



# City of Colorado Springs

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

## Meeting Minutes City Council

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Tuesday, July 25, 2023

10:00 AM

Council Chambers

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Estimated agenda item times are provided for planning purposes and do not constitute notice of a specific time for any item. Items may take more or less time than estimated. City Council may amend the order of items.

### 1. Call to Order and Roll Call

**Present:** 9 - Councilmember Yolanda Avila, President Pro Tem Lynette Crow-Iverson, Councilmember Dave Donelson, President Randy Helms, Councilmember Nancy Henjum, Councilmember David Leinweber, Councilmember Mike O'Malley, Councilmember Brian Risley, and Councilmember Michelle Talarico  
Councilmember O'Malley left the meeting at approximately 8:30 PM.

### 2. Invocation and Pledge of Allegiance

The Invocation was made by Josh Rumples, Director of Youth and Pastoral Care, First Congregational United Church of Christ.

President Helms led the Pledge of Allegiance.

### 3. Changes to Agenda/Postponements

**Launchpad Apartments Appeal Estimated Time: 1 hour**

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

(Quasi-Judicial)

Related Files: DEPN-23-0001

Presenter:

William Gray, Senior Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

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

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

[Appeal to City Council](#)

Councilmember Henjum asked what the implications are for delaying this project to the August 8, 2023 City Council meeting. Lisa Sorenson, Cohen-Esrey, representing the applicant, stated it is a manageable burden to delay to August 8, 2023, and they respect Council's competing priorities for today's meeting, but the impact is significant because the project is at a standstill with this appeal outstanding. She stated safety of this community is the most important thing and they have hired Bill Hoffman with CTL Thompson who will answer any questions about geotechnic concerns at the August 8, 2023 hearing.

Scott Hiller, representing the appellant, stated he does not believe it is sufficient for CTL Thompson to explain its own work and a third-party, state review should be conducted.

**Motion by Councilmember Donelson, seconded by President Pro Tem Crow-Iverson, that the appeal of the Planning Commission's decision to affirm the administrative decision for the approval of a multi-family residential development plan, known as Launchpad Apartments, located at 864 North 19th Street, and deny the appeal filed against Launchpad Apartments be postponed to the August 8, 2023 City Council meeting. The motion passed by a vote of 8-1-0-0**

**Aye:** 8 - Avila, Crow-Iverson, Donelson, Helms, Henjum, O'Malley, Risley, and Talarico

**No:** 1 - Leinweber

#### **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.** [23-372](#) City Council Regular Meeting Minutes July 11, 2023

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [7-11-2023 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

**4B.B.** [23-308](#) A Resolution of the City Council of the City of Colorado Springs,

Colorado approving the Amended and Restated Consolidated Service Plan for Hancock Metropolitan District Nos. 1 & 2, for a district located in the Vicinity of Hancock Expressway and Chelton Road in Southeastern Colorado Springs.

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

**Attachments:** [Resolution](#)  
[Amended and Restated Consolidated Service Plan](#)  
[Amended and Restated Consolidated Service Plan Redline Version](#)  
[Staff Presentation](#)  
[Service Plan Amendment Presentation](#)  
[Signed Resolution No. 97-23.pdf](#)

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

- 4B.C. [23-312](#)** A Resolution Approving the Issuance of Debt by Copper Ridge Metropolitan District in the form of a General Obligation and Revenue Supported Improvement Loan, series 2023 (Tax-Exempt Bank Loan) in the principal amount of up to \$20,770,000.  
(Legislative Item)

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

**Attachments:** [Resolution](#)  
[City Council Letter Debt Issuance](#)  
[Staff Presentation](#)  
[Signed Resolution No. 98-23.pdf](#)

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

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

Presenter:  
Chris Fiandaca, City Budget Manager  
Travis Easton, P.E., Deputy Chief of Staff  
Corey Farkas, Manager, Operations and Maintenance Division of Public Works

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

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

- 4B.E. [23-342](#)** Ordinance No. 23-34 amending Part 5 (License Fees) and Section 1008 (Payment By Cash Or Guaranteed Funds) of Part 10 (Offenses; Failure To File, Pay) Both of Article 7 (Sales And Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as Amended, pertaining to License Fees

Presenter:

Charae McDaniel, Chief Financial Officer

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

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

- 4B.F. [23-343](#)** Ordinance No. 23-35 amending Part 9 (Administration) of Article 7 (Sales And Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation And Taxation) of the Code of the City of Colorado Springs 2001, as Amended, pertaining to Sales And Use Tax Administration

Presenter:

Charae McDaniel, Chief Financial Officer

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

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

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

Presenter:

Charae McDaniel, Chief Financial Officer

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

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

- 4B.H. [23-345](#)** Ordinance No. 23-37 amending Sections 201 (Definitions) and 213

(Economic Development Agreements) of Part 2 (General Provisions) of Article 1 (Municipal Airport) of Chapter 14 (Municipal Enterprises) of the Code of the City of Colorado Springs 2001, as Amended, pertaining to Sales and Use Tax of Construction and Building Materials

Presenter:

Charae McDaniel, Chief Financial Officer

**Attachments:** [23-345 - SalesTax-ConstructionCH14-ORD-2023-1-19](#)

[Signed Ordinance No. 23-37.pdf](#)

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

**4B.I. [23-330](#)**

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

Presenter:

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

Randy Helms, Councilor, PPRTA Board Chair

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

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

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

[2\\_Fountain Joining PPRTA Financial impact](#)

[3\\_Fountain Impact on PPRTA 3](#)

[5\\_Presentation on Fountain Joining PPRTA](#)

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

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

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

**4B.J. [23-331](#)**

A Resolution Authorizing the Mayor to Execute and Administer an Intergovernmental Agreement Between the Pikes Peak Rural Transportation Authority, El Paso County, The City of Colorado Springs, and Copper Ridge Metropolitan District Concerning Reimbursement for The Powers Boulevard Extension

Presenter:

Gayle Sturdivant, P.E., City Engineer/Interim Public Works Director

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

Randy Helms, Councilor, PPRTA Board Chair

**Attachments:** [1 RES Powers Blvd Extension Reimbursement Agreement 6-15-23](#)  
[Copper Ridge MD 2023 - Powers Blvd Extension Reimbursement Agreement](#)  
[3 Powers Funding Agreement Presentation](#)  
[Signed Resolution No. 100-23.pdf](#)

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

- 4B.K. [23-332](#)** A Resolution Authorizing the Acquisition of a 0.503-Acre Permanent Easement from Welltower Colorado Properties, LLC Using PPRTA Funds for the West Fillmore Culvert Replacement Project

Presenter:

Gayle Sturdivant, P.E., City Engineer/Interim Public Works Director  
Darlene Kennedy, Real Estate Services Manager

**Attachments:** [1 Location Map](#)  
[2 Resolution for Welltower Easement](#)  
[3 Resolution for Welltower Easement Exhibits A&B](#)  
[4 Fillmore - Well Tower Presentation 20230710](#)  
[Signed Resolution No. 101-23.pdf](#)

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

- 4B.L. [23-339](#)** A Resolution Approving an Agreement to Annex and to Provide Water and Wastewater Service Outside the City Limits to 5290 Turquoise Drive in Park Vista Estates Addition

Presenter:

Bryan English, PMP, Development Projects Manager, Customer Utilities Connections  
Travas Deal, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [CSU-WaterWWParkVista-290TurquoiseRES-2023-06-30 \(002\)](#)  
[City Council \(7-25-23\) - Agreement to Annex - 5290 Turquoise Dr 20230629](#)  
[FINAL SIGNED - 5290 Turquoise Dr \(Theisen 2022\). - Park Vista Agreement To Annex 20230707](#)  
[Signed Resolution No. 102-23.pdf](#)

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

- 4B.M. [23-366](#)** A Resolution finding a petition for annexation of the area known as Villages at Waterview North Addition No 1 Annexation consisting of 144.82 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of September 12, 2023, for the Colorado Springs City Council to consider the annexation of the area.



(Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

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

[Petition for Annexation](#)

[Villages at Waterview North - Annexation Plat](#)

[Vicinity Map](#)

[Signed Resolution No. 103-23.pdf](#)

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

**4.B.O. [23-313](#)**

Request to set August 22, 2023 as the Public Hearing date to hear any protests against or objections to dissolution of the Colorado Springs Briargate General Improvement District and to advertise, as required by law

Presenter:

Charae McDaniel, Chief Financial Officer

**Attachments:** [Briargate GID \(old\) dissolution - staff pres to Council](#)

**This Item was approved on the Consent Calendar.**

## Approval of the Consent Agenda

**Motion by Councilmember Henjum, seconded by Councilmember Talarico, 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, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

## **5. Recognitions**

**5.A. [23-385](#)**

A Resolution Honoring July 27, 2023 as National Korean War Veterans Armistice Day

Presenter:

Randy Helms, Council President & Councilmember District 2

**Attachments:** [National Korean War Veterans Armistice Day](#)

[Signed Resolution No. 104-23.pdf](#)

President Helms stated he and many members of the Korean community attended the Korean War Memorial service, read the Resolution honoring July 27, 2023 as National Korean War Veteran Armistice Day, and

honored his father, a Korean War Veteran.

Councilmember Donelson expressed the importance of recognizing those who died or were wounded in the Korean War and recognized Elizabeth Kim, President, Southern Colorado Korean American Association of Colorado Springs.

Councilmember Avila recognized and honored her father, Benito V. Avila, who served during World War II and the Korean War.

**Motion by Councilmember Donelson, seconded by Councilmember Talarico, that the Resolution honoring July 27, 2023 as National Korean War Veterans Armistice Day be adopted. The motion passed by a vote of 9-0-0**

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

**5.B. [23-384](#) City Council Appointments to Boards, Commissions, and Committees**

Presenter:

Randy Helms, Council President & Councilmember District 2

**Attachments:** [072523 Boards Commissions and Committee Appointments](#)

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

Councilmember Avila expressed appreciation for the nominees who wish to serve on the Pikes Peak Area Council of Governments Community Advisory Committee (PPACG).

Chuck Theobald and Cali Standard, nominee appointees, to the PPACG, expressed gratitude for the opportunity to serve.

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

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

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

There was no Mayor's Business.

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

Citizens Muji Rieger, Molly McClure, Niko Wilkerson, Colorado State Representative Stephanie Vigil, Melissa Berlin, Eli King, Jennifer Kelly,

and Jessica Da la Luna spoke in opposition of government regulation of what is acceptable as public art because art is subjective.

Citizen Bill Wysong spoke about the role of City Council and the importance of public safety.

Citizen Janice Moglen spoke about a book titled “The Girls Who Stepped Out of Line” by Major General Mari K. Eder which is available at all the Pikes Peak Library District branches and honored former Councilmember Stephannie Fortune for her service to the City.

Citizen Deborah Kain spoke about the assistance needed for the veteran population experiencing homelessness.

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

Citizen Tim Hoiles spoke about staff not providing the geologic hazard report for the Launchpad Apartments project, defining what low-income housing encompasses, and how adding more cars impacts fire evacuation.

Citizen Jaymen Johnson stated art can be many things to different people, spoke about the murals at Denver International Airport, and stated property owners should be allowed to display the art that they see fit.

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

- 4.B.N** [ZONE-23-00](#) Ordinance No. 23-38 amending the zoning map of the City of Colorado Springs relating to 1.81 acres located at the southwest corner of the East San Miguel Street and North Circle Drive intersection to retain the current zoning classification of MX-M/CR (Mixed-Use Medium Scale with Conditions of Record) and remove the condition of record #2, which stipulates that “All activities shall be conducted entirely within a building.”

(Quasi-Judicial)

Related Files: COPN-23-0002

Presenter:

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

**Attachments:** [Ordinance](#)  
[Ordinance 12-92](#)  
[Exhibit A - Legal Description](#)  
[Exhibit B - Zone Change](#)  
[Staff Report](#)  
[Project Statement](#)  
[Public Comments](#)  
[Response to Public Comments](#)  
[Context Map](#)  
[Community Meeting Neighborhood Sign-in Sheet](#)  
[7.5.603 Findings - ZC](#)  
[Post Planning Commission Public Comment](#)  
[Signed Ordinance No. 23-38.pdf](#)

Councilmember Henjum requested additional clarity be provided regarding the process of this item.

Peter Wysocki, Planning and Community Development Director, stated the proposed Ordinance is a zone change in order to remove a condition of record which limits the use of the property to indoor use only.

Ben Bolinger, Legislative Counsel, City Attorney's Office, explained the process recently adopted with the Unified Development Code (UDC) for zone changes in which the first reading of the Ordinance sets the hearing date, the second reading holds the public hearing, and those who would like to be part of this hearing would need to participate in the August 8, 2023 City Council meeting.

**Motion by Councilmember Donelson, seconded by Councilmember Risley, that the first reading of an Ordinance amending the zoning map of the City of Colorado Springs relating to 1.82 acres located at the southwest corner of the East San Miguel Street and North Circle Drive to retain the current zoning classification of MX-M/CR (Mixed-Use Medium Scale with Conditions of Record) and remove condition of record #2, for the purpose of setting a public hearing date for August 8, 2023, and providing notice of the Ordinance be approved on first reading. The motion passed by a vote of 9-0-0-0**

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

## **9. Utilities Business**

There was no Utilities Business.

## **10. Unfinished Business**

There was no Unfinished Business.

## 11. New Business

- 11.A. [23-307](#) A Resolution of the City Council of the City of Colorado Springs, Colorado providing written consent authorizing the Bradley Heights Metropolitan District No. 2 to utilize eminent to complete the intersection of Bradley Road with Marksheffel Road in Southeastern Colorado Springs.

Presenter:

Mike Tassi, Assistant Director, Planning and Community Development Department

Peter Wysocki, Planning and Community Development Director

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

[Bradley Heights Amended & Restated Service Plan Pg 8](#)

[Parcel Description #2](#)

[Parcel Description #3](#)

[Marksheffel Road ROW Parcel](#)

[Context Map](#)

[Staff Presentation](#)

[Signed Resolution No. 105-23.pdf](#)

Mike Tassi, Assistant Director, Planning and Community Development Department, presented the Resolution authorizing the Bradley Heights Metropolitan District No. 2 to utilize eminent domain to complete the intersection of Bradley Road with Marksheffel Road.

Kevin Walker, Walker Schooler District Managers, representing the district, provided an overview of the district, their attempts to reconcile with the property owner, history of the site, vicinity map, Banning Lewis Ranch annexation map,

President Helms stated the Budget Committee was in support of this item.

Councilmember O'Malley asked who will receive the funds from the eminent domain. Mr. Walker stated the property owner, LP Associates.

**Motion by Councilmember O'Malley, seconded by Councilmember Leinweber, that the Resolution of the City Council of the City of Colorado Springs, Colorado providing written consent authorizing the Bradley Heights Metropolitan District No. 2 to utilize limited eminent domain (as defined by the resolution) for a district located southeast of the intersection of Bradley Road and Marksheffel Road in Southeastern Colorado Springs be adopted. The motion passed by a vote of 9-0-0**

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

- 11.B.** [23-347](#) A Resolution declaring the intention of the City of Colorado Springs, Colorado, to hold a Special Municipal Election and to participate in a Coordinated Election to be held on Tuesday, November 7, 2023, and providing the effective date of this resolution.

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [Intent to Participate Resolution](#)  
[Signed Resolution No. 106-23.pdf](#)

Dena Lozano, Deputy City Clerk, presented the Resolution declaring the intention of participating in the November 7, 2023 Coordinated Election with El Paso County. She stated this Resolution is the procedural first step to place an item on the ballot.

Jamie Fabos, Chief of Staff, stated this Resolution is only to state the intent of the City to place an item on the ballot so the City Clerk can coordinate with El Paso County and the actual presentation regarding the ballot language will take place at the August 7, 2023 Work Session.

Councilmember Leinweber asked if there is already a ballot issue proposed. Ben Bolinger, Legislative Counsel, City Attorney's Office, stated Mayor Yemi previously identified his initiative to City Council, but today's vote is not for an actual ballot question.

Citizens Chauncy Johnson, Charles Johnson, Alvin Sexton, Shawn Walls, David Bayer, Joe Mangels, and Molly Avion spoke in opposition of using the excess Taxpayer Bill of Right (TABOR) retention money of \$5 million for a police training center.

Citizen Jaymen Johnson spoke in support of using the excess TABOR retention money of \$5 million for a police training center.

Councilmember Avila asked if this placeholder could include more than one ballot initiatives. Sarah Johnson, City Clerk, confirmed that more than one item could be placed on the ballot if this first step is taken to have a place holder for the November election and the ballot language will come before City Council at the August 7, 2023.

Councilmember Donelson asked what the cost of the police training center is. Jamie Fabos, Chief of Staff, stated that information will be presented on August 7, 2023.

Councilmember Donelson asked how much the cost of the ballot initiative will be. Ms. Johnson stated it will be determined later this week after the County knows how many jurisdictions will be participating.

Councilmember Donelson stated he does not support putting this on the ballot because there is no plan for obtaining the rest of the cost of the training center and many citizens are looking forward to receiving their TABOR refund.

**Motion by Councilmember O'Malley, seconded by Councilmember Henjum, that the Resolution declaring the intention of the City of Colorado Springs, Colorado, to hold a Special Municipal Election and to participate in a Coordinated Election to be held on Tuesday, November 7, 2023, and providing the effective date of this resolution be adopted. The motion passed by a vote of 9-0-0**

**Aye:** 8 - Avila, Crow-Iverson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

**No:** 1 - Donelson

## **12. Public Hearing**

### **T5 Annexation Estimated Time: 20 minutes**

- 12.A.** [ANEX-22-0012R](#) A Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as T5 Addition No. 1.  
(Legislative)

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

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

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

[Exhibit A - Legal Description](#)

[Exhibit B - Annexation Agreement](#)

[Planner Affidavit](#)

[Surveyor Affidavit](#)

[Signed Resolution No. 107-23.pdf](#)

Gabe Sevigny, Planning Supervisor, Planning and Community Development Department, presented the Resolutions and Ordinance annexing the area known as T5 Addition No. 1 Annexation located at the southern portion of 3819 Janitell Road consisting of 20,064 square feet, Ordinance establishing BP (Business Park) zone district located at the southern portion of 3819 Janitell Road consisting of 20,064 square feet, and the Vineyard Commerce Park Concept Plan Amendment illustrating the area to be used for stormwater related requirements. He provided a brief overview of the site location, T5 schedule, background, annexation, zone establishment, concept plan, stakeholder process, and staff recommendation.

Kyle Campbell, Division Manager, Classic Consulting, representing the applicant provided a brief description of annexation.

**Motion by Councilmember O'Malley, seconded by Councilmember Henjum, that the Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as T5 Addition No. 1 and approving an annexation agreement be adopted. The motion passed by a vote of 9-0-0**

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

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

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

Presenter:

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



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

Please see comments in Agenda item 12.A.

**Motion by Councilmember O'Malley, seconded by Councilmember Henjum, that the Ordinance annexing into the City of Colorado Springs the area known as the T5 Addition No. 1 Annexation, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be approved on first reading. The motion passed by a vote of 9-0-0-0**

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

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

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

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

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

Please see comments in Agenda item 12.A.

**Motion by Councilmember O'Malley, seconded by Councilmember Henjum, that the Ordinance establishing 20,064 square feet as BP (Business Park) 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) be approved on first reading. The motion passed by a vote of 9-0-0**

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

- 12.D.** [COPN-22-0026](#) Approval of the Vineyard Commerce Park Concept Plan Amendment illustrating the area to be used for stormwater related requirements, located at the southern portion of 3819 Janitell Road consisting of 20,064 square feet.  
(Quasi-Judicial)

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

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

**Attachments:** [Concept Plan](#)  
[Vicinity Map](#)  
[7.5.501.E Concept Plans](#)  
[Staff Presentation](#)

Please see comments in Agenda item 12.A.

**Motion by Councilmember Henjum, seconded by Councilmember Leinweber, that the Vineyard Commerce Park Concept Plan Amendment, based upon the findings that the Concept Plan Amendment meets the review criteria for a Concept Plan Amendment as set forth in City Code Section 7.5.503.C and the Concept Plan criteria as set forth in City Code Section 7.5.501.E. be approved on first reading. The motion passed by a vote of 9-0-0**

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

**Hope Chapel Annexation Estimated Time: 20 minutes**

- 12.E. [ANEX-22-0010R](#) A Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Hope Chapel Addition No. 1.

(Legislative)

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

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

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

[Exhibit A - Legal Description](#)

[Exhibit B - Annexation Agreement](#)

[Assent Approved](#)

[Planner Affidavit](#)

[Surveyors Affidavit Notarized](#)

[Hope Chapel Additions 1 & 2 FIA Memo](#)

[Signed Resolution No. 108-23.pdf](#)

Gabe Sevigny, Planning Supervisor, Planning and Community Development Department, presented the Resolutions and Ordinance annexing the area known as Hope Chapel Addition No. 1 located at 2210 Old Ranch Road consisting of 4.6136 acres and No. 2 located at 2210 Old Ranch Road consisting of 9.8807 acres, Ordinance establishing R5/SS (Multi-family Residential with Streamside Overlay) zone district located at 2210 Old Ranch Road consisting of 11.1073 acres, and the Concept Plan illustrating multi-family and religious institution uses, located at 2210 Old Ranch Road consisting of 11.1073 acres. He provided a brief overview of the site location, timeline, background, annexation, zone establishment, concept plan, stakeholder process, and staff recommendation.

Andrea Barlow, NES, representing the applicant, stated that since there are no comments in support or opposition of the project, she believes Mr. Sevigny provided the majority of the information regarding the project.

**Motion by Councilmember Avila, seconded by Councilmember Henjum, hat the Resolution adopting findings of fact and conclusions of law based thereon and**

determining the eligibility for annexation of property known as Hope Chapel Addition No. 1 and approving an annexation agreement be adopted. The motion passed by a vote of 9-0-0

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

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

(Legislative)

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

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

**Attachments:** [Ordinance](#)  
[CPC Staff Report](#)  
[ProjectStatement](#)  
[Annexation Plat - Hope Chapel Addition No.1](#)  
[Annexation Plat - Hope Chapel Addition No.2](#)  
[Legal Description](#)  
[Zone Change](#)  
[Concept Plan](#)  
[Annexation Agreement Draft](#)  
[FIA Below Threshold](#)  
[FIA Memo](#)  
[ProjectStatement](#)  
[NearEnclave annexation north2](#)  
[AERIAL](#)  
[Public Comments](#)  
[Impact Report](#)  
[Fasterling.Brian\\_comments](#)  
[7.6.203-Annexation Conditions](#)  
[CPC Meeting Minutes\\_01.11.23](#)  
[Staff Presentation](#)  
[Signed Ordinance No. 23-41.pdf](#)

Please see comments in Agenda item 12.E.

**Motion by Councilmember Talarico, seconded by Councilmember Leinweber, that the Ordinance annexing into the City of Colorado Springs the area known as Hope Chapel Addition No 1 Annexation located at 2210 Old Ranch Road consisting of 4.6136 acres be approved on first reading. The motion passed by a vote of 9-0-0-0**

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

- 12.G.** [ANEX-22-0011R](#) A Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Hope Chapel Addition No. 2.

(Legislative)

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

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

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

[Exhibit A - Legal Description](#)

[Exhibit B - Annexation Agreement](#)

[Assent Approved](#)

[Planner Affidavit](#)

[Surveyors Affidavit Notarized](#)

[Hope Chapel Additions 1 & 2 FIA Memo](#)

[Signed Resolution No. 109-23.pdf](#)

Please see comments in Agenda item 12.E.

**Motion by Councilmember Leinweber, seconded by Councilmember Henjum, that the Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Hope Chapel Addition No. 2 and approving the annexation agreement is adopted. The motion passed by a vote of 9-0-0-0**

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

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

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

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

**Attachments:** [Ordinance](#)  
[Annexation Plat - Hope Chapel Addition No.2](#)  
[Legal Description](#)  
[FIA Below Threshold.T5 Addition No. 1](#)  
[Impact Report](#)  
[7.6.203-Annexation Conditions](#)  
[CPC Meeting Minutes\\_01.11.23](#)  
[Staff Presentation](#)  
[Signed Ordinance No. 23-42.pdf](#)

Please see comments in Agenda item 12.E.

**Motion by Councilmember Henjum, seconded by Councilmember Talarico, that the Ordinance annexing into the City of Colorado Springs the area known as Hope Chapel Addition No. 2 Annexation based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be approved on first reading. The motion passed by a vote of 9-0-0**

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

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

(Legislative)

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

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

**Attachments:** [Ordinance](#)  
[Exhibit A - Legal Description](#)  
[Exhibit B - Zone Change](#)  
[7.5.603.B Findings - ZC](#)  
[Staff Presentation](#)  
[Signed Ordinance No. 23-43.pdf](#)

Please see comments in Agenda item 12.E.

**Motion by Councilmember Leinweber, seconded by Councilmember Henjum, that the Ordinance establishing 11.1073 acres as R5/SS (Multi-family Residential with Streamside Overlay) zone, 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) be approved on first reading. The motion passed by a vote of 9-0-0**

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

- 12.J.** [COPN-22-0008](#) Approval of the Hope Chapel Additions 1&2 Concept Plan illustrating multi-family and religious institution uses, located at 2210 old Ranch Road consisting of 11.1073 acres.  
(Quasi-Judicial)

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

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

**Attachments:** [Concept Plan](#)  
[7.5.501.E Concept Plans](#)  
[Staff Presentation](#)

Please see comments in Agenda item 12.E.

**Motion by President Pro Tem Crow-Iverson, seconded by Councilmember Leinweber, that the Hope Chapel Additions 1&2 Concept Plan illustrating multi-family and religious institution uses, located at 2210 old Ranch Road consisting of 11.1073 acres based on the findings that the Concept Plan meets the Concept Plan criteria as set forth in City Code Section 7.5.501.E. be approved. The motion passed by a vote of 9-0-0**

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

**Kettle Creek North Appeal Estimated Time: 3 hours**

12.K. [AR PUD  
20-00538](#)

An appeal of the City Planning Commission approval for the Kettle Creek development plan consisting of 61.71 acres located north of the intersection Thunder Mountain Road and Old Ranch Road.

(Quasi-Judicial)

Related Cases: AR FP 20-00539

Presenter:

Katelynn Wintz, Planning Supervisor, Planning Department  
Peter Wysocki, Director, Planning Department



**Attachments:** [North Fork Neighborhood Appeal](#)  
[Sarah Knowley & Noah Haney Appeal](#)  
[Development Plan Revised 05.17.23](#)  
[Staff Report](#)  
[Staff Report 03.08.23](#)  
[Staff Report 05.20.21](#)  
[Project Statement](#)  
[Postponement Request 03.07.23](#)  
[Development Plan 02.15.23](#)  
[Appeal Statement 06.01.21](#)  
[Appeal Statement 04.12.21](#)  
[Approved Development Plan](#)  
[Approved Final Plat](#)  
[Briargate Master Plan](#)  
[Public Comments 03.07.23-04.17.23](#)  
[Public Comments 02.25.23-03.07.23](#)  
[Petition Signatures](#)  
[Public Comments 05.18.21](#)  
[Public Comments 05.07.21](#)  
[Surrounding Area & Context Map](#)  
[City Council Minutes 07.13.21](#)  
[City Council Minutes 06.09.20](#)  
[City Planning Commission Minutes 04.30.20](#)  
[CDOT Decision on Powers Boulevard Access](#)  
[Kettle Creek North & North Fork Potential Evacuation Routes](#)  
[Kettle Creek North & North Fork Potential Evacuation Routes  
03.08.23](#)  
[Traffic Report Update](#)  
[Traffic & Evacuation Evaluation 06.08.23](#)  
[7.3.606 PUD Development Plan](#)  
[7.5.502.E Development Plan Review](#)  
[CPC Meeting Minutes 06.14.23](#)  
[Staff Presentation 07.25.23](#)

President Helms went over the order of operations for the appeal hearing.

Wynetta Massey, City Attorney, City Attorney's Office, polled Council concerning if any members had received any ex parte communications. There were no ex parte communications disclosed.

Councilmember O'Malley, President Helms, and Councilmember Leinweber stated they have had conversations with individuals they personally know regarding the project but feel can remain fair and impartial manner and base their decision solely on the review criteria. The rest of Council stated they have received and read emails regarding the project but have not had any conversations regarding it.

Katelynn Wintz, Planning Supervisor, Planning and Community Development, presented the appeal of City Planning Commission's decision to approve the Kettle Creek development plan consisting of 61.71 acres located north of the intersection Thunder Mountain Road and Old Ranch Road. She provided an overview of the applications, vicinity map, background information, public notice, history/background, Planned Unit Development (PUD) Development Plan, motion from the July 13, 2021 City Council meeting, Consideration #1 through #7, community concerns, conformance with PlanCOS, and staff recommendations.

Councilmember Risley asked where the additional two hundred homes were built within the last two years. Ms. Wintz stated they are located within the North Fork neighborhood which is south of the applicant's property.

Councilmember O'Malley if the development can proceed without a new fire station being built. Ms. Wintz stated that seventy-four homes can be constructed at this time.

Councilmember O'Malley asked when the Fire Station is expected to be completed. Ms. Wintz stated there can the Fire Marshall can provide that information.

Councilmember Donelson asked if the seventy-four homes can be occupied without the fire station being built. Ms. Wintz confirmed they could.

President Helms asked if the emergency exit to Howells Road can only be used by residents in an emergency. Ms. Wintz confirmed there will be emergency only signage, the road will remain a dirt road, and the gate will be automated.

Councilmember Donelson asked if Consideration #1 from City Council has

not been met and Consideration #7 was modified by the Planning Commission. Ms. Wintz confirmed that information.

Councilmember Leinweber stated that the City has a huge housing shortage and asked if a project like this is how the City will address that issue. Peter Wysocki, Director, Planning Department, stated that the City is currently approximately 12,000 to 13,000 single-family units short and adding inventory helps to curb the cost of housing.

Councilmember Donelson asked if the City's need for housing a review criteria. Mr. Wysocki stated it is not. Councilmember Donelson asked if safety was a review criteria. Mr. Wysocki confirmed it is.

Sarah Knowley, representing the appellant, provided an overview of the appeal request which included concerns regarding no access to Howells Road to include a fire code/safety risk, least effective access, band-aid-solution, legislative switch, future development, metropolitan district, budget, Highway 83 access, and an incomplete traffic study. She identified the review criteria not being met, safe evacuation study where the County neighborhood was underrepresented, and community support.

Councilmember Henjum asked how the review criteria for the site design is harmonious with the surrounding neighborhood is not being met. Ms. Knowley stated by putting 7,000 residents in the neighborhood puts a strain on the County neighborhood and takes away the ease of access on Old Ranch Road.

Councilmember O'Malley asked how much Ms. Knowley's homeowners and property insurance has gone up in the past five years. Ms. Knowley stated that it has at least doubled.

Councilmember Henjum asked why the County asked the City to take over maintenance of Howells Road. Citizen Genevieve Gustafson explained that when Wolf Ranch was annexed into the City, the county line was located in the middle of Howells Road with fifteen feet of right-of-way on both sides of the road, and the annexation documentation notates the exclusion of Old Ranch Road and Howells Road right-of-way.

Gayle Sturdivant, Deputy Public Works Director, stated the original conversation with the County regarding a quit claim deed for Howell's Road

had nothing to do with this development, it was due to the road being located near City resources.

Rich Sevik, representing the appellant and the North Fork Homeowners Association (HOA), gave an overview of why a second exit route is needed due to morning traffic/ emergency evacuation, Planning Commission's vote history on Kettle Creek North, City Council's conditions for the proposed development, developer's response, Fire Marshall's statements, Howells Road connection, Arrowhead Road, North Fork HOA Safety First Committee, unacceptable traffic study, proximity to the Black Forest Fire, and wildfire risk conditions. He identified that a bridge could be built, Governor's approval option, and the number of evacuation exits/deaths in previous wildfires.

Dean Venezia, Vintage Communities, representing the applicant, provided a brief history of the property, the use of Howells Road as an access road as a safe, realistic option for this neighborhood.

Chris Lieber. NES, identified the project team, project entitlement history, site context, what has changed, planning context, Master Plan enlargement, Planned Unit Development (PUD), Development Plan/Filing 1 Final Plat, Wildland Fire Urban Interface (WUI), wildfire risk, and fifty-foot fuels management zone. He identified the Kettle Creek Open Space, traffic, and drone intersection survey.

Councilmember Henjum requested additional information about Red Cavern Road which is not labeled on the site map. Mr. Lieber stated it is a two-lane road which runs parallel to Powers Boulevard and then curls up to Thunder Mountain Road.

Councilmember Leinweber asked if the elementary school is a County school. Mr. Lieber stated that it is a District 20 school.

Councilmember Risley requested additional information regarding the vegetation and forested area located in or adjacent to the egress to the east. Mr. Lieber stated that area is not a densely forested corridor.

Councilmember Donelson asked if the North Fork neighborhood was evacuated during the Black Forest Fire. Mr. Lieber stated he does not believe that neighborhood was in existence at that time.

Councilmember Henjum asked if there was previously a property exchange between the property owner and the City related to Trails, Open Space, and Parks (TOPS). Mr. Lieber stated not to his knowledge.

Councilmember Henjum asked if the egress road which will go out to Howells Road will be paved. Mr. Lieber stated it will be a gravel, all weather, service road.

Councilmember O'Malley asked if the boundary for the creek is a requirement of the Federal Emergency Management Agency (FEMA). Mr. Lieber stated the boundaries of the creek are, but the edges and boundaries for the Preble's meadow jumping mouse habitat are controlled by the Corps of Engineers or the Fish and Wildlife Service.

President Helms stated one of the exits from the high school immediately exits onto the exit ramp on Powers Boulevard.

Scott Barnhart, Matrix Design Group, representing the applicant, identified the details of the traffic analysis.

Councilmember Donelson asked if the traffic flows well. Mr. Barnhart stated it does with the exception of approximately twenty minutes in the morning. Councilmember Donelson asked what his assessment is in the event of an emergency. Mr. Barnhart stated it would be bad but 247 extra homes will not make it appreciatively worse because there is a lot of capacity to get people out of that neighborhood.

Mr. Lieber provided an overview of the west access to Powers Boulevard, north access analysis, a new bridge would impact the Preble's meadow jumping mouse habitat, road connection to the north or west, public safety/emergency egress, site access/emergency options fully vetted, emergency access via Howells Road, COS Ready: Zone COS-1226, emergency services/egress, fifty-foot Fuels Management Zone/WUI Development Standards, and evacuation summary.

Citizens Dave Dazlich, Vice President, Government Affairs, Colorado Springs Chamber and EDC, Marla Novak, Housing and Building Association (Mr. Dazlich spoke on her behalf), Andy Sanchez, spoke in opposition to the appeal.

Councilmember Donelson asked what the cost of housing for this development. Mr. Dazlich stated he believes it will be market rate housing.

Councilmember Donelson stated the City's need for housing is not one of the review criteria, but safety is. Mr. Dazlich stated that it is still relevant. Mr. Bolinger stated the set of review criteria listed in City Code is what City Council should be used to determine whether they vote yes or no to approve the project. Councilmember Donelson asked if they consider things outside the review criteria if it could be subject to an appeal on that basis. Mr. Bolinger confirmed that it could be.

Citizens Louellen Welsch, Cora Michael, (Dorothy Macnak, Patricia Gustavson and Jim Bower ceded their time to Jenny Gustavson), Matt Westfall, John Trovas, Sam Bryant, Charlene Sevik, David Haney, Monte Kuntz, (Linda McNabb and Dave Lohman ceded their time to Duncan McNabb), Nancy Shea, Earl Gerker, Charlie Shea, and Bill Wysong spoke in support of the appeal.

Mr. Lieber went over the emergency access alternatives, the direction to consider Howells Road as an emergency access came from the Planning Commission and City Council, their responsibility is to focus on review criteria which includes safety, the traffic analysis has been updated, they are not asking for any exceptions/variances for this project, this development is proposing to put WUI standards in place even though it is not located within the WUI, provide ten access points out of the development, they have looked at a north and west option, but those are nonstarters because of the Preble's meadow jumping mouse habitat.

Councilmember Leinweber stated he does not see a threat of wildfire coming from the southwest, south, or northwest, but he does see it from the northeast, and he would not want to head northeast on a service road if the threat is coming from that direction. He asked if Thunder Mountain Road and Forest Creek Drive could be used as an access. Mr. Lieber confirmed they could be along with several other roads. Councilmember Leinweber stated he does not see the same element of risk for this area like he does for Black Forest.

Ms. Knowley stated their concerns as El Paso County residents are for safe evacuation, the traffic studies which analyze daily traffic should be considered when evaluating evacuation, fire officials should be present at

today's hearing to analyze the risks, the choke point on Old Ranch Road, this development will have a large impact on County roads, there is no guarantee that the metropolitan district will remain small and not have an effect on the development of North Fork, and Howells Road is a dangerous option for an emergency egress road.

Councilmember Leinweber asked if the County approved access to Howells Road. Ms. Knowley stated they voted against the quit claim deed to the City. Mr. Wysocki explained the history of the Howells Road connection and stated the County did not approve the transfer of the road to the City. Ms. Sturdivant explained that when Briargate was annexed into the City, the annexation line runs through the middle of that road, so the City owns thirty feet of it.

Mr. Sevik stated they are not proposing to go to the northeast because heading east during a wildfire evacuation is dangerous due to the number of pine trees, the Matrix Design Group traffic study shows less than one car per home would add to the morning traffic which is a total 600 vehicles but they are stating only 232 cars will be commuting due to COVID work from home numbers, and it is not a good idea to extend Howells Road to cross over Kettle Creek, but approximately four to five hundred feet east of Powers Boulevard, the width of the creek is very narrow and would be an easier crossing. He requested City Council either contact the governor to provide an exception for emergency access to Powers Boulevard or give residents access over Kettle Creek to Highway 83 because what motivates him to be involved in this project is his worry for the 2,000 kids at Pine Creek High School and 600 kids at the elementary school in the event of an evacuation due to a wildfire.

Mr. Barnhart stated determining the number of trips generated from a development is calculated using the standards from the National Institute of National Transportation Engineers, which is used nationally, it was approved by City Traffic Engineering, and has been used by every agency he has ever worked for the past thirty years.

Mr. Lieber stated they also evaluated the traffic capacity at each of the intersections which is 1,600 vehicles per hour with Thunder Mountain Road having even more than that, the project meets the review criteria, is consistent with past plans, the traffic report was approved by the City and its experts, significant improvements have been made toward traffic, the

intersection at Pine Creek High School and the intersection of Old Ranch Road and Thunder Mountain Road are operating at a Level of Service (LOS) A and B respectively which allows for additional capacity. He stated they were specifically asked by City Council to look at Howells Road as an emergency access which they are working towards, they are providing the fifty-foot fuels mitigation, the WUI, a gate at Howells Road, and from a safety perspective, the City Code requirements have been met with ten different access points out of the development. Mr. Lieber stated the traffic studies do not indicate the need for a secondary access, the City's traffic and fire department support their proposal for access to Howells Road and the management of the gate, and they have worked to meet the needs and concerns of the neighbors.

President Helms asked if the gate at Howells Road will open automatically if a vehicle drives up to it. Mr. Lieber confirmed it would.

Councilmember Donelson stated that City Council requested an additional egress route which travels west or north. Mr. Lieber stated they worked diligently toward that but was unable to achieve that condition.

President Helms stated in October of 2021, there was a letter sent to the Public Works Director from the Colorado Department of Transportation (CDOT) which stated they could not build access onto Powers Boulevard, but they would commit to working with the City in the event of an emergency to exit onto Powers Boulevard and asked if the developer would be willing to look into. Mr. Venezia stated they just became aware of that letter within the last two weeks, but they would be willing to look into that option. Ms. Sturdivant stated she reaffirmed the letter of commitment with the current regional director, Shane Ferguson, and they also agreed to work with the Public Works Department and the Office of Emergency Management (OEM) to develop a process for responding to limited access residential areas.

Mr. Wysocki stated they received confirmation from the County that the City does in fact own the western half of the right-of-way on Howell Road, one County Commissioner would support emergency access, providing housing is not a review criteria, but development plan conformance with adopted plans such as PlanCOS which addresses the importance housing for all is review criteria number two, and housing is also a priority of the Mayor and the Administration.



Councilmember Donelson stated he believes it would be a mistake if City Council bases their decision on anything outside the review criteria.

Councilmember Risley stated he agrees with Councilmember Donelson that the issue of housing by itself is not a review criteria for this type of review, but the Unified Development Code (UDC) does include the opportunities for affordable and attainable housing throughout the City.

Ms. Wintz clarified that this application was reviewed using the previous City Code Chapter 7 review criteria since the project's inception in 2020 and because this item was referred back to the Planning Commission by City Council, it gave the Planning Commission authority to add and/or modify the considerations which were given to them.

Councilmember Talarico stated the motion to refer the item back to the Planning Commission does not state anything about considerations, only conditions. Ms. Wintz explained that since City Council did not approve the application with those conditions, they became considerations for the Planning Commission.

Councilmember Henjum asked what the legal implication of the statement of "a master plan ceases having regulatory power per City planning practice". Mr. Bolinger stated when a master plan is implemented, it is no longer mandatory that it be amended for a planned deviation from it and City Council is not legally obligated by that statement.

President Helms requested the Colorado Springs Fire Department (CSFD) evaluation of the emergency evacuation plan. Brett Lacey, Fire Marshall, CSFD, provided a brief history of their review of the project, discussion with the County regarding Howells Road as an emergency egress as a gravel road, staging the vehicles on the roadways to the south, CSFD is comfortable with this protecting the people, wildfire is unpredictable, but generally moves from west to east, and his objective is to have as many points out of the area as possible.

President Helms asked if City Council voted against the Howells Road emergency evacuation option, how that would affect the evacuation process. Fire Marshall Lacey stated it would contribute to slowing down the evacuation process.

President Helms asked if CDOT were to help facilitate emergency access onto Powers Boulevard if that would be sufficient enough to not include the access onto Howells Road. Fire Marshall Lacey stated they tried to figure out how to add a connection onto Powers Boulevard, but he is concerned that people may not realize its purpose is as a means of egress.

President Helms requested additional information regarding the importance of a forty to fifty-foot fuels mitigation. Fire Marshall Lacey explained any degree of distance from the development adds to the protection of the structures.

Councilmember Leinweber asked if developing this area with WUI standards would reduce the wildfire risks. Fire Marshall Lacey confirmed that protection would make a substantial difference if there was a fire moving up from the creek.

Councilmember Talarico asked if the proposed fire station will be built regardless of whether the development is approved. Fire Marshall Lacey confirmed it will be.

Councilmember Talarico asked when it is expected to be constructed. Fire Marshall Lacey stated they plan for it to be occupied by the end of 2024.

President Helms asked how the evacuation of this area would be conducted if needed. Jeff Strossner, Commander, Colorado Springs Police Department, stated they would assess the fire behavior, utilize ZoneHaven as a modeling tool, put areas under evacuation or pre-evacuation orders, and bring all the resources in to secure, control, and route traffic in the area.

President Helms asked if CDOT's commitment to assist with emergency evacuation onto Powers Boulevard would add safety to the process. Commander Strossner stated CDOT can be utilized as a partner in the event of an evacuation, but he does not foresee an access road being constructed at the last minute and from his personal experience, CDOT is very possessive of their highways, but based on their letter, there is hope for it.

President Helms stated he would like to amend the motion to deny the

appeal, deny the condition for access to Howells Road, and for the City to pursue emergency access to Powers Boulevard from CDOT knowing it would not be a permanent access.

Councilmember Leinweber asked how long it would take to evacuate 1,000 homes from this area onto Thunder Mountain Road. Todd Frisbie, City Traffic Engineer, stated in one hour, approximately 1,600 vehicles can be moved on a one-lane, free flowing road.

Councilmember Henjum stated she cannot support President Helms' amendment to the motion because they have no control over CDOT and requested they just vote on the original amendment.

Councilmember Donelson stated his primary concern is with the safety of the citizens, they tried to set some conditions when they sent it to the Planning Commission which they altered to their approval, and he is in agreement regarding the promises made to County residents on Howells Road.

**Motion by Councilmember Donelson, seconded by Councilmember O'Malley, to deny the appeal and uphold Planning Commission's decision to approve the Kettle Creek development plan, based upon the findings that the application complies with the review criteria set forth in City Code Section 7.3.606 and 7.5.502(E) and that the appeal criteria of UDC Section 7.5.415(A)(2)(a)(2) are not met. The motion failed by a vote of 1-8-0-0**

**Aye:** 1 - Avila

**No:** 8 - Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

Councilmember Risley stated he supports housing development, but he is very concerned with the potential for public safety concerns.

President Helms stated he wants these homes built, but they need to do it in a different way.

Councilmember Leinweber stated he also wants these homes built, but the emergency road just does not make sense and asked if City Council could formally request from CDOT that they provide some kind of emergency road as a solution.

Councilmember Talarico and Councilmember Henjum expressed appreciation for all the work, dedication, and participation which has gone into this project on both sides.

**Motion by Councilmember Donelson, seconded by Councilmember Henjum, to uphold the appeal, deny the application, and overturn the Planning Commission's decision to approve the Kettle Creek development plan, based upon the findings that the application does not comply with the review criteria set forth in City Code Section 7.3.606 and 7.5.502(E) and that the appeal criteria of UDC Section 7.5.415(A)(2)(a)(2) is met. The motion passed by a vote of 9-0-0**

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

### **Creekwalk Apartments Estimated Time: 1 hour**

- 12.L.** [PUDZ-22-0008](#) Ordinance No. 23-32 amending the zoning map of the City of Colorado Springs relating to 4.56 acres of land located between E. St. Elmo Ave. and E. Ramona Ave. just west of S. Nevada Ave. from MX-M (Mixed Use Medium Scale) and R5 (Multi-Family Residential) zone districts, both with the SS (Streamside Overlay) zoning designation, to PDZ/SS (Planned Development Zone District with the Streamside Overlay Zone) for multi-family residential land use, with a maximum building height of 85 feet, and a maximum density of 87.72 DUs/acre.

(Quasi-Judicial)

Related Files: COPN-22-0025, PUDD-22-0038

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development Department

Peter Wysocki, Planning Director, Planning and Community Development Department

**Attachments:** [Ordinance](#)  
[Exhibit A - Legal Description](#)  
[Exhibit B - Zone Change](#)  
[Staff Report](#)  
[Project Statement](#)  
[Public Comments](#)  
[Public Comment Responses](#)  
[Creekwalk Residential Stakeholder Input UPDATED POST-CPC](#)  
[Vicinity Map](#)  
[PlanCOS Vision Map](#)  
[PlanCOS Areas of Change Map](#)  
[7.3.603 Establishment & Development of a PUD Zone](#)  
[7.5.603 Findings - ZC](#)  
[CPC Meeting Minutes\\_06.14.23](#)  
[Staff Presentation](#)  
[Signed Ordinance No. 23-32.pdf](#)

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development, presented the Ordinance amending the zoning map relating to 4.56 acres of land located between E. St. Elmo Ave. and E. Ramona Ave from MX-M (Mixed Use Medium Scale) and R5 (Multi-Family Residential) zone districts, both with the SS (Streamside Overlay) zoning designation, to PDZ/SS (Planned Development Zone District with the Streamside Overlay Zone) for multi-family residential land use, with a maximum building height of 85 feet, and a maximum density of 87.72 DUs/acre, a Planned Unit Development (PUD) Development Plan to allow construction of the Creekwalk Apartment project for a 7-story, 400-unit apartment building located between E. St. Elmo Ave. and E. Ramona Ave., and a Concept Plan Amendment for 14.40 acres of land between E. Ramona Ave. and E. Cheyenne Rd. within the Creekwalk Redevelopment Concept Plan to support the proposed Creekwalk Apartment project. He provided a background of the site, proposal, applications, stakeholder notice, context, analysis, proposed zone change, concept plan, development plan, consistency with PlanCOS, Ivywild Master Plan, Nevada Urban Renewal Plan, required review criteria, June 14, 2023 Planning Commission meeting, and staff recommendation.

Jim Houk, Planner, Kimley Horn, representing the applicant, provided a vicinity map of the area, 2019 site photo, 2022 site photo, overall public redevelopment progress in the corridor, public improvements, major

redevelopment objective, application, non-profit partnerships, Creekwalk South before/after photos, existing conditions, and proposed improvements.

Danny Mientka, Owner, The Equity Group, representing the applicant, identified the Creekwalk residential context, scale/mass, and existing high-density development.

Councilmember Henjum asked if the City has offered any incentives to minimize the number of parking spaces. Mr. Mientka stated they have not asked that question of the City, but it is worth exploring.

Councilmember Donelson asked who is paying for the undergrounding of the power lines. Mr. Mientka stated the system improvement plan cost will be split 50/50 with Colorado Springs Utilities (CSU) through a contract which was signed in 2015.

Councilmember Donelson stated he is concerned that this project's costs are going up and it has hit a point where they cannot make this work unless there is a zoning change so for more density. Mr. Mientka stated the zone change is the appropriate application for this type of residential development so they can define the height, parameters, and guardrails for the development.

Councilmember Donelson asked if the current zoning would allow forty-five or fifty feet of building height. Mr. Mientka confirmed that most of the properties are commercially zoned and some of them are residentially zoned so within those R-5 zones, they have different height limitations which is not unusual.

Councilmember Donelson stated they now eighty feet of building height to make in order to make it work which it is not zoned for and that puts City Council in a position where they either go along with it so it works financially or deny it because they have started to get many complaints from citizens about high density large apartment complexes who feel like it alters their neighborhoods in a negative way. Mr. Mientka stated they are not changing the zone to be able to get to a particular the density, they have a mix of three different zones within the aggregation of all of these parcels so they need to go to an R-5 or some equivalent residential multi-dwelling type of zoning and Planned Unit Development (PUD) allows them define

the appropriate development characteristics and so they are not using the PUD to get to more density, they would use it if they had less density, and the density is a matter of economics.

Jariah Walker, Executive Director, Colorado Springs Urban Renewal Authority, spoke in support of the project.

Citizens (John Pitchford ceded his time to Dana Duggan), Ariana Arenson, Bill Wysong, Felicia Grillo, and Bob McGrath spoke in opposition of the project.

Councilmember Leinweber requested additional information regarding any proposed improvements to the I-25 and Nevada Avenue intersection. Todd Frisbie, City Traffic Engineer, stated there is already a City funded Pikes Peak Rural Transportation Authority (PPRTA) project at that interchange which will improve the conditions and add capacity there.

Councilmember Avila stated she thinks this is an amazing project.

Councilmember Donelson stated he appreciates what Mr. Mientka has done on South Nevada Avenue and asked what the concerns of the two Planning Commissioners were who voted against the project. Mr. Tefertiller stated one of them felt the bulk and scale was too much and the other Commissioner voted against it due to lack of street level activation.

Councilmember Donelson asked if the traffic study was included in the agenda packet. Mr. Tefertiller stated it was not because it was 350 pages long. Mr. Frisbie provided an overview of the summary of the traffic study which met the City's review criteria and stated he believes this location is a good fit for this project.

Councilmember Donelson asked what the Level of Service (LOS) was near this site. Mr. Frisbie stated they were LOS A and B at Ramona Avenue and St. Elmo Avenue, and they are working to improve the queueing issues on Nevada Avenue.

Councilmember Donelson asked what the rent will be for these units. Mr. Mientka stated it is a market rate development and rent will be approximately \$1,500 to \$3,000 per month.

Councilmember Risley stated he views this development as an extension of the downtown corridor, and he supports this project.

Councilmember Henjum stated some other benefits of this development includes a more efficient use of water and power resources and this is the way Colorado Springs needs to develop and she is in

Councilmember Donelson stated he appreciates the work that has happened with the creek and the under grounding of power lines, but it is extraordinarily expensive and that that drives a very large high density apartment building for which there's more and more unhappiness among the constituents. He stated he thinks this is a very abrupt change from the neighborhood and the bulk and the scale of this project is too much and requested that there be a revaluation and a change of the design.

President Helms stated he thinks it is a beautiful design and the height is a good difference for the area.

**Motion by Councilmember Avila, seconded by Councilmember Henjum, that the Ordinance amending the zoning map of the City of Colorado Springs for 4.56 acres of land from C5 - Intermediate Business (recently changed to MX-M, Mixed Use Medium Scale) and R5 (Multi-Family Residential) zone districts, both with the SS (Streamside Overlay) zoning designation, to the Planned Development Zone District with the Streamside Overlay Zone (PDZ/SS) for multi-family residential land use, with a maximum building height of 85 feet, and a maximum density of 87.72 DUs/acre. This recommendation is based upon the findings that the request meets the review criteria for establishing a PDZ zone, as set forth in City Code Section be approved on first reading. The motion passed by a vote of 7-1-1-0**

**Aye:** 7 - Avila, Crow-Iverson, Helms, Henjum, Leinweber, Risley, and Talarico

**No:** 1 - Donelson

**Absent:** 1 - O'Malley

- 12.M.** [PUDD-22-0038](#) A PUD Development Plan to allow construction of the Creekwalk Apartment project for a 7-story, 400-unit apartment building, located between E. St. Elmo Ave. and E. Ramona Ave. just west of S. Nevada Ave.

(Quasi-Judicial)

Related Files: PDZ-22-0008, COPN-22-0025

Presenter:  
Ryan Tefertiller, Urban Planning Manager, Planning and Community Development Department



Peter Wysocki, Planning Director, Planning and Community  
Development Department

**Attachments:** [Staff Report](#)  
[Project Statement](#)  
[PUD Development Plan](#)  
[Public Comment](#)  
[Public Comment Responses](#)  
[Stakeholder Input](#)  
[Vicinity Map](#)  
[PlanCOS Vision Map](#)  
[PlanCOS Areas of Change Map](#)  
[7.5.502.E Development Plan Review](#)  
[7.3.606 PUD Development Plan](#)  
[Staff Presentation](#)

Please see comments in Agenda item 12.L.

**Motion by Councilmember Henjum, seconded by Councilmember Talarico, that the PUDD development plan for the Creekwalk Apartment project, based upon the findings the proposal meets the review criteria for PUDD development plans as set forth in City Code Section 7.5.502.E. and the criteria for PUDD development plans set forth in City Code Section 7.3.606. subject to the following technical modifications: Technical Modifications to the PUDD Development Plan: 1. Update the "Project Description" section on sheet 1 of the plan to correctly indicate that up to 400 apartment units are proposed within the building., 2. Provide the necessary irrigation notes for specific landscape areas, 3. Update the plan's facilities sheet to address all Colorado Springs Utilities concerns including correctly showing the site's hydrant location and showing the new wastewater main on both the utility and landscape sheets., 4. Update the plan to illustrate all exit pathways required by the Colorado Springs Fire Department., 5. Address Fire standards regarding pavement design, fire standpipe location and hose reach., 6. Address SWENT comments including: a. Need to finalize the project's drainage report ensuring that the report and the plan are consistent with each other., b. Ensure that the plan and the report meet all requirements, criteria and steps., c. Add notes to the plan documenting the entity that will own and maintain the stormwater facility be approved. The motion passed by a vote of 7-1-1-0**

**Aye:** 7 - Avila, Crow-Iverson, Helms, Henjum, Leinweber, Risley, and Talarico

**No:** 1 - Donelson

**Absent:** 1 - O'Malley

- 12.N.** [COPN-22-00](#) A Concept Plan Amendment for 14.40 acres of land between E.  
[25](#) Ramona Ave. and E. Cheyenne Rd. within the Creekwalk  
Redevelopment Concept Plan to support the proposed Creekwalk  
Apartment project.

(Quasi-Judicial)

Related Files: PDZ-22-0008, PUDD-22-0038

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

**Attachments:** [Staff Report](#)  
[Concept Plan](#)  
[Public Comment](#)  
[Public Comment Responses](#)  
[Creekwalk Residential Stakeholder Input UPDATED POST-CPC](#)  
[Vicinity Map](#)  
[PlanCOS Vision Map](#)  
[PlanCOS Areas of Change Map](#)  
[Staff Presentation](#)

Please see comments in Agenda item 12.L.

**Motion by Councilmember Talarico, seconded by Councilmember Henjum, that the amendment to the Creekwalk Redevelopment Concept Plan based upon the findings that the request meets the review criteria for concept plans as set forth in City Code Section 7.5.501.E. subject to the following technical modifications: Technical Modifications to the Concept Plan: 1. Update the concept plan to ensure that the plan is consistent with the final version of the development plan be approved. The motion passed by a vote of 7-1-1-0**

**Aye:** 7 - Avila, Crow-Iverson, Helms, Henjum, Leinweber, Risley, and Talarico

**No:** 1 - Donelson

**Absent:** 1 - O'Malley

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

There were no items added to the Agenda.

### **14. Executive Session**

There was no Executive Session.

### **15. Adjourn**

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

Sarah B. Johnson, City Clerk

