



# City of Colorado Springs

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

## Meeting Minutes City Council

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

---

Tuesday, January 12, 2021

10:00 AM

Council Chambers

---

### How to Watch the Meeting

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

### How to Comment on Agenda Items

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

During the meeting, those who wish to comment should submit their name, telephone number, and the topic or agenda item for comment via [allcouncil@coloradosprings.gov](mailto:allcouncil@coloradosprings.gov) in addition to calling +1 720-617-3426 United States, Denver (Toll) and entering this Conference ID: 773 914 721#

### 1. Call to Order

**Present:** 9 - Councilmember Yolanda Avila, Councilmember Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Mike O'Malley, President Richard Skorman, President Pro Tem Tom Strand, and Councilmember Wayne Williams

### 2. Invocation and Pledge of Allegiance

Councilmember Knight and President Skorman paid respect for former Councilmember Helen Collins who recently passed away.

The Invocation was made by President David McConkie, Colorado Springs East Stake of the Church of Jesus Christ of Latter-Day Saints.

President Skorman led the Pledge of Allegiance.

### 3. Changes to Agenda/Postponements

Councilmember Knight requested item 4B.K., 4B.P., and 4B.Q removed from the Consent Calendar.

Sarah B. Johnson, City Clerk, stated both of the appellants for items 12.H. and 12.I. have requested item 12.I. be taken prior to 12.H.

Consensus of Council agreed to these changes on the agenda.

#### **4. Consent Calendar**

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

#### **4A. Second Presentation:**

- 4A.A. [20-625](#) Ordinance No. 20-94 Amending Section 1209 (Testing) and Section 1210 (Installation, Repair and Replacement of Backflow Prevention Assemblies and Methods) of Part 12 (Cross Connection Control) of Article 4 (Water Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Cross Connection Control

Presenter:

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities  
Michael J. Gustafson, Senior Attorney, City Attorney's Office - Utilities Division

**Attachments:** [CSU-BackflowORD-2020-10-20](#)  
[Backflow Ordinance CC Presentation 12-2020](#)

**This Ordinance was finally passed on the Consent Calendar**

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

- 4B.A. [21-029](#) City Council Regular Meeting Minutes December 8, 2020

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [12-8-2020 City Council Meeting Minutes Final](#)

**The Minutes were approved on the Consent Calendar.**

- 4B.B. [21-028](#) Special City Council Regular Meeting Minutes December 29, 2020

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [12-29-20 Special City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

**4B.C.** [21-042](#) Appointments to Boards, Commissions, and Committees

Presenter:

Michael Montgomery, Deputy City Council Administrator

**Attachments:** [01221 Boards and Commissions REVISED](#)

This Item was approved on the Consent Calendar.

**4B.D.** [21-004](#) Annual Designation of the City Clerk's Office as the public place for posting of public notices for public meetings.

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Public Notices for Public meetings](#)

This Item was approved on the Consent Calendar.

**4B.E.** [CPC ZC  
17-00068](#) Ordinance No. 21-01 amending the zoning map of the City of Colorado Springs pertaining to 3.43 acres located at the northwest corner of Lower Gold Camp Road and West Moreno Avenue, from R-5/M-1/R1-6/HR/DF (Multi-Family Residential/Light Industrial/Single-Family Residential/High-Rise Overlay/Design Flexibility) to R-5 (Multi-Family Residential) for development of 72 apartments.

(Quasi-Judicial)

Related Files: CPC ZC 17-00068, CPC DP 18-00048

Presenter:

Tasha Brackin, Senior Planner, Planning & Community Development  
Peter Wysocki, Director, Planning and Community Development

**Attachments:** [ZC ORD VueDesMonts](#)

[Exhibit A - Zone Change Legal Description](#)

[Exhibit B - Zone Change Depiction](#)

[Vicinity Map](#)

This Ordinance was approved on first reading on the Consent Calendar

**4B.F.** [CPC DP  
18-00048](#) The Vue Des Monts Development Plan for construction of 72 apartments in six, three-story buildings on 3.43 acres, located at the northwest corner of Lower Gold Camp Road and West Moreno Avenue.

(Quasi-Judicial)

Related Files: CPC ZC 17-00068, CPC DP 18-00048

Presenter:  
Tasha Brackin, Senior Planner, Planning & Community Development  
Peter Wysocki, Director, Planning and Community Development

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

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

**4B.G.** [CPC CA 20-00144](#) Ordinance No. 21-02 amending Section 504 (HS - Hillside Area Overlay) of Part 5 (Overlay Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to grading and erosion control.

Presenter:  
Erin Powers, Senior Technical Engineer  
Richard Mulledy, Stormwater Enterprise Manager

**Attachments:** [Ordinance HS-O](#)

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

**4B.H.** [CPC CA 20-00148](#) Ordinance No. 21-03 amending Section 508 (SS - Streamside Area Overlay) of Part 5 (Overlay Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to grading and erosion control.

Presenter:  
Erin Powers, Senior Technical Engineer  
Richard Mulledy, Stormwater Enterprise Manager

**Attachments:** [Ordinance SS-O](#)

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

**4B.I.** [CPC CA 20-00149](#) Ordinance No. 21-04 amending Part 9 (Subdivision Drainage Facilities) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to grading and erosion control and stormwater quality.

Presenter:

Erin Powers, Senior Technical Engineer  
Richard Mulledy, Stormwater Enterprise Manager

**Attachments:** [Ordinance Drainage Facilities](#)

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

- 4B.J.** [CPC CA 20-00150](#) Ordinance No. 21-05 repealing and reordaining Part 15 (Grading Plans and Erosion and Stormwater Quality Control Plans) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to grading and erosion control and stormwater quality standards and providing penalties and remedies for the violation thereof.

Presenter:

Erin Powers, Senior Technical Engineer  
Richard Mulledy, Stormwater Enterprise Manager

**Attachments:** [SW-GEC-7-7-15-ORD-2020-11-10-clean](#)

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

- 4B.L.** [20-630](#) Security Water District Regional Water Service Agreement

Presenter:

Earl Wilkinson, Chief Water Services Officer, Colorado Springs Utilities  
Brian Whitehead, System Extensions Manager, Colorado Springs Utilities  
Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [Security Supplemental Short-Term Water Contract 2020 - 12-9-2020 \(FINAL CLEAN\)](#)  
[Security Short-Term Water Contract Resolution 2020-21 \(Final\) Revised 20201118](#)  
[Security WSD Regional Water Request - UB PPT Presentation \(Final\)](#)  
[Resolution 01-21](#)

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

- 4B.M.** [20-661](#) Resolution Authorizing the Patriot Park Metropolitan District No. 2 to Issue Series 2021 General Obligation Limited Tax Bonds in an Aggregate Principal Amount Not to Exceed \$3,250,000.

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [PatriotParkRES-2020-11-30](#)

[PowerPoint](#)

[1- Cover Letter to Colorado Springs re Bond Submittal - Patriot Park MD No. 2\(4355946.1\)](#)

[2- District Facilities and Improvements Map](#)

[3- 2020-11-16 Patriot Park MD - Estimated Cash Flows - DRAFT v5](#)

[4- 2020-11-16 Patriot Park MD - Estimated Cash Flows](#)

[5- Estimate of Public Improvement Costs](#)

[6- Draft Patriot Park MD No. 2 - Indenture of Trust\(4351155.1\)](#)

[7- Draft General Counsel Bond Opinion - Patriot Park MD No. 2\(4351129.1\)](#)

[8- Draft Patriot Park - Bond Counsel Opinion - 2021\(4350300.1\)](#)

[Resolution 02-21](#)

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

**4B.N. [20-606](#)**

A Resolution Approving an Intergovernmental Agreement between the City of Colorado Springs and the Pikes Peak Area Council of Governments (PPACG) to transfer specialized transportation services from the Transit Division of Public Works to PPACG.

Presenter:

Craig Blewitt, Transit Services Division Manager  
Erin McCauley, Sr. Compliance Analyst

**Attachments:** [Transit IGA w PPACG - Presentation](#)

[Transit IGA w PPACG - Resolution](#)

[IGA PPACG CITY PPRTA FUNDING](#)

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

**4B.O. [21-030](#)**

Ordinance No. 21-06 appointing Jacqueline Rowland as City Auditor and prescribing her duties, compensation and tenure in office

Presenter:

Richard Skorman, City Council President

**Attachments:** [Ord Appt. Rowland \(Dec 2020 final\)](#)

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

### **Approval of the Consent Agenda**

**Motion by Councilmember Avila, seconded by President Pro Tem Strand, 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, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

## **5. Recognitions**

5.A. [21-045](#) A Proclamation recognizing January 16 as Religious Freedom Day

Presenter:

Wayne Williams, Councilmember At-large

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

Councilmember Williams gave a brief history regarding the importance of religious freedom and the core principals of religious liberty.

Bishop Sheridan spoke about the teachings of the Catholic church that every human being and all religious bodies has the right to religious freedom.

Martin Nussbaum, Nussbaum, Speir, Gleason Law Firm, spoke about the significance of respecting religious diversity.

President David McConkie, Colorado Springs East Stake of the Church of Jesus Christ of Latter-Day Saints, stated religious freedom protects all members of society and allows other freedoms to flourish. He stated respecting religious freedom facilitates the civility that is vital to an effective democracy.

Councilmember Geislinger stated no one should interfere with a person's right to believe.

Councilmember Williams read a Proclamation recognizing January 16, 2021 as Religious Freedom Day.

5.B. [21-043](#) A Proclamation recognizing January 18 as Martin Luther King Jr. Day

Presenter:

Yolanda Avila, Councilmember District 4

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

Councilmember Avila read a Proclamation recognizing January 18, 2021 as Martin Luther King Jr. Day.

Shirley Martinez, spoke about their community events, “Community Out of Chaos, Change Now” theme, and efforts for collective, collaborative, conversations to the community.

Earl Schaffer, Martin Luther King Jr. Planning Committee, expressed appreciation for the Proclamation and requested everyone recognize this day as a day of service and community engagement.

Councilmember Geislinger, Councilmember Williams, and Councilmember Avila spoke about the accomplishments of Martin Luther King Jr. and stated there is still a lot of work that needs to be done.

Debbie Wynn, Board President, African-American Youth Leadership Conference, spoke about teaching civic engagement to the youth of the community.

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

Citizen Henry McCall spoke against the yearly residential occupancy rate increases citizens have experienced over the past five years and requested a public hearing for a Resolution for a moratorium on all residential rates within the City.

## **7. Mayor's Business**

There was no Mayor's Business.

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

### **4B.K. [20-627](#)**

A Resolution Approving the City of Colorado Springs Urban Forest Management Plan

Presenter:

Karen Palus, Director - Parks, Recreation and Cultural Services  
Department,

Dennis Will, City Forester - Parks, Recreation and Cultural Services  
Department

Chris Peiffer, Director of Urban Forestry Consulting Services, PlanIt Geo



**Attachments:** [Urban Forest Management Plan - Resolution](#)  
[ColoradoSprings UFMP ExecutiveSummary 2020](#)  
[ColoradoSprings UFMP FactSheet](#)  
[ColoradoSprings Inventory FactSheet](#)  
[ColoradoSprings TCA FactSheet revamp](#)  
[Urban Forest Management Plan - Final - PowerPoint](#)  
[Colorado Springs Urban Forest Management Plan FINAL 1-5-21](#)  
[Resolution 04-21](#)

Councilmember Knight stated he removed the Resolution approving the Urban Forest Management Plan due to his concerns with Appendix 4 and 5 because they include draft City Code changes which have not been reviewed yet by the City Attorney's Office. He requested those pages be removed from the Urban Forest Management Plan. Dennis Will, City Forester, Parks, Recreation, and Cultural Services, and Jeff Greene, Chief of Staff, agreed to the removal of Appendix 4 and 5.

**Motion by Councilmember Knight, seconded by Councilmember Geislinger, that the Resolution approving the City of Colorado Springs Urban Forest Management Plan, as amended to remove Appendix 4 and 5 of the plan, be adopted. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

**4B.P. [21-031](#)** Ordinance No. 21-07 repealing Ordinance No. 19-97 and prescribing the salary of the City Council Administrator

Presenter:

Michael Sullivan, Chief Human Resources and Risk Officer  
Richard Skorman, City Council President

**Attachments:** [Salary Ordinance \(Evans - Jan 2021\)](#)

Councilmember Knight stated there has been the same mistake made multiple times by City Council staff which is a reflection of leadership and he does not support the proposed increase for the salary of the City Council Administrator.

Councilmember Williams and President Pro Tem Strand expressed appreciation for all the efforts of City Council staff.

Councilmember Geislinger and Councilmember Murray stated this is a result of a third-party review of the position and salary structure, not a review of the person.

**Motion by Councilmember Gaebler, seconded by Councilmember Avila, that the Ordinance repealing Ordinance No. 19-97 and prescribing the salary of the City Council Administrator be approved on first reading. The motion passed by a vote of 8-1-0-0**

**Aye:** 8 - Avila, Gaebler, Geislinger, Murray, O'Malley, Skorman, Strand, and Williams

**No:** 1 - Knight

**4B.Q. [20-662](#)** Proposed updates to the City of Colorado Springs Civilian and Sworn Policies and Procedures Manuals

Presenter:

Danielle Delgado, HR Manager, Human Resources

**Attachments:** [Q4 2020 PPM Updates - Full Details](#)

Councilmember Knight stated he feels the language in the proposed updates to the City's Civilian and Sworn Policies and Procedures Manuals which states "Visitors cannot be left alone in City facilities and cannot be left with employees that they are not there to visit" is too restrictive. He requested adding the language "without their permission" to the end of the policy.

Councilmember Williams recommended the language "non-public City facilities" also be added to the language. Mr. Sullivan agreed to the proposed changes.

**Motion by Councilmember Knight, seconded by President Pro Tem Strand, that this Informational Report be accepted Proposed Motion: <br />Approve updates to the City's Policies and Procedures Manuals as amended. The motion passed by a vote of**

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

## **9. Utilities Business**

There was no Utilities Business.

## **10. Unfinished Business**

There was no Unfinished Business.

## **11. New Business**

**11.A. [20-651](#)** Resolution Authorizing Peak Metropolitan District No. 1 to Issue Debt in the form of Series 2021A and Series 2021B Limited Tax General Obligation Bonds

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

**Attachments:** [Revised Resolution- Peak Metro](#)

- [1. 1-28-2- Letter to Council](#)
- [1.a Peak Presentation PowerPoint 1-6-21](#)
- [2. Bond Issuance Submittal December 2020](#)
- [3. Term Sheet Peak MD1 \(as of 12.28.20\)](#)
- [4. C2 Peak MD Financial Plan for Dec 28 Submittal](#)
- [5. Peak MD 1 Draft Senior Indenture 12-28-20](#)
- [6. Peak MD No 1 Draft Sub. Indenture 12-28-20](#)
- [7. Peak MD No 1 Draft Bond Resolution 12-28-20](#)
- [8. Peak Dist Projects- 12-28-20](#)
- [9. Peak Projects CY2020-Infrastructure map](#)
- [10- Peak Innovation Park infra. dev. areas 1-10](#)
- [11. COS SIB Request - CDOT 2020 White Paper](#)
- [Airport PPT Budget Committee 11.17.2020](#)
- [Resolution 05-21](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the Resolution authorizing the Peak Metropolitan District No. 1 to issue debt in the form of Series 2021A and Series 2021B general obligation limited tax obligation bonds. He identified the changes made to the Resolution which includes the increased bond amounts of \$35.045M for the Series 2021A bonds, \$4.768M for the Series 2021B bonds, and a not to exceed amount of \$43.8M to allow for a ten percent contingency.

Greg Phillips, Director of Aviation, Colorado Springs Airport, stated there has been extraordinary developments in Peak Innovation Park and metropolitan districts have be utilized as a financing mechanism for the initial infrastructure.

Megan Becher, Esq., McGeady Becher P.C., representing the District, stated Peak Metropolitan District No. 1 is proposing to issue this a maximum of \$43.8M in debt in the form of \$35.045M of Limited Tax General Obligation Bonds, Series 2021A at an and approximately \$4.768M of Subordinate Limited Tax General Obligation Bonds, Series 2021B.

Councilmember Murray stated even though he has a lot of concerns with Series 2021B bonds, he will be supporting this project.

**Motion by Councilmember Williams, seconded by Councilmember Geislinger, the Resolution authorizing Peak Metropolitan District No. 1 to Issue debt in the form of Series 2021A and Series 2020B Limited Tax General Obligation Bonds be adopted. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

**11.B. [21-048](#)**

Ordinance No. 21-08 submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the general municipal election conducted by mail ballot to be held on April 6, 2021, amending section 7-90 (c) of the City Charter eliminating a thirty (30) word limitation on ballot titles for tax or bonded debt increases, providing for the form of the ballot title, providing for certain matters with respect to the election, and providing the effective date of this ordinance

Presenter:

Wayne Williams, City Councilmember

**Attachments:** [Charter-Amendment-TABOR-Word-Limitation-2021-01-04\(2\)\\_sec-7-90-DRAFT](#)  
[2004-PPRTA-Ballot-Language-1](#)

Councilmember Williams stated the reason the thirty-word limitation on ballot titles for tax or bonded debt increases was initially enacted was to prevent long wait times at the in-person voting booths, but now that the municipal elections are all by mail ballot, there is no need for the limit. He stated the required language for ballot titles for tax or bonded debt increases will remain unchanged.

Councilmember Murray stated he supports additional information for the voters and requested the ballot titles are written specifically for the issues being voted on. President Skorman stated that topic will need to be discussed further at a later time.

Councilmember Knight asked if a list can be referenced in an appendix or if it needs to be included in the ballot language. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated generally the list is located in the Resolution which refers the ballot question.

Councilmember Knight stated generally he will not vote in support of a back-to-back item that has not given the public opportunity speak on it, but due to the explanation regarding additional information for the voters, he

will be supporting it.

Councilmember Geislinger stated because this is a Charter amendment, citizens will have until the April 6, 2021 election to decide whether or not they are for or against the proposed amendment.

Councilmember Williams stated the State's Taxpayer Bill of Rights (TABOR) does not have a thirty-word limit so this would bring the City into compliance with the State.

**Motion by Councilmember Williams, seconded by Councilmember Geislinger, that the Ordinance submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the general municipal election conducted by mail ballot to be held on April 6, 2021, amending section 7-90 (c) of the City Charter eliminating a thirty (30) word limitation on ballot titles for tax or bonded debt increases, providing for the form of the ballot title, providing for certain matters with respect to the election, and providing the effective date of this ordinance be approved on first reading. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

## **12. Public Hearing**

### **12.A. [CPC A 19-00157R](#)**

A resolution adopting the findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Jovenchi-1 Addition No. 1 Annexation.

(Legislative)

Related Files: CPC A 19-00157R, CPC A 19-00157, CPC ZC 20-00034

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [RES\\_FindingOfFacts\\_Jovenchi-1No.1Annex](#)

[Exhibit A - JOVENCHI Annexation Legal](#)

[Exhibit B - AnnexationAgreement\\_Jovenchi-1Addition No.1](#)

[Clerk Affidavit Jovenchi](#)

[Planner Affidavit Jovenchi Annexation](#)

[Surveyor Affidavit Jovenchi Annexation](#)

[Resolution 06-21](#)

John Maynard, Principal, NES, Inc., gave an overview of the proposed

annexation for Jovenchi-1 Addition No. 1 consisting of 2.088 acres and located northwest of New Life Drive and Interquest Parkway. He gave a brief history of the parcel, identified the location, and the annexation plat.

Councilmember Knight asked if the construction along the east side of I-25 near the United States Air Force Academy (USAFA) is within the proposed annexation and how the stormwater, building height, and crane height implications will be addressed. Mr. Maynard confirmed it is and there will be platting provisions will be placed to restrict building height due to the USAFA flight training operations.

**Motion by Councilmember Williams, seconded by Councilmember Geislinger, that the Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Jovenchi-1 Addition No. 1 Annexation and approving an annexation agreement be adopted. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

- 12.B.** [CPC A 19-00157](#) Ordinance No. 21-09 annexing the area known as Jovenchi-1 Addition No. 1 Annexation located northwest of New Life Drive and Interquest Parkway consisting of 2.088 acres.

(Legislative)

Related Files: CPC A 19-00157R, CPC A 19-00157, CPC ZC 20-00034

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [ORD Annexation Jovenchi-1AdditionNo.1 Exhibit A - JOVENCHI Annexation Legal](#)

Please see comments in Agenda item 12.A.

**Motion by President Pro Tem Strand, seconded by Councilmember Williams, that the Ordinance annexing into the City of Colorado Springs the area known as Jovenchi-1 Addition No. 1, based upon the findings that the annexation complies with all of 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, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

- 12.C.** [CPC ZC 20-00034](#) Ordinance No. 21-10 amending the zoning map of the City of Colorado Springs pertaining to 2.088 acres located northwest of New Life Drive and Interquest Parkway establishing the A (Agricultural) zone.

(Legislative)

Related Files: CPC A 19-00157R, CPC A 19-00157, CPC ZC 20-00034

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [ZC ORD Jovenchi-1No.1Addition](#)  
[Exhibit A - Legal Desc JOVENCHI](#)  
[Exhibit B - JOVENCHI Rezone Exhibit](#)

Please see comments in Agenda item 12.A.

**Motion by Councilmember Geislinger, seconded by Councilmember Williams, that the Ordinance establishing 2.088 acres as an A (Agricultural) zone district, based upon the findings that the change of zone request complies with the three (3) 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**

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

- 12.D.** [CPC A 19-00134R](#) A resolution adopting the findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Peak Center Addition No. 1 Annexation

(Legislative)

Related Files: CPC A 19-00134R, CPC A 19-00134, CPC ZC 20-00032, CPC CP 20-00033

Presenter:

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

**Attachments:** [RES FindingsOfFact PeakCenterAdditionNo.1](#)  
[Exhibit A - Peak Center Annexation Addition No. 1 Legal Description](#)  
[Exhibit B - AnnexationAgreementPeakCenterAdditionNo.1](#)  
[Clerk Affidavit Peak Center Annexation](#)  
[Planner Affidavit Peak Center Annexation](#)  
[Surveyor Affidavit Peak Center Annexation](#)

Katie Carleo, Principal Planner, Planning and Community Development, presented the proposed Peak Center Addition No. 1 annexation. She presented maps of the site location and provided the background of the property, enclave analysis, 2006 Annexation Plan, and its compatibility with PlanCOS. Ms. Carleo gave an overview of the proposed annexation,

surrounding uses, zone district comparison, use classification, and existing site. She identified the proposed development, stakeholder process, fiscal impact, and staff recommendations.

Councilmember Williams and Councilmember Geislinger disclosed City Council has received several emails regarding this item and is familiar with this area, but can make their decisions based on the evidence of the hearing.

Councilmember Knight asked why this area does not require separate sequential annexations since it does not meet the one-sixth contiguity requirement. Ms. Carleo stated the two parcels are owned by the same owner and the boundary calculation of the two lots meet the one-sixth contiguity requirement.

Councilmember Williams asked if this annexation would put all of Old Ranch Road from Voyager Parkway to the east within the City. Ms. Carleo stated it would not because there is still a portion to the far east of Old Ranch Road which would remain within the County.

Councilmember Geislinger asked what the difference between a human services establishment under the City versus the County. Ms. Carleo stated the bed count for the City is twelve and the bed count for the County is eight.

Andrea Barlow, NES Inc., representing Peaks Recovery Center, gave an overview of the site location, project site, application request, and a summary of the Springcrest Neighborhood appeal.

Brandon Burns, Chief Executive Officer and part owner of Peaks Recovery Center, provided a brief history of Peaks Recovery Center, and gave an overview of their patients, programs, staff, proposed development, and benefits to the community.

Councilmember Geislinger asked if the proposed development for the number of homes is authorized as a matter of right or would there need to be application to the County as a permitted use. Mr. Burns stated the County must provide a letter of determination to the State that states the zoning limitations for the Peaks Recovery Center is a patient count of five per facility and the City has a higher count of eight patients per facility in residential zoning and twelve patients in commercial zoning.

Ms. Barlow went over the proposed annexation, adjacent annexations, 2006 Annexation Plan, compatibility with PlanCOS, proposed zone change, and proposed concept plan. She identified the resident buildings



for Peaks Recovery Centers, staffing, parking, fencing, screening, Kettle Creek, surrounding uses, and view from Otero Drive, Delta Road, Cross Road, and Alamosa Drive.

Councilmember Knight asked if the applicant would still want to be annexed into the City if the appeal is approved. Ms. Barlow confirmed they would and would like to discuss the plans for the facility.

Councilmember Williams asked what is located to the east and west of the property. Ms. Barlow stated single-family homes and the property to the east has already been annexed into the City and is zoned agricultural.

Brain Fasterling, Springcrest Neighborhood Alliance, representing the appellant, gave an overview of the citizens in favor of and against the proposal, irrelevance of protected class status, City Code violations for zoning change criteria/concept plan approval, forcing commercial benefits at residential prices, corrosive impact on Springcrest neighborhood, and the applicant's false statements/deceptive agenda.

Councilmember Geislinger asked if it is a necessity for these facilities to be connected to Colorado Springs Utilities. Mr. Fasterling stated it would be if their development were to grow as anticipated, but for the current facilities, they would just need to drill additional wells and septic systems.

Councilmember Williams asked if the two five-acre lots were subdivided into four two and a half-acre lots if the facility could accommodate a total of twenty residents under the County's zoning limitations. Mr. Fasterling confirmed they could.

Citizens Steve Luna, Domokos Hadnagy, Aimee Twaddle, Matt Dudden, Nancy Wallace, Renee Henshaw, Rafer Chambers, Sandy Graham, Mary Powers, Robert Steed, Ron Paveto, Randy Kunkel, Nancy Karstens, Paula Sollenberger, Randy Sollenberger, Linda Shower, Kelly Fasterling spoke on behalf of the Don Mills, Amanda Tiffany, Tim Boddington, and Kristine Winnery spoke in support of the appellant.

Councilmember Knight asked if there were any restrictions placed on the properties when they were subdivided. Ms. Powers stated there was originally a Homeowners Association in place, but it is currently inactive.

Mr. Barlow stated the applicant went through their due diligence with both the County and the City to meet the required standards, there is nothing in City Code that requires a purchaser or seller to notify the neighbors of the transaction, but the applicant did meet the obligation to notify the neighbors when the application for annexation and zoning change was submitted. She

said the applicant does not intend to expand their operation any further than what is proposed in the concept plan, COVID-19 restrictions have reduced the number of occupancy, traffic is primarily comprised of staff members of the facility, change and increased traffic should not immediately be considered harmful to surrounding residents, the use intensity as proposed is limited to the existing homes, and the new buildings would be located away from the existing residential. Ms. Barlow identified the proposed buffers, the applicant's intent was to create a residential environment for patients, the barn will be only be used for maintenance, the applicant will connect to Colorado Springs Utilities if approved for annexation, and the proposed facilities will not change the character of the residential area, and there is a six feet high cedar fence between the commercial and residential properties.

Councilmember Knight asked if there was any restrictive covenant on this property. Ms. Barlow stated there was not.

Councilmember Williams asked when the landscape buffer will be installed. Ms. Barlow stated it would be triggered when the new development begins, but the applicant may be willing to begin that process earlier.

Councilmember Williams requested the disc golf course be relocated if it impacts the adjacent neighbors. Ms. Barlow stated the applicant will work with the adjacent neighbors.

President Skorman asked if there will be a total of forty-four beds. Ms. Barlow confirmed there are twelve beds proposed for each of the two existing homes and twenty in the new building.

Councilmember Knight asked if the twenty-bed facility would be considered a dormitory. Ms. Carleo gave the City Code definition of both dormitory and drug and alcohol treatment facility.

Councilmember Knight asked if there was a requirement for noise abatement for properties adjacent to a residential zone. Ms. Carleo stated there is no noise evaluation requirement in Chapter 7 of City Code. Councilmember Knight stated there are certain requirements in Chapter 6 for certain adjacent zones.

Councilmember Knight requested the transition setback distance required for the concept plan. Ms. Carleo stated it is fifteen feet for landscape setback, twenty-five feet for building setback, and the landscape buffer is within the building setback.

Councilmember Williams stated there is nothing wrong with someone

seeking to annex a property and change the zoning at the same time, there was adequate public notice given, PlanCOS encourages annexation of enclaves into the City, and if annexed into the City, the facilities will be on City utilities which will be a benefit the surrounding areas, and it is on the periphery of a subdivision and commercial area.

Councilmember Murray stated he will support the annexation, but there is no need for commercial development on this side of Old Ranch Road and will vote against the proposed zoning change.

Councilmember Gaebler stated the Planning Commission voted unanimously to approve the annexation, zone change, and concept plan, and this is a good use for these properties.

Councilmember Geislinger stated many citizens spoke about issues with their wells, City Council has been working on addressing the aquifers going dry, and he supports this area being annexed into the City so it will be on the Colorado Springs Utilities system.

Councilmember Knight supports the annexation of these properties into the City, but based on the rules regarding impact to neighbors and what was said by the appellant and neighbors, he will not support the zone change to Office Complex (OC) and the concept plan until he knows there was not a previous master plan in place by the County for residential south of Old Ranch Road.

Councilmember Williams stated Old Rand Road is designated to be an arterial road, and the burden of providing evidence of a previous covenant is the responsibility of the appellant which was not provided.

Councilmember Geislinger stated annexing these properties into the City will remove them from well and septic systems and until all of Old Ranch Road is annexed into the City, the City cannot do what is needed to make it an arterial road and if there are prior covenants, the homeowners will have to address them privately.

President Skorman stated he understands many people invested in their homes with the expectation their neighborhood would remain the same, but he believes the annexation is essential due to the limited resources, believes developer is making a lot of effort to reduce the impact to the neighbors and will be supporting the items.

**Motion by Councilmember Gaebler, seconded by Councilmember Geislinger, that the Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Peak Center Addition No. 1 Annexation and approving an annexation agreement be adopted. The motion passed by a vote of 9-0-0-0**

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

- 12.E.** [CPC A 19-00134](#) Ordinance No. 21-11 annexing the area known as Peak Center Addition No. 1 Annexation located east of Voyager Parkway along Old Ranch Road consisting of 11.36 acres.

(Legislative)

Related Files: CPC A 19-00134R, CPC A 19-00134, CPC ZC 20-00032, CPC CP 20-00033

Presenter:

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

**Attachments:** [ORD Annexation PeakCenterAdditionNo.1](#)  
[Exhibit A - Peak Center Annexation Addition No. 1 Legal Description](#)  
[APPLICANT PRESENTATION Peaks Recovery Annex 1-12-2021](#)

Please see comments in Agenda item 12.D.

**Motion by President Pro Tem Strand, seconded by Councilmember Williams, that the Ordinance annexing into the City of Colorado Springs the area known as Peak Center Addition No. 1, based upon the findings that the annexation complies with all of 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, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

- 12.F.** [CPC ZC 20-00032](#) Ordinance No. 21-12 establishing an OC/CR/SS (Office Complex with Conditions of Record and Streamside Overlay) zone district located east of Voyager Parkway along Old Ranch Road and consisting of 9.76 acres.

(Legislative)

Related Files: CPC A 19-00134R, CPC A 19-00134, CPC ZC 20-00032, CPC CP 20-00033

Presenter:

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

**Attachments:** [ORD Establishment of Zone Peak Center Addition No. 1](#)  
[Exhibit A - Legal Desc Peak Center Addition No. 1](#)  
[Exhibit B - Zone Establishment Peak Center Addition No. 1](#)  
[7.5.603.B Findings - ZC](#)

Please see comments in Agenda item 12.D.

**Motion by Councilmember Gaebler, seconded by Councilmember Williams, that the Ordinance establishing 9.76 acres as an OC/CR/SS (Office Complex with Conditions of Record and Streamside Overlay) zone district with conditions of record to prohibit dormitory, fraternity, sorority, multi-family dwelling, automotive rentals, food sales, funeral services, hotel/motel, mini warehouses, restaurants, general retail, cemetery, education institutions, hospitals, medical marijuana and mining operations; based upon the findings that the change of zone request complies with the three (3) 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 7-2-0-0**

**Aye:** 7 - Avila, Gaebler, Geislinger, O'Malley, Skorman, Strand, and Williams

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

- 12.G.** [CPC CP 20-00033](#) An appeal of the Peaks Recovery Concept Plan for a licensed drug and alcohol addiction treatment residential facility and future phased development of the property located east of Voyager Parkway along Old Ranch Road consisting of 9.76 acres.

(Quasi-Judicial)

Related Files: CPC A 19-00134R, CPC A 19-00134, CPC ZC 20-00032, CPC CP 20-00033

Presenter:

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

**Attachments:** [PEAKS RECOVERY CONCEPT PLAN](#)  
[APPELLANT APPEAL STATEMENT](#)  
[7.5.501.E Concept Plans](#)

Please see comments in Agenda item 12.D.

**Motion by Councilmember Gaebler, seconded by Councilmember Geislinger, to deny the appeal based upon the finding that the appeal does not meet the review criteria set forth in City Code Section 7.5.906.A.4 and approve the Peaks Recovery Concept Plan, based upon the findings the proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E). The motion passed by a vote of 7-2-0-0**

**Aye:** 7 - Avila, Gaebler, Geislinger, O'Malley, Skorman, Strand, and Williams

No: 2 - Knight, and Murray

12.H. [CPC AP 20-00146](#) An appeal of the Planning Commission’s decision to uphold the Notice and Order to Abate for violation of a carport in the 25-foot front yard setback on a residentially zoned (PUD) property located at 930 West Nolte Drive.

Quasi-Judicial

Presenter:

Kurt Arnoldussen, Senior Code Enforcement Officer, Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [Appeal to Council Application and Letter](#)

[CPC Staff Report 930 W Nolte](#)

[Figure 1 - Appeal Statement](#)

[Figure 2](#)

[Figure 3](#)

[Figure 4 Courtesy letter Carports - located in the front setback KDA](#)

[Figure 5 Notice and Order- KDA](#)

[7.5.906 \(B\) Appeal](#)

[7.5.906 \(A\)\(4\) Administrative Appeal.docx](#)

[7.5.1007 Appeals](#)

[CPC Minutes 930NolteDr draft](#)

Please see comments in Agenda item 12.I.

**Motion by President Pro Tem Strand, seconded by Councilmember Avila, to postpone the appeal regarding 930 West Nolte Drive until the July 13, 2021 City Council meeting and requesting the Administration suspend enforcement on existing carports as long as there are no health and safety concerns involved and any new carport structure construction within the twenty-five feet setback is not permitted until the appropriate City Code can be amended. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

12.I. [CPC AP 20-00147](#) An appeal of the Planning Commission’s decision to up hold the Notice and Order to Abate for violation of a carport in the 25-foot front yard setback on a residentially zoned (PUD) property located at 4975 North Nolte Drive.

Quasi-Judicial

Presenter:

Kurt Arnoldussen, Senior Code Enforcement Officer, Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [Appeal to CC Application and Justification](#)

[CPC Staff Report 4975 N NOLTE](#)

[Figure 1 - Appeal Statement](#)

[Figure 2](#)

[Figure 3 4975 Nolte Courtesy letter](#)

[Figure 4](#)

[Figure 5 4975 Nolte Notice and Order](#)

[Figure 6](#)

[7.5.906 \(B\) Appeal](#)

[7.5.906 \(A\)\(4\) Administrative Appeal.docx](#)

[7.5.1007 Appeals](#)

[CPC Minutes 4975NolteDr draft](#)

Kurt Arnoldussen, Senior Code Enforcement Officer, Planning and Community Development, presented the appeal of the Planning Commission's decision to up hold the Notice and Order to Abate for violation of a carport in the 25-foot front yard setback on a residentially zoned (PUD) property located at 4975 North Nolte Drive. He gave an overview of the property location, property description, courtesy location, the Notice and Order to Abate, appellant concerns, City response, Planning Commission appeal, public notification, relevant City Code Sections, alternatives, and staff recommendation.

Councilmember Williams asked if there is an option available for the property owner to apply for a variance. Mr. Arnoldussen confirmed there was.

Councilmember Knight asked if the carport is twenty-five feet from the property line and also extends seven feet onto City property. Mr. Arnoldussen confirmed it does.

Colette Cook and Dennis Gayten, representing the appellants, stated the carport was installed in 2013, was not notified by Pikes Peak Regional Building that there was a requirement for a twenty-five feet setback, she only has a twenty-two feet setback from the curb, and the carport is well maintained. She gave an overview of the costs of the appeals and application for a non-use variance, number of carports in her

neighborhood, chairlift in her garage due to her daughter's disability, prevention of hail damage, and stated the Planning Commission was forced to deny her appeal.

President Skorman if there had been any response received from the public notification. Mr. Arnoldussen stated there was one email received in support of and one email received against the removal of the carport.

Councilmember Williams asked if there was a utility line locate conducted before the carport was built. Ms. Cook confirmed it was done in 2013 and there were no lines located under the carport. Brian Whitehead, Manager, Systems Extensions, Colorado Springs Utilities, stated a utility locate will need to be completed to confirm that.

Councilmember Williams asked if the property line was evaluated prior to the carport being built. Ms. Cook stated it was not and she was willing to comply with a five-foot setback

Councilmember Geislinger asked how many code enforcement violations have been received for the property. Mitch Hammes, Neighborhood Services Manager, stated there have been three. Councilmember Geislinger asked if carport violations are addressed if there have been no complaints made against it. Mr. Hammes stated for land use or zoning violations, they rely on complaints received and then they become proactive for the entire area in regards to similar conditions.

Councilmember Gaebler asked if the Planning Commission can address the setback issues with these structures. Peter Wysocki, Director of Planning and Community Development, stated the Planning Commission could identify alternative or solutions to shorten the carport to the length of a vehicle and bring more carports into compliance with City Code, and separate accessory structures from carports in City Code.

Jeff Greene, Chief of Staff, asked if these appeals could be held in abeyance. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated quasi-judicial items are required to have a date certain if postponed.

Councilmember Knight stated there needs to be a setback for public safety and RetoolCOS has recommended a fifteen-foot setback. Councilmember



Gaebler asked if other jurisdictions have a six-foot setback as a safety boundary. Todd Frisbie, City Traffic Engineer, stated he is not aware of the other jurisdictional or national safety standards, but gave an overview of the Safety Sight Triangle for driveways to ensure pedestrian safety.

Councilmember Knight asked if other types of structures are being separated from carports in RetoolCOS. Mr. Wysocki confirmed they are, but it has not been finalized yet because they are working to define separate accessory structures and are seeking additional community input regarding it.

Councilmember Geislinger recommended this item go back to the Planning Commission with a staff recommendation on a non-use variance. Mr. Smith stated he is not sure referring this item back to the Planning Commission as an active case for re-review is the most appropriate solution. He stated some potential options for this and the next item would be to postpone them for a period of time to allow staff and the Planning Commission the opportunity to research the issue or issue a moratorium regarding carports until this is resolved. Mr. Greene stated the Administration's preference is to postpone in order to allow time to define a policy.

President Skorman stated it makes sense to issue a moratorium until this is resolved. Councilmember Geislinger and Councilmember Williams stated a moratorium is not the solution because there are still some instances where Code Enforcement will need to proceed with violations, but these type of cases could be deferred to a later time.

Councilmember Williams asked if these cases could be delayed until the criteria is decided upon by City Council and if this appeal could be changed into a variance. Mr. Greene stated if it is the direction of City Council to temporarily suspend or defer enforcement action, unless it is a health or safety issue, they will give it consideration.

Councilmember Avila stated current City Code is not effective because there are carports all over the City, but the only citizens that are affected by it are the ones who have a neighbor that reports them and these cases should be suspended until a policy is decided upon.

President Pro Tem Strand recommended postponing these cases until July

13, 2021 and suspending any enforcement on existing carports as long as there are no health and safety concerns involved and any new carport structure construction within the twenty-five feet setback is not permitted until the appropriate City Code can be amended. Ms. Cook and Robert Gallagher, the appellant for item 12.H. agreed to these conditions.

Citizen Janis Wingfield, Larry Stewart, and Sharon McGee spoke in favor of the existing carports.

President Skorman requested the residents who have been asked to remove their carports, but have not already removed them, could be notified of City Council's decision to suspend. Mr. Hammes stated they will notify them.

Mr. Greene stated staff will provide an Ordinance which will stipulate the temporary action being taken at this time until the appropriate language can be implemented long term.

**Motion by President Pro Tem Strand, seconded by Councilmember Avila, to postpone the appeal regarding 4975 North Nolte Drive until the July 13, 2021 City Council meeting and requesting the Administration suspend enforcement on existing carports as long as there are no health and safety concerns involved and any new carport structure construction within the twenty-five feet setback is not permitted until the appropriate City Code can be amended. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

- 12.J.** [CPC A 19-00022R](#) A resolution adopting the findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Banning Lewis Ranch North Annexation.

(Legislative)

Related Files: CPC A 19-00022R, CPC A 19-00022, CPC MP 19-00123, CPC PUZ 19-00124, CPC PUP 19-00125

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [RES FindingsOfFact BLRNorthAnnex](#)  
[Exhibit A - Legal Description BLR North Annexation](#)  
[Exhibit B - AnnexationAgreement BLRNorthAnnex](#)  
[Waiting Clerk Affidavit](#)  
[Planner Affidavit BLR North Annex](#)  
[Surveyor Affidavit BLR North Annex 11-18-20](#)

Katie Carleo, Principal Planner, Planning and Community Development, presented the proposed Banning Lewis Ranch (BLR) North annexation. She presented maps of the site location, vicinity, context, and annexation area from the 2006 Annexation Plan. She provided the background of the property, PlanCOS vision map, PlanCOS capacity, and change, master plan, annexation agreement, and stakeholder process.

Todd Frisbie, City Traffic Engineer, gave an overview of the traffic impact study and infrastructure.

Richard Mulledy, Stormwater Enterprise Manager, identified compliance with the MS4 Permit, previous drainage studies, future drainage studies, major infrastructure, and the impact to the Sand Creek Drainage Basin.

Brian Whitehead, System Extensions Manager, Colorado Springs Utilities (CSU), stated the annexation agreement is consistent with normal development and gave an overview of the utilities plan.

Charae McDaniel, Chief Financial Officer, provided the details of the fiscal impact analysis.

Councilmember Knight requested the cause of the negative income in year nine and ten of the ten-year projection and asked if on-line sales tax was factored into the calculation. Ms. McDaniel stated it is due to the City's responsibility for the operation and maintenance of the roadways and the 2C road tax will phase out prior to those years. She confirmed the on-line sales tax was included, but was not weighted very heavily.

Councilmember Murray asked if staff took into consideration, when projecting the sales tax revenue that some residents will use the commercial facilities located in Falcon. Ms. McDaniel confirmed they do make an assumption for that.

Councilmember Murray requested the cost to the City for the buildout of the roads. Ms. McDaniel stated the developer will be responsible for the buildout of the infrastructure and the City will be responsible for maintenance.

Councilmember Murray asked how many houses are anticipated in this development. Ms. Carleo stated the cap for this residential portion is 2,900 units.

Andrea Barlow, NES Inc., representing Nor'Wood Development, the applicant, gave an overview of the request, site context, site location, BLR North today, existing zoning, future adjacent urban development, adjacent master plans, and future road connections. She went over the annexation plat, 2006 Annexation Plan, compatibility with PlanCOS, extension of the City, master plan, parks, trails, master plan review criteria. Ms. Barlow identified the Planned Unit Development (PUD), concept plan, and neighborhood input.

Councilmember Williams asked if the developer to the north of the proposed high school will be donating additional property to the high school. Ms. Barlow confirmed it would. Tim Siebert, Nor'Wood Development Group, representing the applicant, stated School District 49 provided a letter regarding the coordinated condition regarding the proposed school site and they have been working closely with the district regarding their needs as a regional provider of educational service.

Councilmember Williams asked how the park location was determined. Ms. Barlow stated it was based on topography and because it would provide an attractive entrance to the development.

Councilmember Williams asked to what extent the two southern four-acre parks will be able to utilize the property, which is located on the utilities easement, as park land. Ms. Barlow stated there is approximately an acre located in the utilities easement which will be used as trail corridors, and the park requirement is still met.

President Skorman expressed appreciation for the trail connections to the parks and open space.

President Skorman asked if any affordable or attainable housing is proposed for this area. Ms. Barlow stated in the context of a master and concept plan, they deal simply with land use which does not specify the marketing options, but there is a variety of densities proposed.

Councilmember Geislinger asked how many apartments are anticipated. Ms. Barlow stated 550 units.

Councilmember Murray asked how many metropolitan districts are proposed. Mr. Siebert stated they expect a few districts relative to

population, but they do not have a specific number at this time.

Citizen Colleen Murphy stated City Council needs to make serious consideration regarding how fire protection services will be handled for an area this large.

**Motion by Councilmember Williams, seconded by Councilmember Geislinger, that the Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Banning Lewis Ranch North Annexation and approving an annexation agreement be adopted. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

- 12.K.** [CPC A 19-00022](#) Ordinance No. 21-13 annexing to the City of Colorado Springs that area known as Banning Lewis Ranch Annexation consisting of 887.08 acres.

(Legislative)

Related Files: CPC A 19-00022R, CPC A 19-00022, CPC MP 19-00123, CPC PUZ 19-00124, CPC PUP 19-00125

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [ORD Annexation BanningLewisRanchNorth Exhibit A - Legal Description BLR North Annexation](#)

Please see comments in Agenda item 12.J.

**Motion by Councilmember Williams, seconded by Councilmember Geislinger, that the Ordinance annexing into the City of Colorado Springs the area known as Banning Lewis Ranch North, based upon the findings that the annexation complies with all of 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, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

- 12.L.** [CPC MP 19-00123](#) A resolution of the City Council of the City of Colorado Springs, Colorado approving the establishment of Banning Lewis Ranch North Master Plan.

(Legislative)

Related Files: CPC A 19-00022R, CPC A 19-00022, CPC MP 19-00123, CPC PUZ 19-00124, CPC PUP 19-00125

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [RES EstablishmentOfMasterPlan BanningLewisRanchNorth](#)

[Exhibit A - BanningLewisRanchNorthMaster Plan](#)

[7.5.408 Master Plan](#)

[Resolution 09-21](#)

Please see comments in Agenda item 12.J.

**Motion by Councilmember Williams, seconded by Councilmember Geislinger, that the Resolution approving the Banning Lewis Ranch North Master Plan based upon the findings that the master plan complies with the criteria for master plans as set forth in City Code Section 7.5.408 be adopted. The motion passed by a vote of 9-0-0-0**

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

**12.M.** [CPC PUZ 19-00124](#)

Ordinance No. 21-14 amending the zoning map of the City of Colorado Springs pertaining to 807.51 acres located along the north and south side of Woodmen Road between Mohawk Road and Golden Sage Road establishing a PUD/AO (Planned Unit Development; commercial, industrial, civic, single-family residential, multi-family residential, open space and parks as defined by the Banning Lewis Ranch North Zoning and Design Standards with maximum residential density of 2800 dwelling units and Airport Overlay) zone.

(Legislative)

Related Files: CPC A 19-00022R, CPC A 19-00022, CPC MP 19-00123, CPC PUZ 19-00124, CPC PUP 19-00125

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [ORD EstablishmentOfZone BanningLewisRanchNorth](#)

[Exhibit A - BLR-North Zoning Legal Description](#)

[Exhibit B BLR-North Zoning Depiction](#)

Please see comments in Agenda item 12.J.

**Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the Ordinance establishing 807.51 acres as PUD/AO (Planned Unit Development; commercial, industrial, civic, single-family residential, multi-family residential, open space and parks as defined by the Banning Lewis Ranch North Zoning and Design Standards with maximum residential density of 2900 dwelling units and Airport Overlay) zone district, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes**

as set forth in City Code Section 7.5.603(B) as well as the criteria for establishment of a PUD zone district as set forth in City Code Section 7.3.603 be approved on first reading. The motion passed by a vote of 9-0-0

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

**12.N.** [CPC PUP 19-00125](#)

Banning Lewis Ranch North PUD Concept Plan for the property located along the north and south side of Woodmen Road between Mohawk Road and Golden Sage Road and consists of approximately 807.51 acres.

(Quasi-Judicial)

Related Files: CPC A 19-00022R, CPC A 19-00022, CPC MP 19-00123, CPC PUZ 19-00124, CPC PUP 19-00125

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [BLR-North Concept Plan](#)  
[7.5.501.E Concept Plans](#)  
[7.3.605 PUD Concept Plan](#)

Please see comments in Agenda item 12.J.

**Motion by Councilmember Geislinger, seconded by President Pro Tem Strand, that the Banning Lewis Ranch North PUD Concept Plan, based upon the findings the proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E) and criteria for PUD concept plans set forth in City Code Section 7.3.605 be approved. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

### **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