



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, May 14, 2019

9:00 AM

Council Chambers

Meeting time changed to 9:00 AM

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 Chaplain Larry Selman from the Colorado Springs Police Department.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

President Skorman stated the items for Recognitions, New Business, and Unfinished Business, will be discussed at 9:00 AM and the Consent Calendar, Citizen Discussion, and items 12.A., 12.B. and 12.C., the land use appeal items, will be discussed at 1:00 PM.

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. [19-177](#)

Ordinance No. 19-26 including certain property into the Southwest Downtown Business Improvement District

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Attachments: [Ordinance- 2019 SWDT BID inclusions](#)

[Exhibit A - Petitions for Inclusion](#)

[Exhibit B - Notice of Inclusion](#)

This Ordinance was finally passed on the Consent Calendar.

**4A.B. [CPC PUZ](#)
[18-00077](#)**

Ordinance No. 19-27 amending the zoning map of the City of Colorado Springs relating to 3-acres located at the southeast corner of Stetson Hills Boulevard and Tutt Boulevard from R-5/AO (Multi-Family Residential with Airport Overlay) to PUD/AO (Planned Unit Development: single-family attached and detached, 10.33 dwelling units per acre, and maximum building height of 45 feet with Airport Overlay).

(QUASI-JUDICIAL)

Presenter:

Peter Wysocki, Director Planning and Community Development
Chris Staley, Planner II, Planning and Community Development

Attachments: [ZC ORD PalominoRanchPatioHomes](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Zone Change Exhibit](#)

[Vicinity Map](#)

[Signed Ordinance 19-27](#)

This Ordinance was finally passed on the Consent Calendar.

**4A.C. [CPC ZC](#)
[18-00139](#)**

Ordinance No. 19-28 amending the zoning map for City of Colorado Springs from A (Agricultural) to PBC (Planned Business Center) for the property located southwest of Grand Cordera Parkway and Prominent Point consisting of 6.72 acres.

(QUASI-JUDICIAL)

Presenter:

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

Attachments: [ZC_ORD_YourStorageAtBriargate](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Zone Change](#)

[Vicinity Map](#)

[Signed Ordinance 19-28](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.D.** [CPC ZC 18-00109](#) Ordinance No. 19-29 amending the Zoning Map of the City of Colorado Springs relating to .638 acre located northwest of North Academy Boulevard and Palmer Park Boulevard from OR (Office Residential) to PBC/CR (Planned Business Center with Conditions of Record)

(QUASI-JUDICIAL)

Presenter:

Peter Wysocki, Director Planning and Community Development
Michael Schultz, Principal Planner, Planning and Community Development

Attachments: [ZC_ORD_AcademyCorner](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Zone Change](#)

[Vicinity Map](#)

[Signed Ordinance 19-29](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A.** [19-259](#) City Council Regular Meeting Minutes April 23, 2019

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [4-23-2019 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

- 4B.B.** [19-271](#) Appointments to Boards and Commissions

Presenter:

Jacquelyn Puett, Assistant to Council

Attachments: [051419 Boards and Commissions](#)

This Item was approved on the Consent Calendar.

- 4B.C.** [19-184](#) Resolution adopting an Intergovernmental Agreement between the City of Colorado Springs, Colorado and the Creekwalk Marketplace Business Improvement District related to maintenance of public streets.

Presenter:

Ryan Tefertiller, Planning Manager, Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

Attachments: [RES Creekwalk IGA](#)

[Attachment 1 - Creekwalk IGA](#)

[StElmo IGA Exhibit](#)

[Creekwalk IGA Council Work Session Presentation 042219](#)

This Resolution was adopted on the Consent Calendar.

- 4B.D.** [19-273](#) Ordinance No. 19-33 Temporarily Waiving Certain Appointment Criteria for the Fire Board of Appeals

Presenter:

Brett Lacey, Fire Marshal, Colorado Springs Fire Department

Attachments: [FireBdAppealsORD-2019-04-29.docx](#)

[Signed Ordinance 19-33](#)

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

- 4B.E.** [19-200](#) Ordinance No. 19-34 amending multiple sections of Article 5 (Wastewater Treatment Code) of Chapter 12 Utilities) of the Code of the City of Colorado Springs 2001, as amended

Presenter:

David Padgett, Chief Environmental Officer

Lauren Swenson, Industrial Pretreatment Supervisor

Aram Benyamin, Chief Executive Officer

Attachments: [CSU-WastewaterORD-2019-04-22 Final Final.docx](#)

[Signed Ordinance 19-34](#)

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

Approval of the Consent Agenda

Motion by Councilmember Williams, 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, Murray, Knight, Pico, Skorman, Strand, and Williams

5. Recognitions

- 5.A.** [19-241](#) A Resolution of Appreciation designating May as Historic Preservation Month.

Presenter:

Chris Staley, Planner II, Planning & Development Department
Dan Sexton, Senior Planner, Planning & Development Department
Peter Wysocki, Planning & Development Director

Attachments: [HP Resolution 2019](#)

[Signed Resolution 47-19](#)

Chris Staley, Planner II, Planning and Development Department, presented a Resolution of appreciation designating May as Historic Preservation Month.

Roxanne Eflin, President Historic Preservation Alliance (HPA), gave an overview of the HPA and expressed appreciation for City Council's support.

Councilmember Murray read the Resolution of appreciation.

Motion by Councilmember Murray, seconded by Councilmember Gaebler, that the Resolution of Appreciation designating May as Historic Preservation Month be adopted. The motion passed by a vote of 9-0-0-0

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

- 5.B.** [19-247](#) A Resolution of Appreciation recognizing May 19-25, 2019 as National Public Works Week

Presenter:

Travis Easton, P.E., Public Works Director
Tom Strand, City Council Member

Attachments: [Resolution-National Public Works Week 2019](#)

[Signed Resolution 48-19](#)

Travis Easton, P.E., Public Works Director and City Engineer, presented a Resolution recognizing May 19-25, 2019 as National Public Works Week and expressed appreciation for the men, women, and community partners who collectively work in the Public Works arena.

President Pro Tem Strand read the Resolution of appreciation.

Several Councilmembers expressed appreciation for the employees of the Public Works Department.

Motion by President Pro Tem Strand, seconded by Councilmember Williams, that the Resolution of Appreciation recognizing May 19-25, 2019 as National Public Works Week be adopted. The motion passed by a vote of 9-0-0

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

- 5.C.** [19-264](#) A Proclamation recognizing Tessa's launch of "It's Not Okay" Public Awareness Campaign

Presenter:

Jill Gaebler, Council member

Attachments: [TessA - Public Awareness Campaign - 2019 - FINAL](#)

Sherrylynn Boyles, Executive Director, TESSA of Colorado Springs, gave an overview of TESSA's launch of "It's Not Okay" public awareness campaign. She stated this campaign is an effort to curb the high rates of domestic and sexual violence in the Pikes Peak region.

Councilmember Gaebler read the Proclamation recognizing TESSA's launch of "It's Not Okay" public awareness campaign.

- 5.D.** [19-265](#) A Proclamation recognizing May 14, 2019 as a Day of Decency

Presenter:

Dave Geislinger, Council member

Attachments: [Day of Decency - 2019 - FINAL](#)

Harrison Sears and Megan McGoan, students from Rampart High School, stated the Day of Decency was developed to encourage students to make decency a part of their daily lives to include active listening, better communication, and compassion.

Councilmember Geislinger read the Proclamation recognizing May 14, 2019 as a Day of Decency.

6. Citizen Discussion

Citizen Terrance Dean Hill requested the Colorado Springs Police Department enforce noise pollution violations such as people driving vehicles without mufflers and vehicles driving with very loud radios. Jeff Greene, Chief of Staff, stated he will look into that issue.

Citizens David Harner, Darryl Kuiper, and Gil Kover spoke about various subjects pertaining to accessory dwelling units (ADU).

Citizen Dottie Sutton stated additional City employees will need to be hired for code enforcement if accessory dwelling units are approved.

Citizen Carl Strow requested the cost for the needed repairs on Barr Trail.

Citizen Greg Dingrando, Public Information Officer, Pikes Peak Regional Building Department, invited City Council and constituents to the 2019 Pikes Peak Regional Building Department's Open House event being held May 16-17, 2019.

Citizen Deborah Stout-Meininger spoke about illegal immigrants being issued driver's licenses.

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

- 10.A.** [CPC ZC 18-00178](#) Ordinance No. 19-30 amending the zoning map for the City of Colorado Springs pertaining to 8.43 acres located at 7133, 7149, 7165, 7207, and 7239 North Academy Boulevard, changing the zoning from PBC/cr (Planned Business Center with Conditions of Record) to PBC/cr (Planned Business Center with Conditions of Record).

(QUASI-JUDICIAL)

Presenter:

Peter Wysocki, Director Planning and Community Development
Daniel Sexton, Senior Planner, Planning and Community Development

Attachments: [ZC_ORD_NAcademyRezone](#)
[Exhibit A](#)
[Vicinity Map](#)
[NorthAcademyRezone_Staff-Presentation](#)
[CPC Report_NAcademy_ZC](#)
[Figure 1 - Zone Change Exhibit](#)
[Figure 2 - Amended DP](#)
[Figure 3 - Project Statement](#)
[Figure 4 - Written Public Comments](#)
[Figure 5 - Applicant's Public Comment Response LTR](#)
[Figure 6 - F C Y Master Plan](#)
[Figure 7 - Initial BSK Ord](#)
[Figure 8 - Prohibited Use Comparison](#)
[7.5.603.B Findings - ZC](#)
[Draft_Min_NorthAcademyRezone](#)
[Signed Ordinance 19-30](#)

Daniel Sexton, Senior Planner, Planning and Community Development, presented the Ordinance amending the Planned Business Center with conditions of record (PBC/cr) zoning for 8.43 acres located at 7133, 7149, 7165, 7207, and 7239 North Academy Boulevard.

There were no comments on this item.

Motion by Councilmember Gaebler, seconded by President Pro Tem Strand, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 8.43 acres of land from (PBC/cr) Planned Business Center with Conditions of Record to (PBC/cr) Planned Business Center with Conditions of Record, 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) be finally passed. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Gaebler, Geislinger, Murray, Knight, Skorman, Strand, and Williams

No: 1 - Pico

11. New Business

11.A. [19-222](#)

A Resolution Authorizing the Disposal of Surplus City Property to the Colorado Department of Transportation ("CDOT") as the One Logical, Potential Purchaser

Presenter:

Darlene Kennedy, Real Estate Services Manager

Britt Haley, Parks Design and Development Manager / TOPS Program

Manager
Tim Biolchini, Stormwater Projects Coordinator

Attachments: [Exhibit A Sinton Property](#)
[FINAL RESOLUTION DISPOSAL SINTON PROPERTY 4-11](#)
[Signed Resolution 49-19](#)

Darlene Kennedy, Real Estate Services Manager, Resolution authorizing the disposal of surplus City property to the Colorado Department of Transportation (CDOT) as the one logical, potential purchaser.

There were no comments on this item.

Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the Resolution for the disposal of surplus City property to the Colorado Department of Transportation 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. [19-176](#)** Authorization of Creekwalk Marketplace Business Improvement District to issue debt in the form of Series 2019A and Series 2019B Limited Tax Supported and Special Revenue Bonds.

(Legislative Item)

Presenter:
Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Attachments: [Resolution](#)
[Attachment 1-Bonds Cover Letter](#)
[Attachment 2- Forms of 2019 Bonds](#)
[Attachment 3- Trust Indenture - Creekwalk Marketplace](#)
[Attachment 4- Subordinate Bonds Indenture Creekwalk Marketplace 2019](#)
[Attachment 5- District Bond Resolution](#)
[Attachment 6- George K. Baum Opinion Letter & Financial Plan](#)
[Attachment 7- Opinion Letter from SF - CMBID](#)
[Attachment 8- Creekwalk BID Bond Graph Illustrations](#)
[Attachment 9- Creekwalk Marketplace BID Projection with Property Removal](#)
[PowerPoint_2019CreekwalkBIDDebt](#)
[Signed Resolution 51-19](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Development Department, presented the Authorization of Creekwalk Marketplace Business Improvement District (BID) to issue debt in the form

of Series 2019A and Series 2019B Limited Tax Supported and Special Revenue Bonds. He also identified the three properties which have submitted petitions for exclusion and said there would be a \$385,000 impact if the mill levy from these properties were not collected for the debt.

Councilmember Pico asked if the exclusions will impact the ability for repayment of the bonds and what the impact would be of postponing this item until the exclusion issue is resolved. Russ Dykstra, Spencer Fane, LLP, representing the district, stated the bond issuance is in accordance with the operating plan of the district. He stated there is pending litigation involving one of the petitioners for exclusion and the district which limits what is allowed to be discussed due to ex parte communication. Mr. Dykstra stated the potential exclusion would result in \$385,000 of bonding capacity and because of the number of improvements proposed, they believe these properties should be required to pay their fair share. He stated they have a very specific schedule set with the Urban Renewal Authority (URA) as part of the development agreement which would be significantly impacted if the approval is postponed and they already have construction contracts being negotiated which cannot be signed until the bonds are approved. Mr. Dykstra stated the bond market is extremely volatile and they are trying to get the best rates possible.

Councilmember Gaebler asked if the properties are excluded from the BID will they still be obligated to pay for public improvements. Marc Smith, Division Chief, Corporate Legislative Counsel, stated once the debt is issued, the properties that are included in the BID will be required to pay in relation to that issuance.

Councilmember Gaebler asked what public improvements are proposed for this area. Mr. Dykstra stated the Tax Increment Financing (TIF) revenue will go toward the widening of Cheyenne Road, the streetscape improvements along Nevada Avenue, and the power line undergrounding. Jariah Walker, Executive Director, Urban Renewal Authority (URA), stated the schedule of performance which is embedded in the development agreement does have the bond issuance scheduled for the February through April, 2019 timeframe and construction of public improvements starting between December 2019 and December 2020.

Councilmember Knight asked how the excluded properties could still be held liable for the debt. Mr. Schueler stated the excluded properties would

still have financial obligation for the debt incurred prior to the exclusion unless it is released from the bond holders or the district. Councilmember Knight asked if the debt was approved would City Council then have to deny the exclusion. Tom Florzak, Deputy City Attorney, stated the exclusion could still be granted, but the property would still be liable for debt incurred prior to the exclusion.

Councilmember Knight asked if City Council approves the debt, how long it will be until the bonds are signed. Mr. Dykstra stated they anticipate they will be issued within two weeks.

Councilmember Williams asked what the cost of burying the utilities lines is. Mr. Dykstra stated approximately \$2M and Colorado Springs Utilities' portion is fifty percent of that amount.

Jeff Massey, representing the petitioners for exclusion, stated the petition for the request for exclusion occurred when the petitioners received an increase in their property tax of 78.97 percent and the 51 mill levy cost to be in the BID.

Mr. Dykstra stated the proposed bond issuance before City Council complies with the operating plan.

President Skorman asked if May 22, 2019 would work for the exclusion hearing. Both parties agreed it would.

Councilmember Knight stated he does not support the delay because he feels the petitioners for exclusion voluntarily signed the petition and they should have been aware of what they were signing.

Motion by Councilmember Pico, seconded by Councilmember Geislinger, that the Resolution authorizing the Creekwalk Marketplace Business Improvement District to issue debt in the form of Series A Limited Property Tax and Public Improvement Fee Revenue Bonds in the approximate amount of \$18,145,000 and Series B Limited Property Tax and Public Improvement Fee Revenue Subordinate Bonds in the approximate amount of \$3,030,000 be postponed to the May 22, 2019 Special City Council Meeting following the exclusion hearing. The motion passed by a vote of 7-2-0-0

Aye: 7 - Avila, Gaebler, Geislinger, Murray, Pico, Skorman, and Strand

No: 2 - Knight, and Williams

11.C. [19-236](#)

Ordinance No. 19-31 Setting the Salary of Mayor Pursuant to City Charter §13-20(a)

Presenter:
Michael Sullivan, Human Resources Director

Attachments: [Mayor Salary Adjustment Ord 2019.docx](#)
[Signed Ordinance 19-31](#)

There were no comments on this item.

Motion by President Pro Tem Strand, seconded by Councilmember Williams, that the Ordinance setting the salary of Mayor pursuant to City Charter § 13-20(a) 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.D. [19-238](#)** Ordinance No. 19-32 repealing Ordinance No. 17-112 (approving the salary of the City Auditor) and prescribing the salary of the City Auditor

Presenter:

Mike Sullivan, Human Resources Director, Council President, Richard Skorman and Council President Pro-Tem, Tom Strand

Attachments: [Nester Salary Ordinance \(2019\).docx](#)
[Signed Ordinance 19-32](#)

There were no comments on this item.

Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, that the Ordinance repealing Ordinance No. 17-112 (approving the salary of the City Auditor) and prescribing the annual salary of the City Auditor at \$171,797.00, together with applicable benefits, effective December 30, 2018 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. Public Hearing

- 12.A. [AR NV 19-00028](#)** An appeal of City Planning Commission's approval of a nonuse variance to allow a 16 foot tall retaining wall and fence adjacent to Mesa Avenue and Lake Circle where a 6' accessory fence structure is allowed for the Broadmoor Event Center located at 3 and 11-19 Lake Circle.

(Quasi-Judicial)

Related Files: AR NV 19-00028, AR R 19-00017, CPC DP 03-00259-A10MJ19

Presenter:

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

Attachments: [Applicant Appeal Statement](#)
[Vicinity Map](#)
[CPC Staff Report_Broadmoor Event Center appeal](#)
[FIGURE 1 - Approved Broadmoor Event Center Development Plan](#)
[FIGURE 2 - Appeal statement by Karen Raymond](#)
[FIGURE 3 - Appeal statement b Walter Lawson and Cindy Kulp](#)
[FIGURE 4 - Project Statement](#)
[FIGURE 5 - Exhibit Hall Public Comment Response Letter](#)
[FIGURE 6 - Neighborhood comments](#)
[FIGURE 7 - Parking Operations Plan](#)
[FIGURE 8 - PlanCOS Typology](#)
[7.5.906 \(A\)\(4\) Administrative Appeal](#)
[7.5.802.B Nonuse Variance](#)
[7.5.906 \(B\) Planning Commission Appeal](#)
[Postponement request by Cyndy Kulp](#)
[Broadmoor Event Center - CPC powerpoint - LT](#)
[Draft_Min_BroadmoorEventCtr](#)

Walter Lawson, appellant, stated they are not appealing items 12.A. and 12.B., only 12.C. and requested a postponement due to an illness that left him unable to research and prepare for the appeal hearing.

Citizen Steve Price spoke in favor of the requested postponement.

Councilmember Geislinger stated City Council has seen the records for what was presented to the Planning Commission and asked if the information presented will be same as what was presented at the Planning Commission meeting. Mr. Lawson stated there is new information to be presented to City Council that was not presented to the Planning Commission.

Councilmember Williams asked if a previous continuance had been requested. Mr. Lawson said there had been one to postpone to this meeting in order to have more time for research.

Chris Lieber, NES Landscape Architects, representing the applicant, stated from the project prospective, the action on this appeal should not be postponed. He stated this plan was approved by the City, the appeal was denied unanimously by the Planning Commission, and the project has been in process for four months. He stated the appellants do not live within the

immediate neighborhood of the project and a delay will have major impacts to the construction schedule and readiness for the 2020 Space Symposium.

Mr. Lieber stated with the pending appeal, the building permits cannot be approved.

Councilmember Murray asked if a temporary structure could be built for the 2020 Space Symposium similar to what was built for previous symposiums. Jack Damioli, President and CEO, The Broadmoor, stated in 2018, strong winds blew in the sides of the temporary structure which caused a twenty-four hour closure during the event.

Councilmember Pico stated the request for postponement should be denied.

Councilmember Avila stated Mr. Lawson's health should be considered and because the temporary structure has already been there for 20 years, a delay should not be an issue.

Councilmember Murray requested any Councilmembers who have ever received any benefit from The Broadmoor or the appellant to recuse themselves from the hearing.

Councilmember Geislinger stated he has previously worked with Steve Price and received benefit from The Broadmoor and has also spoke previously with Mr. Lawson regarding previous issues. He stated he does not have a bias for either side.

President Pro Tem Strand stated The Broadmoor held a campaign fundraiser for him, but does not believe it will affect his ability to make a decision based on the facts and testimony presented.

Councilmember Pico stated he has not received any campaign contributions, but has attended some dinners hosted by the Broadmoor. He stated he is neutral to the parties.

Councilmember Knight stated he received a \$250 campaign contribution from The Broadmoor in 2014 and has attended movie nights and dinners at The Broadmoor, but they have always been within the gift allowance.

Councilmember Gaebler stated she has not received any campaign contributions, but has accepted dinners at The Broadmoor.

Councilmember Williams stated he has attended events at The Broadmoor and his previous campaign fundraisers were held at, but not funded by The Broadmoor. He stated he has known Mr. Lawson and Cindy Culp for multiple decades as an El Paso County Commissioner.

President Skorman stated he received a contribution from The Broadmoor, the Sierra Club, and the Housing and Building Association (HBA) in 2003.

Marc Smith, Division Chief, Corporate Legislative Counsel, polled City Council if they had the ability to impartially judge this based on the testimony they receive and what is contained in the record. Consensus of Council agreed they did.

Motion by Councilmember Pico, seconded by Councilmember Geislinger, to deny the request for postponement of the appeal hearing to May 28, 2019 City Council Meeting. The motion passed by a vote of 7-2-0-0

Aye: 7 - Gaebler, Geislinger, Knight, Pico, Skorman, Strand, and Williams

No: 2 - Avila, and Murray

Lonna Thelen, Principal Planner, Planning and Community Development, provided an overview of the Broadmoor Event Center vicinity map, the existing property zoning, and gave a brief history of the area. She identified the development plan, the areas of concern which included use limitations, parking operation plan, employee parking, traffic generation letter, development review criteria, administrative relief, and nonuse variance.

President Pro Tem Strand asked how many employees are at The Broadmoor at any given time. Mr. Damioli stated on average 400-425 employee vehicles are parked there daily, but there are approximately 1,100 parking spaces in the parking structure and the proposed project will add an additional 241 parking spaces.

President Pro Tem Strand asked if there were any safety concerns from the traffic study that was conducted. Travis Easton, Director, Public Works, stated the volume of traffic generated from this project is not a concern.

Councilmember Knight asked if the traffic study was compared to the traffic volume of the Senior Open. Ms. Thelen stated it was not due to the traffic

study was done for a long term allowance.

Councilmember Murray asked how many events with over 4,000 people attending are anticipated per year. Ms. Thelen stated two to three events.

Councilmember Williams asked how the permanent structure will change traffic. Ms. Thelen stated the existing structure was much smaller.

Cindy Culp, appellant, stated they are not in opposition of The Broadmoor or the Space Symposium, but this is a land use decision. She stated they have three areas of concern 1. The Broadmoor Hall location, 2. Parking and transportation, and 3. Public safety wildfire threat. Donna Strom, representing the appellant, identified the concerns surrounding public safety regarding wildfire evacuation.

Councilmember Williams asked which roads are being considered as evacuation routes. Ms. Strom stated Lake Avenue, Cresta Road, and Mesa Avenue.

Councilmember Geislinger stated the number of people attending an event that would need to be evacuated would be the same regardless of whether or not it is a permanent structure or a temporary structure.

Lisa Bachman, Bachman PR, with the applicant, gave an overview of the neighbor and community communication and engagement.

Mr. Damioli, with the applicant, gave a brief history of the Broadmoor and the context of its land use which included, a rodeo rink, an ice skating rink, and greenhouses that were once located on the property. He identified the economic benefit of the Space Symposium and the issues with the temporary structure. Mr. Damioli gave an overview of the project, potential opportunity, events, operational models, and the location at the Broadmoor.

Ann Alba, Vice President Resident Manager, with the applicant, spoke about event planning and coordination.

Councilmember Murray asked if since The Broadmoor only has 784 beds, if hosting the larger events downtown would have more of a range of options for guests. Ms. Alba stated they have always been able to meet the demand.

Greg Maxwell, Director of Security, with the applicant, gave an overview of safety planning and emergency services coordination.

Mr. Lieber, with the applicant, gave an overview of the site context, traffic, parking, and shuttles.

Citizens Tom Zelibor, Jennifer Furda, Michael Raydell, Cindy Audrey, President and CEO, Pikes Peak United Way, Bob Lally, Chair, Military Affairs Council, Doug Price, President and CEO, Visit Colorado Springs, Dirk Draper, President and CEO, Chamber and EDC, Cindy Johnson, Patrick Murphy, Rich Burchfield, Executive Director, Catalyst Campus for Technology and Innovation, Tony Przybyslawski, and Chuck Murphy, Jr. spoke in support of the development application.

Councilmember Murray asked if any other convention facilities have approached the Space Foundation to relocate the Space Symposium event elsewhere. Mr. Zelibor stated they have not.

Councilmember Williams asked if property values in the Broadmoor area have gone up or down since the previous expansion of The Broadmoor. Mr. Raydell stated he has only seen growth and demand in that area. Jeff Greene, Chief of Staff, asked Mr. Burchfield, based on where his residence is located, if his neighborhood has experienced any traffic impacts due to major events held at The Broadmoor. Mr. Burchfield stated they had not experienced any difference in traffic.

Citizens Ann Pinney, Charlie Campbell, Deborah Adams, and Steve Price spoke in opposition of the development application.

Mr. Lieber, with the applicant, stated City staff has reviewed and approved the traffic study that was conducted and if evaluation of emergency evacuation for the greater community is needed, he supports it, but it should not be a requirement for every development plan. He said the maximum size event is 9,000 individuals and the project meets the development plan, PlanCOS, and variance criteria.

Ms. Culp, appellant, stated the application does not limit The Broadmoor to three or four events and 9,000 people. She stated the appellants stand by the results of the wildfire evacuation simulation that was presented and they

feel the project does not meet several elements of the development plan review criteria, the comprehensive plan, and zoning. Ms. Culp stated “No parking” signs posted, parking on grass fields, or shuttle buses are not a solution to the lack of parking.

Councilmember Geislinger asked the appellant if the wildfire portion of the presentation was the new information that was not presented to Planning Commission. Ms. Culp confirmed it was.

Jim Reid, Director Pikes Peak Office of Emergency Management, Steve Buzzell, Lieutenant, Colorado Springs Police Department, and Chris Cooper, Deputy Fire Marshal, Colorado Springs Fire Department gave an overview of the evacuation plan for The Broadmoor area.

Mr. Greene asked for additional information on wildfire mitigation in the Broadmoor area. Mr. Cooper explained commercial properties have certain requirements in City Code for wildfire mitigation and how the City’s Wildfire Mitigation Program works to reduce risk. Councilmember Pico requested to review those plans.

Councilmember Avila requested information regarding street repaving in the Broadmoor area. Mr. Easton agreed to provide that information.

President Pro Tem Strand asked if the Space Symposium impacts the Colorado Springs Airport. Greg Phillips, Director of Aviation, Colorado Springs Airport, stated the large conferences do have a direct effect on whether or not airlines are interested in signing on with the airport.

Motion by Councilmember Knight, seconded by President Pro Tem Strand, to deny the appeal and uphold City Planning Commission’s approval of the nonuse variance to allow a 16 foot tall retaining wall and fence adjacent to Mesa Avenue and Lake Circle where a 6’ accessory fence structure is allowed for the Broadmoor Event Center, based upon the finding that the appellant withdrew their appeal on this item and that the nonuse variance complies with the review criteria in City Code Section 7.5.802.B. The motion passed by a vote of 9-0-0

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

12.B. [ARR](#)
[19-00017](#)

An appeal of City Planning Commission’s approval of an administrative relief to allow a 57.25 foot building height where 50 feet is allowed for the Broadmoor Event Center located at 3 and 11-19 Lake Circle.

(Quasi-Judicial)

Related Files: AR NV 19-00028, AR R 19-00017, CPC DP

03-00259-A10MJ19

Presenter:

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

Attachments: [FIGURE 1 - Approved Broadmoor Event Center Development Plan](#)
[7.5.906 \(B\) Planning Commission Appeal](#)
[7.5.906 \(A\)\(4\) Administrative Appeal](#)
[7.5.1102 Findings Necessary to Grant Administrative Relief](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Williams, seconded by President Pro Tem Strand, to deny the appeal and uphold City Planning Commission's approval of the administrative relief to allow a 57.25 foot tall building height where 50 feet is allowed (45 foot maximum building height plus five feet for ornamental structures) for the Broadmoor Event Center, based upon the finding that the appellant withdrew their appeal on this item and that the administrative relief complies with the review criteria in City Code Section 7.5.1102. The motion passed by a vote of 9-0-0

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

- 12.C.** [CPC DP](#) An appeal of City Planning Commission's approval of a development
[03-00259-A1](#) plan for the Broadmoor Event Center to allow a 169,988 square foot
[0MJ19](#) addition to the existing Broadmoor Event Center located a 3 and 11-19
Lake Circle.

(Quasi-Judicial)

Related Files: AR NV 19-00028, AR R 19-00017, CPC DP
03-00259-A10MJ19

Presenter:

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

Attachments: [CPC Staff Report_Broadmoor Event Center appeal](#)
[FIGURE 1 - Approved Broadmoor Event Center Development Plan](#)
[FIGURE 2 - Appeal statement by Karen Raymond](#)
[FIGURE 3 - Appeal statement b Walter Lawson and Cindy Kulp](#)
[FIGURE 4 - Project Statement](#)
[FIGURE 5 - Exhibit Hall Public Comment Response Letter](#)
[FIGURE 6 - Neighborhood comments](#)
[FIGURE 7 - Parking Operations Plan](#)
[FIGURE 8 - PlanCOS Typology](#)
[7.5.906 \(B\) Planning Commission Appeal](#)
[7.5.906 \(A\)\(4\) Administrative Appeal](#)
[7.5.1102 Findings Necessary to Grant Administrative Relief](#)

Councilmember Murray stated he supports the appeal due to the continued commercial expansion in a residential area, the neighborhood issues that need to be addressed, and because this should not replace the convention center scheduled for downtown.

Councilmember Gaebler stated she supports this project and believes Downtown will have more hotel rooms in the next five years and this will also support the Colorado Springs Airport.

Councilmember Williams stated he supports this project because previous Broadmoor expansions have increased surrounding property value and does not believe this area should be considered residential.

President Skorman stated he supports the project and hopes The Broadmoor will continue to work with the neighborhood to address the issues presented.

Motion by President Pro Tem Strand, seconded by Councilmember Pico, to deny the appeal and uphold City Planning Commission's approval of the development plan for the Broadmoor Event Center, based upon the finding that the appellant did not meet the review criteria in City Code Section 7.5.906.A.4 and that the development plan complies with the review criteria in City Code Section 7.5.502.E. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Gaebler, Geislinger, Knight, Pico, Skorman, Strand, and Williams

No: 1 - Murray

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