



City of Colorado Springs

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

Meeting Minutes - Final-revised City Council

*City Council meetings are broadcast live on Channel 18,
beginning at 1:00 p.m.*

Tuesday, June 24, 2014

1:00 PM

Council Chambers

1. Call to Order

Present: 9 - President Pro Tem Merv Bennett, Councilmember Helen Collins, Councilmember Jill Gaebler, President Keith King, Councilmember Don Knight, Councilmember Jan Martin, Councilmember Joel Miller, Councilmember Andy Pico, and Councilmember Val Snider

2. Invocation and Pledge of Allegiance

The Invocation was led by Father Kyle Ingels, Director of College Campus Ministries - Catholic Diocese of Colorado Springs. President King led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

The appellant requested to postpone agenda items 13. A. and 13. B. to the July 8, 2014 City Council meeting. Consensus of City Council agreed to this request.

Consensus of Council agreed that Item 12. L. will be presented before item 12 I.

4. Councilmember Comments

Councilmember Miller requested Colorado Springs Urban Renewal Authority meetings be taped and made available to the public.

Councilmember Snider stated there will be a public meeting to discuss the repair work at the Drake Power Plant Thursday, June 26, 2014 at City Hall from 6-8 pm.

President King reminded everyone that Council will be discussing important issues and the agenda is very long; please keep comments and presentations concise. There will be a change in the way this meeting is run, after an item is read; president King will request a motion and a second. Presentations and discussion on that item will then proceed. Please limit discussion to 30 minutes per item. Council requests that everyone be respectful to speakers, please keep comments brief and appropriate.

5. 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.)

5A. Second Presentation:

- 5A.A.** [14-0232](#) Ordinance No. 14-36 modifying section 1006 (Board Created; Appointments) of Part 10 (Public Safety Sales and Use Tax Fund) of Article 6 (City Funds) of Chapter 1 (Administration, Personnel and Finance) of the code of the City of Colorado Springs 2001, as amended, pertaining to composition of the Public Safety Sales Tax Oversight Committee.

This Ordinance was finally passed on the Consent Calendar by a vote of 9-0-0.

- 5A.B.** [14-0267](#) Ordinance No. 14-34 amending the zoning map of the City of Colorado Springs relating to 9,115 square feet located at 3775 East LaSalle Street. CPC ZC14-00021

This Ordinance was finally passed on the Consent Calendar by a vote of 9-0-0.

5B. First Presentation:

- 5B.A.** [14-0359](#) Approval of the Minutes of the June 10, 2014 Regular Council meeting.

Motion 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.

- 5B.B.** [14-0353](#) Boards and Commissions

The motion passed by a vote of 9-0-0.

- 5B.D.** [14-0306](#) Bison Ridge at Kettle Creek Concept Plan

The motion passed by a vote of 9-0-0.

- 5B.E.** [14-0311](#) Ordinance No. 14-37 amending the zoning map of the City of Colorado Springs relating to 12.91 acres located north of Old Ranch Road, east of Chapel Ridge Drive, west of Rhinestone Drive and approximately 800 feet west of Powers Boulevard

This Ordinance was approved on first reading on the Consent Calendar by a vote of 9-0-0.

- 5B.F.** [14-0312](#) Bison Ridge at Kettle Creek Development Plan

The motion passed by a vote of 9-0-0.

- 5B.G.** [14-0313](#) A Resolution Finding a Petition for Annexation of the Area Known as Flying Horse Ranch Addition No. 2 Consisting of 1.67 Acres to be in Substantial Compliance with Section 31-12-107(1), C.R.S. and Setting a Hearing Date of August 12, 2014 for the Colorado Springs City Council to Consider the Annexation of the Area

The motion passed by a vote of 9-0-0.

Approval of the Consent Agenda

Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that all matters on the Consent Calendar with the exception of 5.B.C. be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

6. Recognitions

- 6.A.** [14-0334](#) A Resolution of Appreciation Designating July as Park and Recreation Month

Councilmember Gaebler read the Resolution of Appreciation. She also stated that The Garden of the Gods has been proclaimed to be the number one park in the United States. Children from the Deerfield Hills, Meadows Park and Colorado College Camps were present to accept the recognition.

Karen Palus, Director, Park, Recreation and Cultural Services, reminded everyone that there are many opportunities to participate in park activities throughout the month of July. Please get out and enjoy Colorado Springs Parks this summer.

Councilmember Collins thanked the Deerfield Hills community center for their work in the community.

Motion by Councilmember Gaebler, seconded by Councilmember Martin, that the Resolution be adopted. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

7. Citizen Discussion

Welling Clark representing the Organization of Westside Neighbors, recognized outgoing Commander James Rigdon, Police Division Commander of the Goldhill Subdivision, for outstanding service to the neighborhood.

Debbie O'Toole with the Community Transit Coalition expressed concerns about sales taxes she believes should have been put into the PPRTA budget. She requested that Council review the PPRTA budget.

Carl Strowe demanded immediate removal of Sheriff Maketa from office.

Dennis McCormick spoke about two concerns; first, he disagrees with sending

military advisors into Iraq. Second, he presented a photograph of the Will Rogers Shrine illuminated at night, questioning the second light visible in the picture. He requested that Council members and citizens examine documents he has on file in County Clerk and Recorder's office.

Joe Vaccaro voiced concern about PPRTA funding and the city's failure to meet measures of performance.

Lawrence Martinez expressed concerns regarding public transportation and smoking at bus stops.

Eric Verlo made an appeal to Council not to re-open the Drake Power Plant due to the detrimental effects of the pollution on citizens' health.

8. Mayor's Business

Kara Skinner, CFO, filling in for Chief of Staff, presented a brief follow-up on transit spending and the PPRTA issue. She stated that the transit budget has increased every year for the past four years and that the budget has only been modified once by City Council in that time-frame. The transit budget is a priority for the Mayor.

9. Items Called Off Consent Calendar

5B.C. [TMP-0004](#) Bison Ridge at Kettle Creek Master Plan Amendment

Councilmember Miller noted this plan states the requirement for schools has been met, and there is also a statement that School District 20 opposes this action. Councilmember Miller also asked if there is a specific area designated as a park to meet the park requirement. Rick O'Connor, City Planning, replied that the park sites are designated on the Briargate Properties Master Plan and are cumulative over the years.

Citizen Mike Cather, Secretary of Kettle Creek Homeowners Association, spoke in favor of the residential development and requested a traffic light be installed near the Park.

John Maynard, NES, representing the applicant, met with Don Smith from School District 20. Per Mr. Smith, the opposition to the plan is a standard response that the school district makes in any development case. The district will evaluate the need for a school when the development is near completion. There is a plan to install a traffic light in the requested area.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the Planning Case be approved. The motion passed by a vote of 8-1-0.

Yes: 8 - Bennett, Collins, Gaebler, King, Knight, Martin, Pico, and Snider

No: 1 - Miller

10. Utilities Business

There was no Utilities Business presented.

11. Unfinished Business

- 11.A.** [14-0281](#) Ordinance No. 14-35 approving a supplemental appropriation for Colorado Springs Utilities for the year ending December 31, 2014 for the purpose of funding external economic development organizations

Councilmember Miller stated this should be a competitive bid for services and that he has concerns about separation between political issues and business decisions involved in this Ordinance.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the Ordinance be finally passed. The motion passed by a vote of 5-4-0.

Yes: 5 - Bennett, Gaebler, King, Martin, and Snider

No: 4 - Collins, Knight, Miller, and Pico

12. New Business

- 12.A.** [14-0248](#) A Resolution Authorizing the Mayor to Execute and Administer the Agreement Between the City of Colorado Springs and the Colorado Department of Transportation for the I-25 / Cimarron Interchange Reconstruction Project

Councilmember Knight expressed appreciation for the change he requested having been made to the Resolution.

Councilmember Miller expressed concern that the wording of this Ordinance implies Council would be approving appropriate of funds which would be inappropriate. Kathleen Krager, Transportation Planning Manager, replied that changes to the budget would be requested and approved through the PPRTA board, Council would be informed of the changes.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the Resolution be adopted. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

- 12.B.** [14-0249](#) A Resolution Authorizing the Mayor to Execute and Administer the Agreement Between the City of Colorado Springs and the Colorado Department of Transportation for I-25 / Fillmore Street Reconstruction Project

Please see comments in item 12. A.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the Resolution be adopted. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

- 12.C.** [14-0250](#) A Resolution Authorizing the Mayor to Execute and Administer the

Agreement Between the City of Colorado Springs and the Colorado Department of Transportation for the Old Ranch Road and Powers Interchange Project

Please see comments in item 12. A.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the Resolution be adopted. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

12.D. [14-0263](#)

A resolution approving the City of Colorado Springs 2014 annual Action Plan for the use of federal block grant funds (CDBG, HOME, ESG) provided through the U.S. Department of Housing and Urban Development

Aimee Cox, Manager, Community Initiatives, requested approval of the 2014 Action Plan for use of federal block grant funds.

Councilmember Knight expressed he is reluctantly supporting this plan due to concern about adequate public forums being provided and the amount of money being spent on administrative costs in ratio to projects. Ms. Cox responded that future plans will include additional public input and explained how her office is working to bring the grant budget into sync with the municipal budget.

Councilmember Miller expressed concern regarding the focus of the plan targeting economic development activities rather than helping individuals in need. He also questioned why all available funds from the grant have not been used. He wants to keep the focus of this spending on people needing these resources.

Ms. Cox explained how the funding is allocated and reiterated that planning and programs continue to be refined and improved. She also responded that areas of funding were not used in the past because the community did not have resources to provide some of the required services.

Councilmember Collins commented on the complexity of dealing with the homeless population.

Councilmember Gaebler responded that providing housing makes a positive contribution to the overall health of the community and she does support this initiative.

Citizens William Murray, Cathy Bucher, and Mark Slaugh spoke in favor of this resolution.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that the Resolution be adopted. The motion passed by a vote of 6-3-0.

Yes: 6 - Bennett, Gaebler, King, Knight, Martin, and Snider

No: 3 - Collins, Miller, and Pico

- 12.E. [14-0352](#) Council consideration of the Mayor's disapproval by veto of Ordinance No. 14-38 amending Section 401 (License Required; Fee) of Part 4 (Private Snow Removal Activities on Public Streets) of Article 3 (Streets and Public Ways) of Chapter 3 (Public Property and Public Works) of the Code of the City of Colorado Springs 2001, as amended

Councilmember Collins provided an overview of Ordinances 12. E. through 12. H. She is in favor of these Ordinance as she believes they will encourage small business development in Colorado Springs. She also noted that businesses will still have to be licensed.

Sarah Johnson, City Clerk, requested Ordinances 12. E, 12. F, 12. G. and 12. H. topics be included in her review of business licenses; including licensing fees, relevance, and the licensing process to be presented in September.

Kara Skinner, Chief Financial Officer, spoke on the behalf of the Mayor, noting the Mayor supports the concept, but the executive branch is not in favor of these Ordinances. Ms. Skinner reiterated that these Ordinances do not include a plan to replace revenue. They would like for the City Clerk to be able to complete her comprehensive evaluation of the licensing process prior to making changes to the Ordinances. The Mayors office is requesting these Ordinances be tabled at this time.

Councilmembers Bennett, Martin and Gaebler support adding these topics to the City Clerk's thorough review of business licenses to be presented in September.

Vince Niski, Deputy Chief, CSPD, expressed his concerns regarding the elimination of business license fees. He stated that a business license proves the legitimacy of a business, that penalties for not having a license are too small, there are potential problems with alarm monitoring companies and that paying a license fee should be the cost of doing business in Colorado Springs, not a tax payer responsibility. He also stated licensing allows the City to track businesses and their performance.

Councilmember Snider expressed desire to postpone this Ordinance.

Councilmember Collins stated she has been working on this for over a year now and would like to see a vote now.

Citizen William Murray spoke in favor of this Ordinance.

Councilmembers King, Knight and Miller spoke in favor of adopting this Ordinance without delay.

Motion by Councilmember Collins, seconded by Councilmember Pico, that the Ordinance be approved on first reading as presented. The motion passed by a vote of 5-4-0.

Yes: 5 - Collins, King, Knight, Miller, and Pico

No: 4 - Bennett, Gaebler, Martin, and Snider

- 12.F.** [14-0338](#) Council consideration of the Mayor's disapproval by veto of Ordinance No. 14-39 reinstating and amending Section 507 (License Fees Enumerated) of Part 5 (License Fees) and amending Section 605 (Renewal of License) of Part 6 (Issuance and Conditions of License) of Article 1 (General Business License Provisions) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to business license fees

Please see comments in item 12. E.

Motion by Councilmember Collins, seconded by Councilmember Pico, that the Ordinance be approved on first reading as presented. The motion passed by a vote of 5-4-0.

Yes: 5 - Collins, King, Knight, Miller, and Pico

No: 4 - Bennett, Gaebler, Martin, and Snider

- 12.G.** [14-0363](#) Council consideration of the Mayor's disapproval by veto of Ordinance No. 14-40 amending Section 101 (License Required, Fee) of Part 1 (Circuses, Carnivals and Menageries), Section 201 (License Required) of Part 2 (Billiard and Pool Tables), Section 302 (License Required) of Part 3 (Coin-Operated Machines), and Section 402 (License Required; Fee) of Part 4 (Game Rooms) of Article 2 (Amusements); Section 203 (License Required; Exemptions; Transferability) and Section 216 (Unlawful Acts; Violations; Penalty) of Part 2 (Private Security Services), Section 302 (License Required) and Section 307 (Penalties) of Part 3 (Tree Service), Section 403 (License Required; Exemptions) of Part 4 (Alarm Licenses and Registration), Section 502 (License Required; Exception; Transfer) of Part 5 (Ash, Garbage, Refuse, Trash and Rubbish Haulers), Section 602 (Licenses Required) and Section 610 (Unlawful Acts; Violations) of Part 6 (Escort Services), Section 702 (License Required; Fee; Term) of Part 7 (Peddlers of Food Wares), Section 803 (License Required; Fee; Term) and Section 811 (Penalty) of Part 8 (Pawnbrokers), Section 903 (License Required; Renewal; Fees) of Part 9 (Going-Out-Of-Business-Sales), Section 1003 (License Required; Expiration; Transferability; Fees) of Part 10 (Taxicabs), and Section 1103 (License Required; Expiration; Transferability; Fees) of Part 11 (Funeral Escorts) of Article 3 (Sales of Goods and Services); and Section 104 (License Required) of Article 4 (Sexually Oriented Businesses) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) and Section 202 (Excavation License Required) of Part 2 (Excavations), Section 401 (License Required; Fee) of Part 4 (Private Snow Removal Activities on Public Streets), and Section 501 (License Required) of Part 5 (Concrete Contractors) of Article 3 (Streets and

Public Ways) of Chapter 3 (Public Property and Public Works) of the Code of the City of Colorado Springs 2001, as amended, pertaining to penalties for failing to obtain required business licenses

Please see comments in item 12. E.

Motion by Councilmember Collins, seconded by Councilmember Pico, that the Ordinance be approved on first reading as presented. The motion passed by a vote of 5-4-0.

Yes: 5 - Collins, King, Knight, Miller, and Pico

No: 4 - Bennett, Gaebler, Martin, and Snider

- 12.H.** [14-0339](#) Council consideration of the Mayor's disapproval by veto of Ordinance No. 14-41 amending Sections 501 (License Required) and 502 (Application; Renewal; Contents) and Repealing Section 503 (License Fees) of Part 5 (Licenses) of Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to sales tax license fees

Please see comments in item 12. E.

Motion by Councilmember Collins, seconded by Councilmember Pico, that the Ordinance be approved on first reading as presented.. The motion passed by a vote of 5-4-0.

Yes: 5 - Collins, King, Knight, Miller, and Pico

No: 4 - Bennett, Gaebler, Martin, and Snider

- 12.L.** [14-0341](#) An Ordinance submitting charter amendments to the electors of the City for the special municipal election to be coordinated with the general election on November 4, 2014, relating to City Council direction and supervision of auditor and legislative employees

President Pro Tem Bennett moved to postpone to November 24, 2014.

Citizen Mark Slaugh spoke in favor of making a decision today.

Councilmember Miller stated that this is about good government, adding that the implications of not taking action on this issue have been seen. He also reminded Council that this can be revisited at an earlier date at Councils' discretion.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the Ordinance be postponed to a date certain. Proposed date, November 24,2014 council meeting. The motion passed by a vote of 7-2-0.

Yes: 7 - Bennett, Collins, Gaebler, King, Knight, Pico, and Snider

No: 2 - Martin, and Miller

- 12.I. [14-0294](#) A resolution abandoning, partially abandoning and transferring \$2,000,000 in funds from various General Fund accounts/projects and Capital Improvement Fund projects to the Information Technology operating department for remediation

Kara Skinner, CFO, provided an explanation that the terms "abandoning and partially abandoning" are used in the City Code. The intention is not to "abandon" the projects. Ms. Skinner explained there is not enough time in 2014 to complete the Academy Boulevard projects and that these projects will be a priority in 2015.

There was much discussion between Ms. Skinner and Councilmembers regarding the proper disbursement of funds. The general consensus was that there needs to be a plan of how these funds, if re-allocated to IT will be spent prior to adoption of this Ordinance.

Citizens Mark Slaugh and William Murray spoke against adopting this resolution.

Motion by President Pro Tem Bennett, seconded by Councilmember Knight, that the Resolution be adopted. The motion failed by a vote of 2-7-0.

Yes: 2 - Bennett, and Knight

No: 7 - Collins, Gaebler, King, Martin, Miller, Pico, and Snider

- 12.J. [14-0288](#) A resolution designating an independent auditor as required under section 3-160 of the Charter of the City of Colorado Springs

There was no discussion or comments regarding this Resolution.

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Resolution be adopted. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

- 12.K. [14-0340](#) A Resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at Special Municipal Election as part of a coordinated election to be held on Tuesday, November 4, 2014, the question of whether the City shall authorize, regulate, and license the lawful operation of marijuana establishments and marijuana-related facilities within the City, and if so, requiring the City Council to repeal ordinance no. 13-47 pertaining to the growing and selling of marijuana, to pass an ordinance establishing a moratorium on the licensing of marijuana establishments until July 1, 2015, for the purpose of studying and enacting one or more ordinances authorizing, regulating, and licensing the lawful operation of marijuana establishments and marijuana-related facilities within the City, and providing for the form of ballot title, providing for certain matters with respect to the election, and providing the effective date of this resolution

Citizens Luther B, Lindsey Dean, Sara Griffin, Bob Wiley, Cathy Bucher, Todd

Oxenford, William Murray, and Mark Slough spoke requesting council to vote on this issue today.

Councilmembers Gaebler and Martin agreed that the vote should not be delayed.

Councilmember Snider requested clarification on how the 180 day time-frame for gathering petition signatures for an item to be placed on the ballot was derived. Sarah Johnson, City Clerk, explained that the time-frame to ballot was in the City Charter and City Code.

Several Councilmembers commented on the pros and cons of adopting this ordinance today. The consensus of Council is to make the decision which is in the best interest of the people and to postpone this item to the August 11, 2014 City Council agenda.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the Informational Report be postponed to a date certain, postponed to August 11, 2014. The motion passed by a vote of 7-2-0.

Yes: 7 - Bennett, Collins, Gaebler, King, Knight, Martin, and Snider

No: 2 - Miller, and Pico

12.M. [14-0266](#)

Reconsideration of a resolution of the City Council of the City of Colorado Springs, Colorado approving the issuance of a Subordinate Taxable Limited Tax General Obligation and Public Improvement Fee Loan 2014A by the Copper Ridge Metropolitan District.

Councilmember Miller asked how the Public Improvement Fee (PIF) loan was established, who approved it and how long it will continue to be collected.

Alex Brown, Financial Adviser to Copper Ridge, explained that the PIF is a covenant recorded against the land by a private property owner. Funds are collected on the sale of taxable products sold in the development area. The PIF funds are used to for improvements in the development area. Once the improvements are completed and paid for, the collection will stop.

Motion by President Pro Tem Bennett, seconded by Councilmember Knight, that the Resolution be adopted. This Resolution requires a supermajority vote to be adopted. Motion failed by a vote of 5-4-0.

Yes: 5 - Bennett, Gaebler, King, Martin, and Snider

No: 4 - Collins, Knight, Miller, and Pico

12.N. [14-0316](#)

Sentinel Ridge Master Plan Amendment

Lonna Thelen, Planner II with Land Use Review, presented on the Master Plan Amendment, re-zoning requests, concept plan and development plan. Ms Thelen explained that the main concerns about this development plan are the area that is designated for a church and traffic flow. All open space

requirements have been met and the location of the church and the school will positively influence traffic flow.

Councilmember Knight asked if the zoning changes have been made public and expressed his reluctance to support this plan due to traffic concerns. Ms. Thelen responded that the changes have been presented in an open meeting.

Councilmember Pico asked if the utility issues previously identified in the reports have been resolved. Ms Thelen responded that technical modifications to the plan will resolve the utility issues.

Councilmember Martin asked about sidewalks in the area. Kathleen Krager, Transportation Planning Manager, responded to these concerns including the traffic flow plans. Ms Krager explained the responsibility for building sidewalks in this area would be shared between the city and the developer. Ms. Krager also related plans to install stop signs and traffic lights to ensure traffic flow and safety.

Much discussion ensued about the parcel of land zoned strictly for a church. Neighbors Mark Mahler, Richard Serber, Steven Eivins, Frederick Keller, and George Maentz spoke in support of the plan. A representative of First Evangelical Free Church, (the church planning to relocate to this property), requested Council amend the plan to allow some additional uses for the land.

Motion by Councilmember Martin, seconded by President Pro Tem Bennett, that the Planning Case to approve the master plan amendment for the Sentinel Ridge Phase I Plan, based upon the finding that the amendment complies with the review criteria in City Code Section 7.5.408, subject to compliance with the following technical and/or informational plan modifications listed in the CPC Record-of-Decision and the significant modifications listed below: Show the two additional green areas totaling 3.5 acres (as depicted on the Applicant's Additional Open Space Map) as Open Space be adopted. The motion passed by a vote of 8-1-0.

Yes: 8 - Bennett, Collins, Gaebler, King, Knight, Martin, Pico, and Snider

No: 1 - Miller

- 12.O.** [14-0317](#) Ordinance No. 14-43 amending the zoning map of the City of Colorado Springs relating to 21.8 acres located south of Fillmore Street and east of Mesa Road

Please see comments in item 12. N.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that the Ordinance be accepted to approve the 21.8-acre zone change for the Sentinel Ridge Phase I Plan to R1-6/SS (Single-Family Residential with Streamside Overlay), based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603 be approved on first reading. The motion passed by a vote of 9-0-0.

- 12.P.** [14-0318](#) Ordinance No. 14-44 amending the zoning map of the City of Colorado Springs relating to 7.69 acres located south of Fillmore Street and east of Mesa Road

Please see comments in item 12. N.

Motion by President Pro Tem Bennett, seconded by Councilmember Knight, that the Ordinance be approved on first reading. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

- 12.Q.** [14-0319](#) Ordinance No. 14-45 amending the zoning map of the City of Colorado Springs relating to 8.37 acres located south of Fillmore Street and east of Mesa Road

Please see comments in item 12. N.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that the Ordinance be approved on first reading. The motion passed by a vote of 7-2-0.

Yes: 7 - Bennett, Collins, Gaebler, King, Knight, Martin, and Snider

No: 2 - Miller, and Pico

- 12.R.** [14-0320](#) Ordinance No. 14-46 amending the zoning map of the City of Colorado Springs relating to 7.71 acres located south of Fillmore Street and east of Mesa Road

Please see comments in item 12. N.

Motion by President Pro Tem Bennett, seconded by Councilmember Knight, that the Ordinance be approved on first reading. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

- 12.S.** [14-0321](#) Sentinel Ridge Concept Plan

Please see comments in item 12. N.

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Planning Case to approve the concept plan for the Sentinel Ridge Phase I Plan, based upon the finding that the concept plan complies with the review criteria in City Code Section 7.5.501.E, subject to compliance with the following technical and/or informational plan modifications listed in the CPC Record-of-Decision and the significant modifications listed below: Significant plan modifications: Show the two additional green areas totaling 3.5 acres (as depicted on the Applicant's Additional Open Space Map) as Open Space and include the conditions of record prohibiting uses for the two OC zone districts be approved. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

- 12.T.** [14-0322](#) Sentinel Ridge Development Plan

Please see comments in item 12. N.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that

the Planning Case to approve the development plan for the Sentinel Ridge Phase I Plan, 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 CPC Record-of-Decision be approved. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

12.U. [14-0323](#) North Fork at Briargate Master Plan Amendment

Meggan Herington, Principal Planner, Land Use Review, outlined proposed changes to the master plan which include relocation of the planned school and some zoning changes. Ms Herington also mentioned safety measures to be implemented between the pedestrian trail and the pond.

Councilmember Miller questioned the technical modifications required as safety measures between the pedestrian trail and the pond. Ms. Herington replied that these modifications, possibly including re-grading and fencing will be added to the master plan.

Councilmember Pico requested clarification on the location of the roundabout. Ms. Herington clarified the location of the roundabout and explained that there is a plan for future road connections.

Councilmember Knight questioned a letter that was sent to property owners in 2003 regarding a previous plan that did not come to fruition. Ms. Herington explained that the plan outlined in the letter was never approved by the City Planning Commission or City Council. Councilmember Knight expressed concern about communication with neighbors regarding this plan change.

Angela Essing with La Plata Communities presented additional details of the development plan. Ms Essing addressed the letter that was sent to neighbors in 2003 and explained that the changes to the plan have been communicated to neighbors in another letter that has been sent out more recently. Ms. Essing also detailed the plans for re-grading and fencing to ensure safety between the pedestrian trail and the pond. Ms. Essing provided additional clarification about the location and purpose of the roundabout, expounding on the future connections of roads.

Tom Gregory, CFO from School District 20 addressed questions regarding the planned school. He stated the school district plans to wait to build until the area is developed and there is a need for the school.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that the Planning Case to approve the amendment to the Briargate Master Plan, based upon the finding that the master plan complies with the master plan review criteria in City Code Section 7.5.408 be approved. The motion passed by a vote of 8-1-0.

Yes: 8 - Bennett, Collins, Gaebler, King, Martin, Miller, Pico, and Snider

No: 1 - Knight

- 12.V.** [14-0324](#) Ordinance No. 14-47 amending the zoning map of the City of Colorado Springs relating to 73.54 acres located north of Old Ranch Road, east of Pine Creek High School, and west of Howells Road

Please see comments in item 12. U.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that the Ordinance to approve the North Fork at Briargate PUD rezoning (Planned Unit Development: Detached Single-Family Residential, 1.99 dwelling units per acre and 30-foot maximum building height on Estate lots and a 36-foot maximum building height on all other lots as shown on the PUD development plan), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603.B and the criteria for the establishment and development of a PUD zone as set forth in City Code Section 7.3.603 be approved on first reading. The motion passed by a vote of 8-1-0.

Yes: 8 - Bennett, Collins, Gaebler, King, Martin, Miller, Pico, and Snider

No: 1 - Knight

- 12.W.** [14-0325](#) North Fork at Briargate Development Plan

Please see comments in item 12. U.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the Planning Case to approve the North Fork at Briargate Development Plan, based upon the findings that the development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.606, and the development plan review criteria as set forth in Section 7.5.502.E, subject to compliance with the following technical modifications: Technical Modifications on PUD development plan; Update the legal description on the development plan; add the notes to the landscape plan that the landscaping in the future roundabout must be reviewed by City staff; add to the plan a note that Howells pond will be privately owned and maintained; the developer must provide a safety measure between the trail and the detention pond (Howells pond) with either fencing or re-grading be approved. The motion passed by a vote of 9-1-0.

Yes: 8 - Bennett, Collins, Gaebler, King, Martin, Miller, Pico, and Snider

No: 1 - Knight

- 12.X.** [14-0326](#) The Farm Master Plan Amendment

Meggan Herington, Principal Planner, Land Use Review, presented details of the Master Plan Amendment, including zoning changes and the development plan. Ms. Herington explained that meetings with neighbors revealed concerns regarding traffic, and the impact on drainage. There is a meeting scheduled for late July to discuss the drainage requirements. The City Planning commission approved the master plan.

Councilmember Miller questioned the zoning density, access and trails of the development. Ms. Herington expounded on the details of the plan including these areas.

Councilmember Pico brought up concerns regarding the flight noise associated with the proximity to the Air Force Academy. Councilmember Miller added that the Air Force Academy provided a map of the flight paths due to their concerns about this development and the potential noise associated with their flight volume.

Angela Essing with LaPlata Communities presented an overview of the Master Plan Amendment which includes increasing park space and trails, amending road ways through the community, relocating the school site based on traffic flow, and the addition of a four acre activity center. Two open neighborhood meetings have been held with no opposition to the plan expressed. The zoning densities are similar to other developments in the area. All drainage in the area meets required criteria. They intend to include a noise addendum statement in the Title Policy, contract addendum disclosure and in the CCRs for all property buyers. Sales agents will also be trained on notifying potential buyers on the characteristics of the neighborhood (referring to the potential flight noise).

Councilmembers Pico and Miller reiterated their concerns regarding the flight noise and the importance of this being fully disclosed to potential property buyers.

Councilmember Collins reiterated concerns about potential drainage issues in the area. Ms. Essing assured everyone that the plan meets drainage guidelines. Councilmember Collins also brought up concerns about the limited road access until phase two of the plan is completed. Kathleen Krager explained that it is common for developing communities to have limited road access with an emergency access plan until the development is complete.

Motion by Councilmember Snider, seconded by President Pro Tem Bennett, that the Planning Case to approve the major amendment to The Farm Master Plan, based upon the finding that the amendment meets the review criteria for master plan amendments as set forth in City Code Section 7.5.408, subject to the following condition: add the following note: Add a connection between Ridgeline Drive and Middle Creek Parkway with no driveway access shown. It is acceptable for that route to be indirect as it proceeds through Parcels 7, 8 or 10 be approved. The motion passed by a vote of 8-1-0.

Yes: 8 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, and Snider

No: 1 - Pico

- 12.Y.** [14-0327](#) Ordinance No. 14-48 amending the zoning map of the City of Colorado Springs relating to 26.03 acres located east of Interstate 25, west of Voyager Parkway and north of Interquest Parkway

Please see comments in item 12. X.

Motion by Councilmember Snider, seconded by President Pro Tem Bennett, that the Ordinance to approve the zone change of 26.03 acres from A (Agricultural) and PUD (Planned Unit Development: Single-family residential, 2.07 dwelling units per acre, 35-foot maximum building height) to PUD (Planned Unit Development: Single-family residential, 2-3.49 dwelling units per acres, 36-foot maximum building height), based upon the findings that the change of zoning

request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603 and the criteria for the establishment of a PUD zone as set forth in City Code Section 7.3.603 be approved on first reading. The motion passed by a vote of 8-1-0.

Yes: 8 - Bennett, Collins, Gaebler, King, Knight, Martin, Pico, and Snider

No: 1 - Miller

12.Z. [14-0328](#) The Farm Development Plan

Please see item 12. X.

Motion by Councilmember Snider, seconded by President Pro Tem Bennett, that the Planning Case be adopted Proposed Motion: Approve The Farm Filing Nos. 1A, 1B, 1C and 2 PUD Development Plan based upon the findings that the PUD development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.606, and the development plan review criteria as set forth in Section 7.5.502.E subject to the following technical modifications: Technical Modifications on PUD development plan: Show the reconfiguration of the LaForet Trail along Voyager Parkway. Update the coordinated sign plan to show temporary sign phasing and add standard notes. Amend the development plan to show a 36-foot building height maximum. The motion passed by a vote of 7-2-0.

Yes: 7 - Bennett, Collins, Gaebler, King, Knight, Martin, and Snider

No: 2 - Miller, and Pico

13. Public Hearing

There was no public hearing scheduled.

13.A. [14-0314](#) Creekside at Rockrimmon Concept Plan

Please see action taken in item 3.

13.B. [14-0315](#) Creekside at Rockrimmon Conditional Use Development Plan

Please see action taken in item 3.

14. Added Item Agenda

15. Executive Session

There was no Executive Session requested.

Councilmember Comments

President King addressed the need to reconsider item 12. M. in a future meeting because it required a supermajority vote to be adopted. Council President Pro Tem Merv Bennett agreed to provide the necessary documentation to make sure this is completed.

President King requested feedback from Council on the way the meeting was run, having the motion to approve prior to discussion. He will bring this up for further discussion in a future meeting.

16. Adjourn

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

Sarah B. Johnson, City Clerk