



City of Colorado Springs

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

Meeting Minutes City Council

City Council meetings are broadcast live on Channel 18. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event.

Tuesday, February 26, 2019

1:00 PM

Council Chambers

1. Call to Order

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

2. Invocation and Pledge of Allegiance

The Invocation was made by Chaplain Kevin Ballard from the Colorado Springs Police Department

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Sarah B. Johnson, City Clerk, stated items 12.A. through 12.G. pertaining to the United States Air Force Academy (USAFA) annexation will be heard after Mayor's Business and items 10.C. and 11.A. pertaining to the Scheels All Sports, Inc. credit Public Improvement Fee (PIF) agreement will be moved to the end of the meeting.

Councilmember Pico requested item 4B.B. Appointments to Boards and Commissions be removed from the Consent Calendar.

Consensus of Council agreed to these changes on the Agenda.

4. Consent Calendar

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

4A. Second Presentation:

4A.A. [19-019](#)

Ordinance No. 19-11 amending Ordinance No. 18-118 (2019)

Appropriation Ordinance) for a supplemental appropriation to the 2C-Road Repair, Maintenance and Improvement Fund in the amount of \$6,000,000 for additional capital expenditures identified for 2019

Presenter:
Charae McDaniel, Chief Financial Officer
Travis Easton, P.E., Public Works Director
Corey Farkas, Manager of Operations and Maintenance Division of Public Works

Attachments: [Supplemental Approp Ord - 2C Fund](#)
[Signed Ordinance 19-11](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.B.** [CPC CA 18-00164](#) Ordinance No. 19-12 Amending Section 205 (Accessible Parking Space Requirements for the Disabled) of Part 2 (Off-Street Parking Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs, 2001, as amended, Pertaining to Accessible Parking Signs.

(Legislative)

Presenter:
Meggan Herington, Assistant Director of Planning
Robert Hernandez, Title II ADA Manager, Office of Accessibility
Peter Wysocki, Director of Planning and Community Development

Attachments: [AccessibleParkingSignageORD-2018-01-16](#)
[Signed Ordinance 19-12](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A.** [19-141](#) City Council Regular Meeting Minutes February 12, 2019

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [2-12-2019 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

- 4B.C.** [19-048](#) Resolution of Support for the City of Colorado Springs' Application to Great Outdoors Colorado for the North Cheyenne Cañon Park Stewardship Program

Presenter:

Tilah Larson, Senior Grants Analyst - Parks, Recreation and Cultural Services

Karen Palus, Director - Parks, Recreation and Cultural Services

Attachments: [2-11-19 - Stewardship City Council Resolution of Support Signed Resolution 30-19](#)

This Resolution was adopted on the Consent Calendar.

4B.D. [19-058](#)

Request to Establish a Public Hearing Date for the Consideration of a Resolution Regarding Certain Changes to Colorado Springs Utilities' Open Access Transmission Tariff Setting Forth Joint Dispatch Transmission Service

Presenter:

David Beckett, Senior Attorney

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [CSU OATT JDA Tariff - Redlined - Excerpt Only.pdf](#)
[OATT 2019 Resolution to Add Joint Dispatch Transmission Service.docx](#)

This item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Strand, seconded by Councilmember Bennett, 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, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

5. Recognitions

5.A. [19-131](#)

A proclamation celebrating the Transforming Safety Grant

Presenter:

Richard Skorman, City Council President

Attachments: [Transforming Safety - 2019](#)

Councilmember Geislinger read a Proclamation celebrating the Transforming Safety Grant.

Councilmember Avila expressed appreciation for the support from the State of Colorado in regards to this grant.

Eula Tatman, Pikes Peak Community Foundation, and Patrick Horvath,

The Denver Foundation, expressed appreciation for the efforts of everyone who made the program a possibility.

6. Citizen Discussion

Citizen Carl Strow spoke about the land swap of the property where the Pikes Peak Cog Railway is located and Barr Trail.

Citizen Gerald Miller spoke regarding the crime in his neighborhood.

Citizen Jim Bensburg representing Cheyenne Canon Conservationists asked why there has been such a delay in the amendment to the Ordinance to allow City Council to approve park master plans. Marc Smith, Division Chief, Corporate Legislative Counsel, explained the process has begun and its relationship to the Park Land Dedication Ordinance (PLDO). He said he anticipates the changes will come shortly after the PLDO.

7. Mayor's Business

- 7.A. [19-132](#) A Resolution Confirming the Mayor's Appointment of Vincent B. Niski as Police Chief

Presenter:
John Suthers, Mayor

Attachments: [Niski Resolution.docx](#)
[Signed Resolution 31-19](#)

Mayor Suthers gave an overview of the interview process for the position of Police Chief, identified the qualifications of Vincent B. Niski, and recommended the appointment of Mr. Niski as Police Chief.

Several Councilmembers expressed support of the appointment.

Judge HayDen Kane performed the swearing in ceremony.

Chief Niski expressed appreciation to the Colorado Springs Police Department, the Mayor, and City Council.

Motion by Councilmember Strand, seconded by Councilmember Geislinger, that the Resolution confirming the Mayor's appointment of Vincent B. Niski as Police Chief be adopted. The motion passed by a vote of 9-0-0

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

- 7.B. [19-133](#) Nomination to reappoint Kathy Boe for a three year term on the Colorado Springs Health Foundation Board of Trustees.

Presenter:
Mayor John Suthers

Attachments: [2019 Kathy Boe Bio](#)

Mayor John Suthers introduced Kathy Boe, provided a summary of her experience, and recommended her for reappointment for a three year term on the Colorado Springs Health Foundation Board of Trustees.

Motion by Councilmember Bennett, seconded by Councilmember Pico, that the appointment of Kathy Boe to serve on the Colorado Springs Health Foundation Board of Trustees for a three year term expiring 3/12/2022. be adopted. The motion passed by a vote of 9-0-0

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

- 7.C. [19-134](#) Nomination to reappoint Jon Medved for a three year term on the Colorado Springs Health Foundation Board of Trustees.

Presenter:
Mayor John Suthers

Attachments: [Medved Bio Redacted](#)

Mayor John Suthers introduced Jon Medved, provided a summary of his experience, and recommended him for reappointment for a three year term on the Colorado Springs Health Foundation Board of Trustees.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the appointment of Jon Medved to serve on the Colorado Springs Health Foundation Board of Trustees for a three year term expiring 3/12/2022 be approved. The motion passed by a vote of 9-0-0

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

- 7.D. [19-135](#) Nomination to reappoint Thayer Tutt for a three year term on the Colorado Springs Health Foundation Board of Trustees.

Presenter:
Mayor John Suthers

Attachments: [2019 Thayer Tutt Bio](#)

Mayor John Suthers introduced Thayer Tutt, provided a summary of his experience, and recommended him for reappointment for a three year term on the Colorado Springs Health Foundation Board of Trustees.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the appointment of Thayer Tutt to serve on the Colorado Springs Health Foundation Board of Trustees for a three year term expiring 3/12/2022 be approved. The motion passed by a vote of 9-0-0.

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

8. Items Called Off Consent Calendar

4B.B. [19-138](#) Appointments to Boards and Commissions

Presenter:

Jacquelyn Puett, Assistant to Council

Attachments: [022619 Boards and Commissions](#)

Councilmember Pico stated there has been a correction made to the Appointments to Boards and Commissions to reflect that Michelle Rule and Mark Volcheff will be appointed as alternates instead of primary members to the Airport Advisory Commission.

Motion by Councilmember Pico, seconded by Councilmember Bennett, that the Item approving the appointments to the Boards and Commissions with the amendment to the Airport Advisory Commission to indicate Ms Reuhl and Mr. Vochett are alternates be approved. The motion passed by a vote of 9-0-0

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

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

10.A. [CPC A 17-00025](#) Ordinance No. 19-14 annexing into the City of Colorado Springs that area known as the Briargate Church Assembly of God Annexation consisting of 8.26 acres.

(Legislative)

Related Files: CPC A 17-00025R, CPC ZC 18-00035, CPC DP 18-00036

Presenter:

Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Attachments: [AX ORD BriargateChurchAnnexation](#)
[Exhibit A - Annexation Legal Desc](#)
[Exhibit B - Briargate Church Assembly of God Annexation Agreement](#)
[Vicinity detail2](#)
[CPC Staff Report Briargate Church Assembly of God Annexation KAC](#)
[FIGURE 1 Project Statement](#)
[FIGURE 2 Annexation Plat](#)
[FIGURE 3 Enclave Map](#)
[FIGURE 4 Fiscal Impact Analysis.Briargate Church](#)
[FIGURE 5 Annexation agreement](#)
[FIGURE 6 BCAG SECWCD Letter of Assent 7-24-2018](#)
[FIGURE 7 ZC Legal Description](#)
[FIGURE 8 Briargate Church Assembly of God DP](#)
[7.6.203-Annexation Conditions](#)
[CPC Minutes BriargateChurchAssemblyofGodAnnex_draft](#)

Councilmember Avila stated she received a letter from Pastor Bottoms regarding the annexation, but she is generally not in favor of annexing because with two hundred square miles within the City, she does not feel we need to make it any larger than it already is. She explained that usually, when there is an annexation, there is a return of retail sales tax revenue to the City and because this location is exempt from paying taxes and there will be no retail sales tax revenue to the City, she will be voting against this.

Motion by Councilmember Bennett, seconded by Councilmember Geislinger, that the Ordinance annexing into the City of Colorado Springs that area known as the Briargate Church Assembly of God Annexation, consisting of 8.26 acres, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria set forth in City Code Section 7.6.203 be finally passed. The motion passed by a vote of 8-1-0-0

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

No: 1 - Avila

- 10.B.** [CPC ZC 18-00035](#) Ordinance No. 19-15 amending the Zoning Map of the City of Colorado Springs relating to 7.78 acres located northeast of the intersection of Voyager Parkway and Springcrest Road establishing the A (Agricultural) zone district.

(Legislative)

Related Files: CPC A 17-00025, CPC ZC 18-00035, CPC DP 18-00036

Presenter:

Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Attachments: [ZC ORD BriargateChurchAX](#)
[Exhibit A - ZC Legal Description](#)
[Exhibit B Zoning Map BCAG](#)
[7.5.603 Findings - ZC req_CA](#)
[Signed Ordinance 19-15](#)

Please see comments in Agenda item 10.A.

Motion by Councilmember Bennett, seconded by Councilmember Murray, that the Ordinance for the establishment of an A (Agricultural) zone district, 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 finally passed. The motion passed by a vote of 8-1-0-0

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

No: 1 - Avila

10.C. [19-112](#)

Ordinance No. 19-13 Creating a New Part 13 (Temporary Sales Tax Credit in Designated Geographic Areas With Public Improvement Fees) of Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City Of Colorado Springs, 2001, as Amended, Providing for the Temporary Reduction of City Sales Tax Within Certain Designated Geographic Areas for the Purpose of Funding Public Improvements and Supporting Economic Development Through Public Improvement Fees.

Presenter:

Bob Cope, Economic Development Officer

Attachments: [Scheels PowerPoint Presentation](#)
[Tax Credit-PIF Ordinance - FINAL-Rev -2-6-2019.pdf](#)
[Scheels Credit PIF Agreement](#)

Bob Cope, Economic Development Officer, presented the Ordinance approving the one percent Credit Public Improvement Fee (PIF) agreement with Scheels All Sports, Inc.

Councilmember Murray stated he fundamentally disagrees with this entire process.

Councilmember Avila stated she disagrees with the one percent and

twenty-five year term, but does believe this project is beneficial to the community.

Councilmember Geislinger stated there needs to be a better defined process going forward and will be supporting the project.

Jeff Greene, Chief of Staff, stated the Mayor supports the project and is in full concurrence of working with City Council to develop a matrix in how the City incentivizes certain types of projects.

Councilmember Strand asked if other businesses have expressed concerned with Scheels All Sports, Inc. taking business from them. Mr. Cope stated they have not received those types of comments. Councilmember Murray stated he spoke with several businesses that were not even aware that Scheels All Sports, Inc. was coming. Councilmember Pico stated he had received several concerns from businesses.

Councilmember Murray asked if Scheels All Sports, Inc. was offered an incentive to locate in the Southeast. Mr. Cope stated Scheels All Sports, Inc. had indicated their preferred real estate site from the beginning of the discussion. Mr. Greene stated the City does not dictate where a business would like to locate.

Citizen Patrick Maggio representing Kaycee, LLC, Northgate Properties, and Copper Ridge Development spoke in opposition of item 11.A, but did not state the basis of his objection.

Motion by Councilmember Bennett, seconded by Councilmember Knight, that the Ordinance creating a new Part 13 (Temporary Sales Tax Credit in Designated Geographic Areas with Public Improvement Fees) of Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs, 2001, as amended, providing for the temporary reduction of City sales tax within certain designated geographic areas for the purpose of funding public improvements and supporting economic development through public improvement fees be finally passed. The motion passed by a vote of 7-2-0-0

Aye: 7 - Avila, Bennett, Gaebler, Geislinger, Knight, Skorman, and Strand

No: 2 - Murray, and Pico

11. New Business

- 11.A.** [19-145](#) A Resolution Approving the Credit Public Improvement Fee Agreement Between the City of Colorado Springs, Scheels All Sports, Inc., and Interquest North Business Improvement District.

Presenter:

Bob Cope, Economic Development Officer

Attachments: [Scheels Resolution 2019](#)
[Scheels Power Point 2.25.19 Resolution](#)
[Credit PIF AGREEMENT-FINAL -2-19-19](#)

Citizen Patrick Maggio representing Kaycee, LLC, Northgate Properties, and Copper Ridge Development spoke in opposition of this Resolution.

Councilmember Knight and Councilmember Avila stated increasing incentives in other areas of the City would be a smart move.

Councilmember Murray stated a majority of this money will not be used for public improvements.

Motion by Councilmember Strand, seconded by Councilmember Bennett, that the Resolution approving the Credit Public Improvement Fee Agreement between the City of Colorado Springs, Scheels All Sports, Inc., and Interquest North Business Improvement District be adopted. The motion passed by a vote of 7-2-0-0

Aye: 7 - Avila, Bennett, Gaebler, Geislinger, Knight, Skorman, and Strand

No: 2 - Murray, and Pico

12. Public Hearing

- 12.A.** [CPC A 18-00124R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as USAFA Addition No. 1 Annexation

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:

Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Attachments: [RES_Findingsoffact_USAFA additionNo1](#)
[EXHIBIT A Legal Description USAFA Addition No. 1 Annexation](#)
[EXHIBIT B - USAFA Annex Agreement No. 1](#)
[EXHIBIT 12A Planner Affidavit USAFA Annexation](#)
[EXHIBIT 12B Clerk Affidavit USAFA Annexation](#)
[EXHIBIT 12C Surveyor Affidavit USAFA Annexation](#)

Catherine Carleo, Principal Planner, Planning and Development,

presented the proposed annexation of United States Air Force Academy (USAFA) True North Commons. She presented maps of the site location and surroundings and gave an overview of the proposed serial annexations of USAFA Addition No. 1 and No. 2. Ms. Carleo explained the proposed zone change, master plan, application review, stakeholder process, fiscal impact analysis, and the current City annexation plan. She went over how the annexation aligns with the PlanCOS framework, and the annexation agreements, process, and timeline.

Bob Cope, Economic Development Officer, reviewed the details of the fiscal economic impact to the City.

Dan Schneff, Managing Member, Blue and Silver Development Partners, LLC, CEO and Chairman of the Board, Matrix Design Group, Inc. introduced Carlos Cruz-Gonzalez, USAFA Directorate of Logistics, Engineering, and Force Protection, who stated the USAFA visitor's center project is very important to the USAFA and the annexation into the City is a critical step in order to execute the ground lease signing.

Councilmember Geislinger asked if the USAFA would execute de-annexation if the project was not completed. Mr. Cruz-Gonzalez confirmed it would.

Councilmember Murray asked why the proforma has not been signed yet. Mr. Cruz-Gonzalez it is still under review to determine if the project is fully funded. Mr. Schneff stated he will provide the proforma information under a non-disclosure agreement once it is finalized.

Councilmember Avila asked how long the proposed lease was for. Mr. Cruz-Gonzalez stated it was amended to a seventy-five year lease.

Councilmember Knight asked if the proposed zoning change would be for the entire annexed area. Ms. Carleo confirmed it would be. Mr. Cruz-Gonzalez said as part of the ground lease process, they will ask the developer to submit their proposals for use and also conduct an environmental assessment. Councilmember Knight requested a list of what is prohibited uses for that area. Mr. Cruz-Gonzalez agreed to provide that information.

Mr. Schneff presented an overview of the Enhance Use Lease (EUL),

financing approach, land use summary, land plan graphic, initial phase of the concept development plan, Business Improvement District (BID) development costs, environmental status, and schedule.

Councilmember Geislinger asked if they anticipate the funding sources will become public. Mr. Schneff stated it will be after bond issuance.

Ms. Carleo requested all the items related to the USAFA annexation, with the exception of the first readings of the Ordinances, be postponed to the March 12, 2019 City Council meeting.

Citizens Dirk Draper, Chamber and EDC, and Andrea Barker, Chamber and EDC Board, spoke in support of the proposed annexation.

Citizens Fran Silva Blayney, Fountain Creek Water Sentinels with the Sierra Club, and Jim Lockhart, Conservation Chair for the Pikes Peak Group of the Sierra Club, Scott Anderson, Colorado Fame, spoke in opposition of the proposed annexation.

Councilmember Knight asked if there will be parking available for people using the trailhead. Mr. Schneff stated there should adequate parking available.

Councilmember Murray stated they were told there would not be a cost to the City for this visitor's center and no sales tax dollars were to be put on it.

Councilmember Avila spoke in opposition of the proposed annexation and said the location should not require Urban Renewal Authority funding.

Councilmember Pico stated the municipal tax dollars will not go into the visitor's center and any Tax Increment Financing (TIF) will go into public infrastructure.

President Pro Tem Gaebler stated this will be an incredible gateway into the City.

Councilmember Geislinger stated he is very uncomfortable voting on the Ordinances today and then postponing the Resolutions to the March 12, 2019 City Council meeting. Marc Smith, Division Chief, Corporate Legislative Counsel, explained that the Ordinances will not be legally

effective until after the second reading.

Councilmember Murray stated the Northgate loop off Interstate-25 will have to be completed which will cost taxpayers millions of dollars.

Councilmember Avila said she is in support of the visitor's center, but not everything else that will be surrounding it. President Skorman said it will be a big attraction for the community and because it will be a free attraction, it needs the support of the business partnerships.

Councilmember Knight stated the Air Force developed the enhanced use lease program as an alternate way to fund these types of projects that would normally have to wait behind a long list of projects to be completed.

Motion by Councilmember Bennett, seconded by Councilmember Knight, that the Resolution of finding that the USAFA Addition No. 1 Annexation meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation be postponed to the March 12, 2019 City Council meeting. The motion passed by a vote of 8-1-0-0

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

No: 1 - Avila

12.B. [CPC A
18-00124](#)

Ordinance No. 19-16 annexing into the City of Colorado Springs an area known as the USAFA Addition No.1 Annexation of 85.23 acres located southwest of North Gate Boulevard and Interstate 25 along Interstate 25 west of existing City limits.
(Legislative)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:

Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Attachments: [ORD_USAFA_AdditionNo1](#)
[EXHIBIT A Legal Description USAFA Addition No. 1 Annexation](#)
[CPC Staff Report_USAFA Annexation](#)
[USAFA Annexation Addition No. 1 Agreement](#)
[Vicinity-Ortho w-surrounding](#)
[Annexation Map](#)
[FIGURE 1 Project Statement True North Commons](#)
[FIGURE 2 Mining Museum Comment Letter](#)
[FIGURE 3 Comment Response Letter_Mining Museum](#)
[FIGURE 4 USAFA Comment](#)
[FIGURE 5 El Paso County Review Comments](#)
[FIGURE 6 Comment Response Letter County](#)
[FIGURE 7 Annexation Plat No. 1](#)
[FIGURE 8 Annexation Plat No. 2](#)
[FIGURE 9 USAFA Annexation Petition](#)
[FIGURE 10 USAFA Annexation Exhibit](#)
[FIGURE 11 USAFA Annexation Addition No. 1](#)
[FIGURE 12 FIA True North Commons](#)
[FIGURE 13 Master Plan - Concept Plan True North Commons](#)
[FIGURE 14 LSA True North Commons](#)
[FIGURE 15 Colorado Geological Survey Comments](#)
[FIGURE 16 Conformance with the City PlanCOS](#)
[FIGURE 17 True North Commons Annexation Exhibit](#)
[7.6.203-Annexation Conditions](#)
[USAFA Annexation Public Comment 1-16-19](#)
[STAFF Presentation_USAFA_CC 2-26-19](#)
[Signed Ordinance 19-16](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Ordinance annexing into the City of Colorado Springs an area known as the USAFA Addition No.1 Annexation of 85.23 acres located southwest of North Gate Boulevard and Interstate 25 along Interstate 25 west of existing City limits be approved on first reading. The motion passed by a vote of 7-2-0-0

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

No: 2 - Avila, and Murray

- 12.C.** [CPC A](#)
[18-00125R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as USAFA Addition No. 2 Annexation.

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:

Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Attachments: [RES findingsoffact USAFA additionNo2](#)
[EXHIBIT A_Legal Description_USAFA Addition No. 2 Annexation](#)
[EXHIBIT B - USAFA Annex Agreement No. 2](#)
[Exhibit B - Agr Usafa Annexation No2](#)
[EXHIBIT 12A_Planner Affidavit_USAFA Annexation](#)
[EXHIBIT 12B_Clerk Affidavit_USAFA Annexation](#)
[EXHIBIT 12C_Surveyor Affidavit_USAFA Annexation](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution of finding that the USAFA Addition No. 2 Annexation meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation be postponed to the March 12, 2019 City Council meeting. The motion passed by a vote of 8-1-0-0

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

No: 1 - Avila

- 12.D.** [CPC A 18-00125](#) Ordinance No. 19-17 annexing into the City of Colorado Springs an area known as the USAFA Addition No.2 Annexation of 97.90 acres west of Interstate 25 along North Gate Boulevard.
(Legislative)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:

Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Attachments: [ORD_USAFA_AdditionNo2](#)
[EXHIBIT A_Legal Description_USAFA Addition No. 2 Annexation](#)
[FIGURE 8_Annexation Plat No. 2](#)
[7.6.203-Annexation Conditions](#)
[Signed Ordinance 19-17](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Ordinance annexing into the City of Colorado Springs an area known as the USAFA Addition No.2 Annexation of 97.90 acres west of Interstate 25 along North Gate Boulevard be approved on first reading. The motion passed by a vote of 7-2-0-0

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

No: 2 - Avila, and Murray

12.E. [CPC MP
18-00138](#)

A resolution for The True North Commons Master Plan illustrating future development of 57.84 acres and 125.30 acres open space located southwest of North Gate Boulevard and Interstate 25.
(Legislative)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:

Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Attachments: [RES_TrueNorthCommonsMasterPlan
Exhibit A](#)

[FIGURE 13 Master Plan - Concept Plan True North Commons](#)

[FIGURE 14 LSA True North Commons](#)

[7.5.408 MASTER PLAN REVIEW CRITERIA](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution for The True North Commons Master Plan illustrating future development of 57.84 acres and 125.30 acres open space located southwest of North Gate Boulevard and Interstate 25 be postponed to the March 12, 2019 City Council meeting. The motion passed by a vote of 8-1-0-0

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

No: 1 - Avila

12.F. [CPC PUZ
18-00137](#)

Ordinance No. 19-18 establishing the PUD (Planned Unit Development; Commercial, Office, Retail, Institutional, Hospitality, Open Space) zone district pertaining to 183.14 acres located southwest of North Gate Boulevard and Interstate 25.
(Legislative)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:

Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Attachments: [ZC ORD USAFA](#)

[EXHIBIT A Zone Change Legal True North Commons](#)

[EXHIBIT B Zone Change Exhibit True North Commons](#)

[7.5.603 Findings - ZC req CA](#)

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

[Signed Ordinance 19-18](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Ordinance establishing the PUD (Planned Unit Development; Commercial, Office, Retail, Institutional, Hospitality, Open Space) zone district pertaining to 183.14 acres located southwest of North Gate Boulevard and Interstate 25 be approved on first reading. The motion passed by a vote of 7-2-0-0

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

No: 2 - Avila, and Murray

12.G. [CPC PUP
18-00177](#)

The True North Commons Concept Plan illustrating future development of 57.84 acres of commercial, office, retail, institutional, and hospitality located southwest of North Gate Boulevard and Interstate 25. (Quasi-Judicial)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:

Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Attachments: [FIGURE 13 Master Plan - Concept Plan True North Commons](#)

[7.5.501.E Concept Plans](#)

[7.3.605 PUD Concept Plan](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the True North Commons Concept Plan illustrating future development of 57.84 acres of commercial, office, retail, institutional, and hospitality located southwest of North Gate Boulevard and Interstate 25 be postponed to the March 12, 2019 City Council meeting. The motion passed by a vote of 8-1-0-0

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

No: 1 - Avila

- 12.H. [AR PFP 18-00678](#) An appeal of City Planning Commission's decision to deny a preliminary and final plat for 28 Polo to subdivide one 38,460 square foot lot into two single-family lots located at 28 Polo Drive.

(Quasi-Judicial)

Related Files: AR NV 17-00123, AR NV 17-00124, AR PFP 17-00122

Presenter:

Peter Wysocki, Director Planning and Community Development

Lonna Thelen, Principal Planner, Planning and Community Development

Attachments: [Appeallant Appeal Statement](#)

[VINICNITY MAP - 2](#)

[28 Polo - CC powerpoint - LT](#)

[CPC Staff Report_28 Polo](#)

[FIGURE 1 - Preliminary Plat](#)

[FIGURE 2 - Final Plat](#)

[FIGURE 3 - Record of Decision](#)

[FIGURE 4 - 2017 appeal of 28 Polo](#)

[FIGURE 5 - CPC July 20 2017 - 28 Polo Minutes](#)

[FIGURE 6 - CC August 22. 2017 - 28 Polo Minutes](#)

[FIGURE 7 - Project Statement](#)

[FIGURE 8 - Applicant's response to inital review](#)

[FIGURE 9 - Comments recieved during internal review](#)

[FIGURE 10 - Lot sizes](#)

[FIGURE 11 - CGS Geologic Hazard Review](#)

[7.7.102 Subdivision Plats Review Criteria](#)

[7.7.204 Preliminary Plat Req - Subdivision Plats Review Criteria](#)

[7.7.303 Final Plat Req - Subdivision Plats Review Criteria](#)

[28 Polo Correspondence](#)

[JimDohertyOpposition.ltr](#)

[CPC_DraftMinutes_28 Polo](#)

Marc Smith, Division Chief, Corporate Legislative Counsel, stated this is a new application and City Council should review this Quasi-Judicial matter based only on the hearing today.

Lonna Thelen, Principal Planner, Planning and Community Development, provided an overview of the 28 Polo Drive vicinity map, the existing property zoning, and the neighborhood meetings that were held. She stated

the City Planning Commission voted 6-2 to deny the application and the neighborhood identified three areas of concern which included neighborhood character, drainage, and geologic hazards. Ms. Thelen identified the plat configuration and lot size.

Councilmember Knight asked if the denial of the Planning Commission was based on no exceptional or extraordinary physical conditions of the property that will not allow reasonable use of property in its current zone in the absence of relief. Ms. Thelen said several Planning Commissioners that did site there was reasonable use of property.

Councilmember Knight asked if surrounding properties had been granted non-use variances. Ms. Thelen stated they had not, but there are some unique conditions surrounding this property.

Councilmember Geislinger asked about the preservation easement. Ms. Thelen stated this area exhibits the geographic hazard conditions.

David McConkie, Counsel for 28 Polo, LLC representing the applicant, gave a brief history 28 Polo, LLC, gave an overview of the proposed subdivision, the neighborhood outreach, and listed entities that were not opposed to the proposal. He went over the zoning variances in City Code, opponent concerns, and consistency with PlanCOS.

Citizen Chris Herbster spoke in favor of the appeal.

Citizens Jay Garvens, Marlo Garvens, Kristin Olsen, Tom Perkins, Gunnar Heuberger, Paul O'Brien, Cindy Johnson, Linda McLaughlin, Steve Draper, Gary McLaughlin, Jim Berwick, Lisa Sacco, Aaron Johnson, Patrick Maggio, Bill Cogswell, and Miles Matthew, spoke in opposition of the appeal.

Councilmember Geislinger asked if a larger home built on the property would be preferable to the lot being subdivided. Citizens Jay and Marlo Garvens confirmed a larger home would be preferable.

Councilmember Knight stated the surrounding lots are smaller in size and asked when the conditions of platting occurred. Ms. Thelen identified lot sizes in several surrounding areas and when they were platted.

Councilmember Avila asked how many square feet of the lot is not buildable. Citizen Gary Berwick stated one-third of the lot is unbuildable due to water and slumps on the property.

Mr. McConkie stated the opposing arguments made do not fall under the land planning review criteria, many lots in the neighborhood are significantly smaller than what is being proposed, and 8,000 square feet of trees will be moved from the property.

Councilmember Knight, Councilmember Bennett, Councilmember Strand, and President Skorman stated they do not find this property meets the review criteria requirements.

Councilmember Geislinger stated by seconding the motion, it will give the applicant the freedom to build a larger home on the property which is consistent with the Broadmoor.

President Pro Tem Gaebler stated she believes if it was subdivided with two homes on the property, it would still be consistent with the neighborhood and City Code.

Councilmember Pico stated he is basing his decision on the fact this property has had reasonable use since 1951.

Motion by Councilmember Bennett, seconded by Councilmember Geislinger, to deny the appeal, upholding City Planning Commission's decision to deny the nonuse variance for two 19,230 square-foot lots where 20,000 square feet is required, based upon the finding that the appellant did not meet the review criteria contained in City Code Section 7.5.906.B and that the nonuse variance request does not comply with the review criteria in City Code Section 7.5.803.B. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Bennett, Geislinger, Knight, Murray, Pico, Skorman, and Strand

No: 1 - Gaebler

12.I. [AR NV
18-00679](#)

An appeal of City Planning Commission's decision to deny a nonuse variance for 28 Polo to allow a 67 foot lot width at the rear setback line for Lot 1 and a 59 foot lot width at the rear setback line for Lot 2 where 100 feet of lot width is required at the front and rear setback line located at 28 Polo Drive.

(Quasi-Judicial)

Related Files: AR NV 17-00123, AR NV 17-00124, AR PFP 17-00122

Presenter:

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

Attachments: [FIGURE 1 - Preliminary Plat](#)
[7.5.802.B Nonuse Variance](#)

Please see comments in Agenda item 12.H.

Motion by Councilmember Bennett, seconded by Councilmember Strand, to deny the appeal, upholding City Planning Commission's decision to deny the nonuse variance allowing a 67-foot rear yard lot width for Lot 1 and a 59-foot rear yard lot width for Lot 2 where 100 feet is required, based upon the finding that the appellant did not meet the review criteria contained in City Code Section 7.5.906.B and that the nonuse variance request does not comply with the review criteria in City Code Section 7.5.803.B.. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Bennett, Geislinger, Knight, Murray, Pico, Skorman, and Strand

No: 1 - Gaebler

12.J. [AR NV](#)
[18-00680](#)

An appeal of City Planning Commission's decision to deny a nonuse variance for 28 Polo to allow two 19,230 square foot lots where 20,000 square feet is required in the R zoned district located at 28 Polo Drive.

(Quasi-Judicial)

Related Files: AR NV 17-00123, AR NV 17-00124, AR PFP 17-00122

Presenter:

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

Attachments: [FIGURE 1 - Preliminary Plat](#)
[7.5.802.B Nonuse Variance](#)

Please see comments in Agenda item 12.H.

Motion by Councilmember Bennett, seconded by Councilmember Murray, to deny the appeal, upholding City Planning Commission's decision to deny the preliminary and final plats for 28 Polo Drive, based upon the finding that the appellant did not meet the review criteria contained in City Code Section 7.5.906.B and that the preliminary and final plat requests do not comply with the review criteria in City Code Sections 7.7.102, 7.7.204 and 7.7.303.. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Bennett, Geislinger, Knight, Murray, Pico, Skorman, and Strand

No: 1 - Gaebler

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