



# 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, July 24, 2018

1:00 PM

Council Chambers

---

### **1. Call to Order**

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

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

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

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. [18-0255](#)** Ordinance No. 18-71 amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$70,910 for additional operational costs associated with the U.S. Senior Open as recommended by the LART Citizen Advisory Committee

Presenter:

Charae McDaniel, Chief Financial Officer

Fred Veitch, Chair, LART Citizen Advisory Committee

**Attachments:** [Ordinance for LART 2018 Supplemental Approp-US Senior Open](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.B.** [18-0290](#) Ordinance No. 18-72 amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the Following Federal Entitlement Grants: Community Development Block Grant in the amount of \$425,154, Emergency Solutions Grant in the amount of \$17,355, and the HOME Investment Partnerships Program in the amount of \$508,583.

Presenter:

Steve Posey, HUD Program Administrator, Community Development Division

Jennifer Vance, Grants Manager, Finance

**Attachments:** [FY2018-formula-allocations-co](#)  
[FY2018\\_CDD\\_Funding\\_Comp](#)  
[Ordinance for 2018 CDBG-HOME-ESG Supplemental](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.C.** [18-0295](#) Ordinance No. 18-73 Amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a Supplemental Appropriation to the Park Land Dedication Ordinance (PLDO) Fund in the Amount of \$300,000 to Fund the Completion of Renovation and Redesign of Bancroft Park

Presenter:

Karen Palus, Director of Parks, Recreation and Cultural Services  
David Deitemeyer, Senior Landscape Architect

**Attachments:** [6-25-18 - Bancroft Park PLDO Suppl Appropriation Ordinance](#)  
[6-25-18 - Bancroft Park SupplAppropriation](#)

This Ordinance was finally passed on the Consent Calendar.

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

- 4B.A.** [18-0340](#) City Council Regular Meeting Minutes July 10, 2018

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [7-10-2018 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

- 4B.B.** [18-0341](#) Appointments to Boards and Commissions

Presenter:

Jacquelyn Puett, Assistant to Council

**Attachments:** [072418 Boards and Commissions \(Autosaved\)](#)

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

**4B.C. [18-0324](#)**

A Resolution finding a petition for annexation of the area known as the Airport Spectrum Addition No. 1 Annexation consisting of 78.95 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of September 11, 2018 for the Colorado Springs City Council to consider the annexation of the area.

(Legislative)

Presenter:

Catherine Carleo, Principal Planner, Planning and Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [AX-AirportSepctumRES-2018-07-17](#)

[EXHIBIT A\\_Airport Spectrum Annexation Petition](#)

[Legal Description Airport Spectrum Annexation](#)

[Airport Spectrum\\_Ortho](#)

[PUBLIC NOTICE\\_Airport Spectrum Annexation](#)

[Vicinity Map\\_Airport Spectrum](#)

[Signed Resolution 78-18](#)

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

**4B.D. [CPC ZC](#)  
[18-00041](#)**

An Ordinance amending the zoning map of the City of Colorado Springs pertaining to 0.51-acre of land from R-5 (Multi-Family Residential) to OR (Office Residential), located at 20 Boulder Crescent Street

(Quasi-Judicial)

Related Files: CPC DP 18-00042, CPC NV 18-00043

Presenter:

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

**Attachments:** [ZC\\_ORD\\_20 Boulder Crescent Street](#)

[Exhibit A](#)

[Exhibit B](#)

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

- 4B.E.** [CPC DP  
18-00042](#) A development plan for a two story building addition with garages on 0.51-acre located at 20 Boulder Crescent

(Quasi-Judicial)

Related Files: CPC ZC 18-00041, CPC NV 18-00043

Presenter:

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

**Attachments:** [Figure 1 Site Plan](#)

[7.5.502.E Development Plan Review](#)

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

- 4B.F.** [CPC NV  
18-00043](#) A Non-Use Variance to allow the height of a two story building addition to reach 49'-10", where 35 feet is maximum in the OR zoning district, on a 0.51 acre property located at 20 Boulder Crescent.

(Quasi-Judicial)

Related Files: CPC ZC 18-00041, CPC DP 18-00042

Presenter:

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

**Attachments:** [7.5.802 Nonuse Variance](#)

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

- 4B.G.** [CPC PUZ  
18-00017](#) An ordinance changing the zoning of 20.01 acres from PUD/AO (PUD with Airport Overlay) and A/AO (Agriculture with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay) to allow single family development located southeast of the intersection of Dublin Boulevard and Mustang Rim Drive

(QUASI-JUDICIAL)

Related File: CPC PUD 18-00018

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development  
Peter Wysocki, Director Planning and Community Development

**Attachments:** [ZC ORD Renaissance at Indigo South](#)

[Exhibit A](#)

[Exhibit B](#)

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

- 4B.H.** [CPC PUD 18-00018](#) The Renaissance at Indigo South PUD Development Plan consisting of 98 single-family lots on 20.01 acres, 4.9 dwelling units per acre and a maximum building height of 35 feet located southeast of the intersection of Dublin Boulevard and Mustang Rim Drive.

(QUASI-JUDICIAL)

Related File: CPC PUZ 18-00017

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development  
Peter Wysocki, Director Planning and Community Development

**Attachments:** [7.3.606 PUD Development Plan](#)

[7.5.502.E Development Plan Review](#)

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

- 4B.I.** [18-0331](#) A Resolution Approving an Intergovernmental Agreement for Fire Protection and Incident Response Services

Presenter:

Mike Myers, Catamount Wildland Fire Team Chief, Colorado Springs Utilities  
Eric Tharp, Acting Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [18-0331 Wildland Fire IGA ProtAndInc.docx](#)

[18-0331 Wildland Fire Resoluion ProtAndIncResp.docx](#)

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

- 4B.J.** [18-0332](#) A Resolution approving an Intergovernmental Agreement for Wildfire Mitigation and Suppression Planning

Presenter:

Mike Myers, Catamount Wildland Fire Team Chief, Colorado Springs Utilities  
Eric Tharp, Acting Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [18-0332 Wildland Fire IGA MitigationAndSuppressionPlanning.docx](#)

[18-03312 Wildland Fire Resolution](#)

[MitigationAndSuppressionPlanning.docx](#)

This Resolution was adopted on the Consent Calendar.

- 4B.K.** [18-0310](#) A resolution setting the Electric Cost Adjustment effective August 1, 2018  
Presenter:  
Sonya Thieme, Rates Manager  
Eric Tharp, Acting Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [07-24-2018 City Council Agenda-ECA Rate Adj.pdf](#)  
[Signed Resolution 81-18](#)

This Resolution was adopted on the Consent Calendar.

- 4B.L.** [18-0311](#) A resolution setting the Gas Cost Adjustment and Gas Capacity Charge effective August 1, 2018  
  
Presenter:  
Sonya Thieme, Rates Manager  
Eric Tharp, Acting Chief Executive Officer

**Attachments:** [07-24-2018 City Council Agenda-GCA GCC Rate Adj.pdf](#)  
[Signed Resolution 82-18](#)

This Resolution was adopted on the Consent Calendar.

- 4B.M.** [18-0312](#) A Resolution Directing the Acting Chief Executive Officer of Colorado Springs Utilities to Execute an Agreement for Augmentation Service  
  
Presenter:  
Brian Whitehead, Manager System Extensions  
Eric Tharp, Acting Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [Exhibit A 195 Marland Rd.pdf](#)  
[Augmentation Marland Rd. Resolution Final 7-17-18.docx](#)  
[Augmentation Agreement 7-17-18.docx](#)  
[Signed Resolution 83-18](#)

This Resolution was adopted on the Consent Calendar.

## Approval of the Consent Agenda

**Motion by Councilmember Strand, seconded by Councilmember Bennett, 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, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

## 5. Recognitions

There were no recognitions.

## **6. Citizen Discussion**

Citizen Sandy Albertson spoke regarding the pedestrian traffic light issues at the intersections of Circle Drive and Airport Boulevard and Murray Boulevard and Platte Avenue.

Citizens William Schroeder and Selanirwg Cortez Cinkosky requested help for finding housing assistance.

Citizen Kevin Bright spoke regarding charges filed against her.

Citizen Carl Strow spoke regarding several City government officials.

Citizen Gerald Miller spoke about the lack of support for businesses in his neighborhood.

Citizens Willie Breazell and Henry Allen spoke about preserving the Leon Young Memorial Pavilion.

Citizen Miguel Lausell expressed appreciation for the Proclamation recognizing seniors in the community.

Citizen Tim Hoiles spoke against any additional growth of the City and said the representation of the citizens for PlanCOS is not balanced. He stated developers run the City and pay the government to do so through campaign contributions. Councilmember Pico refuted the accusations.

Citizen Deborah Stout-Meininger stated she is researching why there is not a candidate write-in option on the county ballots.

Citizen Rick Worthwine spoke about the growth of the City and requested more pedestrian bridges and walkways.

Citizen Lawrence Martinez spoke regarding the stormwater fee and the road tax.

Citizen Coley Mason Collier spoke regarding the theft of his longboard at the library.

## 7. Mayor's Business

There was no Mayor's Business.

## 8. Items Called Off Consent Calendar

Citizen Robert White requested to speak regarding on Consent Calendar agenda items 4B.D., 4B.E., and 4B.F. Councilmember Knight requested City Council reconsider the items.

**Motion by Councilmember Knight, seconded by Councilmember Pico, to reconsider items 4B.D., 4B.E., and 4B.F on the Consent Calendar. The motion passed by a vote of 7-2-0-0**

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

**No:** 2 - Bennett, and Gaebler

- 4B.D.** [CPC ZC 18-00041](#) An Ordinance amending the zoning map of the City of Colorado Springs pertaining to 0.51-acre of land from R-5 (Multi-Family Residential) to OR (Office Residential), located at 20 Boulder Crescent Street

(Quasi-Judicial)

Related Files: CPC DP 18-00042, CPC NV 18-00043

Presenter:

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

**Attachments:** [ZC ORD 20 Boulder Crescent Street](#)

[Exhibit A](#)

[Exhibit B](#)

Citizen Robert White stated his questions have been answered by Matthew Fitzsimmons, Planner II, Planning and Community Development, and he now has no objections or further questions.

**Motion by Councilmember Murray, seconded by Councilmember Bennett, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 0.51-acre of land from R-5 (Multi-Family Residential) to OR (Office Residential), located at 20 Boulder Crescent Street, based upon the findings that the change of zone request complies with the three (3) review criteria for granting 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 9-0-0-0**

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

- 4B.E.** [CPC DP 18-00042](#) A development plan for a two story building addition with garages on 0.51-acre located at 20 Boulder Crescent



(Quasi-Judicial)

Related Files: CPC ZC 18-00041, CPC NV 18-00043

Presenter:

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

**Attachments:** [Figure 1 Site Plan](#)  
[7.5.502.E Development Plan Review](#)

Please see comments in Agenda item 4B.D.

**Motion by Councilmember Strand, seconded by Councilmember Murray, that the development plan for 20 Boulder Crescent Street, based upon the finding that the development plan complies with the review criteria in City Code Section 7.5.502.E, subject to compliance with the technical and/or informational plan modifications listed in the City Planning Commission staff report be approved. The motion passed by a vote of 9-0-0**

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

**4B.F.** [CPC NV 18-00043](#)

A Non-Use Variance to allow the height of a two story building addition to reach 49'-10", where 35 feet is maximum in the OR zoning district, on a 0.51 acre property located at 20 Boulder Crescent.

(Quasi-Judicial)

Related Files: CPC ZC 18-00041, CPC DP 18-00042

Presenter:

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

**Attachments:** [7.5.802 Nonuse Variance](#)

Please see comments in Agenda item 4B.D.

**Motion by Councilmember Strand, seconded by Councilmember Murray, that the the Non-Use Variance for 20 Boulder Crescent to allow a height of 49'10" where 35' is the maximum in the OR zoning district, based upon the finding that the non-use variance complies with the review criteria in City Code Section 7.5.802.B be approved. The motion passed by a vote of 9-0-0**

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

## **9. Utilities Business**

There was no Utilities Business.

## **10. Unfinished Business**

There was no Utilities Business.

## **11. New Business**

- 11.A. [18-0313](#) An ordinance organizing the USAFA Visitor's Center Business Improvement District and appointing the initial Board of Directors. (Legislative Item)

Presenter:

Peter Wysocki, AICP, Planning and Community Development Director  
Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

**Attachments:** [Ordinance USAFA Visitor's Center BID 7-24-18](#)  
[Exhibit A-Petition for Organization 7-13-18](#)  
[Exhibit B - Notice Hearing on Petition \(Blue and Silver BID\)](#)  
[Exhibit C USAFA BID 2018 Operating Plan and Budget - July 31 2018](#)  
[Exhibit D - SpecialDistrictPolicyJan06](#)  
[Figure 1- 2018 Operating Plan and Budget - USAFA Visitor's Center Business Improvement District - redline - 7-13-2018](#)  
[Figure 2 - Cover Ltr to Colo Springs Blue and Silver BID Petition Submittal](#)  
[Figure 3 - Maps and Cost Estimates](#)  
[Figure 4- Blue and Silver BID Director's Resumes](#)  
[Figure 5 - Ordinance USAFA Visitor's Center BID amended 7-13-18 Redline](#)  
[USAFA District QandA 7-13-18 \(3\) SFLLP.docx](#)  
[Academy EUL Cost Estimate Exhibit 7-20-18.pdf](#)

Peter Wysocki, AICP, Planning and Community Development Director, presented a map identifying the Business Improvement District (BID) boundary change. He stated the estimated infrastructure cost is anticipated to be \$16M and the USAFA visitor center cost is anticipated to be \$33.5M. Mr. Wysocki said the petitioners have agreed to establish a \$22M maximum debt authorization and have an elected board of directors no later than 2022. He also said the petitioners are now proposing to change the name of the BID from the Blue and Silver BID to the USAFA Visitor's Center BID. Mr. Wysocki stated they would like to hold a TABOR election in November 2018.

Marc Smith, Division Chief, Corporate and Legislative Counsel, clarified that section four of the proposed Ordinance has been changed to reflect that the initial members of the board of directors will be appointed by City Council and that a subsequent election of the members of the district will

take place no later than May 2022.

Councilmember Knight asked for a road map of when the other decision items will come before City Council such as the annexation and the Urban Renewal Authority (URA). Bob Cope, Economic Development Manager, stated staff will provide that information within the next week.

Councilmember Strand said this is a very complex process and he would have liked for a representative from the United States Air Force Academy to speak regarding this proposal. Dan Schnepf, CEO and Chairman of the Board of the Matrix Design Group, stated the superintendent, as a uniformed member of the armed services, declined his invitation to speak today due to a schedule conflict, but is supportive of the project.

Mr. Cope stated at this point City Council is only organizing the establishment of the BID, the initial board of directors, and approving the budget for the remainder of 2018. He said all the other items will come before City Council at a later date for decision.

Councilmember Pico stated he has severe reservations regarding the use of the URA and will not be voting in favor of the item today.

Councilmember Knight commented that there are still many options available to make this a possibility. Councilmember Murray said it is not complex, it is creative, but he is not going to vote for it because unless due diligence has been done, it should not be approved.

Councilmember Geislinger stated the due diligence will come as the different processes move forward and come before City Council.

**Motion by Councilmember Knight, seconded by Councilmember Bennett, to approve on first reading the Ordinance organizing the USAFA Visitor's Center Business Improvement District, amending section 4 to reflect an initial City Council appointment of a board of directors with a subsequent election of board members no later than May 2022, and amendment of the 2018 Operating Plan and Budget in Section 2.D. to remove the language "There are no established terms, and" and in Section 6.B. amend the language to set a maximum debt authorization limit of \$22M. The motion passed by a vote of 7-2-0-0**

**Aye:** 7 - Avila, Bennett, Gaebler, Geislinger, Knight, Skorman, and Strand

**No:** 2 - Murray, and Pico

**11.B.** [18-0269](#) 2019 Audit Plan Approval

Presenter:

Denny L. Nester, City Auditor, Office of the City Auditor

**Attachments:** [2019 Audit Plan](#)  
[2019 Audit Plan Presentation](#)

Denny L. Nester, City Auditor, Office of the City Auditor, presented the 2019 Audit Plan for the Office of the City Auditor.

Councilmember Bennett, Chair of the Audit Committee, stated the Audit Committee recommended approval of the 2019 Audit Plan.

Councilmember Pico stated he will be voting against the audit plan because he believes the open staff position should not be filled.

**Motion by Councilmember Strand, seconded by Councilmember Murray, that the 2019 Audit Plan as provided by the City Auditor and recommended by the Audit Committee be approved. The motion passed by a vote of 8-1-0-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Skorman, and Strand

**No:** 1 - Pico

## **12. Public Hearing**

- 12.A.** [CPC ZC 18-00050](#) An Ordinance amending the zoning map of the City of Colorado Springs pertaining to 4,590 square feet from R-2 (Two-family Residential) to C-5/CR (Intermediate Business with Conditions of Record).

(QUASI-JUDICIAL)

Presenter:

Peter Wysocki, Director Planning and Community Development  
Mike Schultz, Principal Planner, Planning and Community Development

**Attachments:** [ZoningMap-749EWilliamtteORD-2018-07-17](#)  
[Exhibit A - Legal Description 749 Willamette Ave](#)  
[Exhibit B - Graphic Depiction 749 Willamette](#)  
[Willamette Market City Council](#)  
[CPC Staff Report Lil Market](#)  
[Figure 1 - Project Statement](#)  
[Figure 2 - Lil Market DP Plan](#)  
[Figure 3 - Resident comments in support](#)  
[Figure 4 - Resident comment in opposition](#)  
[Figure 5 - Zone District comparisons](#)  
[Figure 6 - Definitions of Certain Land Uses](#)  
[Figure 7 - Alternative Parking Options](#)  
[Figure 8 - Quarter mile map](#)  
[Figure 9 - Envision Shooks Run pp 55-56](#)  
[Figure 10 - Conditions of Record](#)  
[7.5.603 Findings - ZC req\\_CA](#)  
[Figure 3 - Supplement Support Comments](#)  
[Figure 4 - Supplement Opposed Comments](#)

Mike Schultz, Principal Planner, Planning and Community Development, presented a map of the site location for Willamette Market (Lil' Market), the site information, and pictures of the property. He gave a brief history of the site and the zoning. Mr. Schultz explained the tenant's proposal to add an outdoor patio to the property, the operation restrictions of the development plan, the public process that took place, and the neighborhood comments. He gave area examples and details of the zone change and development plan. Mr. Schultz identified the walkability and bikeability of the neighborhood and residential parking areas.

Councilmember Knight asked if this business will continue to operate as legal non-conforming if the Ordinance does not pass. Mr. Schultz confirmed it would, but it would prevent it from expanding.

Councilmember Knight asked if vegetative screening would be a mandatory requirement. Mr. Schultz said it would be and that staff will be working with the applicant regarding the Planning Commission's added requirement.

Les Gruen, representing the applicant, stated this property was going to be converted into a residence a couple years ago, but with opposition from the

neighborhood, they were able to continue to operate as a market. He said the owners have worked with City staff and the neighborhood to develop a plan that would work for everyone. Mr. Gruen spoke against the Planning Commission's added requirements for the addition of a bike rack and vegetative screening. Mr. Gruen gave a brief history of the store and said that it is worth preserving for historical reasons. He said the property owners are asking to make the property's land use legal conforming.

Councilmember Knight asked what the current hours of operation are. Natalie Beck, property leasee, representing the applicant, stated they are open 10AM-8PM Tuesday-Friday, 9AM-8PM Saturday, and 9AM-5PM Sunday. She said they do not intend to change their hours of operation at this time, but may be a possibility for the future.

Councilmember Knight asked if the applicant would still expand to include a patio if their liquor license application was not approved. Mr. Gruen confirmed they would.

Citizens Jean Lockson and Michael Carson spoke in support of the proposed zoning change request.

Robert Geers, representing the Williamette and Prospect neighbors in opposition of the proposed zoning change request, spoke regarding the City's infill action plan. He said the nearby residents would have to absorb the impacts of the proposed restaurant/bar patio zoning request such as on-street parking, late evening noise, and odor.

Citizen Moira Byrne and Beth Wade Geers spoke in opposition of the proposed zoning change request.

President Skorman asked if signs could be positioned identifying parking for residents only. Mr. Schultz said he discussed that with the Traffic Engineering Department, but the challenge would be enforcing those signs.

Councilmember Murray asked if noise volumes became problematic if it could be addressed. Mr. Schultz said Code Enforcement could address any of those types of violations.

Councilmember Knight asked about the variance for parking. Mr. Schultz said they do not have the ability to provide off-street parking.

Councilmember Knight asked if the non-use variance would change the parking situation. Mr. Schultz said it would not.

Councilmember Knight asked what type of businesses could go into this location if the zoning is changed. Mr. Schultz said the C-5 (Intermediate Business) zoning and conditions of record were formulated toward PBC (Planned Business Center) zoning uses that would be of service to the neighborhood.

Councilmember Geislinger asked if reducing the hours of operation would be acceptable. Mr. Coleman stated the intent is not to have a party culture type of establishment, but just to offer a beer or glass of wine to patrons in the evening.

President Pro Tem Gaebler commented that she believes this proposed change of use would be a positive outcome for the neighborhood.

**Motion by President Pro Tem Gaebler, seconded by Councilmember Bennett, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 4,590 square feet from R-2 (Two-family Residential) to C-5/CR (Intermediate Business with Conditions of Record), based on the findings that the zone change request complies with the three (3) review criteria for granting a zone change in City Code Section 7.5.603(B), subject to the Conditions of Record listed within the ordinance be approved on first reading. The motion passed by a vote of 8-1-0-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**No:** 1 - Strand

**12.B.** [CPC DP  
18-00051](#)

A development plan for the Lil' Market (Willamette Market & Deli) demonstrating the existing building footprint and the proposed patio located on the west side of the building.

(QUASI-JUDICIAL)

Related Files: CPC NV 18-00052, CPC ZC 18-00050

Presenter:

Peter Wysocki, Director Planning and Community Development

Mike Schultz, Principal Planner, Planning and Community Development

**Attachments:** [7.5.502.E Development Plan Review](#)

Please see comments in Agenda item 12.A.

**Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, to approve the Lil' Market Development Plan located at 749 East Willamette**

Avenue, based on the findings that this project meets the development plan review criteria in City Code Section 7.5.502.E, removing conditions 8 and 9 regarding bike racks and additional landscaping which were recommended by the City Planning Commission and imposing the following conditions:

**1. Hours of Operation:**

a. Sunday - Thursday: No earlier than 6 a.m. / no later than 8 p.m.

b. Friday and Saturday: No earlier than 6 a.m. / no later than 10 p.m.

(Note: Closing hours should not imply that customers would not be permitted to finish meal/drink and have vacated the building by that time. Service to customers should end at or before required closing time; the owner/tenant should make efforts to ensure customers are off the premises within a reasonable amount of time after closing).

**2. Outdoor Seating:** Outdoor patio seating is limited to the west patio only. The existing picnic tables located within the boulevard/tree lawn may remain.

**3. Music:** No amplified music, including speakers, may be used on the patio.

**4. Smoking:** No smoking allowed on the patio.

**5. Signage:** Illuminated signage is limited to backlit or internally lit signage.

Any exposed neon or excessively bright signage is prohibited anywhere on the building or displayed within a window.

**6. Employee Parking:** Employees should be encouraged to either use alternative transportation (i.e. walking, biking, motorcycle, moped, mass transit, etc.) or encouraged to park west along Willamette Ave. (Note: Staff and the owner understand that the enforceability of this provision may be difficult; owner and tenant(s) should work with their staff and the neighborhood regarding on-street parking).

**7. Amendments:** Amendments to these provisions may be administratively reviewed and amended at any time, however, notification to property owners within 1,000-feet of the property and to the neighborhood organization must be given to allow citizen comment and the non-use variance request relating to the Lil' Market zone change and development plan, based on the findings that the property meets the non-use variance review criteria in City Code Section 7.5.802(B). The motion passed by a vote of 6-3-0-0

**Aye:** 6 - Avila, Bennett, Gaebler, Geislinger, Murray, and Skorman

**No:** 3 - Knight, Pico, and Strand

- 12.C.** [CPC NV 18-00052](#) A non-use variance to allow zero (0) parking stalls where sixteen (16) parking stalls are required.

(QUASI-JUDICIAL)

Related Files: CPC DP 18-00051, CPC ZC 18-00050

Presenter:

Peter Wysocki, Director Planning and Community Development

Mike Schultz, Principal Planner, Planning and Community Development

**Attachments:** [7.5.802 Nonuse Variance](#)

Please see comments in Agenda item 12.A.

**Motion by Councilmember Murray, seconded by President Pro Tem Gaebler, that**



the non-use variance request relating to the Lil' Market zone change and development plan, based on the findings that the property meets the non-use variance review criteria in City Code Section 7.5.802(B) be approved. The motion passed by a vote of 9-0-0

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

### **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