

# City of Colorado Springs

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



## Regular Meeting Agenda

Tuesday, January 10, 2023

9:00 AM

Council Chambers

**City Council**

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

### **1. Call to Order and Roll Call**

### **2. Invocation and Pledge of Allegiance**

### **3. Changes to Agenda/Postponements**

### **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. [22-738](#) Ordinance No. 22-96 by the City of Colorado Springs, Colorado extending the effective date of Ordinance No. 22-51, increasing the not to exceed amount of the bonds to \$21,500,000 and authorizing the execution and delivery by the City of certain loan documents for Paloma Garden

Presenter:

Katie Sunderlin, Senior Affordable Housing Coordinator  
Steve Posey, Community Development Division Manager  
John Bales, Fred Marienthal, Kutak Rock LLP

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [COS Paloma Garden 2022 Amendment to Ordinance](#)  
[COS Paloma Garden 2022 Financing Agreement](#)  
[COS Paloma Garden 2022 Tax Regulatory Agreement](#)  
[No. 22-51 Signed PAB Ordinance Paloma Garden](#)  
[Paloma Gardens CC Work Session\\_11212022](#)

- 4A.B. [22-759](#)** Ordinance No. 22-97 amending section 102 (inoculation required for dogs and cats) of article 8 (regulation of animals - pets) of chapter 6 (neighborhood vitality / community health) of the code of the city of Colorado Springs 2001, as amended, pertaining to inoculation requirement

Presenter:

Jamie Norris, Director of Animal Law Enforcement  
Humane Society of the Pikes Peak Region

**Attachments:** [NeighborhoodVitality-InnoculationORD-2022-11-4](#)  
[RABIES FAQ](#)  
[2022a\\_1235\\_signed](#)

- 4A.C. [PUDZ-22-000](#)** Ordinance No. 22-98 amending the zoning map of the City of Colorado Springs relating to 5.664 acres located at 1100 S. Royer Street from M2/PUD/SS (Heavy Industrial and Planned Unit Development with the Streamside Overlay) to PUD/SS (Planned Unit Development with a maximum of 0.36 dwelling units per acre, maximum 10,000 square feet of non-residential structures, and maximum building height of 40 feet, with the Streamside Overlay)

[4](#)

(Quasi-Judicial)

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning & Community Development  
Peter Wysocki, Planning Director, Planning and Community Development

**Attachments:** [ORD\\_ZC\\_1100SouthRoyerStreet](#)  
[Exhibit A - Concrete Coyote Zone Change Legal](#)  
[Exhibit B - Concrete Coyote Zone Change Depiction](#)  
[CPC Staff Report\\_Concrete Coyote\\_RBUpdated](#)  
[FIGURE 1 - Concrete Coyote Development Plan](#)  
[FIGURE 2 - Concrete Coyote Project Statement](#)  
[FIGURE 3 - Concrete Coyote Zoning Context Map](#)  
[FIGURE 4 - PlanCOS Vision Map](#)  
[FIGURE 5 - Concrete Coyote Letter of Support](#)  
[7.3.603 Establishment & Development of a PUD Zone](#)  
[7.5.603.B Findings - ZC](#)

- 4A.D.** [CPC PUZ 22-00004](#) Ordinance No. 22-99 amending the zoning map of the City of Colorado Springs relating to 557.357 acres located east of Marksheffel Road and between the future extensions of Stetson Hills Boulevard, Barnes Road and Banning Lewis Parkway from R1-6000/R1-6000/cr/R5/cr/PBC/cr/PUD/SS/AO (Single-Family Residential, Single-Family Residential with conditions of record, Multi-Family Residential with conditions of record, Planned Business Center with conditions of record, and Planned Unit Development with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential, 2.0-24.99du/ac, and 35-50 foot maximum building heights with Streamside and Airport Overlays).

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A30MJ22, CPC PUP 22-00005

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

**Attachments:** [ORD\\_ZC\\_FreestyleNorth](#)  
[Exhibit A Legal Description](#)  
[Exhibit B - PUD Zone Change](#)  
[Receipt 212258\\_Sandcreek](#)  
[7.3.603 Establishment & Development of a PUD Zone](#)  
[7.5.603.B Findings - ZC](#)

- 4A.E.** [SUBD-22-006](#)  
[1](#) Ordinance No. 22-100 vacating portions of a public right-of-way known as Hill Street consisting of 0.049-acres located at the eastern terminus of Hill Street.

(Legislative)

Presenter:

Johnny Malpica, AICP Candidate, Planner I, Planning and Community Development

Peter Wysocki, AICP, Planning Director, Planning and Community Development

**Attachments:** [ORD\\_HillStreetRight-of-way\\_Vacation](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Vacation Plat](#)

[7.7.402.C Vacation Procedures](#)

- 4A.F.** [PUDZ-22-000](#) Ordinance No. 22-101 amending the zoning map of the City of Colorado Springs pertaining to 2.03-acres located on the southeast corner of Verde Drive and Zebulon Drive from R-5/AO (Multi-family Residential with Airport Overlay) to PUD/AO (Planned Unit Development: Residential, maximum of 12.81 dwelling units per acre, and maximum building height of 36 feet with Airport Overlay)

[1](#)

(Quasi-Judicial)

Presenter:

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

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

[Exhibit A - Legal Desc](#)

[Exhibit B - Zone Change](#)

[CPC Staff Report\\_Verde Commons](#)

[Project Statement](#)

[Development Plan](#)

[Public Comments](#)

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

[7.5.603.B Findings - ZC](#)

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

- 4B.A.** [23-021](#) City Council Regular Meeting Minutes December 13, 2022

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [12-13-2022 City Council Meeting Minutes Final](#)

- 4B.B.** [23-001](#) Annual designation of the City Clerk's Office as the public place for posting of public notices for public meetings.

Presenter:  
Sarah B. Johnson, City Clerk

- 4B.C.** [22-764](#) An ordinance repealing and reordaining Article 29 (Vehicular Public Nuisances) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to civil abatement of vehicular public nuisances and providing penalties for the violations thereof.

Presenter:  
Adrian Vasquez, Chief of Police  
David Edmondson, Deputy Chief - Patrol Operations

**Attachments:** [VPNO-ORD-2022-12-5](#)  
[VPNO Council Presentation - 2022 Version Final](#)

- 4B.D.** [22-781](#) A resolution Authorizing the Purchase of Fort Lyon Canal Company Stock Owned by Thaddeus Wertz and Sierra Wertz for Colorado Springs Utilities and Authorizing the Filing of Water Court Applications for Changes of Water Rights and Appropriative Rights of Exchange

Presenter:  
Abigail Ortega, General Manager of Water Resource and Demand Management, Colorado Springs Utilities  
Travas Deal, Acting Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [City Council Resolution ThadSierraWertz Amended](#)  
[Thad and Sierra Amended PSA Clean](#)

## **5. Recognitions**

- 5.A.** [23-028](#) A Joint Proclamation in Recognition of Martin Luther King Jr. Day

**Est. Time:** 10  
minutes

Presenter:  
Nancy Henjum, Councilmember District 5  
Mayor John Suthers

**Attachments:** [Martin Luther King Jr Day Proclamation 2023](#)

- 5.B.** [23-027](#) A resolution recognizing January 16, 2023 as Religious Freedom Day

**Est. Time:** 10  
minutes

Presenter:  
Wayne Williams, Councilmember At Large

**Attachments:** [Religious Freedom Day](#)

- 5.C.** [22-794](#) Appointments to City Council Boards, Commissions, and Committees

**Est. Time:** 5  
minutes

Presenter:

Tom Strand, Council President and Councilmember At Large

**Attachments:** [011023 Boards Commissions and Committee Appointments](#)

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

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

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

## **9. Utilities Business**

- 9.A. [22-688](#) An Ordinance Creating Section 305 (Service; Extension Limitation) of Part 3 (Water Service) of Article 4 (Water Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, As Amended, Pertaining to the Extension of Water Service.
- Est. Time:** 1.5 hours

Presenter:

Abigail Ortega, General Manager of Water Resource and Demand Management, Colorado Springs Utilities

Travas Deal, Acting Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [Utilities-WaterServiceExtORD-2022-12-20](#)  
[WaterSystem\\_RMD\\_ModelingSensitivity\\_FactSheet\\_2022](#)

## **10. Unfinished Business**

## **11. New Business**

- 11.A. [22-788](#) A resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the general municipal election conducted by mail ballot to be held on Tuesday, April 4, 2023, the question of extending the sales and use tax for Trails, Open Space and Parks ("TOPS") program and modifying the program for the purpose of allowing revenue to be used on all city trails and open spaces and requiring seventy-five percent (75%) of open space funds be used for acquisition of open space, providing for the form of the ballot title and text, providing for certain matters with respect to the election, and providing the effective date of this resolution
- Est. Time:** 20 minutes

Presenter:

Britt Haley, Director- Parks, Recreation and Cultural Services Department

**Attachments:** [2023TOPS\\_Extension-1-3-23-DRAFT](#)  
[TOPS Program Ballot Question CityCouncilJAN2023](#)

- 11.B.** [CODE-22-000](#) An ordinance repealing Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, and adopting the Unified Development Code of the City of Colorado Springs, incorporating various building codes, other primary and secondary codes, as included, and providing for the penalties and remedies for violation thereof

[1](#)

**Est. Time:** 1  
hour

Presenter:

Morgan Hester, Planning Supervisor

Mike Tassi, Assistant Director of Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

Don Elliott, Clarion Associates



**Attachments:** [HNP Comments](#)  
[ReToolCOS-AdoptingORD-2022-12-29](#)  
[Pages A-BB PENALTY PROVISIONS UNDER UDC - 2022-12-05](#)  
[EXHIBIT 1 Proposed Zone District Conversions](#)  
[EXHIBIT 2 CPC Recommendation Memo](#)  
[AMENDMENT 1](#)  
[AMENDMENT 2](#)  
[AMENDMENT 3a](#)  
[AMENDMENT 3b-e](#)  
[AMENDMENT 4a-b](#)  
[AMENDMENT 4c](#)  
[AMENDMENT 5](#)  
[AMENDMENT 6](#)  
[AMENDMENT 7](#)  
[AMENDMENT 8ai](#)  
[AMENDMENT 8aii](#)  
[AMENDMENT 8aiii](#)  
[AMENDMENT 8aiv](#)  
[AMENDMENT 9](#)  
[AMENDMENT 10](#)  
[AMENDMENT 11](#)  
[AMENDMENT 12](#)  
[AMENDMENT 13a](#)  
[AMENDMENT 13b](#)  
[AMENDMENT 14a](#)  
[AMENDMENT 14b](#)  
[AMENDMENT 15a](#)  
[AMENDMENT 15b](#)  
[1-10-23 - CC PPT](#)  
[HNP responses for 1-10-23 Council Meeting](#)  
[CPC Staff Report](#)  
[ReToolCOS OR-OC to MX-N Uses - Post 10-12-22 CPC Mtg](#)  
[ReToolCOS Final Draft Consolidated Comments](#)  
[Appeal Process Comment](#)  
[Lot Size & Setbacks Comments](#)  
[Safety-Bars-Murals BoulderStreetNeighborhoodWatch](#)  
[Kin Memo](#)  
[CPC SpecialHearingMinutes 09.22.22 draft](#)

[CPC Minutes 10.12.22 Final](#)

[CPC Minutes SpecialHearing 10.28.22 draft](#)

## **12. Public Hearing**

- 12.A.** [AR PUD  
22-00062](#)  
**Est. Time:** 2  
hours

An appeal of City Planning Commission's decision to approve a PUD Development Plan for Polaris Pointe South Filing No. 4, for an 8,000-seat outdoor entertainment amphitheater with ancillary site improvements on 18 acres in the PUD (Planned Unit Development) zone district located at the southeast corner of Voyager Parkway and Spectrum Loop intersection.

(Quasi-Judicial)

Related Files: AR NV 22-00480; AR NV 22-00481

Presenter:  
Tamara Baxter, Senior Planner, Planning & Community Development  
Department  
Peter Wysocki, Director, Planning and Community Development  
Department

**Attachments:** [Appeal Statement - Campbell/Fuqua](#)  
[Appellant Summary 11.09.22 CPC Mtg](#)  
[101722 Quote From Dr Russ Sojourner Transcript TCA Board meeting on Sun](#)  
[CC Staff Presentation Sunset Amphitheater Appeal ppt](#)  
[Appellant Sunset Amphitheater Appeal v3 Presentation](#)  
[Applicant City Council Presentation Final to City](#)  
[Development Requirements](#)  
[CPC Staff Report Sunset Amphitheater TPB](#)  
[Project Statement PUD Development Plan](#)  
[Project Statement Nonuse Variances](#)  
[PUD Development Plan](#)  
[CSPD Letter Nov 7](#)  
[Security Contracts](#)  
[Shared Parking Agreements](#)  
[Public Comments](#)  
[PublicComments 11.09.22](#)  
[Public Comments thru 1.3.23](#)  
[CONTEXT MAP](#)  
[Environmental Noise Assessment](#)  
[Parking & Access Plan](#)  
[Traffic Technical Memorandum](#)  
[FAQ Handout](#)  
[Sunset Amphitheater Econ Impact Report FINAL 12.20.2022](#)  
[Planning Commission motions and votes](#)  
[7.5.906 \(B\) Appeal of Commission-Board](#)  
[7.3.606 PUD Development Plan](#)  
[7.5.502.E Development Plan Review](#)

**12.B.** [AR NV](#)  
[22-00480](#)  
**Est. Time:** 1  
hour

An appeal of City Planning Commission's decision to a nonuse variance to City Code Section 7.4.204(C)(1)(d)(2) for the Polaris Pointe South Filing No. 4 project to allow shared parking on properties within 2 miles where four hundred feet (400') is the maximum distance and to increase the maximum reduction of the minimum on-site parking requirements to eighty-five percent (85%) where thirty-five percent (35%) is allowed. The site is zoned PUD (Planned Unit Development) and is located at the southwest bend of Spectrum Loop, west of Voyager Parkway, consisting of 18-acres.

(Quasi-Judicial)

Related Files: AR PUD 22-00062; AR NV 22-00481

Presenter:

Tamara Baxter, Senior Planner, Planning & Community Development  
Department

Peter Wysocki, Director, Planning and Community Development  
Department

**Attachments:** [Project Statement Nonuse Variances](#)  
[7.5.906 \(B\) Appeal of Commission-Board](#)  
[7.4.204 Alternative Parking Options](#)  
[7.5.802.B Nonuse Variance Criteria](#)  
[7.5.802.E GuidelinesforReview NonuseVariance](#)

**12.C.** [AR NV](#)  
[22-00481](#)  
**Est. Time:** 1  
hour

An appeal of City Planning Commission's decision to approve a nonuse variance to City Code Section 7.4.204(B) for the Polaris Pointe South Filing No. 4 project to increase the distance to allow on-street parking to half (1/2) mile of the subject property boundary. The site is zoned PUD (Planned Unit Development) and is located at the southwest bend of Spectrum Loop, west of Voyager Parkway, consisting of 18-acres.

(Quasi-Judicial)

Related Files: AR PUD 22-00062; AR NV 22-00480

Presenter:

Tamara Baxter, Senior Planner, Planning & Community Development  
Department

Peter Wysocki, Director, Planning and Community Development  
Department

**Attachments:** [Project Statement Nonuse Variances](#)  
[7.5.906 \(B\) Appeal of Commission-Board](#)  
[7.4.204 Alternative Parking Options](#)  
[7.5.802.B Nonuse Variance Criteria](#)  
[7.5.802.E GuidelinesforReview NonuseVariance](#)

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

### **14. Executive Session**

### **15. Adjourn**