



City of Colorado Springs

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

Meeting Minutes City Council

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

Tuesday, August 25, 2020

10:00 AM

Council Chambers

How to Watch the Meeting

Coloradosprings.gov/springstv | Facebook Live: Colorado Springs City Council
Facebook Page @coscity Council | SPRINGS TV - Comcast Channel 18 / 880 (HD)
- CenturyLink Channel 18

How to Comment on Agenda Items

Before the meeting, you may email general comments for items not on the agenda or comments regarding agenda items to: allcouncil@coloradosprings.gov

During the meeting, those who wish to comment should submit their name, telephone number, and the topic or agenda item for comment via allcouncil@coloradosprings.gov in addition to calling +1 720-617-3426 United States, Denver (Toll) and entering this Conference ID: 156 78 281#

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

President Skorman left at approximately 4:22 PM.

2. Invocation and Pledge of Allegiance

The Invocation was made by Chaplain Larry Selman from Crossroads Chapel and the Colorado Springs Police Department.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

There were no changes to the Agenda.

4. Consent Calendar

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

4A. Second Presentation:

- 4A.A. [20-313](#) Ordinance No. 20-56 amending ordinance No. 19-87 (2020 Appropriation Ordinance) for a supplemental appropriation to the Public Space and Development Fund in the amount of \$3,700,000 to fund the completion of redevelopment construction of Panorama Park

Presenter:

Connie Schmeisser, Landscape Architect II

Britt Haley, Parks Design & Development Manager

Attachments: [PanoramaParkPLDOSuppl AppropriationORD](#)

[Panorama Park Supplemental Appropriation Work Session July 27 2020](#)

This Ordinance was finally passed on the Consent Calendar

4B. First Presentation:

- 4B.A. [20-467](#) City Council Regular Meeting Minutes August 11, 2020

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [8-11-2020 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

- 4B.B. [20-482](#) Appointments to Boards, Commissions, and Committees

Presenter:

Michael Montgomery, Deputy Council Administrator

Attachments: [082520 Boards and Commissions](#)

This Item was approved on the Consent Calendar.

- 4B.C. [CPC ZC 19-00131](#) An Ordinance amending the zoning map of the City of Colorado Springs pertaining to 1.13-acre from Single-Family Residential (R1-6000) to Intermediate Business with Conditions of Record (C-5/cr), located south of Austin Bluffs Parkway to the southwest of the Austin Bluffs Parkway/Meadow Lane/Regent Circle intersection.

(Quasi-Judicial)

Related Files: CPC ZC 19-00131, CPC DP 19-00132

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Attachments: [ZC ORD AustinBluffsHeights](#)

[Exhibit A - Legal Desc](#)

[Exhibit B - Zone Change](#)

[Vicinity Map](#)

[CPC_AustinBluffsHeights_staff_DJS](#)

[CPC Report_Austin Bluffs Heights](#)

[Zone Change Exhibit](#)

[Development Plan](#)

[Project Statement](#)

[PlanCOS Vision Map](#)

[UCCS Correspondence](#)

[Context Map](#)

[7.5.603 Findings - ZC](#)

This Ordinance was approved on first reading on the Consent Calendar

4B.D. [CPC DP 19-00132](#)

A Development Plan for Austin Bluffs Heights to allow construction of a multi-tenant commercial building.

(Quasi-Judicial)

Related Files: CPC ZC 19-00131, CPC DP 19-00132

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Attachments: [Development Plan](#)

[7.5.502.E Development Plan Review](#)

This Item was approved on the Consent Calendar.

4B.E. [CPC PUZ 20-00053](#)

An ordinance amending the zoning map of the City of Colorado Springs relating to 38.98 acres generally located south of Woodmen Road and east of the Adventure Way and Nevada Lane intersection from A/SS/AO (Agriculture with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: 45-foot maximum height; PBC land uses and multi-family; 9.15 dwelling units per acre with Streamside and

Airport Overlays).

(Quasi-Judicial)

Related file: CPC PUD 20-00054

Presenter:

Hannah Van Nimwegen, Senior Comprehensive Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

Attachments: [ZC ORD CottagesAtWoodmenHeights](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Legal Description Depicted](#)

[Vicinity Map](#)

[Staff - Cottages at Woodmen Heights](#)

[CPC Staff Report Cottages at Woodmen Heights](#)

[Development Plan](#)

[Project Statement](#)

[Surrounding Zoning & Land Uses](#)

[Public Comments](#)

[Public Comment -Concerns about Cottages at Woodman Heights](#)

[CPC PUZ 20-00053](#)

[CPC Minutes CottagesAtWoodmen_draft](#)

[7.5.603.B Findings - ZC](#)

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

This Ordinance was approved on first reading on the Consent Calendar

4B.F. [CPC PUD 20-00054](#)

The Cottages at Woodmen Heights Development Plan for 38.98 acres containing a mix of commercial and multi-family land uses generally located south of Woodmen Road and east of the Adventure Way and Nevada Lane intersection.

(Quasi-Judicial)

Related File: CPC PUZ 20-00053

Presenter:

Hannah Van Nimwegen, Senior Comprehensive Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

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.G.** [CPC PUZ 19-00126](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 12.89 acres located south and east of the Tutt Boulevard and Templeton Gap Road roundabout from A/AO (Agriculture with an Airport Overlay) to PUD/AO (Planned Unit Development: 35-foot maximum height, single-family detached units, 5.04 dwelling units per acre with an Airport Overlay)

(Quasi-Judicial)

Related File: CPC PUZ 19-00126, CPC PUD 19-00127

Presenter:

Hannah Van Nimwegen, Senior Comprehensive Planner, Planning & Community Development

Peter Wysocki, Planning & community Development Director

Attachments: [ZC_ORD_HansenRanch](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Legal Description Depicted](#)
[Vicinity Map](#)
[Staff - Hansen Ranch](#)
[CPC Staff Report Hansen Ranch](#)
[Development Plan](#)
[Project Statement](#)
[Surrounding Zoning & Uses](#)
[Public Comments](#)
[Map of Neighborhood Concerns](#)
[CPC_Minutes_HansenRanch_draft](#)
[7.5.603.B Findings - ZC](#)
[7.3.603 Establishment & Development of a PUD Zone](#)

This Ordinance was approved on first reading on the Consent Calendar

- 4B.H.** [CPC PUD 19-00127](#) The Hansen Ranch Development Plan for 12.89 acres containing 65 single-family detached residential units generally located south and east of the Tutt Boulevard and Templeton Gap Road roundabout

(Quasi-Judicial)

Related File: CPC PUZ 19-00126, CPC PUD 19-00127

Presenter:

Hannah Van Nimwegen, Senior Comprehensive Planner, Planning & Community Development

Peter Wysocki, Planning & community Development Director

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.I. [CPC V
20-00089](#)

An ordinance vacating portions of a public right-of-way described as the ten foot wide east - west alley in Block 260 as platted in White, Wolfe & Sweets Subdivision of Blocks Number 259 and 260 in Addition Number One to the Town of Colorado Springs consisting of 0.092 of an acre.
(LEGISLATIVE)

Presenter:

Ryan Tefertiller, Planning Manager, Planning and Community Development Department

Peter Wysocki, Planning Director, Planning and Community Development Department

Attachments: [VROW ORD Block260Alley](#)
[Exhibit A - Legal description](#)
[Exhibit B - Vacation Plat](#)
[Downtown Partnership Opinion Weidner Alley Vacation](#)
[Block 260 Alley Context Map](#)

This Ordinance was approved on first reading on the Consent Calendar

Approval of the Consent Agenda

Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, 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

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

5. Recognitions

5.A. [20-470](#)

A Proclamation celebrating August 24th, 2020 as Milton O. & Darlene C. Johnson Day

Presenter:
Jill Gaebler, Councilmember District 5

Attachments: [Milt and Darlene Johnson Proc REVISED](#)

Councilmember Gaebler read a Proclamation celebrating August 24th, 2020 as Milton O. & Darlene C. Johnson Day.

Mayor Suthers gave an overview of the generosity of Mr. and Mrs. Johnson

Brian Werner, nephew of Milton O. and Darlene C. Johnson expressed appreciation for the Proclamation.

5.B. [20-471](#) A Proclamation celebrating September 7-11, 2020 as Payroll Week

Presenter:
Andy Pico, Councilmember District 6

Attachments: [Payroll Week Proclamation](#)

Councilmember Pico introduced Payroll Agents Julie Eidal, Sheila Buswell, Tricia Conklin, Janet Corns, Joanie Jones, Josette Hempfill, and Amanda Shoup and read a Proclamation celebrating September 7-11, 2020 as Payroll Week.

Julie Eidal, Payroll Manager, gave an overview of the functions of payroll and expressed appreciation for the Proclamation.

Michael Montgomery, Deputy City Council Administrator, introduced the staff of the City's Payroll Department; Judy Mitchell, Leanne DeOlivera, Tammy Baraw, and Jared Tally.

Charae McDaniel, Chief Financial Officer, expressed appreciation for the outstanding efforts of the payroll team.

5.C. [20-483](#) A Proclamation celebrating August 25th Western Wear Day

Presenter:
Don Knight, Councilmember District 1

Attachments: [Western Wear 08.25.2020](#)

Councilmember Knight gave an overview associated with the City's western heritage and read a Proclamation recognizing August 25, 2020 as Western Wear Day.

Mike McCoy, Pikes Peak or Bust Rodeo, and Allen Gasper, President Range Riders, expressed appreciation for the Proclamation.

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

Jacqueline Armendariz, Community Stakeholders Justice Coalition, stated she feels she experienced discrimination when the City's Quality of Life Team removed the Black Lives Matter message on a pedestrian bridge.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

9. Utilities Business

- 9.A. [20-428](#) A resolution setting the Electric Cost Adjustment effective September 1, 2020

Presenter:

Scott Shewey, Chief Planning and Finance Officer, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [POSTPONED 08-25-2020 CC Mtg-ECA Resolution](#)
[POSTPONED ECA Sheet 2.9 E Rate Tbl - Final](#)
[POSTPONED ECA Sheet 2.9 E Rate Tbl - Redline](#)
[Signed Resolution 69-20.pdf](#)

Scott Shewey, Chief Planning and Finance Officer, Colorado Springs Utilities, presented the proposed rate adjustment of the Electric Cost Adjustment (ECA) which would increase to \$0.0185 per kWh.

Motion by Councilmember Murray, seconded by Councilmember Geislinger, that the Resolution setting the Electric Cost Adjustment effective September 1, 2020 be adopted. The motion passed by a vote of 5-4-0-0

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

No: 4 - Knight, Pico, Strand, and Williams

10. Unfinished Business

- 10.A. [20-455](#) Ordinance No. 20-54 submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the

special municipal election to be held at the coordinated election conducted by mail ballot to be held on November 3, 2020, amending section 3-70 of the City Charter relating to conveyances of City-owned parkland, providing for the form of the ballot title, providing for certain matters with respect to the election, and providing the effective date of this ordinance

Presenter:
Wayne Williams, City Councilmember

Attachments: [Charter-Amendment-ParklandConveyances-2020-07-30_sec3-70-DRA FT.docx](#)
[4th UPDATED Exhibit A -- Copy of ParklandInventoryList_2020_08042020_Final.xlsx](#)
[Signed Ordinance 20-54.pdf](#)

There were no comments on this item.

Motion by Councilmember Williams, seconded by Councilmember Knight, that the Ordinance submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the special municipal election to be held at the coordinated election conducted by mail ballot to be held on November 3, 2020, amending section 3-70 of the City Charter relating to conveyances of City-owned parkland, providing for the form of the ballot title, providing for certain matters with respect to the election, and providing the effective date of this Ordinance be finally passed. The motion passed by a vote of 5-4-0-0

Aye: 5 - Gaebler, Geislinger, Knight, Pico, and Williams

No: 4 - Avila, Murray, Skorman, and Strand

10.B. [20-281](#)

Ordinance No. 20-55 submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the special municipal election to be held at the coordinated election conducted by mail ballot to be held on November 3, 2020, adding a new section 11-80 of the City Charter relating to conveyances of City-owned parkland, providing for the form of the ballot title, providing for certain matters with respect to the election, and providing the effective date of this ordinance

Presenter:
Richard Skorman, Third District City Councilmember
Kent Obee

Attachments: [2020-Option4-POPS-Charter-Amendment-ParklandConveyances-2020-08-04_clean.docx](#)
[4th UPDATED Exhibit A -- Copy of ParklandInventoryList_2020_08042020_Final.xlsx](#)
[POPS-WhatWhy.doc](#)
[Signed Ordinance 20-55.pdf](#)

President Pro Tem Strand stated he is concerned that having both Ordinances on the ballot will add confusion to the voters and may result in both issues failing. Councilmember Geislinger stated he trusts the voters are able to distinguish between these two issues of governance.

Sarah B. Johnson, City Clerk, did a random lottery-style drawing with item 10.B. being drawn before 10.A which will be on the ballot in that order.

Councilmember Murray requested item 10.B. be listed first on the ballot. Councilmember Williams identified that state law requires Taxpayer Bill of Rights (TABOR) issues be placed in front of Charter issues and State and County issues are placed before City issues.

Motion by President Pro Tem Strand, seconded by Councilmember Murray, that the Ordinance submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the special municipal election to be held at the coordinated election conducted by mail ballot to be held on November 3, 2020, adding a new section 11-80 of the City Charter relating to conveyances of City-owned parkland, providing for the form of the ballot title, providing for certain matters with respect to the election, and providing the effective date of this Ordinance be finally passed. The motion passed by a vote of 5-4-0-0

Aye: 5 - Avila, Gaebler, Murray, Skorman, and Strand

No: 4 - Geislinger, Knight, Pico, and Williams

11. New Business

11.A. [20-240](#) A resolution approving a service plan allowing for the creation of the Reagan Ranch Metropolitan District Nos. 1-3.

(Legislative)

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development

Peter Wysocki, Director of Planning and Community Development

Attachments: [Resolution](#)
[Powerpoint](#)
[Attachment 1-2020 07 01 - Service Plan - Reagan Ranch MD Nos. 1 - 3](#)
[Attachment 2-Service Plan Transmittal Letter - Reagan Ranch MD Nos. 1-3](#)
[Attachment 3 -Supplement to Service Plan - Reagan Ranch MD Nos. 1-3](#)
[Attachment 4- 2020 07 01 - Revised Supplement to Service Plan - Reagan Ranch MD Nos. 1-3](#)
[Attachment 5-2020 07 01 - Redline Service Plan - Reagan Ranch MD Nos. 1-3](#)
[Attachment 6- MD Public Improvement Map](#)
[Attachment 7-Public Improvement Table {final}](#)
[Attachment 8-Reagan Ranch MD No. 2 - Regional Public Improvements Summary - with Initial Inclusions {final}](#)
[Attachment 9-Reagan Ranch Metropolitan District No. 1 - Public Improvements Summary - Initial Inclusions {final}](#)
[Attachment 10- Reagan Ranch Metropolitan District No. 1 - Regional Public Improvements Summary {final}](#)
[Attachment 11- Reagan Ranch Metropolitan District No. 2 - Public Improvements Summary - Future Inclusions {final}](#)
[Attachment 12- Reagan Ranch Metropolitan District No. 2 - Regional Costs](#)
[Attachment 13- Reagan Ranch Metropolitan District No. 3 Public Improvements Summary - Initial Inclusions {final}](#)
[Schueler let 08.18.20](#)
[Ellicott Resolution signed 8 10 2020 \(002\)](#)
[Signed Resolution 70-20.pdf](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the Resolution approving a service plan for the Reagan Ranch Metropolitan District Nos. 1-3, identified the overlap area with Ellicott Metropolitan District, and gave an overview of the two overlapping service agreements between the two districts, service plan authorized functions, and Conservation Trust funds prohibition in service plans.

Motion by Councilmember Geislinger, seconded by Councilmember Pico, that the Resolution approving a service plan allowing for the creation of the Reagan Ranch Metropolitan District Nos. 1-3 as amended to include the two overlapping service agreements between the Reagan Ranch Metropolitan District Nos. 1-3 and Ellicott Metropolitan District be adopted. The motion passed by a vote of 9-0-0

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

11.B. [20-408](#)

Resolution authorizing the Allison Valley Metropolitan District No. 1 to issue debt in the form of general obligation limited tax refunding bonds in principal (par) amount not to exceed \$10,000,000.

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development Department

Peter Wysocki, Director of Planning and Community Development

Attachments: [Resolution- AllisonValleyDistrict 1](#)

[1 - AVMD 1 and 2 - Financing - Cover Letter - Final II](#)

[2 - Bond Resolution Allison Valley #1 2020 Bonds 53449325 2](#)

[3 - Indenture Allison Valley MD #1 53273672 3](#)

[4- 2020-07-30 Allison Valley MD No. 1 - 2020 Fixed Rate Cash Flow](#)

[Summary - Preliminary Numbers](#)

[Allison Valley PowerPoint](#)

[Signed Resolution 71-20.pdf](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the Resolution authorizing the Allison Valley Metropolitan District No. 1 and 2 to issue debt in the form of general obligation limited tax refunding bonds.

There were no comments on this item.

Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the Resolution authorizing the Allison Valley Metropolitan District No. 1 to issue debt in the form of general obligation limited tax refunding bonds in principal (par) amount not to exceed \$10,000,000 be adopted. The motion passed by a vote of 9-0-0

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

11.C. [20-410](#)

Resolution authorizing the Allison Valley Metropolitan District No. 2 to issue debt in the form of general obligation limited tax refunding bonds in principal (par) amount not to exceed \$13,500,000.

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development Department

Peter Wysocki, Director of Planning and Community Development

Attachments: [Resolution- AllisonValleyDistrict 2](#)

[1 - AVMD 1 and 2 - Financing - Cover Letter - Final II](#)

[2 - Bond Resolution Allison Valley #2 2020 Bonds 53272029 2](#)

[3 - Indenture Allison Valley MD #2 53262614 3](#)

[4- 020-07-30 Allison Valley MD No. 2 - 2020 Fixed Rate Cash Flow](#)

[Summary - Preliminary Numbers](#)

[Signed Resolution 72-20.pdf](#)

Please see comments in Agenda item 11.B.

Motion by President Pro Tem Strand, seconded by Councilmember Williams, that the Resolution authorizing the Allison Valley Metropolitan District No. 2 to issue debt in the form of general obligation limited tax refunding bonds in principal (par) amount not to exceed \$13,500,000 be adopted. The motion passed by a vote of 9-0-0-0

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

12. Public Hearing

- 12.A. [AR R](#) An appeal of the Historic Preservation Board's approval of the Report of
[20-00516-HP](#) Acceptability for construction of a new single-family residence located at
[B](#) 15 West Del Norte Street.

(Quasi-Judicial)

Presenter:

Gaby Serrano, Planner II, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Attachments: [Appeal Statement](#)
[Appeal Statement exhibits](#)
[Public Comment Escovitz](#)
[Applicant's Rebuttal to Appeal](#)
[CC 15 W Del Norte Street staff](#)
[Staff Report - 08.03.20](#)
[Staff Report - 07.06.20](#)
[Project Statement - 08.03.20](#)
[Project Statement - 07.06.20](#)
[Site Plan and Elevations - 08.03.20](#)
[Site Plan - 07.06.20](#)
[Example of Architecture - 07.06.20](#)
[Materials - 08.03.20](#)
[15 w del norte st rendering lr](#)
[15 w del norte street](#)
[Support Comment](#)
[Public Comments 08.03.20](#)
[Additional Public Comments](#)
[Public Comments - 07.06.20](#)
[Colorado Certified Local Government Handbook](#)
[National Register of Historic Places Inventory Nomination Form](#)
[Section 7.5.1605\(C\)](#)
[7.5.1601 Historic Preservation Board](#)
[7.5.1602 HPB Definitions](#)
[7.5.902 Public Notice](#)
[7.5.906 \(B\) Appeal](#)
[July HPB minute – Del Norte only](#)
[HPB Minutes 15WDelNorte draft](#)

Gaby Serrano, Planner II, Planning and Community Development, stated this is an appeal of the Historic Preservation Board's (HPB) approval of the Report of Acceptability for construction of a new single-family residence located at 15 West Del Norte Street. She gave a brief overview of the vicinity map/zoning, appeal, general property information, public notice and involvement, history of the property, Tudor Style, project overview, elevations, appeal statement responses, surrounding properties, justifications from the HPB, and staff recommendations.

Councilmember Gaebler asked when the City realized it did not have a

Resolution on the design standard for the Old North End. Daniel Sexton, Principal Planner, Planning and Community Development, stated staff has been aware of this for at least four years and the HPB utilizes the design standard as a tool in their decision making criteria.

Councilmember Knight asked if the other variances in the area are setback variances. Ms. Serrano stated there are also relief and lot coverage variances. Councilmember Knight stated there does not seem to be coverage variances in excess. Meggan Herington, Assistant Director, Planning and Community Development, stated when staff calculates lot coverage, they include garages, but this item is only calculating the coverage area of the house.

Councilmember Knight asked if 15 West Del Norte has any variances which no other surrounding properties have. Peter Wysocki, Planning and Community Development Director, stated the proposed footprint of the structure is similar to adjoining properties, this appeal is not regarding the variances, and many of the properties in the area may be legally nonconforming. Ms. Serrano stated the proposed building footprint is 1,380 square foot and the lot size is 3,750 square feet.

Councilmember Williams and Councilmember Knight asked if this lot existed before the R-9000 zoning standard. Mr. Wysocki stated it is a legally platted lot and Ms. Herington stated the lot was platted in 1923 and the zoning map was adopted in 1926.

Councilmember Geislinger asked if the non-use variance and HPB application could be reviewed simultaneously. Mr. Wysocki stated it is because the HPB does not have the authority over non-use variances, but they can discuss the process further at a later time.

Mike Anderson, resident/member of the Old North End Neighborhood, representing the appellant, gave an overview of the appeal, chronology of North End Historic Preservation overlay zone, and reasons the HPB decision should be reversed.

Pat Doyle, resident/member of the Old North End Neighborhood, representing the appellant, provided a history of the Old North End Neighborhood committee and the North End Historic Preservation overlay zone.

Mr. Wysocki gave an overview of the design standard appeal criteria.

Bob Loevy, resident/member of the Old North End Neighborhood, representing the appellant, identified the non-conforming proposed design aspects of the project.

Councilmember Geislinger asked the appellant if they were provided adequate opportunity to present the substance of their argument regarding design standards. Mr. Anderson stated they were not. Councilmember Gaebler commented that the decision needed to be made today is whether the HPB made the right decision, not the other issues being identified.

Adam Ackerman, the applicant, gave an overview of the homes in the Historic Preservation overlay zone on lots of 3,750 square feet or less, lots 1,2050 square feet smaller than their lot, and the proposed lot coverage. He provided examples of Tudor revival homes, other Tudor revivals in the Old North End, slate composite, casement windows, and neighbor homes. Mr. Ackerman also presented photos of the street where the property is located.

Citizens Bill Escovitz, Sari Escovitz, Michael Guthrie, Walter Sargent, Fawn Bell, and Tim Boddington spoke in opposition of the project.

Citizen Julie Lafitte spoke in favor of the project.

Mr. Ackerman stated they followed the City's established processes in good faith and many of the historical homes in the area would require variances if they were built today.

President Skorman asked if the variances were appealed if it would come before City Council. Mr. Wysocki confirmed it would.

Councilmember Knight asked if the HPB considered the design standards which were passed in 1990 in making their decision. Ms. Serrano confirmed they did.

Councilmember Geislinger stated he believes this project is similar to other homes in the area and meets the standards and guidelines of the area.

Councilmember Gaebler stated she is very comfortable that City Council followed the quasi-judicial process as normal and the HPB unanimously approved this project twice.

Councilmember Knight stated there have been instances when City Council has allowed more than thirty minutes to speakers, but the parties need to be told in advance what their time limit will be. He stated the variance applications should be reviewed prior to review by the HPB, but whether or not they were approved, would not influence his decision to support the denial of the appeal.

Councilmember Murray stated this needs to be sent back to the HPB, worked out by the community, he believes this is precedent setting, and he will not be supporting the denial of the appeal.

Councilmember Williams states he believes adequate time was provided, this home matches other home in the Old North End, and supports the denial of the appeal.

President Pro Tem Strand in light of the COVID-19 environment, he believes City Council has done the best they can with giving both sides adequate time. He asked if he can make an amendment to the motion to send this back for review by the HPB. Marc Smith, Division Chief, Corporate Legislative Counsel, stated a motion to refer this back to the HPB would take precedent over the motion to deny the appeal.

Ben Bolinger, Senior Attorney, City Attorney's Office, identified the difference between design guidelines and design standards, stated he did not find a Resolution for design standards in City Code and therefore the guidelines provided are for informational purposes and are not one of the City Code's four review criteria for the appeal.

Councilmember Gaebler stated the process is not under the purview of the HPB and the decision has already been made by the HPB in regards to the design guidelines.

Councilmember Pico stated the HPB has reviewed this plan twice, it is consistent with much of the architecture in the area, and he supports the motion to deny the appeal.

Councilmember Avila stated based on the information provided today and the HPB review, she will be supporting the motion to deny the appeal.

Motion by President Pro Tem Strand, seconded by Councilmember Murray, to remand the Report of Acceptability for construction of a new single-family residence located at 15 West Del Norte Street back to the Historic Preservation Board for review. The motion failed by a vote of 4-5-0-0

Aye: 3 - Murray, Skorman, and Strand

No: 6 - Avila, Gaebler, Geislinger, Knight, Pico, and Williams

Motion by Councilmember Geislinger, seconded by Councilmember Gaebler, to deny the appeal and uphold the Historic Preservation Board's approval of the Report of Acceptability for construction of a new single-family residence located at 15 West Del Norte Street based on the finding that the appeal does not meet the appeal criteria set forth in City Code Section 7.5.906 (B) and project meets the review criteria set forth in City Code Section 7.5.1605(C). The motion passed by a vote of 6-3-0-0

Aye: 6 - Avila, Gaebler, Geislinger, Knight, Pico, and Williams

No: 3 - Murray, Skorman, and Strand

12.B. [CPC AP 20-00096](#)

An appeal of the Planning Commission's decision to uphold the administrative denial of a single-family site plan for 506 Hawthorne Place.

(Quasi-Judicial)

Related Files: CPC AP 20-00096

Presenter:

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

Attachments: [CC Appeal Statement](#)
[Aerial Vicinity Map](#)
[Vicinity Map](#)
[506 Hawthorne - Staff presentation LJT](#)
[CPC Staff Report 506 Hawthorne](#)
[Site Plan](#)
[Appeal Statement](#)
[Geologic Hazard Waiver Form](#)
[Landslide Susceptibility Layer](#)
[2017 PPRBD code](#)
[Vision Map](#)
[506 Appeal PowerPoint 7-16-2020](#)
[Public Hearing Comments-CPC AP 20-00096](#)
[CPC Minutes 506Hawthorne draft](#)
[7.2.201 Site Plan Definition](#)
[7.5.302 Building Permits](#)
[7.4.502 Geologic Hazard Applicability](#)
[7.4.503 Exemption & Waivers](#)
[7.5.906 \(B\) Appeal](#)

Lonna Thelen, Principal Planner, Planning and Community Development, provided an overview of the 506 Hawthorne vicinity map, appeal, site plan, geologic hazards, appeal statement, landslide susceptibility area, steepness, development costs, and staff's recommendation.

Michael Lowery, representing the appellant, provided a brief background of the Landslide Susceptibility Zone (LSZ) legislation and stated the geotechnical firms do not have the equipment to test in the appellant's lot, it would cost approximately \$7,500.00 for a GHR soil test, the site plan was already approved, the site is protected by Hawthorne Place, and there is an adequate soil test already completed. He explained the neighborhood is 70-years old with fully remediated water flow, known soil conditions and proven construction practices. Mr. Lowery stated he is required to replace \$7,500 of City curb and gutter, the parcel is not on a slope of any consequence, the parcel is 100 feet from the edge of LSZ, the total GHR estimate would be \$21,950.00, the foundation design is applicable to unstable soil, and the pre-permit estimate is \$96,000.00. He gave an overview of the benefits to the City, distortions in the market, and presented a video of the property and surrounding areas.

Councilmember Williams asked why City Council should make an exception for this property. Mr. Lowery stated most of the building projects are handled by large builders and are custom homes in the \$800,00-\$1.5M price range and they can afford the \$7,500 soil test.

Mr. Lowery stated identified what he perceives as flaws in the LSZ Ordinance. President Pro Tem Strand stated City Council will revisit the Ordinance, but this item is not about the policy.

Councilmember Knight stated the requirements for the geologic hazard report west of I-25 had been in City Code for quite a long period of time and the Ordinance is in place for a very good reason.

Councilmember Geislinger stated there is a significant difference between unstable soil, soil settlement, and landslides and the LSZ Ordinance protects all the residents in the area. Mr. Lowery stated there are no houses downslope from this property and there is nothing in the soil test that would predict if a house further up the hill would slide down.

Councilmember Pico stated the property does appear to be at the base of a hillside and he will support the appeal.

Citizens Dan Santistevan and Majorie Vanhoy spoke in opposition of approval of the appeal.

Mr. Lowery stated he is going through the permit process and gave an overview of the retaining walls in the area, what would be required to accommodate the truck for the soil test, the variances granted for this project, and the proposed bridge designed for access by the Fire Department.

Peter Wysocki, Director, Planning and Community Development, stated a waiver request would need to be prepared by a geologist or a geotechnical engineer certifying the property meets the exemption criteria and if City Council grants the waiver, they are certifying the property does not meet the exemption criteria in City Code 7.4.503(a). Ms. Thelen stated the City requested the waiver, but the geotechnical engineer stated the waiver could not be justified.

Councilmember Geislinger asked if the geotechnical engineer's statement

becomes part of the chain of title documents. Ms. Thelen stated it is not recorded formally with the El Paso County Clerk and Recorder, but is kept on file in the Planning Department.

Councilmember Knight stated there appears to be several homes downhill from the property. Ms. Thelen confirmed there are.

Motion by Councilmember Pico to uphold the appeal and overturn the City Planning Commission's decision to approve the development plan for The Ridge based upon the finding that the appellant has substantiated that the administrative decision was incorrect based upon the review criteria outlined in City Code Section 7.5.906(A)(4) and upon the finding that the applicant did not meet the development plan review criteria contained in City Code Section 7.5.502.E. The motion failed for lack of a second.

Motion by Councilmember Geislinger, seconded by Councilmember Murray, to deny the appeal and affirm the City Planning Commission's denial of the site plan for 506 Hawthorne Place based upon the finding that the appeal does not meet the review criteria contained in City Code Section 7.5.906.B. and the geologic hazard code requirement set forth in City Code Section 7.4.502. The motion passed by a vote of 7-1-1-0

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

No: 1 - Pico

Absent: 1 - 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