



# City of Colorado Springs

Plaza of the Rockies  
South Tower, 5th Floor  
Blue River Board Room  
121 S Tejon St  
Colorado Springs, CO  
80901

## Meeting Minutes City Council

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Tuesday, September 14, 2021

10:00 AM

Blue River Board Room

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### 1. Call to Order and Roll Call

**Present:** 9 - Councilmember Mike O'Malley, President Tom Strand, Councilmember Wayne Williams, Councilmember Yolanda Avila, Councilmember Dave Donelson, Councilmember Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, and President Pro Tem Richard Skorman

Councilmember Helms and Councilmember Murray attended the meeting virtually.

### 2. Invocation and Pledge of Allegiance

The Invocation was made by Reverend Lynn Smith from First Christian Church.

President Strand led the Pledge of Allegiance.

### 3. Changes to Agenda/Postponements

President Strand stated Councilmember Henjum requested items 4B.C., 4B.D., 4B.I., and 4B.J. be removed from September 14, 2021 City Council meeting Consent Calendar.

Dena Lozano, Deputy City Clerk, stated the City Attorney's Office requested item 4B.F. be removed from September 14, 2021 City Council meeting Consent Calendar.

Consensus of City Council agreed to these changes on the Agenda.

- 3.A. [CPC AP 20-00146](#) Postpone an appeal of the Planning Commission's decision to uphold the Notice and Order to Abate for violation of a carport in the 25-foot front yard setback to the January 11, 2022 City Council meeting.

Quasi-Judicial

Presenter:

Kurt Arnoldussen, Senior Code Enforcement Officer, Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

**Motion by Councilmember Williams, seconded by Councilmember Avila, to postpone the appeal of the Notice and Order to Abate to the January 11, 2022 City Council meeting pending the outcome of the proposed ordinance to allow front yard carports. The motion passed by a vote of 9-0-0**

**Aye:** 9 - O'Malley, Strand, Williams, Avila, Donelson, Helms, Henjum, Murray, and Skorman

- 3.B. [CPC AP 20-00147](#) Acknowledgment of a withdrawal of an appeal of the Planning Commission's decision to uphold a Notice and Order to Abate for violation of a carport in the 25-foot front yard setback located at 4975 North Nolte Drive

Quasi-Judicial

Presenter:

Kurt Arnoldussen, Senior Code Enforcement Officer, Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

**Motion by Councilmember Avila, seconded by Councilmember Henjum, to acknowledge the withdrawal of an appeal of the Planning Commission's decision to uphold a Notice and Order to Abate for violation of a carport in the 25-foot front yard setback located at 4975 North Nolte Drive The motion passed by a vote of 9-0-0**

**Aye:** 9 - O'Malley, Strand, Williams, Avila, Donelson, Helms, Henjum, Murray, and Skorman

#### **4. Consent Calendar**

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

**4A. Second Presentation:**

- 4A.A.** [CPC ZC 21-00026](#) Ordinance No. 21-69 amending the zoning map of the City of Colorado Springs pertaining to 1.61 acres located west of Kelly Johnson Boulevard and Goddard Street from PIP-1 (Planned Industrial Park 1) to PBC (Planned Business Center).

(Quasi-Judicial)

Presenter:

Andrew Bowen, Senior Planner, Planning & Community Development  
Peter Wysocki, Planning Director, Planning & Community Development

**Attachments:** [ORD\\_ZC\\_TownPlaceSuites](#)  
[Exhibit A Legal Description](#)  
[Exhibit B Rezone Depiction](#)

**This Ordinance was finally passed on the Consent Calendar**

- 4A.B.** [CPC ZC 21-00041](#) Ordinance No. 21-70 amending the zoning map of the City of Colorado Springs relating to 9.09 acres located southeast of the Centennial Boulevard and West Van Buren intersection from PUD/SS (Planned Unit Development: Attached and Detached residential, 4-20 dwelling units per acre with a maximum of 411-units, religious institution, 35-foot maximum height with Streamside Overlay) to PBC/cr (Planned Business Center with conditions of record)

(Quasi-Judicial)

Presenter:

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

**Attachments:** [ORD\\_ZC\\_MVSCentennialEast](#)  
[Exhibit A Legal Description](#)  
[Exhibit B Zone Change](#)

**This Ordinance was finally passed on the Consent Calendar**

- 4A.C.** [CPC PUZ 19-00153](#) Ordinance No. 21-71 amending the zoning map of the City of Colorado Springs pertaining to 67.42 acres, located north and northwest of the

New Life Drive and Interquest Parkway intersection, from A (Agriculture) and PUD (Planned Unit Development: Single-family Residential, 35-foot maximum building height, 4.45 du/ac) to PUD/CR (Planned Unit Development with Conditions of Record: Mixed-Use with 125-foot maximum building height).

(Quasi-judicial)

Presenter:

Hannah Van Nimwegen-McGuire, Senior Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

**Attachments:** [ORD ZC DowntownFlyingHorse](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Zone Change Depicted](#)

**This Ordinance was finally passed on the Consent Calendar**

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

**4B.A.** [21-512](#) City Council Regular Meeting Minutes August 24, 2021

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [8-24-2021 City Council Meeting Minutes Final](#)

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

**4B.B.** [21-531](#) Appointments to Boards, Commissions, and Committees

Presenter:

Michael Montgomery, Deputy City Council Administrator

**Attachments:** [091421 Boards Commissions and Committee Appointments](#)

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

**4B.E.** [21-456](#) A Resolution Approving an Intergovernmental Agreement Between the Board of Water Works of Pueblo, Colorado, the City Of Aurora, Colorado, Acting by and Through its Utility Enterprise, the Southeastern Water Activity Enterprise, the City of Fountain, Colorado, the City of Colorado Springs, on Behalf of its Enterprise Colorado Springs Utilities, and Pueblo West Metropolitan District Regarding the Acquisition of Real Property in Eastern Pueblo County for the Purpose of Constructing a Reservoir ("Purchase Iga")

Presenter:

Earl Wilkinson, Chief Water Compliance Innovation Officer, Colorado Springs Utilities  
Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

- Attachments:** [Resolution ROY IGA-Fossel Acquisition](#)  
[Fossel Property Purchase IGA final](#)  
[Exhibit 1 - Fossel Property Legal Description](#)  
[Exhibit 2 - Amended Exhibit C to Lease Option Contract](#)

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

- 4B.G.** [CPC PUZ 21-00017](#) Ordinance No. 21-73 amending the zoning map of the City of Colorado Springs relating to 3.68 acres located northwest of Adventure Way and Quail Brush Creek Drive from A (Agricultural) to PUD/AO (Planned Unit Development: Single-family Residential, 10.1 DU/AC, 36-foot maximum building height with Airport Overlay).

(Quasi-Judicial)

Related File: CPC PUD 21-00018

Presenter:  
Katie Carleo, Planning Supervisor, Planning & Community Development  
Peter Wysocki, Planning Director, Planning & Community Development

- Attachments:** [ORD\\_ZC\\_AscentAtQuailBrush](#)  
[Exhibit A Legal Description](#)  
[Exhibit B Rezone Depiction](#)

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

- 4B.H.** [CPC PUD 21-00018](#) A Planned Unit Development for the Ascent at Quail Brush creating a 37-lot, single-family residential development consisting of 3.68 acres located northwest of Adventure Way and Quail Brush Creek Drive.

(Quasi-judicial)

Related File: CPC PUZ 21-00017

Presenter:  
Katie Carleo, Planning Supervisor, Planning & Community Development  
Peter Wysocki, Planning Director, Planning & Community Development

- Attachments:** [DEVELOPMENT PLAN](#)  
[7.5.502.E Development Plan Review](#)  
[7.3.606 PUD Development Plan](#)

This Item was approved on the Consent Calendar.

- 4B.K.** [CPC PUZ 21-00019](#) Ordinance No. 21-74 amending the zoning map of the City of Colorado Springs relating to 7.32 acres located at the northwest corner of Powers Boulevard and Hancock Expressway from PBC/AO (Planned Business Center with Airport Overlay) to PUD/AO (Planned Unit Development: Single-family Residential, 9.9 dwelling units per acre, maximum building height of 35-feet with Airport Overlay).

(Quasi-Judicial)

Related File: CPC PUD 21-00020

Presenter:

Tasha Brackin, Senior Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Attachments:** [ORD\\_ZCskyviewvillage](#)

[Exhibit A](#)

[Exhibit B - Zone Change Exhibit](#)

This Ordinance was approved on first reading on the Consent Calendar

- 4B.L.** [CPC PUD 21-00020](#) A Planned Unit Development for Skyview Village creating a 73-lot, single-family residential development consisting of 7.32 acres with lots ranging in size from 2,224 to over 3,000 square feet located at the northwest corner of Powers Boulevard and Hancock Expressway.

(Quasi-Judicial)

Related File: CPC PUZ 21-00019

Presenter:

Tasha Brackin, Senior Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Attachments:** [Skyview Village Development Plan](#)

[7.3.606 PUD Development Plan](#)

This Item was approved on the Consent Calendar.

- 4B.M.** [21-452](#) A Resolution Approving a Service Plan for the Vistas at West Mesa Metropolitan District for a new residential development located west of Interstate 25 and Fillmore Road

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning &

Development Department  
Peter Wysocki, Director of Planning and Community Development

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

[Exhibit- Vistas at West Mesa MD Service Plan 7-28-21](#)

[Staff PowerPoint](#)

[1- Applicant PowerPoint Vistas at West Mesa MD - 7.26.21](#)

[2- Transmittal Letter](#)

[3- Vistas at West Mesa MD Service Plan redline 7-28-21](#)

[4- VWMMD Infrastructure expenses EOPC 2021-07-13 vf](#)

[5- VWMMD O&M @ buildout budget](#)

[6- Vistas at West Mesa Sample Bond Issue 07.19.21](#)

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

**4B.N. [21-344](#)**

A resolution of the City of Colorado Springs approving a Service Plan for the Catalyst Campus Metropolitan District Nos. 1 & 2 east of Downtown Colorado Springs

(Legislative)

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department  
Peter Wysocki, Director of Planning and Community Development

**Attachments:** [RES\\_Catalyst Campus](#)

[Exhibit- Service Plan - Catalyst Campus MD Nos. 1 & 2](#)

[1- Catalyst Staff PowerPoint](#)

[2- Applicant Catalyst District Presentation 7-26-21](#)

[3- 2021 07 20 - Transmittal Letter - Catalyst Campus Districts](#)

[4- Redline Comparison Service Plan - Catalyst Campus MD Nos. 1 &](#)

[2](#)

[5- Cost Estimates 7-20-21](#)

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

**4B.O. [21-345](#)**

Ordinance No. 21-75 organizing the Catalyst Campus Business Improvement District and appointing an initial board of directors.

(Legislative)

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department  
Peter Wysocki, Director of Planning and Community Development

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

[Exhibit A- Catalyst BID Petition\\_signed](#)

[Exhibit B- Catalyst Campus BID - Certificate of Mailing of Notice of Public Hearing](#)

[Exhibit C- 2021-2022 Catalyst Campus BID Operating Plan and Budget](#)

[Exhibit D- SpecialDistrictPolicyJan06](#)

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

## Approval of the Consent Agenda

**Motion by Councilmember Williams, seconded by Councilmember O'Malley, 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 - O'Malley, Strand, Williams, Avila, Donelson, Helms, Henjum, Murray, and Skorman

## **5. Recognitions**

**5.A. [21-533](#)** A Resolution recognizing September 16, 2021 as American Legion Day

Presenter:

Tom Strand, Council President, Councilmember At-Large

**Attachments:** [American Legion Day](#)

President Strand read the Resolution recognizing September 16, 2021 as American Legion Day.

Keith Leme, Historian, American Legion Post 5, gave a brief history of the American Legion and identified the needed repairs for the Veteran's Memorial.

Derrek Hendricks, Commander, American Legion Post 5, spoke about the challenges of attaining members from the younger generation of veterans.

Several Councilmembers expressed appreciation for the American Legion and their service.

**Motion by Councilmember Donelson, seconded by Councilmember O'Malley, that the Resolution recognizing September 16, 2021 as American Legion Day The motion passed by a vote of 9-0-0-0**

**Aye:** 9 - O'Malley, Strand, Williams, Avila, Donelson, Helms, Henjum, Murray, and Skorman

**5.B. [21-532](#)** A Resolution recognizing September 17, 2021 as Constitution Day and Citizenship Day

Presenter:

Wayne Williams, Councilmember At-Large

**Attachments:** [Constiution Day and Citizenship Day](#)

Councilmember Williams read a Resolution recognizing September 17, 2021 as Constitution Day and Citizenship Day and gave a brief history of the United States Constitution and expressed appreciation for those who have protected it. He identified there will be a presentation recognizing Constitution Day on the steps of City Hall on September 17, 2021 at 1:30 PM.

**Motion by Councilmember Henjum, seconded by Councilmember Donelson, that the Resolution recognizing September 17, 2021 as Constitution Day and Citizenship Day The motion passed by a vote of 9-0-0-0**

**Aye:** 9 - O'Malley, Strand, Williams, Avila, Donelson, Helms, Henjum, Murray, and Skorman

- 5.C.** [21-448](#) A Resolution celebrating September 15 to October 15 as Hispanic Heritage Month

Presenter:

Yolanda Avila, Councilmember District 4

**Attachments:** [Hispanic Heritage Month 2021](#)

Councilmember Helms read a Resolution celebrating September 15 to October 15 as Hispanic Heritage Month.

Councilmember Avila gave an overview of the City's Hispanic heritage and their contributions to the community.

Este and Landie Alvarado, La Fiesta Bonita, and Representative Andres Pico, expressed appreciation for the recognition.

Selena Valdez and Michael Martinez performed a dance in honor of Hispanic Heritage Month.

Councilmember Williams spoke about the accomplishments of former Mayor Lionel Rivera.

**Motion by Councilmember Avila, seconded by Councilmember Williams, that the Resolution celebrating September 15 to October 15 as Hispanic Heritage Month The motion passed by a vote of 9-0-0-0**

**Aye:** 9 - O'Malley, Strand, Williams, Avila, Donelson, Helms, Henjum, Murray, and Skorman

- 5.D. [21-461](#) A Resolution recognizing September 25 through October 3 as Creek Week 2021

Presenter:

Richard Skorman, Councilmember District 3

Alli Schuch, Watershed Outreach Coordinator, Fountain Creek Watershed Control and Greenway District

**Attachments:** [Creek Week](#)

President Pro Tem Skorman read the Resolution recognizing September 25 through October 3 as Creek Week 2021.

Allison Schuch, Watershed Outreach Coordinator for the Fountain Creek Watershed Flood Control and Greenway District, presented the Resolution recognizing the annual Creek Week clean-up which started eight years ago. She stated they have removed over one hundred tons of litter from public lands, trails, and waterways, the City's adopt-a-waterway program has increased over fifty percent, and there are over fifty public events being offered during the week.

Councilmember Williams encouraged citizens to participate in the clean-up efforts.

**Motion by Councilmember Donelson, seconded by President Pro Tem Skorman, that the Resolution recognizing September 25 through October 3 as Creek Week 2021 The motion passed by a vote of 9-0-0**

**Aye:** 9 - O'Malley, Strand, Williams, Avila, Donelson, Helms, Henjum, Murray, and Skorman

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

Citizens Siri Everett, Cathy Anderson, and Nancy Egbert, North End Woodlands, advocated for the urban tree canopy and additional funding for the City's Forestry Division.

Citizen Jaymen Johnson requested additional information regarding the American Rescue Plan Act (ARPA) funding for the Colorado Springs Utilities (CSU) replacement of aging water main project, the emergency rental assistance calculations, availability of office space in Downtown, and expressed appreciation for the Resolution recognizing Hispanic Heritage Month.

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

There was no Mayor's Business.

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

- 4B.C. [21-535](#)** The City Clerk reports that on August 24, 2021 there was filed with her a petition for the annexation of Extol Park Vista Addition No 1 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1).

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Extol Park Vista Addition No. 1 Annexation Petition](#)  
[Extol Addition No. 1 - Vicinity Map](#)  
[Extol Park Vista Addition No. 1 Annex Plat 8-24-2021](#)

Peter Wysocki, Director, Planning and Community Development, gave an overview of the annexation process and stated this item is a notice to City Council that a petition to annex was filed. He stated there has been no traffic analysis or master plan filed at this point and this property is an enclave in Park Vista.

Councilmember Henjum asked why the area to annexed excludes public streets and alleys. Ben Bolinger, Senior Attorney, City Attorney's Office, stated it is due to El Paso County having the ownership of the public streets and alleys.

Councilmember Avila requested more of a summary for these types of items asked how this is considered an enclave. Mr. Wysocki stated this area is completely surrounded by the City.

**Motion by Councilmember Henjum, seconded by Councilmember Williams, that this item be approved. The motion passed by a vote of 9-0-0**

**Aye:** 9 - O'Malley, Strand, Williams, Avila, Donelson, Helms, Henjum, Murray, and Skorman

- 4B.D. [21-536](#)** The City Clerk reports that on August 24, 2021 there was filed with her a petition for the annexation of Extol Park Vista Addition No 2 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1).

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Extol Park Vista No. 2 Annex - Petition](#)  
[Extol Park Vista Addition No. 2 Annex Plat 8-24-2021](#)  
[Extol Addition No. 2 - Vicinity Map](#)

Please see comments in Agenda item 4B.C.

**Motion by Councilmember Williams, seconded by Councilmember O'Malley, that this item be approved. The motion passed by a vote of 9-0-0**

**Aye:** 9 - O'Malley, Strand, Williams, Avila, Donelson, Helms, Henjum, Murray, and Skorman

**4B.F. [21-481](#)** A resolution adopting final form of the Agreement and Joint Plan for the Exclusion of Certain Property from the Black Forest Fire Rescue Protection District

Presenter:

Frederick Stein, Public Safety Attorney

**Attachments:** [City Resolution-FINAL](#)  
[BFFPD Exclusions West of BFR-PetitionExA-2021](#)  
[AgreementJoint Plan for Exclusion-BlackForest-2021 \(1\).docx](#)

Frederick Stein, Public Safety Attorney, presented the Resolution adopting final form of the Agreement and Joint Plan for the Exclusion of Certain Property from the Black Forest Fire Rescue Protection District and identified that there were five additional properties added to the list for exclusion.

Councilmember Helms expressed his support of this item and encouraged Councilmembers to support it as well.

**Motion by Councilmember O'Malley, seconded by Councilmember Henjum, that this Resolution authorizing execution of the Agreement and Joint Plan for the exclusion of property from the District be adopted. The motion passed by a vote of 9-0-0**

**Aye:** 9 - O'Malley, Strand, Williams, Avila, Donelson, Helms, Henjum, Murray, and Skorman

**4B.I. [CPC ZC](#)  
[20-00172](#)** Ordinance No. 21-76 amending the Zoning Map of the City of Colorado Springs relating to 19.4 acres located at 3910 Palmer Park Boulevard and 1605 North Academy Boulevard from PBC/SS (Planned Business Center with Streamside Overlay) to M1/cr/SS (Light Industrial with Conditions of Record and Streamside Overlay).

(Quasi-Judicial)

Related File: PD DP 64-62-A39MJ20

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

**Attachments:** [ORD\\_ZC\\_RusticHillsRedevelopment](#)

[Exhibit A - Zone Change](#)

[CC\\_RusticHills\\_DJS](#)

[Vicinity Map](#)

Daniel Sexton, Planning Supervisor, Planning and Community Development, presented the Ordinance amending the zoning map from PBC/SS (Planned Business Center with Streamside Overlay) to M1/cr/SS (Light Industrial with Conditions of Record and Streamside Overlay) and the major amendment to a Development Plan for the Rustic Hills Redevelopment project changing the use of the site to a mix of commercial and industrial uses with site changes relating to 19.4 acres located at 3910 Palmer Park Boulevard and 1605 North Academy Boulevard. He gave an overview of the applications, context map, site details, public notification and involvement, zone change, and project site. Mr. Sexton identified the amended development plan, elevations, South Academy Economic Opportunity Zone, PlanCOS conformance, and staff recommendation.

Councilmember Henjum asked if the adjacent property could be a potential home development. Mr. Sexton stated there are some provisions of the M1 zoning which would allow some residential uses, but he does not know the vision of the current buyer.

Councilmember Henjum asked if there will be improvements made to the streamside which will benefit adjacent neighborhoods. Mr. Sexton stated the developer will be making enhancements to the gap segment which will bring it up to the City's streamside requirements.

Councilmember Avila and Councilmember Helms expressed support of this project.

Brian Roach, Brennan Investment Group, representing the applicant, gave an overview of their retail to industrial conversion and they envision this project to be a service center, office, warehouse, and light industrial.

Citizen Jaymen Johnson spoke in favor of the project.

Motion by Councilmember Williams, seconded by Councilmember Henjum, that the Ordinance amending the Zoning Map of the City of Colorado Springs relating to 19.4 acres located at 3910 Palmer Park Boulevard and 1605 North Academy Boulevard from PBC/SS (Planned Business Center with Streamside Overlay) to M1/cr/SS (Light Industrial with Conditions of Record and Streamside Overlay) based upon the findings the request meets the review criteria for granting a zone change as set forth in City Code Section 7.5.603.B. with the following conditions of record:

Prohibited Uses: 1. Convenience Food Sales (w/Fuel Sales), 2. Garbage Service Companies, 3. Kennel (Commercial Only), 4. Landfill, 5. Large Recycling Collection Center, 6. Industrial Laundry Service (Large Scale Activities), 7. Mining Operations, 8. Recycling Processing Center, 9. Scrap Metals Processing Yard, 10. Transfer Station, 11. Truck Terminal, 12. Vehicle Dismantling Yard be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - O'Malley, Strand, Williams, Avila, Donelson, Helms, Henjum, Murray, and Skorman

4B.J. [PD DP 64-62-A39MJ 20](#)

A major amendment to a Development Plan for the Rustic Hills Redevelopment project changing the use of the site to a mix of commercial and industrial uses with site changes located at 3910 Palmer Park Boulevard and 1605 North Academy Boulevard.

(Quasi-Judicial)

Related Files: CPC ZC 20-00172

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

**Attachments:** [Development Plan Amendment 8.5x11](#)

Please see comments in Agenda item 4B.J.

Motion by Councilmember Williams, seconded by Councilmember Helms, that the major amendment to the Development Plan for the Rustic Hills Redevelopment project changing the use of the site to a mix of commercial and industrial uses with site changes based on the findings the plan meets the review criteria for a development plan set forth in City Code Section 7.5.502.E be approved. The motion passed by a vote of 9-0-0

Aye: 9 - O'Malley, Strand, Williams, Avila, Donelson, Helms, Henjum, Murray, and Skorman

**9. Utilities Business**

There was no Utilities Business.

**10. Unfinished Business**

Meeting went into Recess

Meeting Reconvened

- 10.A. [CPC ZC 21-00029](#) Ordinance No. 21-72 amending the zoning map of the City of Colorado Springs relating to 12.78 acres located at 6550 and 6650 Mark Dabling Boulevard from PIP-2/cr/SS/HS (Planned Industrial Park with conditions of record and Streamside and Hillside Overlays) to R-5/SS/HS (Multi-family Residential with Streamside and Hillside Overlays).

(Quasi-Judicial)

Related Files: CPC CP 21-00030

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

**Attachments:** [ORD\\_ZC\\_MarkDablingCottages](#)  
[Exhibit A - Zone Change](#)  
[CPC\\_MarkDablingCottages\\_DJS](#)  
[Vicinity Map](#)  
[CPC Report\\_MarkDablingCottages](#)  
[Concept Plan\\_8.5X11](#)  
[Project Statement](#)  
[PlacCOS Vision Map](#)  
[Public Comments](#)  
[CPC\\_AdditionalPublicComments\\_MarkDablingCottages](#)  
[CGS Letter](#)  
[BNSF Comments](#)  
[Noise Analysis Memo](#)  
[Context Map](#)  
[7.5.603.B Findings - ZC](#)

Daniel Sexton, Planning Supervisor, Planning and Community Development, presented the Ordinance amending the zoning map of the City relating to 12.78 acres from PIP-2/cr/SS/HS (Planned Industrial Park with conditions of record and Streamside and Hillside Overlays) to R-5/SS/HS (Multi-family Residential with Streamside and Hillside Overlays) and the Concept Plan for the Mark Dabling Cottages multi-family residential development on 12.78 acres, located at 6550 and 6650 Mark Dabling Boulevard.

President Strand asked if there would be any single-family homes included in this project. Mr. Sexton stated this project is for multi-family residential

only.

Councilmember Henjum stated requested a future discussion regarding possible noise Ordinances within the City. President Strand agreed to Councilmember Henjum's request.

Councilmember Williams stated living close to railroad tracks is often desired due to the lack of a neighbor in the backyard.

Councilmember Donelson stated this site is above a previous mining area, adjacent to railroad tracks which is extraordinarily loud, may cause pollution, and the geologic hazard study indicates this is a higher risk site.

Councilmember O'Malley asked if potential residents will be notified regarding the potential need for mine subsidence insurance. Peter Wysocki, Director, Planning and Community Development, stated any development project located west of I-25 is required to submit a geologic hazard report to the City for review by the Colorado Geological Survey (CGS) and this project was approved by CGS. He stated there will be a disclosure in the final plats and development plans regarding the known geological hazards and when a building permit is pulled, a separate soils report will be required to be filed and submitted to the Regional Building Department.

Councilmember Williams stated City Council needs stick to the review criteria and allow people to have the choice to live where they want to.

Councilmember Murray disclosed that he physically visited the property, the train is very loud and disruptive, but there are already houses located within the area and he will be voting for this item.

Councilmember Donelson stated this is a request for a rezone from industrial and believes health would be impacted due to the disruption of sleep and pollution from the train.

**Motion by Councilmember Williams, seconded by Councilmember Helms, that the Ordinance amending the zoning map of the City of Colorado Springs relating to 12.78 acres located at 6550 and 6650 Mark Dabling Boulevard from PIP-2/cr/SS/HS (Planned Industrial Park with conditions of record and Streamside and Hillside Overlays) to R-5/SS/HS (Multi-family Residential with Streamside and Hillside Overlays) based upon the findings the request for a zone change complies with the criteria for granting a zone change as set forth in City Code Section 7.5.603.B. The motion passed by a vote of 8-1-0-0**

**Aye:** 8 - O'Malley, Strand, Williams, Avila, Helms, Henjum, Murray, and Skorman

**No:** 1 - Donelson

## **11. New Business**

- 11.A.** [21-482](#) A Resolution Authorizing the Use of Eminent Domain to Acquire a Permanent Easement on Real Property Owned by the Garden Valley Water and Sanitation District needed for the Circle Drive Bridge Replacement Project

Presenter:

Ryan Phipps, P.E. Sr. Engineer, City Engineering Division of the Public Works Department

**Attachments:** [Resolution Circle Br Garden Valley 07232021](#)  
[Exhibit 1- Garden Valley Legal Description](#)  
[Circle Bridges Presentation - City Council 08302021](#)

Ryan Phipps, P.E. Sr. Engineer, City Engineering Division of the Public Works Department, presented the Resolution authorizing the use of eminent domain to acquire a permanent easement on real property owned by the Garden Valley Water and Sanitation District needed for the Circle Drive Bridge Replacement Project and gave a brief summary of the project.

President Strand requested Garden Valley Water and Sanitation District's position on the matter. Mr. Phipps stated they have been generally unresponsive, but verbally responded with an extreme difference in the valuation of the property.

Darlene Kennedy, Real Estate Manager, stated a certified letter and a regular mail letter was sent to the property owner notifying them of today's meeting.

**Motion by Councilmember Williams, seconded by Councilmember Avila, that the Resolution to use proceed with a possession and use agreement and eminent domain to acquire a permanent easement on real property owned by the Garden Valley Water and Sanitation District needed for the Circle Drive Bridge Replacement Project. The motion passed by a vote of 9-0-0**

**Aye:** 9 - O'Malley, Strand, Williams, Avila, Donelson, Helms, Henjum, Murray, and Skorman

- 11.B.** [21-085](#) Ordinance No. 21-77 creating an extension of a moratorium on the enforcement of certain zoning code violations related to carports in front yard setbacks until December 7, 2021

(Legislative)

Presenter:

Mitch Hammes, Neighborhood Services Manager

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [CarportMoratoriumExtORD-9-7-2021](#)

[Signed Ordinance 21-54](#)

Mitch Hammes, Neighborhood Services Manager, presented the Ordinance creating an extension of a moratorium on the enforcement of certain zoning code violations related to carports in front yard setbacks until December 7, 2021 in order to allow time to draft a revised carport Ordinance and expand the architectural components.

President Strand asked if citizens could request a variance if needed.

Peter Wysocki, Director of Planning and Community Development confirmed that is currently an option for homeowners.

Councilmember Avila asked if there would still be a variance process for carports if a permit process is implemented. Mr. Wysocki stated the current variance process is very strict and cannot be granted due to a self-inflicted reason, but the permit process would have different review criteria than the variance criteria.

**Motion by Councilmember Williams, seconded by Councilmember O'Malley, that the Ordinance creating an extension of a moratorium on the enforcement of certain zoning code violations related to carports in front yard setbacks until December 7, 2021 The motion passed by a vote of 9-0-0**

**Aye:** 9 - O'Malley, Strand, Williams, Avila, Donelson, Helms, Henjum, Murray, and Skorman

## **12. Public Hearing**

There was no Public Hearing.

## **13. Added Item Agenda**

There was no Added Item Agenda.

## **14. Executive Session**

There was no Executive Session.

Councilmember Helms stated the United States Air Force 74th birthday is September 18, 2021 and there will be an Air Force Ball held at The Broadmoor to celebrate and Air Force football will be playing Utah State.

Councilmember Donelson expressed appreciation to Travis Easton, Public Works Director, and his team who assisted a gold-star mother whose son was killed in Afghanistan last week with some issues in front of her house.

### **15. Adjourn**

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

Sarah B. Johnson, City Clerk