



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, March 10, 2020

10:00 AM

Council Chambers

1. Call to Order

Present: 7 - Councilmember Yolanda Avila, Councilmember David Geislinger, Councilmember Bill Murray, Councilmember Don Knight, Councilmember Andy Pico, President Pro Tem Tom Strand, and Councilmember Wayne Williams

Absent: 2 - Councilmember Jill Gaebler, and President Richard Skorman

Councilmember Geislinger arrived at approximately 1:00 PM.

2. Invocation and Pledge of Allegiance

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

President Pro Tem Strand led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

3.A. CPC CU 19-00167 An appeal of the Downtown Review Board’s denial of a Form-Based Zone Conditional Use Development Plan for a medical marijuana cultivation operation located at 910 South Nevada Avenue.

(QUASI-JUDICIAL)

Presenter:

Peter Wysocki, Director, Planning and Community Development
Matthew Fitzsimmons, Planner II, Urban Planning Division

Attachments: Appeal Statement - Randy Tuck
910 S. Nevada_MMJ_CC Appeal - 3.10.20
910 S. Nevada Ave. - Staff Report
Figure 1_Project Statement
Figure 2_Zoning Map
Figure 3 - Stakeholder Letters
Figure 4 - Site Plan
Figure 5_Site Images
DRB_Minutes_02.05.2020
Appeal Postponment Request - Randy Tuck
7.5.704 Conditional Use Review

This item was postponed to the March 24, 2020 City Council meeting.

Motion by Councilmember Avila, seconded by Councilmember Williams, to postpone the public hearing for the appeal application to the March 24, 2020 Council meeting based on the procedures set forth in Section 7.5.906.B.3 of City Code which allows any person to postpone the first scheduled Council appeal hearing as a matter of course. The motion passed by a vote of 6-0-3-0

Aye: 6 - Avila, Murray, Knight, Pico, Strand, and Williams

Absent: 3 - Gaebler, Geislinger, and Skorman

4. Consent Calendar

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

4A. Second Presentation:

4B. First Presentation:

4B.A. [20-109](#) City Council Regular Meeting Minutes February 25, 2020

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [2-25-2020 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

4B.B. [20-082](#) Ordinance No. 20-14 amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$100,000 for additional funding for the Humane Society animal law enforcement and sheltering contract

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Ordinance for 2020 GF Supplemental - HSPPR Humane Society-Supplemental-02-24-20](#)

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

4B.C. [20-048](#)

Ordinance No. 20-15 Amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks Fund in the Amount of \$241,300 for Acquisition of Approximately 40 Acres of Property for the Purpose of Public Open Space and Trails

Presenter:

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

Attachments: [Jimmy Camp Creek Parcels w additional parcel SuppAppr JCC40acresORD-2020-02-14.docx](#)

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

4B.D. [20-084](#)

A Resolution Amending Resolution No. 153-19, 2020 Drainage Basin Fees, Bridge Fees, Detention Pond Facility and Land Fees, to Increase the Black Squirrel Creek Pond Land Fee and the Middle Tributary Basin Drainage Fee

Presenter:

Richard Mulledy, P.E., Stormwater Enterprise Manager, Stormwater Enterprise
Erin Powers, P.E., Senior Technical Engineer, Stormwater Enterprise

Attachments: [2020 DrainageFeeUpdatesRES-2020-05-05 \(2\)](#)
[2020DrainageFeeScheduleExhibit A-2020-02-05](#)
[Exhibit B Drainage Board Minutes](#)
[Black Squirrel Pond Land Fee Middle Trib Drainage Fee Adjustment 2020](#)
[Signed Resolution 15-20.pdf](#)

This Resolution was adopted on the Consent Calendar.

4B.E. [20-111](#)

A Resolution Preserving the Attorney-Client Privilege in a Matter Involving Colorado Springs Utilities' Former Chief Financial Officer

Presenter:

Wynetta Massey, City Attorney/Chief Legal Officer

Attachments: [PrivilegeWaiverRes.docx](#)
[Signed Resolution 16-20.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.F.** [20-103](#) A Resolution Authorizing the Acquisition of Property Owned by Dennis K. Eastep, Lisa E. Eastep, and Carol Eastep to be Used for Southern Delivery System Project Improvements and Finding a Public Purpose in a One-Year Below-Market Lease of Such Property to Dennis K. Eastep and Lisa E. Eastep.

Presenter:

Lyman Ho, SDS Land Acquisition Manager, Colorado Springs Utilities
Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [CSU-PurchaseBelowMarketLease-Eastep-RES-2020-02-25](#)
[4- Exhibit Sheets](#)
[Signed Resolution 17-20.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.G.** [CPC ZC](#)
[19-00106](#) Ordinance No. 20-16 amending the zoning map of the City of Colorado Springs pertaining to 25.8-acres located southwest of Fountain Boulevard and Aviation Way, from PBC/cr/AO and PIP-2/cr/AO (Planned Business Center and Planned Industrial Park with conditions of record and airport overlay to PIP-2/cr/AO (Planned Industrial Park with conditions of record and airport overlay).

(Quasi-Judicial)

Presenter:

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

Attachments: [ZC_ORD_CygnnetHeights](#)
[Exhibit A - legal description](#)
[Exhibit B - depiction](#)
[VICINITY MAP](#)

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

- 4B.H.** [CPC CP](#)
[06-00085-A1](#)
[MJ19](#) The Cygnet Heights Concept Plan for an office, warehouse and light industrial development located southwest of Fountain Boulevard and Aviation Way.

(Quasi-Judicial)

Related File: CPC ZC 19-00196, CPC CP 06-00085-A1MJ19

Presenter:

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

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

[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Murray, seconded by Councilmember Williams, 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 6-0-3-0

Aye: 6 - Avila, Murray, Knight, Pico, Strand, and Williams

Absent: 3 - Gaebler, Geislinger, and Skorman

5. Recognitions

5.A. [20-075](#) Recognition of MATHCOUNTS 2020 Regional Competition winners

Presenter:

Mike Bartusek, Pikes Peak Regional Coordinator

President Pro Tem Strand read the recognition and identified the students from the area who participated in the regional competition program on February 8, 2020.

Mike Bartusek, Pikes Peak Regional Coordinator, provided an overview of the MATHCOUNTS 2020 program and said this is the thirty-eighth anniversary of the competition.

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

Citizen Carl Strow spoke about the improvements needed on Barr Trail.

Citizen Deborah Stout-Meninger spoke about the Coronavirus.

Citizen Jaymen Johnson spoke in opposition of Daylight Savings Time.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

- 4B.I.** [CPC MP 85-217-A7MJ18](#) A resolution for a major amendment to The Towne East Master Plan changing the land use classification of 23.9 acres from Research and Development to Residential 3.5-7.99 dwelling units per acre, located on Pikes Peak Avenue, east of Academy Boulevard.

(Legislative)

Related Files: CPC MP 85-217-A7MJ18, CPC PUZ 18-00089, CPC PUD 18-00091

Presenter:

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

Attachments: [RES_MPA_PikesPeakHeights](#)
[Exhibit A - MPA_PikesPeakHeights](#)
[CPC Staff Report_Pikes Peak Heights](#)
[FIGURE 1 - Master Plan Amendment](#)
[FIGURE 2 - Development Plan](#)
[FIGURE 3 - Project Statement](#)
[FIGURE 4 - 1st neighborhood comments](#)
[FIGURE 5 - 2nd set of neighborhood comments](#)
[FIGURE 6 - Previous Master Plan Amendment](#)
[FIGURE 7 - Contextual Map](#)
[FIGURE 8 - FIA](#)
[FIGURE 9 - Site Rendition](#)
[FIGURE 10 - CDPHE draft approval letter](#)
[FIGURE 11 - Materials Management Plan](#)
[FIGURE 12 - Construction Quality Assurance Plan](#)
[FIGURE 13 - PlanCOS Vibrant Neighborhoods Framework Map](#)
[7.5.408 Master Plan](#)
[Pikes Peak Heights - Staff Presentation- LJT](#)
[CPC Minutes PikesPeakHeights draft](#)
[Signed Resolution 18-20.pdf](#)

Councilmember Avila stated she pulled these items off the Consent Calendar so they could receive additional information regarding this project and be discussed further.

Lonna Thelen, Principal Planner, Planning and Community Development,

presented the Pikes Peak Heights vicinity map, master plan, zone change, development plan, geologic hazard report, and certificate of designation.

Councilmember Geislinger asked what type of projects could be completed with the current zoning. Ms. Thelen stated single-family residences and industrial uses.

Councilmember Knight asked if residential is permitted in both zones to the north. Ms. Thelen stated it is conditionally allowed in the M-1 (Light Industrial) zone, but the PIP-2 (Planned Industrial Park) zone does not allow that use.

Mike Degrant with Schuck Communities, representing the applicant, gave an overview of the project, the project team, the site location, and landfill mitigation.

Chris Lieber, NES, went over the site information/community context, the application, studies, reviews, existing and proposed Town East master plan, current and proposed zoning, proposed site development, existing site conditions, on-site conditions, access to site, community benefits, and project justification.

Councilmember Avila asked for the location of the nearest grocery store, the traffic study results, and if there will be a park provided. Mr. Lieber said the nearest grocery store would be at Murray and Platte and a traffic study was completed with no impact to the adjacent lots. He identified where the elementary schools are located in comparison to the project and how the parkland dedication requirements were being satisfied.

Citizen Helen Mackay spoke about the potential issues with traffic, egress, and street lighting.

Councilmember Knight asked if School District 11 was in favor or opposition of the project. Ms. Thelen stated they did not provide a formal response in regards to the project. Councilmember Knight requested that anytime there is a jurisdiction in opposition to the project, it is included in the cover memo. Jeff Greene, Chief of Staff, agreed to that request.

Councilmember Geislinger and Councilmember Knight stated they will be supporting these items because residential is already a permitted right in a

majority of the current zoning.

Motion by Councilmember Geislinger, seconded by Councilmember Williams, that the Resolution for a major amendment of The Towne East Master Plan changing the land use classification of 23.9 acres from Research and Development to Residential 3.5-7.99 dwelling units per acre, located on Pikes Peak Avenue, east of Academy Boulevard, based upon the findings that the master plan amendment request complies with the criteria for granting of a master plan amendment as set forth in City Code Section 7.5.408 be adopted. The motion passed by a vote of 7-0-2-0

Aye: 7 - Avila, Geislinger, Murray, Knight, Pico, Strand, and Williams

Absent: 2 - Gaebler, and Skorman

4B.J. [CPC PUZ 18-00089](#)

Ordinance No. 20-18 amending the zoning map of the City of Colorado Springs pertaining to 42.9-acres located on Pikes Peak Avenue, east of Academy Boulevard, from PIP-2, M-1 and R1-6 DF to PUD (35 feet maximum height, 3.5-7.99 dwelling units per acre, single-family attached and detached units).

(Quasi-judicial)

Related Files: CPC MP 85-217-A7MJ18, CPC PUZ 18-00089, CPC PUD 18-00091

Presenter:

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

Attachments: [ZC ORD PikesPeakHeights](#)

[Exhibit A - legal description](#)

[Exhibit B - zoning depiction](#)

[Aerial Vicinity Map](#)

Please see comments in Agenda item 4B.I.

Motion by Councilmember Williams, seconded by Councilmember Geislinger, that the ordinance amending the zoning map of the City of Colorado Springs pertaining to 42.9 acres from R1-6/DF/AO, M-1/AO/APZ1 and PIP-2/AO/APZ1 to PUD/AO/APZ1 (Planned Unit Development: 35 feet maximum height, 3.5-7.99 dwelling units per acre, single-family attached and detached units with airport overlay and accident potential zone 1), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B), as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603 be approved on first reading. The motion passed by a vote of 7-0-2-0

Aye: 7 - Avila, Geislinger, Murray, Knight, Pico, Strand, and Williams

Absent: 2 - Gaebler, and Skorman

- 4B.K.** [CPC PUD 18-00091](#) The Pikes Peak Heights Development Plan for a development of a 42.9-acre site for 74 single-family attached and 120 single-family detached units located on Pikes Peak Avenue, east of Academy Boulevard.

(Quasi-judicial)

Related Files: CPC MP 85-217-A7MJ18, CPC PUZ 18-00089, CPC PUD 18-00091

Presenter:

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

Attachments: [FIGURE 2 - Development Plan](#)
[7.5.502.E Development Plan Review](#)
[7.3.606 PUD Development Plan](#)

Please see comments in Agenda item 4B.I.

Motion by Councilmember Geislinger, seconded by Councilmember Murray, to approve the development plan for 120 single-family detached and 74 single-family attached units based upon the findings proposal meets the review criteria for development plans as set forth in City Code Section 7.5.502(E) and criteria for PUD development plans set forth in City Code Section 7.3.606 subject to the following technical modifications:

1. Receive approval of the MDDP by City Stormwater Engineering.
2. Rename the 30-ft easement to "Public Drainage Easement"
3. Show the proposed public EDB maintenance access road a minimum of 15-ft wide.
4. Ensure Tract J is large enough to encompass the entire EDB and associated appurtenances.
5. Finalize developer built scope of trail construction on the plans to show the beginning and ending point.
6. Include a note that states "The ownership of Karr Road and additional easements were granted with Reception number 205200433 to Debarbet, LLC."

The motion passed by a vote of 7-0-2-0

Aye: 7 - Avila, Geislinger, Murray, Knight, Pico, Strand, and Williams

Absent: 2 - Gaebler, and Skorman

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11.A. [20-081](#) Ordinance No. 20-17 amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$121,000 for five additional projects and events recommended by the LART Citizen Advisory Committee

Presenter:

Charae McDaniel, Chief Financial Officer

Laurel Prud'homme, Chair, LART Citizen Advisory Committee

Attachments: [Ordinance for LART 2020 Additional Events-Feb 2020](#)
[FINAL 2020 LART Resolution Exhibit A](#)

Councilmember Knight recused himself because his wife is on the Board for the Challenger Learning Center which is one of the recipients.

There were no comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Williams, that the Ordinance amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$121,000 for five additional projects and events recommended by the LART Citizen Advisory Committee be approved on first reading. The motion passed by a vote of 5-0-3-1

Aye: 5 - Avila, Murray, Pico, Strand, and Williams

Absent: 3 - Gaebler, Geislinger, and Skorman

Recused: 1 - Knight

12. Public Hearing

- 12.A. [CPC PUZ 19-00155](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 15.67 acres located at the southwest corner of Woodmen Road and Austin Bluffs Parkway, changing the zoning from OC/PBC/AO/SS (Office Complex and Planned Business Center with Airport Overlay and Streamside Overlay) to PUD/AO/SS (Planned Unit Development: Single-Family Residential, maximum density of 3.6 dwelling units per acre, 35-foot maximum building height with Airport and Streamside Overlay).

(Quasi-judicial)

Related Files: CPC PUZ 19-00155, CPC CP 08-00142-A8MJ19, CPC PUD 19-00156

Presenter:

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

Attachments: [ZC ORD TrailsideAtCottonwoodCreek](#)
[EXHIBIT A - Legal Description](#)
[EXHIBIT B - Zone Change Depiction](#)
[VICINITY MAP](#)
[Fiscal Impact Analysis.Trailside](#)
[FIA_Response_Summit FIA Trails at Cottonwood Memo and Exhibit v2](#)
[CPC_Minutes_TrailsideAtCottonwoodCreek_draft](#)
[CPC Report_TRAILSIDE_PUZ CPA PUD](#)
[Figure 1 - Project Statement with Addendum November 2019](#)
[Figure 2 - Emails from neighbors](#)
[Figure 3 - Email from Academy School District 20](#)
[Figure 4 - PUD Zone Change Exhibit](#)
[Figure 5 - Concept Plan Amendment](#)
[Figure 6 - PUD Development Plan](#)
[Figure 7 - Area Context Map](#)
[Figure 8 - Planning Commission Meeting Minutes August 2019](#)
[Figure 9 - City Council Meeting Minutes September 24 2019](#)
[Figure 10- Request for Resubmittal_Trailside at Cottonwood Creek](#)
[Figure 11 - City Approval of Request for Resubmittal](#)
[Figure 12 - Topographic Site Analysis](#)
[Figure 13 - 30 ft retaining wall examples](#)
[Figure 14 - Economic Feasibility Study](#)
[Figure 15 - Support Letter from Cook](#)
[Figure 16 - Woodmen Rd Use Analysis](#)
[Figure 17 - 2008 zone changes and subdivision](#)
[7.3.603 Establishment & Development of a PUD Zone](#)
[7.5.603.B Findings - ZC](#)

Allan Brown, Springs Land Ventures, representing the applicant, stated they received the fiscal impact analysis a couple of days ago and would like to postpone the items for two weeks to review it and receive more detail from the City's Finance Office in regards to how some of the numbers were produced.

Councilmember Pico stated he does not agree with having the item postponed, but also does not want to require the applicant to have to support a document they are not completely familiar with.

Mr. Brown stated the fiscal impact analysis was requested by Councilmember Knight two weeks ago and does not believe it is a requirement for the action being requested.

Councilmember Knight stated he will not be supporting the request for postponement because the fiscal impact analysis should have already been included with the packet from the beginning.

Councilmember Williams stated the fiscal impact analysis is a complicated document which takes time to review and supports the postponement.

Councilmember Knight stated City Council should have been notified by the Administration earlier regarding the request for postponement.

Councilmember Murray requested the list of disagreements the applicant has with the fiscal analysis. Mr. Brown stated he does not have disagreement with it, they just need an understanding of where the summary numbers came from.

Motion by Councilmember Williams, seconded by Councilmember Pico, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 15.67 acres from OC/PBC/AO/SS (Office complex and Planned Business Center with Airport Overlay and Streamside Overlay) to PUD/AO/SS (Planned Unit Development: Single-Family Residential, maximum density of 3.6 dwelling units per acre, 35-foot maximum building height with Airport and Streamside Overlay), based upon the findings that the change of zone request complies with the review criteria for establishment of a PUD zone as set forth in City Code Section 7.3.603 and the zone change criteria as set forth in Section 7.5.603.B be postponed to the March 24, 2020 City Council meeting. The motion passed by a vote of 4-2-3-0

Aye: 4 - Avila, Pico, Strand, and Williams

No: 2 - Murray, and Knight

Absent: 3 - Gaebler, Geislinger, and Skorman

- 12.B.** [CPC CP 08-00142-A8 MJ19](#) A concept plan amendment changing the land use designation of the 15.67 acres from commercial and medical office to single-family residential, located at the southwest corner of Woodmen Road and Austin Bluffs Parkway.

(Quasi-judicial)

Related Files: CPC PUZ 19-00155, CPC CP 08-00142-A8MJ19, CPC PUD 19-00156

Presenter:

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

Attachments: [Figure 5 - Concept Plan Amendment](#)

[7.5.501.E Concept Plans](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Williams, seconded by Councilmember Pico, that the minor concept plan amendment, based upon the findings that the amended concept plan meets the review criteria for granting approval of a concept plan as set forth in City Code Section 7.5.501.E be postponed to the March 24, 2020 City Council meeting. The motion passed by a vote of 4-2-3-0

Aye: 4 - Avila, Pico, Strand, and Williams

No: 2 - Murray, and Knight

Absent: 3 - Gaebler, Geislinger, and Skorman

12.C. [CPC PUD
19-00156](#)

The Trailside at Cottonwood Creek PUD development plan proposing 56 single-family lots on 15.67 acres with a maximum building height of 35-feet, located at the southwest corner of Woodmen Road and Austin Bluffs Parkway.

(Quasi-judicial)

Related Files: CPC PUZ 19-00155, CPC CP 08-00142-A8MJ19, CPC PUD 19-00156

Presenter:

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

Attachments: [Figure 6 - PUD Development Plan](#)

[7.3.606 PUD Development Plan](#)

[7.5.502.E Development Plan Review](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Williams, seconded by Councilmember Pico, that the development plan for Trailside at Cottonwood Creek, based upon the findings that the development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.605, and the development plan review criteria as set forth in Section 7.5.502E be postponed to the March 24, 2020 City Council meeting. The motion passed by a vote of 4-2-3-0

Aye: 4 - Avila, Pico, Strand, and Williams

No: 2 - Murray, and Knight

Absent: 3 - Gaebler, Geislinger, and Skorman

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