



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, January 14, 2020

10:00 AM

Council Chambers

1. Call to Order

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

2. Invocation and Pledge of Allegiance

The Invocation was made by Victoria Heim from Crossroad Ministry.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Citizen Deborah Stout-Meiningner requested item 4B.E. and 4B.F. be removed from the Consent Calendar.

Consensus of Council agreed to this change 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. [CPC V
19-00094](#)**

Ordinance No. 19-103 vacating a sixteen-foot public right-of-way adjacent and between Lot 11 & Lot 12, Block 4, Skyway Park Addition No. 1, City of Colorado Springs consisting of 0.05 acres.

Presenter:
Peter Wysocki, Director, Planning and Development Department
Rachel Teixeira, Planner II

Attachments: [ORD_VROW_SkywayAlley](#)
[EXHIBIT A - LEGAL DESCRIPTION](#)
[EXHIBIT B - SITE PLAN](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.B.** [CPC ZC 18-00148](#) Ordinance No. 19-102 amending the zoning map of the City of Colorado Springs pertaining to 5.1 acres located at 3570 Aerospace Boulevard, changing the zoning from PIP-2/CR/AO APZ-2 (Planned Industrial Park with Conditions of Record and an Airport Overlay-Accident Potential Subzone 2) to PIP-2/CR/AO APZ-2 (Planned Industrial Park with Conditions of Record and an Airport Overlay-Accident Potential Subzone 2) to remove a Condition of Record.

(QUASI-JUDICIAL)

Related File: CPC DP 18-00149

Presenter:
Peter Wysocki, Director, Planning and Development Department
Hannah Van Nimwegen, Senior Planner, Planning and Community Development Department

Attachments: [Zone Change Ordinance - Advanced Concrete](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Legal Description Depicted](#)
[Advanced Concrete-Vicinity Map](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.C.** [CPC V 19-00112](#) Ordinance No. 19-104 vacating public right-of-way described as the north/south running public alley that connects E. Cache la Poudre St. and E. Dale St. between N. Tejon St. and N. Nevada Ave. within the Town of Colorado Springs Addition No. 1 subdivision plat consisting of 7,998 square feet.

(LEGISLATIVE)

Related Files: CPC CU 19-00111, CPC MP 97-00261-A6MN19

Presenter:
Peter Wysocki, Director, Planning and Community Development Department
Ryan Tefertiller, Manager, Urban Planning Division

Attachments: [ORD_VROW_RobsonArena](#)
[Exhibit A - Robson Arena Vacation LEGAL DESCRIPTION](#)
[Exhibit B - Vacation Plat](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [20-021](#) City Council Regular Meeting Minutes December 10, 2019

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [12-10-2019 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

4B.B. [20-016](#) City Council Regular Meeting Minutes December 19, 2019

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [12-19-2019 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

4B.C. [20-017](#) Appointments to Boards and Commissions

Presenter:
Jacquelyn Puett, Assistant to Council

Attachments: [011420 Boards and Commissions.pdf](#)

This Item was approved on the Consent Calendar.

4B.D. [20-001](#) Annual Designation of the City Clerk's Office as the public place for posting of public notices for public meetings.

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [charter - for postings.doc.pdf](#)

This Item was approved on the Consent Calendar.

**4B.G. [CPC ZC](#)
[19-00104](#)** An ordinance amending the zoning map of the City of Colorado Springs pertaining to 10.24 acres located at 5640 E Bijou Street from PIP-1 APZ1 AO (Planned Industrial Park 1 with Accident Potential Zone 1 and Airport Overlay) to M-1 APZ1 AO (Light Industrial with Accident Potential Zone 1 and Airport Overlay).

(Quasi-Judicial)

Related File: CPC PUZ 19-00104, CPC PUP 19-00105

Presenter:
Lonna Thelen, Principal Planner, Planning and Community Development Department
Peter Wysocki, Director, Planning and Development Department

- Attachments:** [ZC ORD CDOTBijou](#)
[Exhibit A - legal description](#)
[Exhibit B - zoning depiction](#)
[VICINITY MAP](#)

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

- 4B.H.** [CPC DP 19-00105](#) A development plan for construction of a CDOT maintenance and service facility located at 5640 East Bijou Street.

(Quasi-Judicial)

Related File: CPC PUZ 19-00104, CPC PUP 19-00105

Presenter:
Lonna Thelen, Principal Planner, Planning and Community Development Department
Peter Wysocki, Director, Planning and Development Department

- Attachments:** [FIGURE 1 - Development Plan](#)
[7.5.502.E Development Plan Review](#)

This Item was approved on the Consent Calendar.

- 4B.I.** [CPC ZC 18-00142](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 3.89 acres of land from A/OC/cr (Agricultural and Office Complex with Conditions of Record) to PBC/cr (Planned Business Center with Conditions of Record), located at 11005 Voyager Parkway.

(QUASI-JUDICIAL)

Related Files: CPC ZC 18-00142, CPC ZC 18-00143, and CPC CP 18-00144

Presenter:
Daniel Sexton, Principal Planner, Planning and Community Development
Peter Wysocki, Director Planning and Community Development

Attachments: [ZC ORD NewLifeCommercialLot2](#)
[Exhibit A - Lot 2 Legal Description](#)
[Vicinity Map](#)

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

4B.J. [CPC ZC 18-00143](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 2.09 acres of land from OC/cr (Office Complex with Conditions of Record) to PBC/cr (Planned Business Center with Conditions of Record), located at 11005 Voyager Parkway.

(QUASI-JUDICIAL)

Related Files: CPC ZC 18-00142, CPC ZC 18-00143, and CPC CP 18-00144

Presenter:
 Daniel Sexton, Principal Planner, Planning and Community Development
 Peter Wysocki, Director Planning and Community Development

Attachments: [ZC ORD NewLifeCommercialLot3](#)
[Exhibit A - Lot 3 Legal Description](#)
[FIGURE 2 - Zone Change-Lot 3](#)

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

4B.K. [CPC CP 18-00144](#) A concept plan for the New Life Commercial project illustrating a lot layout for a three-lot subdivision and establishing envisioned land uses, located at 11005 Voyager Parkway.

(QUASI-JUDICIAL)

Related Files: CPC ZC 18-00142, CPC ZC 18-00143, and CPC CP 18-00144

Presenter:
 Daniel Sexton, Principal Planner, Planning and Community Development
 Peter Wysocki, Director Planning and Community Development

Attachments: [FIGURE 3 - Concept Plan](#)
[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Strand, seconded by Councilmember Williams, 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, Murray, Knight, Pico, Skorman, Strand, and Williams

5. Recognitions

5.A. [19-753](#) A Proclamation commemorating Martin Luther King, Jr. Day

Presenter:
Councilmember David Geislinger

Attachments: [MLK All People's Breakfast Committee Proclamation - 2020](#)
[MLK All People's Breakfast Committee Proclamation - 2020](#)

Citizen Steve Flynn, member of the planning committee for Martin Luther King, Jr. Day, spoke about the events planned for Martin Luther King, Jr. Day at Colorado College.

Councilmember Geislinger read the Proclamation commemorating Martin Luther King, Jr. Day.

President Pro Tem Strand and Councilmember Williams spoke about several of the accomplishments of Martin Luther King, Jr.

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

Citizen Deborah Stout-Meininger spoke about fracking in El Paso County.

Citizen Linda Nicks spoke about the impact of the Martin Drake Power Plant on the bird population. Councilmember Williams spoke about the air quality within the City (additional information is attached).

Citizen Gerald Miller spoke about the crime in his neighborhood and Code Enforcement.

Citizens Cheyanne Noyce and Russell Noyce spoke about the homeless population Bill of Rights and the camping ban within the City.

Citizen Tom Noonan spoke about transit and the book Post-Traumatic Stress Revelations written by Afrah Caraballo.

Citizen Bruce Hamilton spoke about the trash trucks damaging the streets and polluting the air within neighborhoods.

Citizen Charles Barber spoke about trade wars and end users.

Citizen Lawrence Martinez spoke regarding job opportunities in the southeast area.

Citizens Amy Gray, Reverend Nori Rost, Scott Anderson, Mariah Lower, Stephanie Rose-Spaulding spoke about climate change. Councilmember Pico spoke about climate change (additional information is attached).

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

- 4B.E. [19-723](#)** An ordinance amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$6,984,844, and to the Lodgers and Auto Rental Tax (LART) Fund in the amount of \$167,394 which will be transferred to the General Fund and is included in the \$6,984,844, for the retention of 2018 fiscal year revenue above the 2018 fiscal year revenue and spending limitations (TABOR cap), approved by voters in the November 2019 coordinated election to be retained and spent for parks, sports and cultural facilities, and trail improvements

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Ordinance for Supplemental for TABOR \\$7M-Parks](#)
[Signed Resolution 77-19-Ballot Language](#)

Citizen Deborah Stout-Meiningner asked if the funding going into sports and cultural facilities will be spent on the Olympic Museum and sports arena streets, parking, and utilities infrastructure.

Councilmember Williams stated the funding will go toward the replacement of the sod with artificial turf the Cottonwood Creek sports ball fields.

Charae McDaniel, Chief Financial Officer, stated the previous Ordinance for the Lodgers and Auto Rental Tax (LART) appropriations lists the specific projects which will be funded is included in the City Council Agenda packet.

Motion by Councilmember Murray, seconded by Councilmember Geislinger, that the Ordinance amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of

\$6,984,844, and to the Lodgers and Auto Rental Tax (LART) Fund in the amount of \$167,394 which will be transferred to the General Fund and is included in the \$6,984,844, for the retention of 2018 fiscal year revenue above the 2018 fiscal year revenue and spending limitations (TABOR cap), approved by voters in the November 2019 coordinated election to be retained and spent for parks, sports and cultural facilities, and trail improvements be approved on first reading. The motion passed by a vote of 9-0-0

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

- 4B.F. [19-728](#)** An Ordinance Amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a Supplemental Appropriation to the Memorial Health System Enterprise Fund in the Amount of \$1,384,091 to Transfer UC Health Margin Share Proceeds to the Colorado Springs Health Foundation

Presenter:

Charae McDaniel, Chief Financial Officer
Chris Wheeler, Budget Manager

Attachments: [Supplemental Approp Ord for MHS Revenue Share-2019](#)

Citizen Deborah Stout-Meiningner stated she had hoped a majority of the funding would go back into the community because there are so many health related issues that are underfunded for the disabled, the homeless population, low-income residents, and even the working class. She said she does not feel it should be sent out-of-state for studies.

Councilmember stated the process for the prioritization of funding will be coming back before City Council, the funding remains local, and proceeds will be used for the needs of the community.

Motion by President Pro Tem Strand, seconded by Councilmember Murray, that the Ordinance Amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a Supplemental Appropriation to the Memorial Health System Enterprise Fund in the Amount of \$1,384,091 to Transfer UC Health Margin Share Proceeds to the Colorado Springs Health Foundation be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Murray, Knight, Pico, 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. [20-023](#) A Resolution Amending City Council Resolution 85-19 for the Purpose Of Economic Development

Presenter:

Greg Phillips, Director of Aviation, Colorado Springs Airport

Attachments: [1-3-20 - Clean - RESOLUTION Amendment No _____ - 20.docx](#)

[City Council Cover Memo for Hotel Development 1.3.20.docx](#)

[Hotel Letter of Support Final - 8.24.2019.pdf](#)

[Hotel Site Development - City Council 1.3.20.pptx](#)

Greg Phillips, Director of Aviation, Colorado Springs Airport, presented the Resolution for the Colorado Springs Airport's disposal of approximately 6.5 acres of surplus property for economic development. He said this is the proposal to build two hotels in Peak Innovation Park. Mr. Phillips identified the appraised value of the property came in at \$7 per square foot and the negotiated price was \$6 per square foot which is a difference of \$283,140. He gave an overview of the hotel site location, site plan for hotel development, and economic benefits to the City.

President Skorman, Councilmember Williams, and Councilmember Avila expressed support of the project.

Motion by Councilmember Murray, seconded by President Pro Tem Strand, that the Resolution amending City Council Resolution 85-19 supporting economic development in the Peak Innovation Park be adopted. The motion passed by a vote of 9-0-0

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

- 11.B. [19-724](#) An Ordinance amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$329,828 for partial construction costs of the Tutt Boulevard Bridge over Cottonwood Creek.

Presenter:

Charae McDaniel, Chief Financial Officer

Jeff Dunn, PE, Stormwater Enterprise Division of Public Works

Attachments: [CW-Ordinance-Supplemental Approp for Assurance](#)

[Exhibit A](#)

[Exhibit B](#)

Jeff Dunn, PE, Stormwater Enterprise, presented the Ordinance for a supplemental appropriation in the amount of \$236,396 for partial

construction costs of the Tutt Boulevard Bridge over Cottonwood Creek. He stated on December 18, 2019, the City received another 22.7 acres of Powerwood II which was part of the annexation and created an additional \$92,000 for the escrow account.

There were no comments on this item.

Motion by Councilmember Murray, seconded by President Pro Tem Strand, that that the Ordinance for the supplemental appropriation to the General Fund in the amount of \$329,828, for a transfer of bridge fees out of escrow held for the Tutt Boulevard Bridge, into the General Fund be approved on first reading. The motion passed by a vote of 9-0-0

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

- 11.C. [19-397](#) A Resolution approving a service plan allowing for the creation of the Chapel Heights Metropolitan District

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development

Carl Schueler, Planning Manager- Comprehensive Planning, Planning and Development Department

Attachments: [resolution](#)

[Exhibit A- 2019 07 02 - Service Plan - Chapel Heights MD](#)

[Attachment 1- 2019 07 02 - Transmittal Letter - Chapel Heights MD](#)

[Attachment 2- 2019 07 02 - Redline Comparison Service Plan - Chapel Heights MD](#)

[Attachment 3- Chapel Heights MD Cost Estimates](#)

[Attachment 4- Opportunity Zone Highlights](#)

[Chapel Heights PowerPoint](#)

Carl Schueler, Planning Manager, Comprehensive Planning, Planning and Development Department, presented the Resolution approving a service plan allowing for the creation of the Chapel Heights Metropolitan District and gave an overview of the updates for the service plan and the language regarding the proposed administrative fee for the community center which is the same as what is in the City's model service plan.

Councilmember Knight asked what the penalty would be if this item is referred back to the Budget Committee. Russ Dyskra, Spencer Fane, representing the district, stated the penalty would be significantly costly due to having to start the whole process over again.

Councilmember Knight stated he does not believe the district has proven the expense of not having a homeowners Association would warrant a five mills increase in the operation and maintenance mill levy.

Councilmember Murray stated all these issued need to be resolved before moving forward.

Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the Resolution of the City of Colorado Springs approving a service plan for the Chapel Heights Metropolitan District be adopted. The motion passed by a vote of 6-3-0-0

Aye: 6 - Gaebler, Geislinger, Pico, Skorman, Strand, and Williams

No: 3 - Avila, Murray, and Knight

12. Public Hearing

- 12.A.** [CPC PUZ 19-00078](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 42.04 acres from SU/AO (Special Use with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay) zone district located at 1111 Academy Park Loop.

(QUASI-JUDICIAL)

Related Files: CPC PUZ 19-00078, and CPC PUP 19-00079

Presenter:

Rachel Teixeira, Planner II, Planning & Community Development
Peter Wysocki, Director, Planning and Development Department

Attachments: [ZC_ORD_ChapelHeights](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Zoning Map](#)
[Aerial Vicinity Map](#)
[Map_location of park facilities](#)
[Vicinity Map](#)
[Map_distance to parks](#)
[CPC Staff Report Chapel Heights](#)
[FIGURE 1 - Chapel Heights Project Statement](#)
[FIGURE 2 - Chapel Heights Zone Change Site Plan](#)
[FIGURE 3 - Chapel Heights Concept Plan Site Plan](#)
[FIGURE 4 - Land Uses Map](#)
[FIGURE 5 - Neighborhood Mtg](#)
[FIGURE 6 - Special Use Zone](#)
[FIGURE 7 - EOZ Map](#)
[FIGURE 8 - PlanCOS](#)
[7.5.603.B Findings - ZC](#)
[7.3.603 Establishment & Development of a PUD Zone](#)
[CPC Minutes ChapelHeights draft](#)

Councilmember Avila and President Skorman recused themselves due to ex parte communications. Councilmember Murray stated he is direct opposition to their recusal. Councilmember Geislinger stated he trusts their judgement for recusal. Councilmember Williams requested the standards regarding the conditions for recusal be revisited.

Rachel Teixeira, Planner II, Urban Planning Division, presented the Ordinance amending the zoning map of the City pertaining to 42.04 acres from SU/AO (Special Use with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay) zone district located at 1111 Academy Park Loop. She provided a brief background of the area, and an overview of the project, zoning maps, neighborhood process and involvement. Ms. Teixeira identified neighborhood concerns, photos of the area, and staff's recommendation.

Councilmember Murray asked how this site is compatible with PlanCOS. Ms. Teixeira stated there is a variety of existing uses in the area which this site will blend into.

Jim Houk, Thomas and Thomas, representing the applicant, Challenger

Homes, provided an overview of the site context, PUD concept plan, rezone, phasing, PUD development plan, and issues identified by City staff. He identified the Gateway Park master plan, site history, open space, community center, adaptive re-use, phase I-housing types, phase 2-housing types, and neighborhood investment.

Councilmember Knight stated the closest parks are not within walking distance because Fountain Boulevard or Academy Boulevard would need to be crossed to access them which is not safe for families. Mr. Houk stated this project will provide alternative recreation. Councilmember Knight stated he would like the service plan brought to the Budget Committee before City Council votes on it.

Councilmember Gaebler asked how many acres are set aside for open space and recreation. Mr. Houk stated 4.2 acres.

Jim Byers, Challenger Homes, representing the applicant, stated this infill project will provide attainability for people by making available a wide spectrum of housing types.

Councilmember Geislinger asked if rental units are proposed for this area. Mr. Byers stated there will be approximately 80-100 rental units.

Councilmember Murray asked why was this area selected for this project. Mr. Byers stated this property is very unique and forty acres of infill property is difficult to find.

Citizen Harold Graves, President of Nazarene Bible College, spoke in support of the project.

Councilmember Murray asked how this property was marketed. Mark Huisman, Cushman, Wakefield, representing the property seller, stated there has been no commercial interest in the property for the past three years.

Councilmember Murray asked when the federal opportunity zone was applied for. Bob Cope, Economic Development Manager, stated the City engaged in the federal opportunity zone process in 2018. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated there is no requirement under the zoning code to utilize a federal opportunity and

therefore should not be considered review criteria.

Councilmember Knight stated part of the review criteria includes that this project must comply with the City's comprehensive plan, which it does not because the City requested the federal opportunity zone. Jeff Greene, Chief of Staff, stated the application for federal opportunity zone was a joint initiative with El Paso County and the federal opportunity zone is a vehicle for individuals to reinvest in certain projects which will tax exempt them from capital gains.

Councilmember Williams asked if the property owner requested or consented to the request for designation as a federal opportunity zone. Mr. Cope stated they did not.

Mr. Byers stated they were not made aware this was a federal opportunity zone until after the first review and they were already under contract with the seller.

Councilmember Williams asked if there was a public hearing regarding the application for designation of the federal opportunity zone. Mr. Cope stated the areas were designated by the state, City, and County based on lower income, under-served, census tracts and was not voted on by City Council.

Mr. Byers stated when they went under contract with the seller over a year ago, they have put a huge amount of time and energy into the development of this area. He said the federal opportunity zone is intended for people who will hold the property for ten years which does not apply to home builders.

Ms. Teixeira stated the Planning Department was made aware this area was a federal opportunity zone mid-year 2019. She commented there is a lot of vacant commercial space along the nearby Academy Boulevard corridor and this area is considered established suburban neighborhood under the City's comprehensive plan.

Councilmember Murray asked if there are any other properties designated as federal opportunity zones in the southeast. Mr. Cope stated there are eight federal opportunity zones in the City with two of them being located in the southeast. He said because the designation is based on census tract and not parcels, there are other properties within this federal opportunity

zone area as well.

Councilmember Williams stated this property is currently zoned for a college-type use which he feels is different from a commercial zone. He said he supports this project because it is surrounded almost entirely by other residential properties and he believes the applicant has demonstrated compliance with both the master plan and the federal opportunity zone criteria with affordable housing options.

Councilmember Geislinger stated this is type of project the City needs and the Chamber of Commerce and EDC have identified attainable workforce housing as the single biggest issue that needs to be addressed by the City to maintain and encourage economic growth.

Councilmember Pico stated he is uncomfortable with the lost opportunity of the federal opportunity zone, but this project meets one of the four targets they are trying to fill. He states no one is knocking on the door to utilize this property for commercial development.

Councilmember Knight stated he will be supporting this project because the rules changed for the applicant midstream and federal tax dollars will be saved for use elsewhere. He said this plan fits in beautifully with the area and requested a consistent policy regarding the determination of what fits in the City's comprehensive plan. Jeff Greene, Chief of Staff, stated they will look at how procedural processes are defined.

Councilmember Murray stated he does not support changing commercial property to mixed use because the southeast needs commercial property. Councilmember Knight stated this land is currently zoned Special Use (SU). Councilmember Williams stated it is also currently owned by a nonprofit so no taxes are currently being collected.

President Pro Tem Strand stated the Planning Commission voted unanimously to approve the project and read several of the commissioner's comments.

Motion by Councilmember Williams, seconded by Councilmember Geislinger, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 42.04-acres from SU/AO (Special Use with Airport Overlay) to PUD/AO (Planned Unit Development: single-family attached and detached, 8-11.99 dwelling units per acres with a maximum height of 35 feet; single-family attached, 12-24.99 dwelling units per acres with a maximum height of 35 feet; multi-family residential, 12-24.99 dwelling units per acres with a maximum height

of 35 feet, and community center on 1.97 acres with a maximum height of 50 feet, and Airport Overlay), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603(B), as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603 be approved on first reading. The motion passed by a vote of 6-1-0-2

Aye: 6 - Gaebler, Geislinger, Knight, Pico, Strand, and Williams

No: 1 - Murray

Recused: 2 - Avila, and Skorman

- 12.B.** [CPC PUP 19-00079](#) The Chapel Heights concept plan for development of 42.04 acres for mixed residential use; single-family attached and detached along with multi-family duplexes located at 1111 Academy Park Loop.

(QUASI-JUDICIAL)

Related Files: CPC PUZ 19-00078, and CPC PUP 19-00079

Presenter:

Rachel Teixeira, Planner II, Planning & Community Development
Peter Wysocki, Director, Planning and Development Department

Attachments: [FIGURE 3 - Chapel Heights Concept Plan Site Plan](#)

[7.5.501.E Concept Plans](#)

[7.3.605 PUD Concept Plan](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Geislinger, seconded by Councilmember Williams, that the Chapel Heights Concept Plan for single-family attached and detached and multi-family residential, based upon the findings that the PUD concept plan complies with 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 6-1-0-2

Aye: 6 - Gaebler, Geislinger, Knight, Pico, Strand, and Williams

No: 1 - Murray

Recused: 2 - Avila, and Skorman

- 12.C.** [CPC V 19-00158](#) An ordinance vacating a public right-of-way described as the northern-most ten feet of E. Vermijo Ave. between S. Weber St. and S. Wahsatch Ave. within The Town of Colorado Springs consisting of 0.087 acres.

Presenter:

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

Department

Attachments: [VROW ORD Vermijo Avenue](#)

[Exhibit A - Vermijo Ave ROW Legal Description](#)

[Exhibit B - Vermijo Ave Vacation Plat](#)

Ryan Tefertiller, Manager, Urban Planning Division, Planning and Community Development Department, presented the ordinance vacating a public right-of-way described as the northern-most ten feet of E. Vermijo Ave. between S. Weber St. and S.

Wahsatch Ave. consisting of 0.087 acres. He gave a brief background of the site, application, stakeholder notice, analysis of the vacation standards, and staff recommendations.

Jeff Finn, Nor'Wood Development Group, representing the applicant, gave an overview of 322 Vermijo Apartments project, the site plan, parcel boundary, East Vermijo street section, and proposed streetscape improvements.

President Pro Tem Strand asked if there were any neighborhood concerns. Mr. Tefertiller stated there was no opposition identified.

Len Kendall, Director of Planning and Mobility, Downtown Partnership of Colorado Springs, spoke in support of the project.

Motion by Councilmember Murray, seconded by Councilmember Geislinger, that that the Ordinance vacating a portion of City right of way described as the northern-most ten feet of E. Vermijo Ave. between S. Weber St. and S. Wahsatch Ave. within The Town of Colorado Springs consisting of 0.087 acres, based upon the finding that the application complies with the review criteria in City Code Section 7.7.402.C be approved on first reading. The motion passed by a vote of 9-0-0

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

12.D. [CPC PUZ
19-00056](#)

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 1.1 acres located on the east side of 21st Street, north of Little Bear Creek Point from R5 (Multi-Family Residential) to PUD (Planned Unit Development: medical office, veterinary clinic, general office, personal consumer services and personal improvement services with a maximum height of 30 feet).

(Quasi-Judicial)

Related File: CPC PUD 19-00057

Presenter:

Peter Wysocki, Director, Planning and Development Department

Lonna Thelen, Principal Planner, Planning and Community Development

Department

Attachments: [ZC ORD MastinDental](#)
[Exhibit A - legal description](#)
[Exhibit B - zoning depiction](#)
[VICINITY MAP](#)

Lonna Thelen, Principal Planner, Planning and Community Department, presented a vicinity map of the property for the Mastin Dental Building. She gave a brief overview of the Mastin Dental Clinic, the application for a zone change, the concept plan for the site, geologic hazard report, neighborhood concerns, and staff recommendation.

Councilmember Geislinger asked how many condominiums units were originally anticipated for this area. Ms. Thelen stated twenty units.

Councilmember Knight commented there is nothing in City Code which protects view rights.

Chris Lieber, N.E.S. Inc., representing the applicant, presented maps of the project site and site access. He provided an overview of the existing site improvements, surrounding zoning, previous approval, project request, allowable uses within Planned Unit Developments (PUD), proposed elevation, and building details. Mr. Lieber identified the site profile, safety on Little Bear Creek Point, proposed buffer, existing curb, zone change criteria, PUD criteria, and its alignment with Plan COS.

Councilmember Geislinger asked if there have been any efforts towards the constructing of the twenty units of condominiums. Mr. Lieber stated he is uncertain, but that Dr. Mastin has owned this property for several years. Councilmember Geislinger stated he is concerned about changing the zoning from multi-family residential, but he does support this project.

Citizens Daniel Ingald, John Drobnica, Roxanne Ward, Carrie Tomlin, Mickey Knudson, Delores Simon, Javier Mazetti, Juliana Frost, Julie Boswell, spoke in support of this project.

Councilmember Pico, Councilmember Knight, and President Pro Tem Strand spoke in support of this project.

Motion by Councilmember Williams, seconded by Councilmember Murray, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 1.1 acres located on the east side of 21st Street, north of Little Bear Creek Point from R5 (Multi-Family Residential) to PUD (Planned Unit Development: medical office, veterinary clinic, general office, personal consumer services and personal improvement services with a maximum height of 30 feet), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code

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

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

- 12.E. [CPC PUD 19-00057](#) The Mastin Dental Building Development Plan for development of 1.1 acres as general and medical office located south of Lower Gold Camp Road and east of 21st Street.

(Quasi-Judicial)

Related File: CPC PUZ 19-00056

Presenter:

Peter Wysocki, Director, Planning and Development Department
Lonna Thelen, Principal Planner, Planning and Community Development Department

Attachments: [FIGURE 1 -Development Plan](#)
[7.5.502.E Development Plan Review](#)
[7.3.606 PUD Development Plan](#)

Marc Smith, Corporate Division Chief, Office of the City Attorney, requested the motion which states “the development plan for general and medical office, based upon the findings proposal meets the review criteria for development plans as set forth in City Code Section 7.5.502(E) and criteria for PUD *concept* plans” be amended to state “the development plan for general and medical office, based upon the findings proposal meets the review criteria for development plans as set forth in City Code Section 7.5.502(E) and criteria for PUD *development* plans”. President Pro Tem Strand agreed to the amendment to the motion.

Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the development plan for general and medical office, based upon the findings proposal meets the review criteria for development plans as set forth in City Code Section 7.5.502(E) and criteria for PUD development plans set forth in City Code Section 7.3.606 subject to technical modifications: 1. Finalize the recording of the reciprocal easement agreement for parking under note number 15 on page 1 and on page 2. 2. Receive approval of the drainage report and address water quality treatment for the entire area to be disturbed. 3. Show the reception number on the plan for the utility and drainage easement, one on the west and east side of the lot be approved. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Murray, Knight, Pico, 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