



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, April 28, 2020

10:00 AM

Council Chambers

How to Watch the Meeting

How to Comment on Agenda Items

1. Call to Order

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

Councilmember Avila left the meeting at approximately 7:30 PM.

2. Invocation and Pledge of Allegiance

The Invocation was made by Councilmember Geislinger who read a prayer written by Pastor Greg Lindsey from Discovery Church

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

President Skorman stated citizens requested items 4B.E., 4B.F., 4B.G., and 4B.H. be removed from the Consent Calendar.

Consensus of Council agreed to these changes on the Agenda.

4. Consent Calendar

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

4A. Second Presentation:

4B. First Presentation:

- 4B.A.** [20-141](#) A resolution suspending the Rules of the City Council of the City of Colorado Springs and authorizing the conduct of electronic or telephonic quasi-judicial hearings and executive sessions during the period of the state of emergency declared for the City of Colorado Springs and resulting from a public health emergency caused by the 2019 Novel Coronavirus

Presenter:
Wynetta Massey, City Attorney

Attachments: [City Council Resolution Electronic Meetings 04-17-20.docx](#)

This Resolution was adopted on the Consent Calendar.

- 4B.B.** [20-177](#) City Council Regular Meeting Minutes April 14, 2020

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [4-14-2020 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

- 4B.C.** [20-142](#) Ordinance No. 20-19 amending Ordinance 02-24 to Allow City Council to Fill Vacancies on the Board of Directors of the Briargate Business Improvement District by Appointment.

(Legislative)

Presenters:
Carl Schueler, Comprehensive Planning Manager
Peter Wysocki, Planning and Community Development Director

Attachments: [Ordinance BriargateBID](#)
[Briargate BID Appt. Ordinance PowerPoint](#)
[Attachment 1- Ordinance 02-24](#)
[Attachment 2- Signed Resolution 139-19](#)

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

- 4B.D.** [CPC MPA](#)
[99-00208-A1](#)
[MJ19](#) A resolution approving a major amendment to the JL Ranch Master Plan changing 14.6 acres from commercial to multi-family residential located southwest of Pine Oaks Road and Highway 115.

(Legislative)

Presenter:
Lonna Thelen, Principal Planner, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [RES_JLRanch_MasterPlanAmendment](#)
[EXHIBIT A - JL Ranch Master Plan](#)
[Aerial Vicinity Map](#)
[VICINITY MAP](#)
[JL Ranch - Staff Powerpoint](#)
[CPC Staff Report_JL Ranch MP](#)
[Figure 1 - Project Statement](#)
[Figure 2 - JL Ranch Master Plan](#)
[Figure 3 - PlanCOS Vibrant Neighborhoods Framework Map](#)
[Figure 4 - Contextual Map](#)
[Figure 5 - FIA](#)
[CPC Minutes_JLRanchMPA-draft](#)
[7.5.408 Master Plan](#)

This Resolution was adopted on the Consent Calendar.

4B.I. [20-178](#) A Resolution setting the Gas Cost Adjustment effective May 1, 2020

Presenter:

Scott Shewey, Acting Chief Planning and Finance Officer

Attachments: [2-04-28-2020 CC Mtg-GCA Resolution](#)
[3- Sheet 2.4 G Rate Table - Redline](#)
[4- Sheet 2.4 G Rate Table - Final](#)
[5- GCA Schedule 1](#)

This Resolution was adopted on the Consent Calendar.

4B.J. [20-184](#) Agreement providing for water and wastewater services to land located outside the city limits of the City of Colorado Springs

Presenter:

Brian Whitehead, Manager of System Extensions, Colorado Springs Utilities

Attachments: [3764_RedCanonPI_RES-2020-04-10-clean.docx](#)

This Resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Gaebler, seconded by President Pro Tem Strand, 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, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

5. Recognitions

There were no Recognitions.

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

There was no Citizen Discussion at this time. Please see Citizen Discussion taken later in the meeting Agenda.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

- 4B.E.** [CPC PUZ 19-00118](#) Ordinance No. 20-22 amending the zoning map of the City of Colorado Springs pertaining to 170.6 acres located east of Tutt Boulevard and extending north and south of North Carefree Circle from A/PK/AO/SS (Agricultural and Public Parks with Airport and Streamside Overlay) to PUD/AO/SS (Planned Unit Development with Airport and Streamside Overlay).

(Quasi-judicial)

Related Files: CPC PUZ 19-00118, CPC ZC 19-00119, and CPC PUP 19-00120

Presenter:

Daniel Sexton, Principal Planner, Planning and Community Development
Peter Wysocki, Director Planning and Community Development

Attachments: [PUZ_ORD_GreenwaysAtSandCreek](#)

[Exhibit A - PUD Legal Description](#)

[Exhibit B - PUD Exhibit](#)

[Vicinity Map](#)

Daniel Sexton, Senior Planner, Planning and Community Development, presented the Ordinance amending the zoning map pertaining to 170.6 acres located east of Tutt Boulevard and extending north and south of North Carefree Circle known as the Greenways at Sand Creek project. He presented a vicinity map, site details, and public notification process. Mr. Sexton provided a brief background of the area, the area context map, current zoning, and proposed zoning. He identified the planned unit development (PUD) concept plan, traffic, drainage and geological hazards,

public comments, conformance with PlanCOS, and staff recommendations.

Wynetta Massey, City Attorney asked, in accord with City Council Rules 7-2, if any City Councilmembers received any ex parte communications in regards to these quasi-judicial items. All City Councilmembers identified any communication they had received and indicated they could remain fair and impartial decisions to the matters.

Councilmember Knight asked if high density housing is proposed for the area. Mr. Sexton stated it is envisioned as high residential, but the developer has not committed to one particular product type.

Councilmember Knight, Councilmember Pico, and Councilmember Murray asked if all park land dedication requirements are being met. Britt Haley, Design and Development Manager, Parks Recreation and Cultural Services, confirmed previous agreements will be satisfied through a monetary payment in lieu of park land and this land swap is separate from what park land dedication will need to be met if the development has residential permitted in this space.

Ms. Haley gave an overview of the land exchange between the City for 23.531 acres of property known as the Tutt Sports Complex and Classic Communities for 23.531 acres of property at the Springs Ranch Golf Course. She presented a context map and stated the monetary payment received from the original 1999 obligation will go toward improvements for Coleman Community Park. Ms. Haley stated the Parks Advisory Board unanimously approved the land exchange and there was no opposition voiced at the meetings.

Doug Stimple, CEO, Classic Communities, representing the applicant, gave a brief overview of history of their company, community context, Coleman Park, Tutt Sports Complex, proposed parks land swap, commercial context, multi-family context, single-family context, and zoning context. He identified their two-year robust engagement process, community concept planning, post-submittal changes they made based on community engagement, proposed density ranges and consistency with PlanCOS.

Kyle Campbell, Classic Consulting Engineers and Surveyors, LLC, representing the applicant, presented the proposed plans for Sand Creek

drainage and transportation.

Citizen Aaron Orek spoke in favor of the project.

Citizens Lowell Beal, Aaron Schick, Mike Luoma, Kevin Townsend, C. Jolly, and Kristen Lily spoke in opposition of the project.

Citizen Lou Morales, representing the SaveSpringsRanch Multi-HOA Coalition, provided a brief background of the coalition, Springs Ranch area, commitments/concessions from Classic Communities, and their remaining concerns which include buffers, drainage, deeded park land maintenance, wildlife and habitat protection, and traffic.

Councilmember Geislinger asked if the coalition will continue collaborating with Classic Communities throughout the development process. Mr. Morales confirmed they will continue to be involved with them to ensure the communities needs are met.

Councilmember Geislinger asked if the coalition represented six of the twenty-one HOAs adjacent to this project. Mr. Morales confirmed it did and those six are immediately adjacent to the golf course.

Councilmember Murray asked if Mr. Morales trusts the City and Developer will work with him regarding their concerns. Mr. Morales stated they have been very involved with the Parks Department and Classic Communities have committed through their concept plan that their development plan will not substantially differ from it.

Councilmember Knight asked if the coalition's remaining concerns were considered deal breakers for them. Mr. Morales stated they are satisfied with the accommodations that Classic Communities has offered.

Mr. Stimple stated the traffic study included the existing and projected impacts to traffic, there will be plenty of opportunity for public input in regards to neighborhood parks, and the land swap was fair based on the findings from both the City's and the developer's appraiser. He gave an overview of the elements determining the minimum open space buffer, the public input process, and the concessions given. Mr. Stimple stated the conversations with the impacted neighbors will continue during the development plan process and the project meets the review criteria.

Councilmember Knight and Councilmember Murray asked if the money received for the park land dedication obligations will stay in this neighborhood. Ms. Haley stated under the current Park Land Dedication Ordinance (PLDO), it could be used elsewhere, but they have already committed these dollars will be spent for developments in Coleman Community Park.

Councilmember Knight asked if City Council will be notified if the development plan does not match what is being proposed. Mr. Sexton stated if there are any significant or major changes to what has been proposed for the zoning, it will need to come before City Council.

Several Councilmembers expressed appreciation for the collaboration process between the developer and the neighborhood which took place during the planning of this project.

Councilmember Knight asked if it is the developer's or the City's choice as to whether a PLDO obligation is met by conveying land or payment in lieu of. Jeff Greene, Chief of Staff, stated it is the City's decision.

Councilmember Pico commented that this golf course is privately owned and he supports the proposed plan.

Councilmember Gaebler, Councilmember Williams, and Councilmember Avila stated they support the project.

Councilmember Geislinger stated this land swap is for the betterment of the City.

Motion by Councilmember Gaebler, seconded by Councilmember Williams, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 170.6 acres from A/PK/AO/SS (Agricultural and Public Parks with Airport and Streamside Overlay) to PUD/AO/SS (Planned Unit Development with Airport and Streamside Overlay), based upon the findings that the request meets the review criteria for establishing a PUD zone, as set forth in City Code Section 7.3.603, and the review criteria for a zone change, as set forth in City Code Section 7.5.603 with the land use, density/intensity and maximum building height controls for the Planned Unit Development zone district as outlined for each subarea in the ordinance be approved on first reading. The motion passed by a vote of 9-0-0

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

4B.F. [CPC ZC
19-00119](#)

Ordinance No. 20-23 amending the zoning map of the City of Colorado Springs pertaining to 23.5 acres located east of Tutt Boulevard and

extending north of North Carefree Circle from A/PK/AO/SS (Agricultural and Public Parks with Airport and Streamside Overlay) to PK/AO/SS (Public Parks with Airport and Streamside Overlay).

(Quasi-judicial)

Related Files: CPC PUZ 19-00118, CPC ZC 19-00119, and CPC PUP 19-00120

Presenter:

Daniel Sexton, Principal Planner, Planning and Community Development
Peter Wysocki, Director Planning and Community Development

Attachments: [ZC ORD GreenwaysAtSandCreekPark](#)

[Exhibit A - PK Legal Description](#)

[Exhibit B - PK Exhibit](#)

[Vicinity Map](#)

Please see comments on Agenda item 4B.E.

Motion by Councilmember Williams, seconded by President Pro Tem Strand, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 23.5 acres from A/PK/AO/SS (Agricultural and Public Parks with Airport and Streamside Overlays) to PK/AO/SS (Public Parks with Airport and Streamside Overlays), based upon the findings that the request meets the review criteria for a zone change, as set forth in City Code Section 7.5.603 be approved on first reading. The motion passed by a vote of 9-0-0

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

- 4B.G.** [CPC PUP 19-00120](#) A PUD concept plan for the Greenways at Sand Creek project illustrating residential, commercial, and civic uses and ancillary public improvements.

(Quasi-judicial)

Related Files: CPC PUZ 19-00118, CPC ZC 19-00119, and CPC PUP 19-00120

Presenter:

Daniel Sexton, Principal Planner, Planning and Community Development
Peter Wysocki, Director Planning and Community Development

Attachments: [FIGURE 3 - PUD Concept Plan](#)

[7.3.605 PUD Concept Plan](#)

[7.5.501.E Concept Plans](#)

Please see comments on Agenda item 4B.E.

Motion by President Pro Tem Strand, seconded by Councilmember Williams, that the PUD concept plan for the Greenways at Sand Creek project, based upon the findings that the request meets the review criteria for establishing a PUD concept plan, as set forth in City Code Section 7.3.605, and the review criteria for establishing a concept plan, 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, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

4B.H. [19-607](#)

A Resolution Authorizing a Land Exchange Between the City of Colorado Springs for 23.531 Acres of Property Known as the Tutt Sports Complex and Classic Communities a Delaware Limited Liability Company, for 23.531 Acres of Property at the Springs Ranch Golf Course

Presenter:

Britt Haley, Design & Development Manager, Parks Recreation & Cultural Services

Attachments: [Resolution Coleman Park Expansion Land Exchange_KB 2.14.20](#)
[Springs Ranch Concept Plan LE Jan2020](#)

Please see comments on Agenda item 4B.E.

Motion by Councilmember Geislinger, seconded by Councilmember Williams, that the Resolution to authorize a land exchange between the City of Colorado Springs for its 23.531 acre Tutt Sports Complex property and Classic Communities for its 23.531 acre Springs Ranch Golf Course property to allow expansion of Coleman Community Park as depicted on Exhibit 1 be adopted. The motion passed by a vote of 9-0-0

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

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

11.A. [20-148](#)

Ordinance No. 20-20 authorizing the issuance and delivery of the City's Series 2020 multi-family housing revenue bonds for the Atrium at Austin Bluffs Apartments project in one or more series, in the aggregate principal amount of \$8,000,000

Presenter:

Steve Posey, HUD Program Manager, Planning & Community Development

John Bayles, Fred Marienthal, Kutak Rock LLP
Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD Colorado Springs Atrium 2020](#)
[Colorado Springs Greccio Atrium 2020 Financing Agreement](#)
[Colorado Springs Atrium Tax Regulatory Agreement](#)
[Aerial Photo Map](#)

There were no comments on this item.

Motion by Councilmember Gaebler, seconded by Councilmember Williams, that the Ordinance authorizing the issuance and delivery of the City's Series 2020 multi-family housing revenue bonds for the Atrium at Austin Bluffs Apartments project in one or more series, in the aggregate principal amount of \$8,000,000 be approved on first reading. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Gaebler, Geislinger, Murray, Pico, Skorman, Strand, and Williams

No: 1 - Knight

12. Public Hearing

- 12.A.** [CPC V 19-00046](#) Ordinance No. 20-21 vacating a fifteen-foot public right-of-way described as a portion of the alley adjacent to Lot 1 and Lot 2, Block 2, Resubdivision of Arensdale, City of Colorado Springs and consisting of 0.05 acres.

Presenter:

Peter Wysocki, Director, Planning and Development Department
Rachel Teixeira, Planner II

Attachments: [ORD VROW N36thStAlley easement](#)
[EXHIBIT A - LEGAL DESCRIPTION](#)
[EXHIBIT B - SITE PLAN](#)

Rachel Teixeira, Planner II, Urban Planning Division, presented the Ordinance vacating a fifteen-foot public right-of-way adjacent to N. 36th Street consisting of 0.05 acres. She provided a brief background of the area, details of the proposed vacation, stakeholder notice, City Code criteria, and staff's recommendation.

Councilmember Williams asked if the property owners adjacent to the property were in support of the vacation. Ms. Teixeira confirmed they were.

Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the Ordinance vacating a fifteen-foot public right-of-way described as a portion of the alley adjacent to Lot 1 and Lot 2, Block 2, Resubdivision of Arensdale, City of Colorado Springs and consisting of 0.05 acres, based upon the finding that the application complies with the review criteria in City Code Section 7.7.402.C be approved on first reading. The motion passed by a vote of 9-0-0-0

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

12.B. [CPC PUZ 19-00155](#)

Ordinance No. 20-24 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](#)

Tasha Brackin, Senior Planner, Planning and Community Development, presented the 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. She presented a vicinity map, PLANCOS context maps, and area context map. Ms. Brackin gave an overview of the applications, site details, public notification, concept plan amendment, and development plan. She went over the prior project review, new project information, PlanCOS evaluation, public notice, neighborhood concerns, and staff recommendations.

Todd Frisbie, City Traffic Engineer, gave an overview of the traffic study which was conducted and stated the Traffic Engineering Department supports the applicant's proposed traffic plan.

Councilmember Murray asked what the impact of commercial versus residential traffic flow on Woodmen Road would be. Mr. Frisbie stated they estimate a commercial development such as a medical office complex could equate to three to four times the amount of traffic.

Councilmember Pico stated he is concerned with the traffic study. Mr. Frisbie stated they are satisfied with the results of the traffic analysis due to the proposed three-quarter access.

Councilmember Williams asked how the trip-generation rate would change if this parcel was used for restaurants or gas station type commercial rather than single-family residential. Mr. Frisbie stated it would also be three to four time the estimate of residential use.

Councilmember Knight stated a letter in the agenda packet states School District 20 (SD 20) opposes this project as a residential area. Ms. Brackin stated the City did receive a letter from SD 20 in regards to the original application in 2019 in opposition to the project, but in speaking with Don Smith, a SD 20 representative, they did not anticipate this development would generate a large number of students. Ms. Brackin stated they did not receive comment from SD 20 in response to the current application distribution notice.

Councilmember Williams asked about the fiscal impact analysis and the anticipated sales tax to be generated. Charae McDaniel, Chief Financial Officer, explained the methodology, assumptions used for the proposed development, and the proximity of commercial parcels to the site. Jeff Greene, Chief of Staff, identified how the commercial retail footprint within the City is decreasing based on the increase of internet sales.

Councilmember Williams disclosed he was previously the Chair of the Housing Authority Board when Creekside at Nor'Wood, the adjacent property, was built out, but does not have a current interest in the project property.

Allyn Brown, Springs Land Ventures, LLC, representing the applicant, gave

a brief overview of the history of their parent company, RMC Corporation, merits of the residential project, infill component, and a detailed description of the property. He identified the single access point of the parcel, development plan, and introduced the members of the project team.

Andrea Barlow, NES, representing the applicant, gave an overview of the application history, zoning, existing concept plan, proposed concept plan, proposed Planned Unit Development (PUD) plan, public process, new supporting material and data, topographic site analysis, and proposed grading plan comparison for residential versus office/commercial development. She identified the area commercial center retaining walls, economic feasibility study, past marketing efforts, and the analysis for the corridor, vacant land, and zoning. Ms. Barlow went over the zoning review criteria, consistency with PlanCOS, concept and development plan review criteria, density, proposed product, access analysis, and suitability/benefits of residential use, trail connectivity, and traffic access. She identified the letter of opposition from SD 20, in regards to long term planning, but they acknowledge this development will not generate many school age children.

Tom Binnings, Summit Economics, representing the applicant, gave a review of his fiscal impact analysis.

Councilmember Murray asked who will be paying for the eastbound Woodman Road cut-through and if there will be enough room for it. Ms. Barlow stated the cost will be the responsibility of the developer. Mike Rocha, Traffic Engineer, SM Rocha, LLC, representing the applicant, gave an overview of the location of the cut-through.

Councilmember Pico stated he is concerned with the safety of the acceleration and de-acceleration lanes for access to the property. Mr. Rocha went over the distance and spacing which would accommodate those movements.

Citizen Kevin Butcher, representing David C Cook, spoke in support of the project.

Councilmember Murray and Councilmember Knight stated they are concerned with the traffic impact on Woodman Road and this zone should be developed as commercial.

Councilmember Geislinger stated he does not believe commercial can be developed in this area and the proposed project is the best use of this property.

President Skorman spoke in support of the project.

Motion by President Pro Tem Strand, seconded by Councilmember Williams, 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 approved on first reading. The motion passed by a vote of 6-2-1-0

Aye: 6 - Gaebler, Geislinger, Pico, Skorman, Strand, and Williams

No: 2 - Knight, and Murray

Absent: 1 - Avila

- 12.C.** [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.B.

Motion by President Pro Tem Strand, seconded by Councilmember Williams, 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 approved. The motion passed by a vote of 6-2-1-0

Aye: 6 - Gaebler, Geislinger, Pico, Skorman, Strand, and Williams

No: 2 - Knight, and Murray

Absent: 1 - Avila

- 12.D.** [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.B.

Motion by Councilmember Williams, seconded by Councilmember Gaebler, 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 approved. The motion passed by a vote of 6-2-1-0

Aye: 6 - Gaebler, Geislinger, Pico, Skorman, Strand, and Williams

No: 2 - Knight, and Murray

Absent: 1 - Avila

- 12.E.** [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](#)

Matthew Fitzsimmons, Planner II, Urban Planning Division, presented the appeal of the Downtown Review Board's denial of a form-based zone conditional use development plan for a medical marijuana (MMJ) cultivation operation located at 910 South Nevada Avenue. He provided a brief background of the current zoning in the area, property, and proposed uses. Mr. Fitzsimmons gave an overview of the site plan, conditional use criteria, supporting arguments for conditional use, stakeholder input, Downtown Review Board's main reasons for denial, and staff's recommendation.

Councilmember Williams asked if the neighbors in opposition are adjacent to the site. Mr. Fitzsimmons stated they are not immediately adjacent to the property; they are located one to two blocks away.

Councilmember Williams asked if it would be a conditional use violation if there was an odor detected from the facility. Mr. Fitzsimmons stated it would be a code violation which would have to be remedied. Sarah B. Johnson, City Clerk, stated odor mitigation is also required as part of the compliance required with an MMJ license.

Councilmember Williams asked if the storefront closed if it would be a conditional use violation. Mr. Fitzsimmons stated there has to be an active use in the front, it cannot be incorporated into the cultivation operation.

Councilmember Knight asked if the applicant presented the information regarding the filtration system to the Downtown Review Board. Mr. Fitzsimmons stated the applicant attempted to explain it to them, but it was not illustrated on the plan.

Councilmember Geislinger asked if the regulatory MMJ license requirements have been met. Ms. Johnson stated it would still have to go through the state and City process, but they are aware of the applicant's request regarding the location change.

Randy Tuck, representing the applicant, gave an overview of their application of a conditional use for a MMJ cultivation operation in a form-based zone, the concerns which were addressed, and the proposed landscaping along Nevada Avenue. He identified their solutions for odor mitigation which include a specialized HVAC system provided by EC51, misters, and can fan charcoal scrubbing assemblies, the proposed activation of a retail store front for cannabidiol (CBD) products, surrounding buildings, and compliance with the Mill Street Neighborhood Plan and PlanCOS. Mr. Tuck stated they received a letter of support from the Downtown Partnership and will be compliant with whatever is required to meet the criteria.

Councilmember Williams read the provisions of City Code 7.3.205(M)(4) and asked if the facility will be able to meet those standards. Mr. Tuck agreed they would.

Councilmember Gaebler and President Skorman spoke in support of the improvements proposed for the property.

Councilmember Geislinger stated he believes the appeal review criteria has been met.

Councilmember Knight asked if the letter of support from the Downtown Partnership was presented to the Downtown Review Board. Mr. Fitzsimmons confirmed it was.

Councilmember Knight and Councilmember Pico stated they support the decision made by the Downtown Review Board.

Motion by Councilmember Williams, seconded by Councilmember Gaebler, to uphold the appeal and overturn the Downtown Review Board's decision thereby approving the conditional use development plan for a medical marijuana cultivation operation within the Form-Based Zone - Transition Sector 1 (FBZ-T1) located at 910 South Nevada Avenue based upon the findings the appellant met the appeal criteria in City Code Section 7.5.906.A.4 and that the conditional use development plan complies with the conditional use review criteria in City Code Section 7.5.704 once the technical modifications are complete.

Technical modifications to the Conditional Use plan:

- 1. Finalize landscaping plants and perimeter - landscaping should extend to the curb cut on the SE side.**
- 2. Revise the plan to show proposed façade improvements on the parapet.**
- 3. Edit or remove the Book and Page reference on the east side of the property per the Surveyor's comments.**
- 4. Show ADA route from the parking space to the door and indicate that it does not exceed a 2% slope.**
- 5. Renumber the pages to include the 4th page.**
- 6. Include a note on the plan where the odor filters will be located and illustrate.**
- 7. Update the plan's parking calculations for FBZ:**

- a. Grow = 1 Stall per 1000 Square feet,
 - b. Store = 1 Stall per 500 Square feet,
 - 8. Update the plan to show all existing utilities per CSU review comments.
- The motion passed by a vote of 5-3-1-0

Aye: 5 - Gaebler, Geislinger, Murray, Skorman, and Williams

No: 3 - Knight, Pico, and Strand

Absent: 1 - Avila

13. Added Item Agenda

There were no items added to the Agenda.

14. Executive Session

14.A. [20-186](#)

In accord with City Charter Art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b) and (c), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issue to be discussed includes consultation with the City Attorney for the purpose of receiving legal advice on specific legal questions related to the Coronavirus Relief Fund (CARES Act).

The President of Council shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may hold a Closed Executive Session. If consent to the Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

Presenter:

Wynetta Massey, City Attorney

Attachments: [04282020ClosedSession](#)

Wynetta Massey, City Attorney, Office of the City Attorney, stated that in accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b) and (e), the City Council, in Open Session, is to determine whether it will hold an electronic Closed Executive Session. The issues to be discussed includes 1) consultation with the City Attorney for the purpose of receiving legal advice on specific legal questions related to the Coronavirus Relief Fund (CARES Act) and 2) the procedure for conduct of the quasi-judicial items in the electronic Regular City Council meeting.

President Skorman polled City Council regarding the desire to proceed with an electronic Closed Executive Session. At least two-thirds of City Council agreed to proceed in an electronic Closed Executive Session.

Each City Councilmember participating the electronic Closed Executive Session affirmatively stated for the record that no other member of the public not authorized to participate in the electronic Closed Executive Session was present or able to hear the matters discussed as part of the Closed Executive Session.

Councilmember Pico and Councilmember Murray voted no to proceeding with the second item of the electronic Closed Executive Session. A majority of City Council agreed to proceed with the second item in an electronic Closed Executive Session

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

Citizen Laurel Anne Flahive spoke in opposition of Governor Polis' Executive Order regarding the City's lock down and social distancing restrictions in response to COVID-19.

15. Adjourn

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

Sarah B. Johnson, City Clerk