



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, September 28, 2021

10:00 AM

Blue River Board Room

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1. Call to Order and Roll Call

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

Councilmember Murray and President Pro Tem Skorman attended the meeting virtually.

President Pro Tem Skorman left the meeting at approximately 1:00 PM.

2. Invocation and Pledge of Allegiance

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

President Strand led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Sarah B. Johnson, City Clerk, stated item 12.A. will be held at 1:00 PM.

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 PUZ 21-00017](#) Ordinance No. 21-73 amending the zoning map of the City of Colorado Springs relating to 3.68 acres located northwest of Adventure Way and Quail Brush Creek Drive from A (Agricultural) to PUD/AO (Planned Unit Development: Single-family Residential, 10.1 DU/AC, 36-foot maximum building height with Airport Overlay).

(Quasi-Judicial)

Related File: CPC PUD 21-00018

Presenter:

Katie Carleo, Planning Supervisor, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [ORD_ZC_AscentAtQuailBrush](#)
[Exhibit A Legal Description](#)
[Exhibit B Rezone Depiction](#)

This Ordinance was finally passed on the Consent Calendar

- 4A.B. [CPC PUZ 21-00019](#) Ordinance No. 21-74 amending the zoning map of the City of Colorado Springs relating to 7.32 acres located at the northwest corner of Powers Boulevard and Hancock Expressway from PBC/AO (Planned Business Center with Airport Overlay) to PUD/AO (Planned Unit Development: Single-family Residential, 9.9 dwelling units per acre, maximum building height of 35-feet with Airport Overlay).

(Quasi-Judicial)

Related File: CPC PUD 21-00020

Presenter:

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

Attachments: [ORD_ZCskyviewvillage](#)
[Exhibit A](#)
[Exhibit B - Zone Change Exhibit](#)

This Ordinance was finally passed on the Consent Calendar

4A.C. [21-345](#) Ordinance No. 21-75 organizing the Catalyst Campus Business Improvement District and appointing an initial board of directors.

(Legislative)
 Presenter:
 Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department
 Peter Wysocki, Director of Planning and Community Development

Attachments: [Ordinance](#)
[Exhibit A- Catalyst BID Petition signed](#)
[Exhibit B- Catalyst Campus BID - Certificate of Mailing of Notice of Public Hearing](#)
[Exhibit C- 2021-2022 Catalyst Campus BID Operating Plan and Budget](#)
[Exhibit D- SpecialDistrictPolicyJan06](#)

This Ordinance was finally passed on the Consent Calendar

4A.D. [CPC ZC 20-00172](#) Ordinance No. 21-76 amending the Zoning Map of the City of Colorado Springs relating to 19.4 acres located at 3910 Palmer Park Boulevard and 1605 North Academy Boulevard from PBC/SS (Planned Business Center with Streamside Overlay) to M1/cr/SS (Light Industrial with Conditions of Record and Streamside Overlay).

(Quasi-Judicial)

Related File: PD DP 64-62-A39MJ20

Presenter:
 Daniel Sexton, Planning Supervisor, Planning & Community Development
 Peter Wysocki, Director, Planning & Community Development

Attachments: [ORD_ZC_RusticHillsRedevelopment](#)
[Exhibit A - Zone Change](#)
[CC_RusticHills_DJS](#)
[Vicinity Map](#)

This Ordinance was finally passed on the Consent Calendar

4A.E. [21-085](#) Ordinance No. 21-77 creating an extension of a moratorium on the

enforcement of certain zoning code violations related to carports in front yard setbacks until December 7, 2021

(Legislative)

Presenter:
Mitch Hammes, Neighborhood Services Manager

Peter Wysocki, Director of Planning and Community Development

Attachments: [CarportMoratoriumExtORD-9-7-2021](#)
[Signed Ordinance 21-54](#)

This Ordinance was finally passed on the Consent Calendar

4B. First Presentation:

4B.A. [21-564](#) City Council Regular Meeting Minutes September 14, 2021

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [9-14-2021 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.B. [21-465](#) An ordinance authorizing the issuance and delivery of the City’s Series 2021A multi-family housing revenue bonds in an aggregate amount not to exceed \$11,200,000 and its taxable Series 2021B multi-family housing revenue bonds in an aggregate amount not to exceed \$4,758,000 for the Village at Solid Rock project

Presenter:
Steve Posey, Community Development Division Manager
John Bales, Fred Marienthal, Kutak Rock LLP
Peter Wysocki, Director of Planning and Community Development

Attachments: [Colorado Springs - Village at Solid Rock - 2021 Ordinance](#)
[Bond Ordinance Village at Solid Rock](#)

This Ordinance was approved on first reading on the Consent Calendar

4B.C. [CPC ZC](#)
[21-00062](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 6.95 acres located at the northeast corner of Peterson Road and North Carefree Circle, from R5/cr/AO (Multi-Family Residential with Conditions of Record and Airport Overlay) to R5/AO (Multi-Family Residential with Airport Overlay).

(Quasi-Judicial)

Related File: CPC CP 21-00063

Presenter:
Daniel Sexton, Planning Supervisor, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Attachments: [Ord ZC NECPeterson&CarefreeTownhomes](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Zone Change](#)
[Vicinity Map](#)

This Ordinance was approved on first reading on the Consent Calendar

- 4B.D.** [CPC CP 21-00063](#) A concept plan for the NEC Peterson & Carefree Townhomes project on 6.9 acres located at the northeast corner of Peterson Road and North Carefree Circle.

(Quasi-Judicial)

Related Files: CPC ZC 21-00062

Presenter:
Daniel Sexton, Planning Supervisor, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

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

This Item was approved on the Consent Calendar.

- 4B.E.** [CPC A 20-00141R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Date Joint Venture Addition No. 1 Annexation

(Legislative)

Presenter:
Katie Carleo, Planning Supervisor, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

- Attachments:** [RES Findings DateJointVentureAdditionNo.1](#)
[Exhibit A - Legal Description Date Joint Venture A-ZC](#)
[Exhibit B - Date Joint Venture Addition No. 1 Annexation Agreement](#)
[Clerk Affidavit Date Joint Venture](#)
[Planner Affidavit Date Joint Venture](#)
[Surveyor Affidavit Date Joint Venture](#)
[Vicinity Map Date Joint Venture](#)

This Resolution was adopted on the Consent Calendar.

- 4B.F.** [CPC A](#) An ordinance annexing the area known as Date Joint Venture Addition
[20-00141](#) No. 1 located southeast of Date Street and Beverly Street consisting of
0.331-acres.

(Legislative)

Presenter:
Katie Carleo, Planning Supervisor, Planning and Community
Development
Peter Wysocki, Planning and Community Development Director

- Attachments:** [ORD AnnexationDateJointVentureAdditionNo.1](#)
[Exhibit A - Legal Description Date Joint Venture](#)
[Vicinity Map Date Joint Venture](#)

This Ordinance was approved on first reading on the Consent Calendar

- 4B.G.** [CPC ZC](#) An ordinance amending the zoning map of the City of Colorado Springs
[21-00016](#) pertaining to 0.331-acre located southeast of Date Street and Beverly
Street establishing the R-5 (Multi-family Residential) zone.
(Legislative)

Presenter:
Katie Carleo, Planning Supervisor, Planning and Community
Development
Peter Wysocki, Planning and Community Development Director

- Attachments:** [Ord_ZC DateJointVenture](#)
[Exhibit A - Legal Description Date Joint Venture](#)
[Exhibit B Zone Change](#)

This Ordinance was approved on first reading on the Consent Calendar

- 4B.H.** [AR PFP](#) Date Joint Venture Preliminary Final Plat for property located southeast
[21-00105](#) of Date Street and Beverly Street consisting 0.331-acre.
(Quasi-Judicial)

Presenter:
 Katie Carleo, Planning Supervisor, Planning and Community Development
 Peter Wysocki, Planning and Community Development Director

- Attachments:** [DATE JOINT VENTURE PRELIMINARY FINAL PLAT](#)
[7.7.102 Subdivision Plats](#)
[7.7.204 Preliminary Plat Requirements](#)
[7.7.303 Final Plat Req - Subdivision Plats Review Criteria](#)

This Item was approved on the Consent Calendar.

- 4B.I.** [CPC ZC 21-00051](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 33.36 acres located southeast of the Highway 24 and 21st Street intersection with 29.6 acres rezoning from PBC (Planned Business Center) to TND (Traditional Neighborhood Development) and 3.76 acres rezoning from TND (Traditional Neighborhood Development) to PBC (Planned Business Center).

(Quasi-judicial)

Related Files: CPC CP 04-00127-A7MJ21, AR NV 21-00388, AR NV 21-00389, AR NV 21-00390, AR NV 21-00391, AR NV 21-00392, AR NV 21-00393, AR NV 21-00394, AR NV 21-00395

Presenter:
 Hannah Van Nimwegen-McGuire, Senior Planner, Planning & Community Development
 Peter Wysocki, Planning & Community Development Director

- Attachments:** [Ord_ZC_GoldHillMesa](#)
[Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[Exhibit D](#)

This Ordinance was approved on first reading on the Consent Calendar

- 4B.J.** [CPC CP 04-00127-A7 MJ21](#) Major Amendment to the Gold Hill Mesa Concept Plan illustrating a mix single-family detached, single-family attached, an amphitheater, and commercial land uses located southeast of Highway 24 and 21st Street

(Quasi-Judicial)

Related Files: CPC ZC 21-00051, AR NV 21-00388, AR NV 21-00389, AR NV 21-00390, AR NV 21-00391, AR NV 21-00392, AR NV

21-00393, AR NV 21-00394, AR NV 21-00395

Presenter:

Hannah Van Nimwegen-McGuire, Senior Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

Attachments: [Concept Plan](#)

[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

4B.K. [AR NV 21-00388](#)

A nonuse variance from City Code, Section 7.3.907.A.11 to allow 750 square foot accessory dwelling units on lots less than 7,000 square feet in size within the Gold Hill Mesa Concept Plan Amendment area located southeast of Highway 24 and 21st Street

(Quasi-Judicial)

Related Files: CPC ZC 21-00051, CPC CP 04-00127-A7MJ21, AR NV 21-00389, AR NV 21-00390, AR NV 21-00391, AR NV 21-00392, AR NV 21-00393, AR NV 21-00394, AR NV 21-00395

Presenter:

Hannah Van Nimwegen-McGuire, Senior Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

Attachments: [7.3.907 Architecture and Design](#)

[7.5.802.B Nonuse Variance Criteria](#)

[7.5.802.E GuidelinesforReview_NonuseVariance](#)

This Item was approved on the Consent Calendar.

4B.L. [AR NV 21-00389](#)

A nonuse variance from City Code, Section 7.3.907.A.2 to allow to allow 75% lot coverage within the Concept Plan Amendment area located southeast of Highway 24 and 21st Street

(Quasi-Judicial)

Related Files: CPC ZC 21-00051, CPC CP 04-00127-A7MJ21, AR NV 21-00388, AR NV 21-00390, AR NV 21-00391, AR NV 21-00392, AR NV 21-00393, AR NV 21-00394, AR NV 21-00395

Presenter:

Hannah Van Nimwegen-McGuire, Senior Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

Attachments: [7.5.802.B Nonuse Variance Criteria](#)
[7.5.802.E GuidelinesforReview_NonuseVariance](#)
[7.3.907 Architecture and Design](#)

This Item was approved on the Consent Calendar.

4B.M. [AR NV 21-00390](#)

A nonuse variance from City Code, Section 7.3.907.A.5 to allow a roof or enclosed second story above a first story porch and to allow stoops in lieu of front porches within the Concept Plan Amendment area located southeast of Highway 24 and 21st Street

(Quasi-Judicial)

Related Files: CPC ZC 21-00051, CPC CP 04-00127-A7MJ21, AR NV 21-00388, AR NV 21-00389, AR NV 21-00391, AR NV 21-00392, AR NV 21-00393, AR NV 21-00394, AR NV 21-00395

Presenter:

Hannah Van Nimwegen-McGuire, Senior Planner, Planning & Community Development
Peter Wysocki, Planning & Community Development Director

Attachments: [7.5.802.E GuidelinesforReview_NonuseVariance](#)
[7.5.802.B Nonuse Variance Criteria](#)
[7.3.907 Architecture and Design](#)

This Item was approved on the Consent Calendar.

4B.N. [AR NV 21-00391](#)

A nonuse variance from City Code, Section 7.3.908.A.2 to allow a 5 to 25-foot build-within-zone on all residential lots within the Gold Hill Mesa Concept Plan Amendment area located southeast of Highway 24 and 21st Street

(Quasi-Judicial)

Related Files: CPC ZC 21-00051, CPC CP 04-00127-A7MJ21, AR NV 21-00388, AR NV 21-00389, AR NV 21-00390, AR NV 21-00392, AR NV 21-00393, AR NV 21-00394, AR NV 21-00395

Presenter:

Hannah Van Nimwegen-McGuire, Senior Planner, Planning & Community Development
Peter Wysocki, Planning & Community Development Director

Attachments: [7.5.802.E GuidelinesforReview_NonuseVariance](#)
[7.5.802.B Nonuse Variance Criteria](#)
[7.3.908 Streetscape](#)

This Item was approved on the Consent Calendar.

4B.O. [AR NV
21-00392](#)

A nonuse variance from City Code Section 7.3.104.A.8 to allow a 40-foot building height within the Gold Hill Mesa Concept Plan Amendment area located southeast of Highway 24 and 21st Street

(Quasi-Judicial)

Related Files: CPC ZC 21-00051, CPC CP 04-00127-A7MJ21, AR NV 21-00388, AR NV 21-00389, AR NV 21-00390, AR NV 21-00391, AR NV 21-00393, AR NV 21-00394, AR NV 21-00395

Presenter:

Hannah Van Nimwegen-McGuire, Senior Planner, Planning & Community Development
Peter Wysocki, Planning & Community Development Director

Attachments: [7.5.802.E GuidelinesforReview_NonuseVariance](#)
[7.5.802.B Nonuse Variance Criteria](#)
[7.3.104 AG, Res, SU, TND Dev Standards](#)

This Item was approved on the Consent Calendar.

4B.P. [AR NV
21-00393](#)

A nonuse variance from City Code Section 7.3.907.A.15 to allow garage faces to be even with the front façade of the home within the Concept Plan Amendment area located southeast of Highway 24 and 21st Street

(Quasi-Judicial)

Related Files: CPC ZC 21-00051, CPC CP 04-00127-A7MJ21, AR NV 21-00388, AR NV 21-00389, AR NV 21-00390, AR NV 21-00391, AR NV 21-00392, AR NV 21-00394, AR NV 21-00395

Presenter:

Hannah Van Nimwegen-McGuire, Senior Planner, Planning & Community Development
Peter Wysocki, Planning & Community Development Director

Attachments: [7.5.802.E GuidelinesforReview_NonuseVariance](#)
[7.5.802.B Nonuse Variance Criteria](#)
[7.3.907 Architecture and Design](#)

This Item was approved on the Consent Calendar.

- 4B.Q.** [AR NV 21-00394](#) A nonuse variance from City Code, Section 7.3.907.A.14 to allow 24-foot wide driveways for a maximum of 50 residential lots within the Concept Plan Amendment area located southeast of Highway 24 and 21st Street

(Quasi-Judicial)

Related Files: CPC ZC 21-00051, CPC CP 04-00127-A7MJ21, AR NV 21-00388, AR NV 21-00389, AR NV 21-00390, AR NV 21-00391, AR NV 21-00392, AR NV 21-00393, AR NV 21-00395

Presenter:

Hannah Van Nimwegen-McGuire, Senior Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

Attachments: [7.5.802.E GuidelinesforReview NonuseVariance](#)

[7.5.802.B Nonuse Variance Criteria](#)

[7.3.907 Architecture and Design](#)

This Item was approved on the Consent Calendar.

- 4B.R.** [AR NV 21-00395](#) A nonuse variance from City Code, Section 7.3.907.A.16 to allow 50% of the front façade of home to be a garage face for a maximum of 50 residential lots within the Concept Plan Amendment area located southeast of Highway 24 and 21st Street

(Quasi-Judicial)

Related Files: CPC ZC 21-00051, CPC CP 04-00127-A7MJ21, AR NV 21-00388, AR NV 21-00389, AR NV 21-00390, AR NV 21-00391, AR NV 21-00392, AR NV 21-00393, AR NV 21-00394

Presenter:

Hannah Van Nimwegen-McGuire, Senior Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

Attachments: [7.5.802.E GuidelinesforReview NonuseVariance](#)

[7.5.802.B Nonuse Variance Criteria](#)

[7.3.907 Architecture and Design](#)

This Item was approved on the Consent Calendar.

- 4B.S.** [21-466](#) Request to Establish a Public Hearing Date for the Consideration of Resolutions Setting Electric, Natural Gas, Water and Wastewater Rates

Within the Service Areas of Colorado Springs Utilities and Certain Changes to Electric, Natural Gas and Wastewater Rate Schedules and Utilities Rules and Regulations

Presenter:

Tristan Gearhart, Chief Planning and Financial Officer, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

This Item was approved on the Consent Calendar.

4B.T. [21-463](#)

A resolution adopting and approving the Intergovernmental Agreement concerning the Pikes Peak Community College Public Safety Training Facility

Presenter:

Vince Niski, Chief of Police

Pat Rigdon, Deputy Chief of Police

Frederick Stein, Public Safety Attorney

Attachments: [PPCC_CSPD-IGAResolution-2021-07-22.doc](#)
[IGA-PPCC-CSPD-Public-Safety-Training-Facility](#)

This Resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Avila, seconded by Councilmember Donelson, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 9-0-0

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

5. Recognitions

President Strand recognized Jacquelyn Rowland for her fifteen years of service with the City.

5.A. [21-560](#)

A Resolution recognizing October 2021 as Arts Month

Presenter:

Nancy Henjum, Councilmember District 5

Andy Vick, Executive Director, Cultural Office of the Pikes Peak Region

Attachments: [Arts Month in the Pikes Peak Region](#)

Councilmember Henjum read the Resolution recognizing October 2021 as Arts Month and spoke about the community mural in her neighborhood.

Andy Vick, Executive Director, Cultural Office of the Pikes Peak Region (COPPeR), gave a brief history identifying the objective and call to action for everyone to try a new cultural experience during the month. Mr. Vick identified several of the on-line programs scheduled for the month through ArtsOctober.com, explained the effects of COVID-19 on the art community, identified how arts and humanities are reopening to bring the community together, and their plan for Arts Vision 2030.

Councilmember Avila spoke of the importance of art in the community.

Motion by Councilmember Donelson, seconded by Councilmember Helms, that the Resolution recognizing October 2021 as Arts Month be adopted. The motion passed by a vote of 9-0-0

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

5.B. [21-563](#) A Resolution recognizing October 2021 as National Cybersecurity Awareness Month

Presenter:

Bill Murray, Councilmember At-large

Mary Weeks, Chief Information Officer, City of Colorado Springs

Frank Swanson, Senior Cybersecurity Analyst, City of Colorado Springs

Attachments: [Cybersecurity Awareness Month](#)

Councilmember Murray stated the internet was established January 1, 1983, explained how important cyber security is, and read a Proclamation recognizing October 2021 as Cyber Security Awareness Month.

Mary Week, Chief Information Officer and Frank Swanson, Senior Cybersecurity Analyst, Information Technology (IT) Department expressed appreciation for the recognition and identified the themed training for the campaign during the month.

Several Councilmembers spoke about the importance of cybersecurity.

Jeff Greene, Chief of Staff, gave a brief history of the Cybersecurity Center located in Colorado Springs.

Motion by Councilmember O'Malley, seconded by Councilmember Henjum, that the Resolution recognizing October 2021 as National Cybersecurity Awareness Month be adopted. The motion passed by a vote of 9-0-0

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

- 5.C. [21-550](#) Resolution in support of October 2021 as Fire Prevention Month in Colorado Springs

Presenter:

Randy Royal - Fire Chief/ Brett Lacey - Fire Marshal, Colorado Springs Fire Department

Attachments: [2021 Fire Prevention Month Resolution](#)

President Strand read the Resolution to support October 2021 as Fire Prevention Month.

Deputy Fire Marshal Kris Cooper, Colorado Springs Fire Department (CSFD), presented a brief background on the origin of Fire Prevention Month and stated the theme of this year's Fire Prevention Month is to "Learn the Sounds of Fire Safety" to encourage everyone to recognize the sound of their smoke detector or fire alarm.

Sunny Smaldino, Senior Fire Life & Safety Educator, identified the activities planned for the community for the month.

Councilmember O'Malley encouraged everyone to be aware when they first start of their furnaces for the season.

Councilmember Avila stated the fire safety presentation is very informative and encouraged citizens to attend.

Councilmember Williams spoke about the importance of wildfire mitigation outside of the home.

Citizen Jim Beckham expressed appreciation for the CSFD.

Motion by Councilmember Williams, seconded by Councilmember O'Malley, that the Resolution in support of October 2021 as Fire Prevention Month in Colorado Springs be adopted. The motion passed by a vote of 9-0-0

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

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

Citizens David Weister and Donald Zimmerman requested the City Auditorium be kept by the City as a multi-purpose venue.

Citizen Patricia Whitney requested additional information regarding

potential development in her neighborhood.

Citizen Jim Beckham stated the City removed three large trees which the weather had killed and asked if the City will be replacing them. He also stated there should be a different process regarding notifying people regarding recreational vehicle violations.

Citizen Jaymen Johnson stated citizens have few opportunities to voice their comments on issues so City Council should encourage citizens to comment on issues and he supports the Springs Recovery Connection.

President Strand expressed appreciation for Colorado Springs Utilities staff for all their support hosting the City Council meetings during the renovation of City Council Chambers.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11.A. [21-556](#) Pursuant to City Code § 1.4.105 (Candidates for Election), Colorado Springs Utilities Employee Request for City Council Consent to Run for Harrison School District Two Board of Education and, If Elected, Request to Waive the Requirement to Terminate Employment

Presenter:

Tracy Lessig, Deputy City Attorney

There were no comments on this item.

Motion by Councilmember Williams, seconded by Councilmember O'Malley, to give Michelle Wills-Hill consent to run for Harrison School District Two Board of Education and, if she is elected to the position, to waive the requirement she terminate employment with Colorado Springs Utilities, with the understanding that City Council may revoke its consent to run or, if she is elected, waiver of the

requirement to terminate employment if Ms. Wills-Hill violates any City Charter provision, City Code provision, Colorado Springs Utilities policy or procedure, or any other applicable law or regulation regarding campaigning while on duty or use of City/Utilities resources. The motion passed by a vote of 9-0-0

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

12. Public Hearing

- 12.A.** [CPC AP 21-00119](#) An appeal of the Planning Commission's decision to uphold the administrative denial of a Short Term Rental permit for 1950 & 1952 Woodburn Street.

(Quasi-Judicial)

Presenter:

Carli Hiben, Program Coordinator

Peter Wysocki, Director of Planning and Community Development

Attachments: [CC_Woodburn STR Appeal](#)
[1950 1952 Woodburn STR permit appeal](#)
[Staff Report - 1950 & 1952 Woodburn STR Denials](#)
[1950 & 1952 Woodburn Street - 500' Buffer](#)
[PlanCOS Vision Map](#)
[Appellant Statement](#)
[Public Comments_WoodburnSTR](#)
[7.5.1704 ShortTermRentalPermitReviewCriteria](#)
[7.5.1702.B STR PermitRequired](#)
[7.5.906 \(B\) Appeal of Commission-Board](#)

Carli Hiben, Program Coordinator, presented the appeal of the Planning Commission's decision to uphold the administrative denial of a Short Term Rental (STR) permit for 1950 and 1952 Woodburn Street. She gave an overview of the property, STR Ordinance, City Code Section 7.5.1702B, five hundred foot nonowner-occupied buffer, STR permit history, denial appeal, and staff recommendation.

Councilmember Helms asked which property established an STR first. Ms. Hiben stated 1926 Woodburn Street.

Charlie Rupprecht, representing Tara Sorenson, the appellant, gave an overview of the background of the properties, title transfer timeline, ownership facts, criteria for review, City Code Section 7.5.1702.B, history of exceptions, inconsistent positions, and challenges to the City's decision.

Ms. Sorenson stated she spent months researching the regulations regarding STRs prior to purchasing these properties.

Councilmember Williams asked who Jeff King, Mary Brooks, Seth Bluntquist, and Sydney Grice are. Ms. Sorenson stated they must work for the bank. Councilmember Williams requested Ms. Sorenson provide documents which show she is the owner. Ms. Sorenson agreed to provide that information.

Councilmember Williams asked if the refinance was done as an investment property. Ms. Sorenson confirmed it was.

Councilmember O'Malley asked if the neighboring STRs would have increased business value due to this denial. Mr. Rupprecht stated it would, but the availability of STRs in the area would diminish.

Citizen Cheyenne Euland spoke in favor of the appellant.

Councilmember William requested the process of notice for the Planning Commission and City Council hearing. Ms. Hiben stated postcards were sent out to individuals within one thousand feet, the property owner posted a poster of notice on the property.

Councilmember Williams asked if any opposition was received. Ms. Hiben stated they received opposition from property owners who were against the use of the property as an STR.

Ms. Hiben stated when there is a name change due to marriage or divorce is not the same as transferring the property to a different entity or individual.

Councilmember Donelson asked if nonowner-occupied STRs are allowed in residential zones. Ms. Hiben stated they are not permitted in single-family zone districts, but Ms. Sorenson's properties are located in R-2 where they are permitted.

Councilmember Donelson asked if the Ordinance permits owners to transfer property titles to themselves multiple times. Peter Wysocki, Director of Planning and Community Development, stated it is not specifically clarified in the definitions of the Ordinance.

Councilmember Helms asked if the intent of the Ordinance allowed for the change of ownership to an LLC if the property owner remained the same. Mr. Wysocki stated that topic regarding individually owned LLCs did not come up at the time.

Councilmember Donelson asked if the intent of grandfathering in owners of STRs was to eventually reduce the nonowner-occupied stock of STRs located within five hundred feet of each other when a transfer of ownership occurred. Ms. Hiben confirmed it was.

Councilmember Henjum asked what the long-term effect of City Council's decision today would be regarding City Code. Mr. Wysocki stated it would set the core of how staff interprets "change of ownership".

Councilmember Murray asked who the original STR permit was issued to. Ms. Hiben stated Highland Properties, LLC. Councilmember Murray asked why the permit renewal wasn't denied in 2020 when the property was transferred to Ms. Sorenson. Ms. Hiben stated it is possible the El Paso County Assessor's Office had not updated the information at that time. Mr. Rupprecht clarified that the permit was issued to Ms. Sorenson, but the property was owned by the LLC.

Councilmember Williams stated the intent when the limitations were adopted was to allow STR owners to continue to use the property as an investment. He stated he will be supporting the appeal in this instance, but going forward, the permit form needs to be updated to clarify wholly owned LLCs.

Councilmember O'Malley stated the appellant's intent was to mitigate her tax liability as an LLC and the owners of the nearby STRs would have more value if other STRs are not permitted to encroach.

Councilmember Avila in this situation, the owner is the same person and that was the spirit of the Ordinance.

Councilmember Helms stated if Ms. Sorenson is found to be the sole owner of the LLCs, he will support the appeal, but if ownership changes, the permit would be denied.

Councilmember Henjum stated the utmost importance in this decision is that transfer to a different entity or individual is not permitted.

Councilmember Donelson stated he believes City Council should uphold City Code and support staff's denial of the permit because the intent of the Ordinance was to reduce stock of nonowner-occupied STRs within close proximity of each of if a transfer of ownership occurred regardless if it was to an LLC.

President Strand stated because the LLCs were owned, operated, and controlled by Ms. Sorenson and she has invested quite a bit of money on this property to improve the neighborhood, he will be supporting the appellant.

Motion by Councilmember Murray, seconded by Councilmember Williams, to uphold the appeal and overturn administrative denial of a short term rental permit for 1950 & 1952 Woodburn Street, based upon the findings that the appellant has met the requirements of City Code Section 7.5.1704, that the appellant has substantiated that the appeal satisfies the review criteria set forth in City Code Sections 7.5.906.A.4 and 7.5.906.B, on the condition that the appellant submit proof that the appellant was the sole owner of any LLCs that owned the property during the term of the license. The motion passed by a vote of 5-3-1-0

Aye: 5 - Avila, Helms, Murray, Strand, and Williams

No: 3 - Donelson, Henjum, and O'Malley

Absent: 1 - Skorman

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