B.C. [16-502](#) A resolution authorizing City Staff to execute an amended and modified deed of conservation easement for the Santa Fe Depot building removing approximately 1.5 acres of parking lot, drive aisle, and landscape area from the easement.

Presenter:
Ryan Tefertiller, Urban Planning Manager
Peter Wysocki, Planning and Community Development Director

Res/Ord Number: 98-16

The resolution was adopted on the Consent Calendar.

4B.D. [16-554](#) A resolution authorizing a land exchange between the City of Colorado Springs and OGC RE1, LLC

Presenter:
Kathleen Krager, Transportation Manager, Public Works Department

Res/Ord Number: 99-16

The resolution was adopted on the Consent Calendar.

4B.E. [16-540](#) An Ordinance Amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the Subdivision Drainage Fund in the amount of \$4,000,000 for the purpose of

reimbursements to developers for eligible major drainage improvements, to the Cemetery Enterprise Fund in the amount of \$33,500 for the purchase of capital equipment, to the Cemetery Endowment Fund in the amount of \$33,500 for the purpose of increasing the transfer to the Cemetery Enterprise Fund, and to the Gift Trust Fund in the amount of \$500,000 for the purpose of allowing spending for the remainder of the year

Presenter:
Kara Skinner, Chief Financial Officer
Res/Ord Number: 16-98

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

4B.F. [16-545](#) A Resolution Authorizing Free Parking on Saturday, November 5, 2016, for the Veterans Day Parade

Presenter:
Greg Warnke, Parking Administrator, Parking System Enterprise
Res/Ord Number: 100-16

The resolution was adopted on the Consent Calendar.

4B.G. [16-546](#) A Resolution Authorizing Free On-Street Metered Parking on Saturday, November 26, Saturday, December 3, Saturday, December 10, Saturday December 17, and Saturday, December 24, 2016.

Presenter:
Gregory A. Warnke, Parking Administrator, Parking System Enterprise
Res/Ord Number: 101-16

The resolution was adopted on the Consent Calendar.

4B.K. [CPC MP 06-00219-A7 MN16](#) A minor amendment to the Flying Horse Master Plan changing 13.58 acres from Residential 2 - 3.5 dwelling units per acre to Residential 3.5 - 8 dwelling units per acre, located southeast of the future extension of Hawk Stone Drive and Ridgeline Drive.

(Legislative)

Related Files: CPC PUZ 16-00074, CPC PUD 16-00076

Presenter:
Peter Wysocki, Director Planning and Community Development
Katie Carleo, Principal Planner, Planning & Community Development

This item was approved on the Consent Calendar.

4B.L. [CPC PUZ 16-00074](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 13.58 acres located southeast of the future extension of Hawk Stone Drive and Ridgeline Drive A (Agricultural) to PUD (Planned Unit Development; single-family attached residential, 3.679 dwelling units per acre, 30-foot maximum building height).

(Quasi-Judicial)

Related Files: CPC MP 06-00219-A7MN16, CPC PUD 16-00076

Presenter:
 Peter Wysocki, Director Planning and Community Development
 Katie Carleo, Principal Planner, Planning & Community Development
 Res/Ord Number: 16-99

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

4B.M. [CPC PUD 16-00076](#) A PUD Development Plan for Cortona at Flying Horse illustrating a layout for a 13.58 acre site to be developed with 54 single-family attached residences, located southeast of the future extension of Hawk Stone Drive and Ridgeline Drive.

(Quasi-Judicial)

Related Files: CPC MP 06-00219-A7MN16, CPC PUZ 16-00074

Presenter:
 Peter Wysocki, Director Planning and Community Development
 Katie Carleo, Principal Planner, Planning & Community Development

This item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Bagley that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

5. Recognitions

Council President Bennett read a proclamation of support for the CPCD Head Start Program, proclaiming October 2016 as National Head Start Awareness Month. Noreen Landis-Tyson, President and CEO, thanked Council for their support. The children representing the Head Start organization performed a song.

6. Citizen Discussion

Citizens Debbie Brownlee, Carrie Baatz, Raven Canon and Shirley Harris spoke about homelessness in Colorado Springs.

Citizen Jim Blair spoke about the importance of infrastructure, public works staffing levels, and the need for an improved development plan.

Citizen Deborah Stout-Meiningner voiced concern about the amount of debt the City owes in municipal bonds.

Citizen Gerald Miller spoke about the dangerous blind intersection at Fountain and Moreno where he has witnessed several traffic accidents.

Citizens Bridget Seritt, Mike Wise, Doug Scolarsky and Amy Case-King requested Council re-address the marijuana plant count limit and re-balance the representation of the marijuana industry on the working group.

Citizen Jaymen Johnson voiced concern about how the Marijuana Working Group has been managed and stated he would like to see the process be more open and inclusive.

Citizen Yolanda Avila voiced concern about the ability to hear in Council chambers. Council will make an effort to remind everyone to use the microphones as the Hearing Loop System is designed to work in conjunction with the microphone system.

Citizen Anna Haliburton-Ursel spoke about teen suicide.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

- 4B.H.** [CPC CA 16-00050](#) An ordinance amending the Regulating Plan for the Downtown Colorado Springs Form-Based Zone pertaining to medical marijuana facilities, including medical marijuana centers, medical marijuana infused products manufacturer, and optional premises cultivation operation.

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development

Res/Ord Number: 16-100

Citizen Jaymen Johnson stated he requested this item be pulled from the Consent Calendar because he feels this item is lacking transparency. He has spoken to Peter Wysocki, Planning and Community Development Director, and understands the intent of this item is to align the downtown area with the same regulations as the rest of the City regarding marijuana facilities. He would like to request additional transparency and information regarding Council actions.

Citizen Bridgette Serritt requested this item be postponed until representatives of the marijuana industry have had the opportunity to review it and determine the depth and scope of the proposal.

Councilmember Collins stated she has issues with targeting areas of town and expressed concern about representation on the Marijuana Working Group.

Councilmember Knight stated this proposal has followed the process of every ordinance, and was presented in the work session two weeks ago.

Council President Pro Tem Gaebler addressed Ms. Collins concern about the focus on the downtown area, reiterating the proposal aligns the downtown area with the remainder of the City. She also stated she too would like to see the representation on the Marijuana Working Group improved.

Motion by Councilmember Murray, seconded by Councilmember Strand, to postpone this item indefinitely. The motion failed by a vote of 4-4-1

Aye: 4 - Collins, King, Murray, and Strand

No: 4 - Bagley, Bennett, Gaebler, and Knight

Excused: 1 - Pico

Res/Ord Number: 16-100

Councilmember Bagley stated they are working to fill vacated positions on the Marijuana Working Group and will make every effort to balance the representation.

Mr. Wysocki provided an explanation of how this ordinance came to Council as a separate item. Form based code is unique to the downtown

area. The previous legislation adopted by Council did not include the form based code section of downtown. This action is intended to align downtown with the legislation approved for the rest of the City.

Council President Pro Tem Gaebler noted the Downtown Review Board unanimously approved this proposal and requested additional marijuana related proposals be postponed until the Marijuana Working Group is realigned.

Motion by Councilmember Bagley, seconded by Councilmember King, that the ordinance amending the Regulating Plan for the Downtown Colorado Springs Form-Based Zone pertaining to medical marijuana facilities, including medical marijuana centers, medical marijuana infused products manufacturer, and optional premises cultivation operation be approved on first reading. The motion passed by a vote of 5-3-1

Aye: 5 - Bagley, Bennett, Gaebler, King, and Knight

No: 3 - Collins, Murray, and Strand

Excused: 1 - Pico

4B.R. [16-581](#)

A resolution adopting final form of Intergovernmental Agreement for the Exclusion of Certain Property from the Donald Wescott Fire Protection District

Presenter:

David Andrews, Legislative Counsel

Res/Ord Number: 102-16

Councilmember Bagley stated he pulled this item off the Consent Calendar to allow for public discussion.

Citizen Angela Dugan representing Americans for Prosperity expressed concern about the double taxation on the north side of the City for fire protection service and requested the double taxation be set to end in January of 2017.

Motion by Councilmember Bagley, seconded by Councilmember King, that the resolution authorizing IGA and filing of joint plans in 2016 and 2017 be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

9. Utilities Business

There was no utilities business.

10. Unfinished Business

- 10.A. [CPC CA 16-00086](#) Ordinance No. 16-97 amending Section 1503 (Home Occupation Permit Standards and Criteria) of Part 15 (Home Occupations) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, relating to the production and sales of plants, fruits, vegetables and cottage foods.

Presenter:
Peter Wysocki, Director of Planning & Community Development

There were no questions or comments on this agenda item.

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, that the ordinance amending section 1503 (Home Occupation Permit Standards and Criteria of Part 15 (Home Occupations of Article 5 (Administration and Procedures of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, relating to the production and sales of plants fruits, vegetables and cottage foods be finally passed. The motion passed by a vote of 7-1-1

Aye: 7 - Bagley, Bennett, Gaebler, King, Knight, Murray, and Strand

No: 1 - Collins

Excused: 1 - Pico

11. New Business

- 11.A. [16-510](#) Resolution approving a service plan allowing for the creation of the Silver Hawk Metropolitan District.

Presenter:
Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department

Res/Ord Number: 103-16

Carl Schueler, Comprehensive Planning Manager, provided an overview of the revised service plan proposals for both the Silver Hawk and Mountain Valley Metropolitan Districts. The changes include lower debt service limits and amended operational mill levies.

Jeff Mark, applicant, stated the developers are trying to abide by the laws and provided additional details about the proposed debt for both developments.

Councilmember Murray asked if the roads constructed by the developer

will become City property. Mr. Mark stated the roads will become City property after two years.

Councilmember King stated he is comfortable supporting these districts based on the amendments to the proposals limiting the mill levies and fees.

Councilmembers Murray and Collins spoke in opposition to creating special districts.

Citizens Deborah Stout-Meininger and Jaymen Johnson spoke in opposition to the proposal.

Motion by Councilmember King, seconded by President Pro Tem Gaebler, that the resolution of the City of Colorado Springs approving a service plan for the Silver Hawk Metropolitan District with a maximum debt authorization of \$1,462,500 be adopted. The motion passed by a vote of 5-3-1

Aye: 5 - Bagley, Bennett, Gaebler, King, and Strand

No: 3 - Collins, Knight, and Murray

Excused: 1 - Pico

- 11.B.** [16-511](#) Resolution approving a service plan allowing for the creation of the Mountain Valley Metropolitan District.

(Legislative)

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department

Res/Ord Number: 104-16

Please see comments in agenda item 11.B.

Citizens Deborah Stout-Meininger and Jaymen Johnson spoke in opposition of this item.

Citizen Yolanda Avila spoke about the importance of providing public transportation to these developments.

Council continued to discuss the advantages and disadvantages of establishing special districts.

Motion by Councilmember King, seconded by Councilmember Strand, that the resolution of the City of Colorado Springs approving a service plan for the Mountain Valley Metropolitan District with a maximum debt authorization of

\$3,068,750 be adopted. The motion passed by a vote of 5-3-1

Aye: 5 - Bagley, Bennett, Gaebler, King, and Strand

No: 3 - Collins, Knight, and Murray

Excused: 1 - Pico

11.C. [16-474](#)

An Ordinance Amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the General Fund in the Amount of \$300,000 for the Purpose of Supplementing the Parks, Recreation and Cultural Services 2016 Water Budget

Presenter:

Karen Palus, Director - Parks, Recreation and Cultural Services
Kurt Schroeder, Park Operations and Development Manager - Parks, Recreation and Cultural Services

Res/Ord Number: 16-101

Kurt Schroeder, Park Operations and Development Manager, presented a summary of the information presented in the work session yesterday and the changes made to the proposal, including possible identified fund sources.

Councilmember Knight provided an update based on the Finance Committee meeting earlier today.

Kara Skinner, CFO, stated two red-line versions of the ordinance, proposing different fund sources are available. One version suggests \$200,000 come from the Conservation Trust Fund (CTF) and the second version suggests \$100,000 come from the CTF funds and \$100,000 from the Trails, Open Space and Parks (TOPS) funds.

Councilmembers Knight restated his desire to postpone this decision until the final watering figures are available. He would like to see the funds come from several departments rather than all from the CTF.

Council President Pro Tem Gaebler stated she supports approaching the TOPS Working Committee for funds and the use of CTF funds.

Councilmember Collins stated she supports the use of TOPS funds and recommends delaying action until the final watering bill is in.

Council President Pro Tem Gaebler asked what the repercussions of delaying a decision on this item would be. Mr. Schroeder stated the City

needs to pay the water bill.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance for a Supplemental Appropriation to the Conservation Trust Fund in the amount of \$100,000 and \$100,000 to TOPS funds for the purpose of supplementing the Parks, Recreation and Cultural Services 2016 Water Budget be approved on first reading. The motion failed by a vote of 3-5-1

Aye: 3 - King, Murray, and Strand

No: 5 - Bagley, Bennett, Collins, Gaebler, and Knight

Excused: 1 - Pico

Res/Ord Number: 16-101

Councilmember Knight commented on the amount of money in the Parks, Recreation and Cultural Services Department budget, which should include the cost of watering City parks and stated he does not agree that delaying this action will cause the department to stop watering the parks as there are still funds in the department's budget. He also added that, in his opinion, Council should delay this action and make adjustments to the budget when the exact amount of money needed is known.

Council President Pro Tem Gaebler stated she cannot support circumventing the TOPS Working Committee and the Parks and Recreation Advisory Board.

Council President Bennett stated he does not have a problem taking money from the TOPS budget to cover this expense if the TOPS Working Committee is involved in this decision.

Councilmember Strand stated he believes the TOPS budget has the funds available.

Councilmember Knight requested the TOPS Working Committee be approached regarding the use of TOPS funds if additional money is needed to cover the park watering expenses.

Motion by Councilmember Knight, seconded by Councilmember Bagley, that the ordinance amending Ordinance no. 15-86 (2016 Appropriation Ordinance) for a supplemental appropriation to the conservation trust fund in the amount of \$100,000 for the purpose of supplementing the Parks, Recreation and Cultural Services 2016 water budget be approved on first reading. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Pico

- 11.D. [16-561](#) An Ordinance amending Article 1 (General Municipal Elections) of Chapter 5 (Elections) of the Code of the City of Colorado Springs 2001, as amended, pertaining to elections

Presenter:

Sarah B. Johnson, City Clerk

Britt Haley, City Attorney's Office

Res/Ord Number: 16-102

Sarah Johnson, City Clerk, stated she has met or talked with all of the members of Council regarding this proposal and provided a summary of the proposal. A four day cure period has been added to allow a candidate to collect additional signatures if needed.

Councilmember Knight asked if the new cure period only applies if sufficient signatures are provided when the petition is filed with the City Clerk's Office. Britt Haley with the City Attorney's Office provided clarification of this provision, stating a petition will only be accepted if it is valid, meaning it has at least the required number of signatures for review. Once the signatures are validated by the Clerk's office, if the petition needs additional signatures, the four day cure period will be the time provided for collection of additional signatures.

Citizen Deb Walker, Executive Director of Citizens Project, speaking on behalf of the Election Administration Committee Pikes Peak Equality Coalition spoke in support of the proposals.

Motion by Councilmember Strand, seconded by Councilmember Bagley, that the ordinance amending Article 1 (General Municipal Elections) of Chapter 5 (Elections) of the Code of the City of Colorado Springs 2001, as amended, pertaining to elections be approved on first reading. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

- 11.E. [16-562](#) An Ordinance amending Part 2 (Fair Campaign Practices; Candidate and Committee Funds and Disclosures) of Article 2 (Campaign Disclosures) of Chapter 5 (Elections) of the Code of the City of Colorado Springs 2001, as amended, pertaining to campaign practices

Presenter:

Sarah B. Johnson, City Clerk

Britt Haley, City Attorney's Office

Res/Ord Number: 16-103

Ms. Johnson explained the changes to the Fair Campaign Practices Act and stated they are still researching Federal and State campaign finance laws relating to interest group activity in elections.

Council President Pro Tem Gaebler requested Ms. Johnson research organizations being allowed to contribute money to election campaigns without identifying sources and laws requiring disclosure.

Councilmember Knight requested candidate campaign fund shortages and excess be handled consistently and that his questions regarding campaign finance rules for interest groups be answered prior to the end of the year.

Please see additional information in agenda item 11.D.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance amending Part 2 (Fair Campaign Practices; Candidate and Committee Funds and Disclosures) of Article 2 (Campaign Disclosures) of Chapter 5 (Elections) of the Code of the City of Colorado Springs 2001, as amended, pertaining to campaign practices be approved on first reading. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

12. Public Hearing

4B.N. [CPC ZC
16-00061](#)

An Ordinance amending the zoning map of the City of Colorado Springs pertaining to 7.05 acres located at the southwest corner of North Academy Boulevard and Maizeland Road from PBC/cr (Planned Business Center with conditions of record) to PBC/cr (Planned Business Center with conditions of record).

(Quasi-Judicial)

Related Files: CPC DP 16-00060, CPC DP 16-00062, CPC DP 16-00068

Presenter:
Mike Schultz, Principal Planner, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Res/Ord Number: 16-104

Mike Schultz, Principal Planner, provided a summary of the proposed development of the property.

Councilmember Knight questioned the possibility of including a liquor store on this site. Mr. Schultz explained the Conditions of Record still prohibit liquor stores or outlets, the Drive-thru Food or Liquor Outlet condition was removed to accommodate the Carl's Jr.

Tom Dermody, representing the developer, Harwal Inc., provided a brief history of the property and the events leading to the sale and subsequent development plan for the property.

Citizens Jaymen Johnson and Wade Mashburn spoke in support of this proposal.

Charlie Bobbitt, representing the opposition, provided a history of the proposed uses of the property over the years and presented the neighbors' concerns about the proposed development.

Citizens Natalie Warren, Catherine Smith, Susan Folks, and Kevin Harrer spoke in opposition to the proposal.

Councilmember Murray stated because the neighbors and property owners negotiated conditions of use for the property many years ago, he cannot support this proposal due to the included changes to the conditions of use.

Councilmember Strand requested Kathleen Krager, Transportation Manager discuss the planned traffic changes to accommodate this development. Ms. Krager explained a computerized traffic study has been done. This study does not indicate traffic problems; however, she will continue to monitor this situation once the development matures. Ms. Krager also explained the typical traffic patterns associated with the proposed business types and possible solutions to traffic problems that may arise.

Councilmember Strand asked if the businesses will operate 24 hours a day. Mr. Dermody stated renters will have access to the storage units at all times; the Kum & Go will be open 24 hours a day. Jay Hoffmeister with Carl's Jr. stated the operating hours of the Carl's Jr. will be

determined based on market drive, there is a possibility they will operate 24 hours a day.

Motion by Councilmember King, seconded by Councilmember Bagley, that the ordinance changing the zoning of 7.05 acres from PBC/CR (Planned Business Center with conditions of record) to PBC/CR (Planned Business Center with conditions of record), based upon the findings that the change of zoning request complies with the three (3) applicable review criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) be approved on first reading. The motion passed by a vote of 7-1-1

Aye: 7 - Bagley, Bennett, Collins, Gaebler, King, Knight, and Strand

No: 1 - Murray

Excused: 1 - Pico

4B.O. [CPC DP
16-00060](#)

A Development Plan for Kum & Go convenience store with fuel sales on a 1.96-acre lot and located southwest corner of North Academy Boulevard and Maizeland Road.

(Quasi-Judicial)

Related Files: CPC ZC 16-00061, CPC DP 16-00062, CPC DP 16-00068

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development

Peter Wysocki, Planning and Community Development Director

Please see comments in agenda item 4.B.N.

Motion by Councilmember King, seconded by Councilmember Strand, that the Development Plan for Kum & Go Store #686 based upon the findings that the development plan complies with the twelve (12) review criteria in City Code Section 7.5.502.E for approving a development plan, subject to compliance with the technical modifications and/or informational plan modifications listed in the Planning Commission minutes dated August 18, 2016 be approved. The motion passed by a vote of 6-2-1

Aye: 6 - Bagley, Bennett, Collins, King, Knight, and Strand

No: 2 - Gaebler, and Murray

Excused: 1 - Pico

4B.P. [CPC DP
16-00062](#)

A Development Plan for Your Self Storage mini-storage facility on a 3.79-acre lot and located at the southeast corner of Maizeland Road and Sussex Lane.

(Quasi-Judicial)

Related Files: CPC ZC 16-00061, CPC DP 16-00060, CPC DP 16-00068

Presenter:
Mike Schultz, Principal Planner, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Please see comments in agenda item 4.B.N.

Motion by Councilmember King, seconded by Councilmember Strand, that the development plan for Your Storage Center based upon the findings that the development plan complies with the twelve (12) review criteria in City Code Section 7.5.502.E for approving a development plan, subject to compliance with the technical modifications and/or informational plan modifications listed in the Planning Commission minutes dated August 18, 2016 be approved. The motion passed by a vote of 7-1-1

Aye: 7 - Bagley, Bennett, Collins, Gaebler, King, Knight, and Strand

No: 1 - Murray

Excused: 1 - Pico

4B.Q. [CPC DP 16-00068](#)

A Development Plan for Carl's Jr. restaurant on a .793-acre lot and located at the northwest corner of North Academy Boulevard and Alpine Place.

(Quasi-Judicial)

Related Files: CPC ZC 16-00061, CPC DP 16-00060, CPC DP 16-00062

Presenter:
Mike Schultz, Principal Planner, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Please see comments in agenda item 4.B.N.

Motion by Councilmember King, seconded by Councilmember Strand, that the development plan for Carl's Jr. based upon the findings that the development plan complies with the twelve (12) review criteria in City Code Section 7.5.502.E for approving a development plan, subject to compliance with the technical modifications and/or informational plan modifications listed in the Planning Commission minutes dated August 18, 2016 be approved. The motion passed by a vote of 6-2-1

Aye: 6 - Bagley, Bennett, Collins, King, Knight, and Strand

No: 2 - Gaebler, and Murray

Excused: 1 - Pico

4B.I. [CPC ZC
16-00082](#)

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 11.06 acres located northeast of Union Boulevard and Continental Heights from PBC (Planned Business Center) to OC (Office Complex).

(Quasi-Judicial)

Related File: CPC CP 16-00083

Presenter:

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

Res/Ord Number: 16-105

Jose Kreutz, Senior Vice President of Watermark Development, presented a summary of the proposal.

Councilmember Murray questioned the reality of this developer being able to build the caliber of facility depicted in the photos shown in this presentation on this lot and expressed concern about the proposed density of the development.

Councilmember Knight asked why the requested height variance is necessary. Mr. Kreutz stated a minimum number of units are necessary to make the project financially feasible. Katie Carleo, Principal Planner, explained the allowable building heights in zoning districts and stated this developer is requesting a height variance based on the lower base level of the property. Councilmember Knight asked what impact the height variance will have on the views of the people living in the adjacent property. Ms. Carleo stated the City does not have view protection corridors.

Councilmember Knight stated one of the emails received by Council expressed concern about market saturation. Ms. Carleo stated the Briargate Master Plan allows for multifamily housing to be built. Meggan Herington, Planning Manager, stated there are other multifamily projects in the early planning stages that cannot be discussed, there are also a couple of multifamily complexes currently under construction.

Councilmember Knight asked why this is being handled as a zone change if apartment complexes are allowed under the current zoning. Ms. Carleo stated the current zoning gives the property multifamily use

by right instead of conditional use. Mr. Kreutz stated the developers believe it was more appropriate to pursue the zone change. He also spoke about the market study performed by his company regarding market saturation in this area. Studies show the housing market is trending away from single family homes and multifamily complexes are gaining popularity, justifying this proposal.

Motion by Councilmember King, seconded by President Pro Tem Gaebler, that the ordinance changing the zoning of 11.06 acres from PBC (Planned Business Center) to OC (Office Complex), 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) be approved on first reading. The motion passed by a vote of 6-2-1

Aye: 6 - Bagley, Bennett, Gaebler, King, Knight, and Strand

No: 2 - Collins, and Murray

Excused: 1 - Pico

4B.J. [CPC CP
16-00083](#)

Watermark at Briargate Concept Plan illustrating conceptual layout for the 11.06 acre site located northeast of Union Boulevard and Continental Heights, to be developed as a multi-family apartment complex. (Quasi-Judicial)

Presenter:

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

Please see comments in agenda item 4.B.I.

Motion by Councilmember King, seconded by Councilmember Bagley, that the Watermark at Briargate Concept Plan, based upon the findings that the concept plan meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E) be approved. The motion passed by a vote of 6-2-1

Aye: 6 - Bagley, Bennett, Gaebler, King, Knight, and Strand

No: 2 - Collins, and Murray

Excused: 1 - Pico

13. Added Item Agenda

There were no items added to the agenda.

14. Executive Session

There was not an Executive Session.

15. Adjourn

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

adjourned.

Sarah B. Johnson, City Clerk

Following adjournment of the regular City Council meeting, City Council will adjourn and reconvene as the Board of Directors of the Briargate General Improvement District.

- A. [16-345](#) Request to set November 22, 2016 as the Public Hearing date for consideration of adopting the proposed 2017 Colorado Springs Briargate General Improvement District Budget and to advertise as required by law

Presenter:

Kara Skinner, Chief Financial Officer

There were no questions or comments on this agenda item.

Motion by Councilmember Knight, seconded by President Pro Tem Gaebler, to establish November 22, 2016 as the date of the Public Hearing to consider the 2017 Colorado Springs Briargate General Improvement District budget. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

Following adjournment of the Board of Directors of the Briargate General Improvement District, City Council will adjourn and reconvene as the Board of Directors of the Marketplace at Austin Bluffs General Improvement District.

- B. [16-346](#) Request to set November 22, 2016 as the Public Hearing date for consideration of adopting the proposed 2017 Colorado Springs Marketplace at Austin Bluffs General Improvement District Budget and to advertise as required by law

Presenter:

Kara Skinner, Chief Financial Officer

There were no questions or comments on this agenda item.

Motion by Councilmember Murray, seconded by Councilmember Bagley, to establish November 22, 2016 as the date of the Public Hearing to consider the 2017 Colorado Springs Marketplace at Austin Bluffs General Improvement District budget. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

Following adjournment of the Board of Directors of the Marketplace at Austin Bluffs General Improvement District, City Council will adjourn and reconvene as the Board of Directors of the Spring Creek General Improvement District.

- A. [16-347](#) Request to set November 22, 2016 as the Public Hearing date for consideration of adopting the proposed 2017 Colorado Springs Spring Creek General Improvement District Budget and to advertise as required by law

Presenter:
Kara Skinner, Chief Financial Officer

There were no questions or comments on this agenda item.

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, to establish November 22, 2016 as the date of the Public Hearing to consider the 2017 Colorado Springs Spring Creek General Improvement District budget. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico