



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, September 13, 2022

10:00 AM

Council Chambers

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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

Present: 9 - Councilmember Yolanda Avila, Councilmember Dave Donelson, Councilmember Stephannie Fortune, President Pro Tem Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, Councilmember Mike O'Malley, President Tom Strand, and Councilmember Wayne Williams

Councilmember Murray attended the meeting virtually.

2. Invocation and Pledge of Allegiance

The Invocation was made by Chaplain Kevin Ballard from the Colorado Springs Fire Department.

President Strand led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

President Strand stated staff requested Item 4B.H. be removed from the Consent Calendar in order to identify corrections.

- 3.A. [CPC PUZ 22-00057](#) An appeal of City Planning Commission's decision for the Spectrum Loop Multi-family project changing 11.925 acres from A (Agricultural) to PUD (Planned Unit Development: Residential, 35 dwelling units per acre, and 40 feet to 60 feet maximum building height) located at the southeast corner of Voyager Parkway and Spectrum Loop intersection to the September 27, 2022, City Council meeting.

(Quasi-Judicial)

Related File: CPC PUP 20-00058

Presenter:

William Gray, Senior Planner, Planning and Community Development
Peter Wysocki, Director of Planning and Community Development

Attachments: [CPC Minutes SpectrumLoop 7.5.906 \(B\) Appeal of Commission-Board](#)

There were no comments on this item.

Motion by Councilmember Donelson, seconded by Councilmember O'Malley, that the appeal be postponed to the September 27, 2022, City Council regular hearing per City Code Section 7.5.906.B.3. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

- 3.B. [CPC PUP 22-00058](#) An appeal of the Planning Commission's recommendation to deny the Spectrum Loop Multi-Family project to change 11.925 acres from A (Agricultural) to PUD (Planned Unit Development: Residential, 35 dwelling units per acre, and 40 feet to 60 feet maximum building height).

(Quasi-Judicial)

An appeal of the Planning Commission recommendation to deny the Spectrum Loop Multi-Family project for a PUD Concept Plan graphically representing a future multi-family development.

(Quasi-Judicial)

Related Files: CPC PUZ 20-00057 and CPC PUP 20-00058

Presenter:

William Gray, Senior Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Summary:

Owner: Chapter Two Investments, LLC

Developer: Morgan Group
Representative: NES, Inc
Location: Southeast corner of Voyager Parkway and Spectrum Loop intersection

Planning Commission, at a regularly scheduled public hearing on August 10, 2022, voted four (4) to three (3) to deny the PUD Zone Change and PUD Concept Plan applications associated with the Spectrum Loop Multi-Family project. The zone change request would have allowed 11.925 acres to be rezoned from A (Agricultural) to PUD (Planned Unit Development: Residential, 35 dwelling units per acre, and 40 feet to 60 feet maximum building height). The concept plan graphically represents a proposed multi-family development on the site that is consistent with the proposed PUD zone change in terms of use, density and building height. Maximum building height being established by the zone change includes sub-zones delineated across the site to ensure there is a transition of intensity. The transition is accomplished by limiting maximum building height to 40-feet in the easterly portion of the development, 45-feet in the southwest area of the site, and 60-feet across the remainder of the development.

The Planning Commission found that the proposal did not meet the criteria required for granting a Zone Change, as set forth in City Code Section 7.5.603(B), and the establishment and development of a PUD zone, as set forth in City Code Section 7.3.603, and review criteria for establishing a PUD concept plan, as set forth in City Code Section 7.3.605, and the review criteria for establishing a concept plan, as set forth in City Code Section 7.5.501(E). The basis for this decision was because of insufficient information regarding traffic impacts associated with the project in the Traffic Impact Study, the Traffic Impact Study did not adequately account for the traffic, both current and future, in the Northgate area, an inconsistent use with an approved master plan, and a density that did not provide an appropriate transition between uses of differing intensities. A more detailed overview of the Planning Commission's decision is provided below under the City Council Appointed Board/Commission/Committee Recommendation section of this memo.

An appeal to this decision was filed by NES, Inc, on behalf of Morgan Group, on August 22, 2022, and it meets the requirement for the filing of an appeal pursuant to City Code Section 7.5.906.1..., "Notice Of Appeal: Any person may appeal to the City Council any action of the Planning Commission or an FBZ Review Board or Historic Preservation Board in relation to this Zoning Code, where the action was adverse to the person by filing with the City Clerk a written notice of appeal. The notice of

appeal shall be filed with the City Clerk no later than ten (10) days after the action from which appeal is taken and shall briefly state the grounds upon which the appeal is based.”

The appeal specifically requests that City Council reverse the decision of Planning Commission and approve the proposed zone change and PUD Concept Plan. The appellant contends that the Planning Commission erred in its decision to deny the proposal because the project does meet the criteria for a PUD Zone Change and Concept Plan. More particularly, the project is consistent with PlanCOS which provides current land use policy guidance for this area, and its approach calls for a variety of housing types and sizes, serving a range of demographic sectors; encourages higher density residential development in activity centers. The project is within the Polars Point Regional Activity Center. A zone change is not required to be consistent with a master plan that is implemented. The 1984 Northgate Master Plan is an implemented plan. The multi-family proposed provides a transition between the single-family neighborhood to the east and the more intense commercial uses to the north and west, and future Power Boulevard to the south. That there is adequate street capacity on the surrounding road network as determined in the Traffic Impact Study and at the Spectrum Loop and Voyager Parkway intersection with the proposed improvements.

Background:

The Appellant proposed to change the zoning from A (Agricultural) to PUD (Planned Unit Development). The requested PUD zoning is for residential uses at a density of 35 units per acres. Also, proposed with the zone change request are subzones that establish maximum building height for delineated area across the property from east to west. The proposed building heights range from 40 feet to 60 feet.

The PUD zone is intended to encompass all residential use types (to include single-family detached, single family attached, multi-family dwellings and all other residential use types) to allow a mix of uses to match the intended purpose of PUD (Planned Unit Development) zoning. The broader residential use types afford flexibility for future land development and decisions. The proposed uses are compatible with the surrounding mix of zones and uses, which consists of regional commercial, office, single-family and multi-family. To guide the application of the Applicant’s proposed maximum building height range, which ranges from 40-60 feet, is clarified by the subzones incorporated into the zoning of this property to better address compatibility. Compatibility can also be influenced or effected by intensity of uses, and bulk and mass of buildings. This is particularly important where this property adjoins the single-family residential neighborhood to the east. It

is not so important for the surrounding zoning to the west and north as these districts permit maximum building heights of 45' to 120'. Per City Code Section 7.3.601(A), PUD zone districts are intended to promote development with "...a variety of mutually supportive and integrated residential and nonresidential land uses", which this project does through a subzone mechanism to ensure there is a transition from the lower density single family residential on the east and the higher density commercial to the west and north of the site. Therefore, the transition of height subzones was proposed and is accomplished by limiting maximum building height to 40-feet in the easterly portion of the development, 45-feet in the southwest area of the site, and 60-feet across the remainder of the development.

To conclude, the proposed uses, maximum density and building height subzones are what contribute to making the requested zone change fit with surrounding zoning and land uses. The mix of uses are what primarily allows the application to comply with the adopted Comprehensive Plan of the City.

The Appellant's concurrent proposal is for a PUD Concept Plan that envisions multi-family development on 11.9-acres of land with a maximum density of 35-acres and three (3) maximum building height subzones. Residential uses are not being limited within the project. Other dimensional standards that are being applied through the concept plan for this project are building and landscape setbacks. For example, the building and landscape setback on the east boundary is 15 feet. This, along with the building height limits being created will help to minimize impact, especially on the east side of the development where existing development is less intense. The layout of the concept plan also considers site topography, which works in concert with the height transitions as the grade falls from east to west.

Access to the proposed new development is from two (2) access points from Spectrum Loop that are aligned with the accesses to the retail center to the north. All of the proposed street and intersection improvements have been designed to substantially comply with the City Traffic Criteria Manual and promote safety, convenience and ease of traffic flow and pedestrian movement both on- and off-site.

The City's Traffic Engineering Division of Public Works (herein referenced as "Traffic") reviewed the PUD concept plan and accompanying Traffic Impact Analysis (TIA); prepared by Kimley-Horn and Associates, Inc. Traffic accepted the analysis and recommendations set forth in the TIA prepared by the applicant's consultant. Traffic is requiring that new, westbound left-in turn lanes be added at both access

points to the development on Spectrum Loop. These improvements will be implemented at time of development plan. In addition, the city will address the signal phases changes that are recommended in the TIA for the signal at the Voyager Parkway and Spectrum Loop intersection.

No parkland or school lands are planned for the site. Both City Parks and School District requested fees in lieu of land dedication. The property is close to undeveloped Greyhawk Park and adjacent to the Skyline urban trail along the western boundary of the property, adjacent to Voyager Parkway.

Overall, the development is also located proximate to places of employment, schools, parks, groceries, services, and entertainment. All are characteristics that make it a good fit for residential development as proposed. These are similar reasons as to why the Northgate neighborhood is a desirable place to live within the city. This site is a good fit for multi-family development.

City Planning staff found that the proposed project addresses the applicable review criteria set forth in City Code for a zone change request and PUD Concept Plan. Staff notes that all future development of the project site will require the review and approval of PUD development plan and final subdivision plat applications.

City Planning staff has evaluated the proposed application for conformance with the City's current comprehensive plan ("PlanCOS"), adopted in January 2019. According to PlanCOS Vision Map and Vibrant Neighborhood Framework Map, the project site is identified as a 'Newer Developing Neighborhood'. PlanCOS recommends the incorporation of higher density and mix of housing types on remaining parcels and the creation of additional trails and pedestrian connections and connecting neighborhoods to major trail systems.

The Spectrum Loop Multi-Family project is consistent with three (3) PlanCOS vision themes, as follows:

- Vibrant Neighborhood - Housing for All
GOAL VN-2: Strive for a diversity of housing types, styles, and price points distributed throughout our city through a combination of supportive development standards, community partnerships, and appropriate zoning and density that is adaptable to market demands and housing needs.

Policy VN-2.A: Promote neighborhoods that incorporate common desire neighborhood elements.

Strategy VN-2.A-3: Support land use decision and projects that provide a variety of housing types and sizes, service a range of demographic sectors, and meeting the needs of residents and families through various life stages and income levels.

Policy VN-3.F: Enhance mobility and connectivity between neighborhoods across Colorado Springs and with surrounding jurisdictions.

Strategy VN-3.F-1: Increase transportation recreation choices for all neighborhoods by improving or adding bike lanes, sidewalks, off-street neighborhood trails, and greenways that connects to larger system trails...

- Unique Place Typologies and Framework

The site is in a Regional Employee and Activity Center (Polaris Pointe). These centers typically include a mix of supporting uses, such as higher density residential, office, service, medical and civic use.

Recommendations for these areas include expanding diversity of land uses, connection to sidewalks and trails, increased connectivity to region and surrounding neighborhoods, and design buildings and site to appropriate scale.

- Unique Places - Embrace Creative Infill, Adaptation, and Land Use Change

GOAL UP-2: Embrace thoughtful, targeted, and forward-thinking changes in land use, infill, reinvestment, and redevelopment to respond to shifts in demographics, technology, and the market.

Policy UP-2.A: Support infill and land use investment throughout mature and developed areas of the city.

City planning staff finds the project in question and its associated applications to be substantially in conformance with PlanCOS and its guidance.

The project site is part of the Northgate master planned area ("Northgate Master Plan"). Northgate Master Plan totals approximately 1,500-acres and consists of a mix of commercial, industrial, research and development, office, multi-family, and single-family residential and park land uses. The project site is identified as office/industrial in the master plan. While this land use may be complimentary and supportive to portions of the land use pattern for the area, it may not work well with the adjacent single family residential. The proposed project better diversifies land uses and is a better fit to Plan COS. The master plan is considered

implemented pursuant to City Code as it is more than 85% built out. Through staff's review of this project, it has been found to be in general conformance with the long-range vision of the Northgate Master Plan as it is consistent with the mix of uses that the plan initially laid out for this area and is a better fit with the land developed and developing land patterns and uses of today.

Previous Council Action:

City Council previously acted on this property in 1985 when the property was annexed and zoned.

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee

Recommendation:

At the City Planning Commission meeting held on August 10, 2022, the project applications were considered under the New Business. Testimony, discussion, and deliberation was extensive for the proposed project. The pertinent issues associated with this project's review were traffic impacts, insufficient information in the Traffic Impact Study, consistency with approved master plan, high density, proposed maximum building heights, park space and school capacity. A Planning Commission motion to approve both the zone change and PUD Concept Plan failed on a 4-3 vote, resulting in a denial of the project applications (Planning Commissioner James McMurray was absent).

A more details discussion of Planning Commission's deliberations, as it relates to the applicable review criteria, is provided below.

ZONE CHANGE REQUESTS AND ZONE CHANGE AMENDMENTS -

7.5.603: FINDINGS:

Section 7.5.603.B.1 requires that the action will not be detrimental to the public interest, health, safety, convenience, or general welfare. The Planning Commission cited concerns that the traffic study did not sufficiently address the traffic impacts associated with this project with existing background and future traffic of the Northgate area. At the same time, they also acknowledged the proposed project would create a lesser traffic impact than an office/industrial use as illustrated by the Traffic Impact Study.

Section 7.5.603.B.2 requires that where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. The Planning Commission referenced the Northgate Master Plan

that specifically identified the project site for office/industrial use. It was also acknowledged by Planning Commission that the proposed use is appropriate for the location and surrounding uses. Furthermore, they concluded that the proposed project met or adhered to the vision, goals and policies of PlanCOS.

PLANNED UNIT DEVELOPMENT DISTRICTS - 7.3.605: REVIEW CRITERIA FOR PUD CONCEPT PLANS:

Section 7.5.605.C requires the proposed development be consistent with any City approved master plan that applies to the site. The Planning Commission stated that the Northgate Master Plan that applies to the project site intended to be used for office/industrial. As stated previously, the Planning Commission also agreed that the proposed use was appropriate for the site and that it complied with PlanCOS.

Section 7.5.605.F requires the development pattern proposed within the PUD concept plan provide an appropriate transition or buffering between uses of differing intensities both on site and off site. Planning Commission raised concern regarding the proposed density of 35 dwelling units per acre for the project, which was not an appropriate transition between uses of differing intensities, specifically citing the Greyhawk neighborhood immediately east of the site. On the other hand, they also generally felt that the proposed multi-family use and building height subzones did provide an appropriate transition between uses.

Section 7.5.605.P requires that the proposed development not overburden the capacities of existing or planned streets, utilities, and other public facilities. The Planning Commission concluded that the Traffic Impact Study did not sufficiently address the traffic impacts associated with this project with existing background and future traffic of the Northgate area. The notion of insufficient information was also expressed by Planning Commission for the recommended westbound left-in turn lanes at both access points to the development on Spectrum Loop and the signal phase change to the signal at the Voyager Parkway and Spectrum Loop intersection. Raising the question, are these recommendations sufficient to ensure that the development does not overburden the capacity of Spectrum Loop?

To recap, the Planning Commission's review illustrates that both the positive and negative aspects of the proposal were considered carefully in their deliberations. However, by a narrow margin the Planning Commission ultimately determined after considering all evidence and testimony presented at the hearing that the project did not conform to the required review criteria for a zone change and PUD concept plan and

denied the applications.

Stakeholder Process:

The public notification process consisted of providing notice to adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 205 property owners on three (3) occasions; during the internal review stage and prior to the Planning Commission hearing. The site was also posted during the two occasions noted above. City Planning staff received 28 written comments for the project. All comments received were generally opposed to the project citing concerns over traffic, density, building height, park space, and schools, emergency evacuation. The Applicant provided a response letter to address the public comment.

Staff input is outlined in the following sections of this report. Staff sent the conditional use development application plan to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Fire Department, City Engineering, Stormwater Enterprise, and City Traffic Engineering. City Planning staff notes that the following review agencies provided project specific comments:

- City Traffic - The City's Traffic Engineering Division required an update to the submitted Traffic Impact Analysis (TIA) using existing city signal time for all the signalized intersections. The update was completed by the Applicant's Traffic Engineer. City Traffic Engineering, after recommended changes were made, agrees with the finding and recommendations in the TIA. In addition, with any future development west bound left turn lanes will be added on Spectrum Loop for the two (2) access points and the developer will be required to remit \$75,000 for the traffic signal at the intersection of Voyager Parkway and Spectrum Loop.
- City Fire - The City's Fire Department (CSFD) had no comments on the proposed project.
- City Engineering - The City Engineering Development Review (EDR) had no comments on the proposed project.
- SWENT -Stormwater Enterprise (SWENT) had no major review comments for this project. They did provide informational comments related to future development application. An amended Master Development Drainage Plan is required to be completed. In addition, site disturbance with any future project will be greater than one (1).
- CSU - Colorado Springs Utilities (CSU) had no comments on the

proposed project.

Alternatives:

1. Affirm the action of the City Planning Commission, thus denying the appeal and denying the project.
2. Reverse the action of the City Planning Commission, thus upholding the appeal and approving the project.
3. Modify the decision of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration.

Attachments: [7.5.906 \(B\) Appeal of Commission-Board](#)

There were no comments on this item.

Motion by Councilmember Williams, seconded by Councilmember Donelson, that the appeal be postponed to the September 27, 2022, City Council regular hearing per City Code Section 7.5.906.B.3. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

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. [CPC PUZ
21-00187](#)

Ordinance No. 22-55 amending the zoning map of the City of Colorado Springs relating to 45.66 acres located southeast of Grand Vista Circle at West Fillmore Street from PUD/SS/HS (Planned Unit Development: Multi-Family, 3.5 to 7.99 dwelling units per acre not to exceed 500 units, maximum building heights as shown on any approved concept plan not to exceed 69 feet using hillside height calculations, with Streamside and Hillside Overlays) to PUD/SS/HS (Planned Unit Development: Single-Family and/or Multi-Family, 2.38 to 7.99 du/ac not to exceed 364 units, maximum building heights as shown on any approved concept plan not to exceed 69 feet using hillside height calculations with Streamside and Hillside Overlays)
(Quasi-judicial)

Related Files: CPC PUP 19-00026-A1MJ21, & AR PUD
20-00023-A1MJ21

Presenter:

Caleb Jackson, AICP, Senior Planner, Planning and Community
Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC_ThePreserveAtMesaCreek](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Zone Change](#)

This Ordinance was finally passed on the Consent Calendar

4A.B. [CPC A 21-00048](#)

Ordinance No. 22-56 annexing to the City of Colorado Springs that area known as Woodmen East Commercial Center Addition No. 1 annexation consisting of 30.74 acres located southeast of the Mohawk Road and East Woodmen Road intersection

(Legislative)

Related Files: CPC A 21-00048R, CPC ZC 21-00141, CPC CP 21-00142

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_WoodmenEastCommercialCtrAddNo1Annex](#)

[Exhibit A - AnnexLegalDesc](#)

This Ordinance was finally passed on the Consent Calendar

4A.C. [CPC ZC 21-00141](#)

Ordinance No. 22-57 amending the zoning map of the City of Colorado Springs pertaining to 30.74 acres located southeast of the Mohawk Road and East Woodmen Road intersection establishing a PBC/AO (Planned Business Center with Airport Overlay) zone

(Legislative)

Related Files: CPC A 21-00048R, CPC A 21-00048, CPC CP 21-00142

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC_WoodmenEastCommercialCtrAddNo1](#)

[Exhibit A - Legal ZC](#)

[Exhibit B - Zone Change Depiction](#)

This Ordinance was finally passed on the Consent Calendar

4B. First Presentation:

4B.A. [22-573](#) City Council Regular Meeting Minutes August 23, 2022

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [8-23-2022 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.B. [22-509](#) An ordinance amending Ordinance No. 21-112 (2022 Budget Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$2,500,000 to complete the replacement of the heating, ventilation and air conditioning (HVAC) system at the Colorado Springs Pioneers Museum

Presenter:

Chris Fiandaca, City Budget Manager

Charae McDaniel - Chief Financial Officer

Britt Haley - Acting Parks, Recreation and Cultural Services Director

Attachments: [Ordinance for Supplemental Approp-Pioneer Museum HVAC 2022](#)

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

4B.C. [22-485](#) An Ordinance declining the participation of the City of Colorado Springs in the Colorado Paid Family and Medical Leave Insurance Program

Presenter:

Michael Sullivan, Chief Human Resources Officer, City of Colorado Springs

Renee Adams, General Manager - Human Resources, Colorado Springs Utilities

Attachments: [FAMLIDeclinationORD](#)

[LocalGov_2](#)

[FAMLI April Webinar - Local Governments](#)

[FAMLI Decline Participation Council Presentation Final2](#)

[knowledgenow-famli-online](#)

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

4B.D. [22-575](#) Request to Establish a Public Hearing Date for the Consideration of Resolutions Setting Water, Wastewater, and Certain Electric Rates Within the Service Areas of Colorado Springs Utilities and Certain Changes to Electric, Natural Gas, Water, and Wastewater Rate

Schedules, Utilities Rules and Regulations, and the Open Access Transmission Tariff

This Item was approved on the Consent Calendar.

- 4B.E.** [22-557](#) A Resolution Repealing Resolution 157-91 Dissolving the City Investment Advisory Committee

Presenter:

Bill Murray, Councilmember At Large
Charae McDaniel, Chief Financial Officer

Attachments: [DissolvingInvestmentAdvisoryCommitteeRES-2022-08-11](#)

[Signed Resolution No. 122-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.F.** [22-574](#) A resolution finding a petition for annexation of the area known as West Colorado Addition No. 1 - 3 Annexation consisting of 7.21 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of October 25, 2022, for the Colorado Springs City Council to consider the annexation of the area.

(Legislative)

Presenter:

Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

Attachments: [RES_SettingHearingDate_WColoradoAvAdNos1-3](#)

[Exhibit A - PetitionsForWColoradoAvAddNos1-3](#)

[W.Colorado Annex_Memo to Clerk to Advertise](#)

[PUBLIC NOTICE_W.Colo Annexation](#)

[W.ColoradoAveAdditionNo.1_AnnexationPlat](#)

[W.ColoradoAveAdditionNo.2_AnnexationPlat](#)

[W.ColoradoAveAdditionNo.3_AnnexationPlat](#)

[Vicinity_AddNo.1](#)

[Vicinity_AddNo.2](#)

[Vicinity_AddNo.3](#)

[Signed Resolution No. 123-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.G.** [22-546](#) A resolution granting a request for an Amendment to Plat Restriction for Falcon Estates Filing No. 4 Subdivision No. 1, Lot 2

Legislative

Presenter:

Drew Foxx, Planner II, Planning and Community Development
Peter Wysocki, Planning Director, Planning and Community Development.

Attachments: [RES AmendmentPlatRestriction](#)

[Exhibit A Certificate of Amendment to Plat Restriction Recorded](#)

[CC 1115 Cragin Rd DFF](#)

[7.7.503.D.1 ResolutionsForAmendingPlatRestrictions](#)

[Signed Resolution No. 124-22](#)

This Resolution was adopted on the Consent Calendar.

4B.I. [CPC PUZ 22-00036](#)

An ordinance amending the zoning map of the City of Colorado Springs relating to 20.26 acres located west of South Chelton Road along the north and south side of Hancock Expressway from PUD/PUD/OC/CR/PBC/AO (Planned Unit Development: Townhomes, 30-foot maximum building height with 15 dwelling units per acre; Planned Unit Development: Townhomes, 35-foot maximum building height, 11.668 dwelling units per acre with Navigation Preservation Overlay; Office Complex with Airport Overlay; and Planned Business Center with Airport Overlay) to PUD/AO (Planned Unit Development: Community Commercial, 20,000 square foot maximum, and 45-foot maximum building height; Residential Very High, 25 dwelling units per acre maximum, and 45-foot maximum building height; Residential Medium, 8 dwelling units per acre maximum, and 35-foot maximum building height; with Airport Overlay)

(Quasi-judicial)

Related File: CPC PUP 22-00037

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC_HancockCommons](#)
[Exhibit A - Legal Desc](#)
[Exhibit B - Zone Change](#)
[App -Hancock Commons NES](#)
[Staff - Hancock Commons_RGS](#)
[Staff Report Hancock Commons](#)
[Project Statement](#)
[Public Comments](#)
[Current Zoning Depiction](#)
[Zone Change](#)
[Concept Plan](#)
[Hancock Commons - Traffic Agreement](#)
[Conditions Survey](#)
[TIF Draft Financial Model](#)
[Hancock Commons URA Plan](#)
[URA Comments](#)
[El Paso County Draft Impact Report-Hancock Commons 7-15-2022](#)
[Vision Map](#)
[Areas of Change](#)
[Vibrant Neighborhoods Framework](#)
[Unique Places Framework](#)
[Thriving Economy Framework](#)
[Aerial](#)
[CPC_Minutes_HancockCommons](#)
[7.3.603 Establishment & Development of a PUD Zone](#)
[7.5.603.B Findings - ZC](#)

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

- 4B.J.** [CPC PUP
22-00037](#) A concept plan for 20.26 acres located west of South Chelton Road along the north and south sides of Hancock Expressway for multi-family residential and commercial development.

(Quasi-judicial)

Related Files: CPC PUZ 22-00036, CPC PUP 22-00037

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [Concept Plan](#)
[7.3.605 PUD Concept Plan](#)
[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

- 4B.K.** [CPC MP 87-00381-A3 MJ22](#) A resolution approving a major amendment to the Banning Lewis Ranch Master Plan changing land use designations from residential-medium high, neighborhood retail, school, and park to residential-medium, commercial, mixed commercial/residential-high, park and open space consisting of 184.29 acres located east of the North Marksheffel Road and Barnes Road intersection.

(Legislative)

Related Files: CPC PUZ 22-00034 and CPC PUP 16-00013-A4MJ22

Presenter:

William Gray, Senior Planner, Planning & Community Development
 Peter Wysocki, Director, Planning & Community Development

Attachments: [RES BanningLewisRanchMPA](#)
[Exhibit A - Master Plan Amendment](#)
[Enclaves@MVE_WEG Presentation](#)
[CPC Staff Report_Enclaves at Mountain Vista East](#)
[Project Statement](#)
[Master Plan](#)
[Zone Change](#)
[Concept Plan](#)
[Fiscal Impact Analysis](#)
[Vicinity Map](#)
[Context Map](#)
[PlanCOS Vision Map](#)
[CPC_Minutes_ConsentCalendar](#)
[7.5.408 Master Plan](#)
[Signed Resolution No. 125-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.L.** [CPC PUZ 22-00034](#) An ordinance amending the zoning map of the City of Colorado Springs for the Enclaves at Mountain Vista Ranch East project changing 184.29 acres from R-1 6000/PBC/AO/R-5/PUD/PK/SS/AO (Single-Family Residential, Planned Business Center, Multi-Family Residential, Planned Unit Development, and Public Parks with Streamside and Airport

Overlays) to PUD/SS/AO (Planned Unit Development: Residential, 3.5 dwelling units per acre to 24.99 dwelling units per acre, and 35 feet maximum building height; and Commercial, 138,500 square feet maximum, and 45 feet maximum building height, with Streamside and Airport Overlays).

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A31MJ22 and CPC PUP 16-00013-A4MJ22

Presenter:

William Gray, Senior Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Attachments: [ORD_ZC_EnclavesAtMountainVistaEast](#)

[Exhibit A - Legal](#)

[Exhibit B - Zone Change](#)

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

[7.5.603.B Findings - ZC](#)

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

- 4B.M.** [CPC PUP 16-00013-A4 MJ22](#) A PUD Concept Plan for the Enclaves at Mountain Vista Ranch East project illustrating a phased residential and commercial development with a mix of land uses, public and private improvements, and the realignment of Barnes Road.

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A31MJ22 and CPC PUZ 22-00034

Presenter:

William Gray, Senior Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Attachments: [Concept Plan](#)

[7.3.605 PUD Concept Plan](#)

[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Fortune, seconded by Councilmember Donelson, 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, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

5. Recognitions

5.A. [22-553](#) A Resolution recognizing September 2022 as Suicide Prevention Month

Presenter:

Nancy Henjum, Councilmember District 5

Attachments: [Suicide Prevention Month](#)

[Signed Resolution No. 126-22](#)

Councilmember Henjum read a Resolution recognizing September 2022 as Suicide Prevention Month and read several tenets of companioning the bereaved.

Cassandra Walton, Executive Director, Pikes Peak Prevention Partnership and Co-Chair, Suicide Prevention Collaborative of El Paso County, stated they work to unite community partners in addressing suicide prevention by creating quality lives for everyone.

Motion by Councilmember Fortune, seconded by President Pro Tem Helms, that the Resolution recognizing September 2022 as Suicide Prevention Month be adopted. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

5.B. [22-580](#) A Resolution recognizing September 17, 2022 as Constitution Day and Citizenship Day

Presenter:

Wayne Williams, Councilmember At Large

Attachments: [Constitution Day and Citizenship Day](#)

[Signed Resolution No. 127-22](#)

Councilmember Williams read a Resolution recognizing September 17, 2022 as Constitution Day and Citizenship Day, gave a brief history of the United States Constitution, and expressed appreciation for those who have protected it.

Motion by Councilmember Donelson, seconded by Councilmember O'Malley, that the Resolution recognizing September 17, 2022 as Constitution Day and Citizenship Day be adopted. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

5.C. [22-581](#) A Resolution Celebrating September 18, 2022 as the 75th Anniversary Of The United States Air Force

Presenter:

Randy Helms, President Pro Tem and Councilmember District 2

Attachments: [Air Force Anniversary](#)

[Signed Resolution No. 128-22](#)

Randy Helms, President Pro Tem and Councilmember District 2, provided a brief history of the United States Air Force and read a Resolution celebrating September 18, 2022 as the 75th Anniversary of the United States Air Force

Colonel Randy Combs, Space Base Delta One Vice Commander, Schriever Space Force Base, and Chief Master Sergeant Sevin Balkuvar, Space Base Delta One Command Chief of Peterson Space Force Base, expressed appreciation of the City's and City Council's support of service members and veterans.

Several Councilmembers honored the members and veterans of the United States Air Force.

Motion by Councilmember Donelson, seconded by Councilmember Fortune, that the Resolution celebrating September 18, 2022 as the 75th Anniversary of the United States Air Force be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

- 5.D.** [22-582](#) A Resolution Recognizing September 24 through October 2 as Creek Week 2022

Presenter:

Stephannie Fortune, Councilmember District 3

Helen Sweeney, Watershed Outreach Assistant, Fountain Creek Watershed District

Attachments: [Creek Week](#)

[Signed Resolution No. 129-22](#)

Councilmember Fortune read the Resolution recognizing September 24 through October 2 as Creek Week 2022.

Amy Brautigan, Watershed Outreach Coordinator Fountain Creek Watershed District, presented the Resolution recognizing the annual Creek Week clean-up which started nine years ago. She stated they have removed tons of litter from public lands, trails, and waterways and identified their website (www.fountain-creek.org) and the public events being offered during the week.

Councilmember Fortune and Councilmember Henjum expressed appreciation for their clean-up efforts.

Motion by Councilmember Fortune, seconded by Councilmember Murray, that the Resolution recognizing September 24 through October 2 as Creek Week 2022 be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

5.E. [22-554](#) A Resolution celebrating September 15th to October 15th as Hispanic Heritage Month

Presenter:

Yolanda Avila, Councilmember District 4

Attachments: [Hispanic Heritage Month](#)
[Signed Resolution No. 130-22](#)

Councilmember Avila read a Resolution celebrating September 15 to October 15 as Hispanic Heritage Month.

Mariachi Tigre from Colorado College and Mariachi Wild Cat from University of Pueblo played a song in recognition of Hispanic Heritage Month.

Councilmember Avila introduced Carmen Abeyta, Dora Gonzalez, Julie Ramirez, Anna Marie Ortiz, Amy Sanchez Martinez, Josie Ornelas, Joyce Salazar, Jeannie Lira, Nancy Hernandez, Fabiola Jacquez, Jacqueline Jaramillo, Moni Hernandez, Cory Arcarese and Rose Martinez who are Latinas who have made great contributions to the community.

Ms. Arcarese expressed appreciation for the recognition.

Citizen Jaymen Johnson honored Councilmember Avila for her service to the community.

Several Councilmembers expressed gratitude for the members of the Hispanic community and their contributions to the community.

Motion by Councilmember Murray, seconded by Councilmember Donelson, that the Resolution celebrating September 15th to October 15th as Hispanic Heritage Month be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

6. Mayor's Business

There was no Mayor's Business.

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

Citizens Andrew Dalby stated Councilmember Williams conspired with Jena Griswold to misappropriate over a million dollars of taxpayer's money to fund a joint campaign ad and requested that he resign from City Council.

Citizen Lawrence Martinez invited Councilmembers to visit Golden Lotus, the Asian Heritage Center.

Citizen Jaymen Johnson expressed appreciation for the recognitions given by City Council at today's meeting and spoke about the importance of the Constitution and the citizens of the City.

8. Items Called Off Consent Calendar

- 4B.H.** [CPC ZC 22-00097](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 7.98 acres located northeast of the Thunder Mountain Avenue and Daydreamer Drive intersection from PUD (Planned Unit Development) to PK (Public Park)

(Quasi-Judicial)

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Attachments: [ORD_ZC_VictoryPark](#)
[Exhibit A - Legal Desc](#)
[Exhibit B - Zone Depict](#)
[CPC Report_Victory Ridge Park](#)
[Project Statment](#)
[Victory Ridge Zone Change](#)
[Vision Map](#)
[CPC_Minutes_ConsentCalendar](#)
[7.5.603.B Findings - ZC](#)

Katelynn Wintz, Planning Supervisor, Planning Community Development, stated this item was pulled off the Consent Calendar because the location information in the title and Ordinance is incorrect. She stated this property is located in Victory Ridge which is at the intersection of Interquest

Parkway and Voyager Parkway.

Councilmember Williams asked if the correct property was publicly posted and the affected property owners were notified of this hearing. Ms. Wintz confirmed it was.

Ben Bolinger, Assistant City Attorney, stated the Open Meetings notice for the title on the meeting agenda was incorrect but believes it would be legal to vote on the item today or City Council can choose to postpone the item so that the correct title can be posted with the next agenda.

Councilmember Murray stated he believes this item should be postponed.

Motion by Councilmember Donelson, seconded by Councilmember Murray, that the Ordinance be postpone to the September 27, 2022 City Council meeting. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11.A. [22-512](#) An ordinance repealing Part 18 (Acquisition and Disposition of Real Property Interests) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) and creating a new Part 5 (Acquisition of Real Property Interests) of article 2 (City Properties) of Chapter 3 (Public Property and Public Works) of the Code of the City of Colorado Springs 2001, as amended, pertaining to acquisition and disposition of real property.

Presenter:

Ben Bolinger, Legislative Counsel, Office of the City Attorney
Darlene Kennedy, Real Estate Services Manager

Attachments: [Staff Memo for Real Estate Code Amendment](#)
[ORD Real Estate A&D](#)

Ben Bolinger, Assistant City Attorney, Office of the City Attorney, presented the Ordinance pertaining to acquisition and disposition of real property and explained that the real estate code provisions are currently located within

the Zoning and Subdivision Code, however, the majority of City real estate transactions are not related to development or subdivision platting. He stated the list of dispositions which did not require City Council approval, has been removed from the Ordinance and refers to the Real Estate Manual which is adopted by City Council.

Motion by Councilmember Williams, seconded by President Pro Tem Helms, that the Ordinance repealing Part 18 (Acquisition and Disposition of Real Property Interests) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) and creating a new Part 5 (Acquisition of Real Property Interests) of Article 2 (City Properties) of Chapter 3 (Public Property and Public Works) of the Code of the City of Colorado Springs 2001, as amended, pertaining to acquisition and disposition of real property be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

12. Public Hearing

- 12.A. [CPC A 21-00137R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Dublin North Addition No. 5 annexation consisting of 5.895 acres located southeast of the Spring Breeze Drive and Tutt Boulevard intersection

(Legislative)

Related Files: CPC A 21-00137, CPC PUZ 21-00171, CPC PUD 21-00172

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [RES_DublinNorthAdditionNo5_Findings](#)

[Exhibit A - Annex Legal Dublin North](#)

[Exhibit B - Annex Agreement](#)

[Annex Plat_DublinNorthAddNo.5](#)

[Planner Affidavit](#)

[Surveyor Affidavit](#)

[Signed Resolution No. 131-22](#)

Katelynn Wintz, Planning Supervisor, Planning and Community Development, presented the Resolution, Ordinances, and Pikes Vista PUD Development Plan determining the eligibility for annexation of property known as Dublin North Addition No. 5 annexation, amending the zoning

map establishing the PUD/AO (Planned Unit Development: attached and detached single-family residential, 7.7 dwelling units per acre, 40-foot maximum building height, with Airport Overlay) zone, and establishing residential land use for 45-units pertaining to 5.895 acres located southeast of the Spring Breeze Drive and Tutt Boulevard intersection. She provided an overview of the applications, vicinity map, general information, annexation, development plan, conformance with PlanCOS, and staff recommendations.

Bill Guman, Principal, William Guman and Associates, Ltd, representing the applicant, provided an overview of the Pikes Vista at Dublin North project, annexation plat, annexation vicinity, development plan, grading plan, utility plan, landscape plan, and elevations.

President Strand asked if all the units were duplexes. Mr. Guman confirmed that they are all paired houses.

Councilmember Henjum asked if they have considered landscaping with native grasses. Mr. Guman confirmed they do adhere to the Colorado Springs Utilities' principles of water conservation.

Motion by President Pro Tem Helms, seconded by Councilmember Henjum, the Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Dublin North Addition No. 5 annexation consisting of 5.895 acres located southeast of the Spring Breeze Drive and Tutt Boulevard intersection be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

12.B. [CPC A
21-00137](#)

An ordinance annexing to the City of Colorado Springs that area known as Dublin North Addition No. 5 annexation consisting of 5.895 acres located southeast of the Spring Breeze Drive And Tutt Boulevard intersection

(Legislative)

Related Files: CPC A 21-00137R, CPC PUZ 21-00171, CPC PUD 21-00172

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_DublinNorthAdditionNo5Annex](#)
[Exhibit A - Annex Legal Dublin North](#)
[Annex Plat_DublinNorthAddNo.5](#)
[Dublin North staff presentation](#)
[StaffReport_Dublin North 5](#)
[Project Statement](#)
[Development Plan](#)
[Zone Change](#)
[Fiscal Impact Analysis](#)
[Traffic Impact Study](#)
[public comment](#)
[CPC Minutes_DublinNorth draft](#)
[7.6.203-Annexation Conditions](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Williams, seconded by Councilmember Murray, the Ordinance annexing into the City of Colorado Springs the area known as Dublin North Addition No. 5 consisting of 5.895 acres located southeast of the Spring Breeze Drive and Tutt Boulevard intersection, based upon the findings that the annexation complies with the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

- 12.C.** [CPC PUZ 21-00171](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 5.895 acres located southeast of the Spring Breeze Drive and Tutt Boulevard intersection establishing the PUD/AO (Planned Unit Development: attached and detached single-family residential, 7.7 dwelling units per acre, 40-foot maximum building height, with Airport Overlay) zone

(Legislative)

Related Files: CPC A 21-00137R, CPC A 21-00137, CPC PUD 21-00172

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC_DublinNorthAddNo5](#)
[Exhibit A - ZC Legal](#)
[Exhibit B - ZoneChange](#)
[7.5.603.B Findings - ZC](#)
[7.3.603 Establishment & Development of a PUD Zone](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Murray, seconded by Councilmember Henjum, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 5.895 acres located southeast of the Spring Breeze Drive and Tutt Boulevard intersection establishing the PUD/AO (Planned Unit Development: attached and detached single-family residential, 7.7 dwelling units per acre, 40-foot maximum building height, with Airport Overlay) zone, based upon the findings that the request meets the review criteria for establishing a PUD zone, as set forth in City Code Section 7.3.603, and that the change of zone request complies with the criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) be approved on first reading. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

- 12.D.** [CPC PUD 21-00172](#) The Pikes Vista PUD Development Plan establishing residential land use for 45-units located southeast of the Spring Breeze Drive And Tutt Boulevard intersection

(Quasi-Judicial)

Related Files: CPC A 21-00137R, CPC A 21-00137, CPC PUZ 21-00171

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

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

Please see comments in Agenda item 12.A.

Motion by President Pro Tem Helms, seconded by Councilmember Henjum, that the Pikes Vista PUD Development Plan, based upon the findings that the proposal meets the review criteria for establishing a PUD Development Plan as set forth in City Code Section 7.3.606 and the review criteria for a Development Plan as set forth in City Code Section 7.5.502.D be approved. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

- 12.E. [CPC CU 22-00059](#) An appeal of City Planning Commission's approval of a conditional use development plan with technical modification that a multi-family residential project located at 2525 Concord Street comply with the OR (Office Residential) zone district of 20-foot minimum front yard setback.

Related File: CPC NV 22-00061

Presenter:

Tamara Baxter, Senior Planner, Planning & Community Development Department

Peter Wysocki, Director, Planning and Community Development Department

Attachments: [Appellant Statement](#)
[2525 Concord Street TPB](#)
[CPC Staff Report 2525 Concord Street](#)
[AppellantPresentation 2525 Concord](#)
[Conditional Use Development Plan_ltr](#)
[Project Statement](#)
[Vision Map](#)
[Public comments](#)
[Public Comment Response](#)
[Context Map](#)
[7.5.704 Conditional Use Review](#)
[7.5.502.E Development Plan Review](#)
[7.5.906 \(B\) Appeal of Commission-Board](#)

Tamara Baxter, Senior Planner, Planning and Community Development Department, presented the appeals of City Planning Commission's decision to approve a conditional use development plan with technical modification that a multi-family residential project located at 2525 Concord Street comply with the OR (Office Residential) zone district of 20-foot minimum front yard setback and denial of a nonuse variance to reduce the minimum front yard setback from the required twenty feet to ten feet along North Cascade Avenue, West Harrison Street, and Concord Street for a multi-family residential project located at 2525 Concord Street. She provided an overview of the context map, general site details, project details, parking, nonuse variance setbacks, business operation, application, Planning Commission's action, stakeholder notice/comment, impact, conformance with PlanCOS, Planning Commission's decision, appellant appeal, and staff recommendation.

Councilmember Williams asked if anything precludes moving the buildings to the twenty-foot setback. Ms. Baxter stated the fire separation provisions would require the applicant to reduce the number of units or a building.

John Olson, Principal, Urban Landscapes, representing the appellant, identified the development team, site location, house design, concept plan, conformity with PlanCOS, nonuse variance discussion, ten-foot, eight-foot, and two-foot setback examples, and the sight distance.

Councilmember Donelson asked if there are properties on streets other than Cascade Avenue with setbacks of less than twenty feet. Mr. Olson stated not within the four-hundred-foot radius.

Councilmember O'Malley asked if the plan includes a sprinkler fire suppression system. Mr. Olson confirmed it does.

Councilmember Williams asked what the minimum setback could be and keep the same number of buildings. Mr. Olson stated he would have to ask the architects but believes it could be eighteen to nineteen feet.

Darsey Nicklasson, Owner and President, DH Investments, LLC, representing the applicant, spoke about the rising cost of housing and construction and the importance of infill projects, and they attempted to meet the twenty-foot setback, but it would mean losing an entire building from the project.

Citizen Alex Rodriguez spoke in opposition of the project.

Mr. Olson identified the proposed parking availability for the project and stated the proposed buildings will not be higher than two-stories.

Councilmember Avila stated she supports this project.

Councilmember Fortune disclosed that she and her husband are investors in one of Ms. Nicklasson projects although not this particular one, has done work with Greccio Housing who are supporters of the project, and can remain fair and impartial, but will recuse herself from voting.

Councilmember Donelson stated the proposed buildings fit the character of the neighborhood, does believe there can be too much density, and will be

supporting this project.

Motion by President Pro Tem Helms, seconded by Councilmember Murray, to uphold the appeal based upon the findings that the appeal criteria found in City Code Section 7.5.906.B are met and that the application complies with the review criteria for granting a Conditional Use as set forth in City Code Sections 7.5.704 and the review criteria for granting a Development Plan set forth in City Code Section 7.5.502.E. The motion passed by a vote of 8-0-0-1

Aye: 8 - Avila, Donelson, Helms, Henjum, Murray, O'Malley, Strand, and Williams

Recused: 1 - Fortune

12.F. [CPC NV
22-00061](#)

An appeal of the City Planning Commission's denial of a nonuse variance to reduce the minimum front yard setback from the required 20 feet to 10 feet along North Cascade Avenue, West Harrison Street, and Concord Street for a multi-family residential project located at 2525 Concord Street.

(Quasi-Judicial)

Related File: CPC CU 22-00059

Presenter:

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

Attachments: [7.3.104\(A\)](#)

[7.5.802.B Nonuse Variance Criteria](#)

[7.5.802.E GuidelinesforReview NonuseVariance](#)

[7.5.906 \(B\) Appeal of Commission-Board](#)

Please see comments in Agenda item 12.E.

Motion by Councilmember Henjum, seconded by Councilmember Murray, to uphold the appeal and approve the non-use variance based upon the finding that the appeal meets the requirements of City Code Section 7.5.906.B and that the application meets the criteria for a non-use variance as set forth in City Code Section 7.5.802.B. The motion passed by a vote of 8-0-0-1

Aye: 7 - Donelson, Helms, Henjum, Murray, O'Malley, Strand, and Williams

Absent: 1 - Avila

Recused: 1 - Fortune

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