



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, December 11, 2018

1:00 PM

Council Chambers

1. Call to Order

Present: 8 - Councilmember Yolanda Avila, Councilmember Merv Bennett, President Pro Tem Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Andy Pico, President Richard Skorman, and Councilmember Tom Strand

Excused: 1 - Councilmember Bill Murray

Councilmember Avila was excused at approximately 2:30 PM and returned at approximately 2:50 PM.

Councilmember Pico was excused at approximately 3:56 PM and returned at approximately 4:14 PM.

Councilmember Bennett was excused at approximately 4:41 PM.

2. Invocation and Pledge of Allegiance

The Invocation was made by Pastor Dean Francini, CSPD Chaplain Volunteer.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Councilmember Bennett stated staff has requested item 10.C. related to the Mill Street Neighborhood Plan be postponed to the January 8, 2019 City Council meeting.

Councilmember Bennett requested items 4.B.A., 4B.B., 4.B.H., 4.B.I., 4.B.J., 4.B.K., and 4.B.L. be removed from the Consent Calendar.

Consensus of Council agreed to these changes on the agenda.

10.C. [CPC MP
18-00113](#)

A resolution adopting the Mill Street Neighborhood Plan, replacing the 2003 Mill Street Preservation Plan and expanding the Plan's geographic scope.

Presenter:

Catherine Duarte, Senior Analyst, Community Development Division

Attachments: [Resolution Mill Street Neighborhood Plan](#)

[Fiscal Impact Analysis.Mill Street](#)

[Mill Street Neighborhood Plan Dec18](#)

[Mill Street Full Appendix Dec17](#)

[Feffer Mill Street Letter 120318](#)

[Mill St Neighborhood Plan Support Letter 10.01.2018](#)

[Staff Report_Mill Street](#)

This item was postponed to the January 8, 2019 City Council meeting.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution to adopt the Mill Street Neighborhood Plan be postponed to the January 8, 2019 City Council meeting. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Murray

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.** [18-0594](#) Ordinance No. 18-122 amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$5,713,000 to provide for the execution of the lease purchase of vehicles and equipment

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Supplemental Approp Ordinance for Capital Lease.docx](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.B.** [CPC ZC 18-00079](#) Ordinance No. 18-123 amending the zoning map for the City of Colorado Springs for Barber at Westgate pertaining to 6.5 acres located northwest of Airport Road and Powers Boulevard on Troy Hill Road changing the zoning from PBC and PIP-1 with Streamside Overlay, Accident Potential Subzone 1, Runway Protection Zone and Airport Overlay to PBC Planned Business Center with Streamside Overlay, Accident Potential Subzone 1, Runway Protection Zone and Airport Overlay.

(QUASI-JUDICIAL)

Related File: CPC CP 18-00080

Presenter:

Peter Wysocki, Director Planning and Community Development

Lonna Thelen, Principal Planner, Planning and Community Development

Attachments: [ZC ORD BarberatWestgate](#)

[Exhibit A - legal description](#)

[Exhibit B - zone change exhibit](#)

[Vicinity Map #2](#)

[Signed Ordinance 18-123](#)

This Ordinance was finally passed on the Consent Calendar.

**4A.C. [CPC PUZ
18-00054](#)**

Ordinance No. 18-126 amending the zoning map of the City of Colorado Springs pertaining to 12.15 acres located northwest of the intersection of Powers Boulevard and Barnes Road at the terminus of Integrity Center Point from A/UV/AO (Agriculture with Use Variance and Avigation Overlay) to PUD/AO (Planned Unit Development with Avigation Overlay; single-family and attached two-family, 35-foot maximum building height, 5.59 dwelling units per acre).

(Quasi-judicial)

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

Attachments: [ZC ORD HighChaparral](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Depiction](#)

[Signed Ordinance 18-126](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.C. [18-0626](#)

The City Clerk reports that on November 27, 2018 there was filed with her a petition for the annexation of Mazariegos Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1) .

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Mazariegos Annexation - Petition.pdf](#)
[Mazariegos Annexation - vicinity map.pdf](#)

This Item was approved on the Consent Calendar.

- 4B.D. [18-0544](#)** Resolution Approving a Second Amendment to the Service Plan for the Colorado Crossing Metropolitan District Nos. 1-3 Allowing Street Maintenance as an Operations and Maintenance Function.

Presenter: Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department

Attachments: [Resolution Colorado Crossing Amendment](#)
[Exhibit 1 - Second Amendment to the Service Plan](#)
[Figure 1 - Second Amendment Petition](#)
[Figure 2 - Victory Ridge Road Exhibit](#)
[Figure 3 - 2006 Colorado Crossing Metro Districts Service Plan and Resolution](#)
[Figure 4 - First Amendment of Service Plan- Resolution 111-16](#)
[Signed Resolution 157-18](#)

This Resolution was adopted on the Consent Calendar.

- 4B.E. [18-0617](#)** A resolution approving the Intergovernmental Agreement between the City of Colorado Springs and El Paso County, Colorado for the Joint Regional Crime Laboratory.

Presenter:

Peter Carey, Chief of Police

Attachments: [File #18-0617 Resolution - FINAL](#)
[File #18-0617 IGA - FINAL](#)
[File #18-0617 IGA - FINAL Ver. 2](#)
[Signed Resolution 158-18](#)

This Resolution was adopted on the Consent Calendar.

- 4B.F. [18-0608](#)** A resolution establishing 2019 Drainage Basin Fees, Bridge Fees, Detention Pond Facility and Land Fees

Presenter:

Richard Mulledy, P.E., Water Resources Engineering Division Manager
Brian Kelley, P.E., Stormwater Capital Programs Manager

Attachments: [ResDrainageFeeIncrease2019](#)
[Exhibit A 2019DrainageFeeScheduleProposed](#)
[Exhibit B 2018_Drainage_Fee_Schedule](#)
[Exhibit C DrainageBoardMemo](#)
[Exhibit D_HBALtr](#)
[CC Drainage Fee Adjustment 2019](#)
[Signed Resolution 159-18](#)

This Resolution was adopted on the Consent Calendar.

- 4B.G. [18-0629](#)** An Ordinance Amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a Supplemental Appropriation to the Memorial Health System Enterprise Fund in the Amount of \$675,475 for Transfer to the Colorado Springs Health Foundation

Presenter:
Charae McDaniel, Chief Financial Officer
Chris Wheeler, Budget Manager

Attachments: [Supplemental Approp Ord for MHS Revenue Share-2018](#)

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

- 4B.M. [CPC ZC](#)
[18-00115](#)** An ordinance amending the zoning map of the City of Colorado Springs relating to 0.32-acre located south of Black Squirrel Creek and north of the Federal Drive terminus from PUD (Planned Unit Development) to PF (Public Facilities)

(Quasi-Judicial)

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

Attachments: [ZC_ORD_FarmFiling5LiftStation](#)
[Exhibit A](#)
[Exhibit B](#)
[CPC Report FarmFiling5LiftStation_DJS](#)
[FIGURE 1 - ZC Exhibit](#)
[FIGURE 2 - ApprovedFarmFiling5PUD](#)
[FIGURE 3 - Project Statement](#)
[7.5.603 Findings - ZC req_CA](#)
[Vicinity Map](#)
[FarmFiling5LiftStation_Staff-Presentation](#)

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

Approval of the Consent Agenda

Motion by Councilmember Strand, seconded by President Pro Tem Gaebler, 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 8-0-1-0

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

Absent: 1 - Murray

5. Recognitions

5.A. [18-0635](#) Pearl Harbor Proclamation

Presenter:

Andy Pico, City Council Member District 6

Attachments: [Pearl Harbor Day 2018 Proclamation Draft](#)

Councilmember Pico stated it is the 77th anniversary of the attack on Pearl Harbor and read the Proclamation recognizing December 7th as Pearl Harbor Day. He introduced three survivors of Pearl Harbor and members of the Navy League; Tom Gregory, George Sugars, and Art Cyphers.

6. Citizen Discussion

Citizen Bette Kelso spoke regarding the safety of the turn lane from Cimarron Street to 8th Street. President Skorman stated that intersection had recently been modified.

Citizen Gerald Miller spoke regarding the crime in his neighborhood and gave a donation of gift cards to The Empty Stocking Fund.

Citizen Jaymen Johnson spoke regarding the power of perspective and presented City Council a framed piece of artwork.

Citizen Barb VanHoy, Executive Director of the GIVE Campaign, gave a brief overview of the non-profit GIVE Campaign.

Citizen Tom Noonan requested free bus service for all active duty veterans and their families. Councilmember Avila stated she believes all transit should be free.

Citizens Gary Nesbit, Henry Stevens, Nard Claar, Ed Farry, and Tony Heines expressed appreciation for the support and adoption of the Colorado Springs Bike Master Plan and the bike lanes.

Citizens Mark Heismann, Chesley Miller, Rose Porter, and Edward Snyder spoke in opposition of the road narrowing and bike lanes on Cascade Avenue.

President Pro Tem Gaebler commented on how much research staff conducted and the robust public process which took place prior to the implementation of bike lanes.

Councilmember Pico stated those in opposition of bike lanes are not being heard very well and are being dismissed out of hand.

Councilmember Knight explained how a street is striped is an Executive Branch decision.

Councilmember Pico stated there is a difference of opinion, but the conversation will continue.

Councilmember Strand stated they respect both groups and their presence and comments are valued.

President Pro Tem Gaebler stated the Mayor and the transportation staff are doing what they think is the safest thing for the majority of the community and to poll on every administrative decision is not a workable solution.

Councilmember Geislinger explained that we have a representative democracy which represents the best interest of the City.

Councilmember Knight stated this issue has been going on for a very long time and the solution may be a poll.

Jeff Greene, Chief of Staff, stated administrative decisions regarding how bike lanes are set are made based upon the guidance of City Council, the Downtown Partnership, the Downtown Development Authority, the plans which have been approved by City Council, and professional staff. He said there needs to be collaboration on how the City needs to address the

infrastructure needs.

Citizen Eric Arnol-Maltin spoke in opposition of the conversion of traffic lanes to include bike lanes and requested the cleanup of Sand Creek Trail.

Citizen Brian Potts from the Pikes Peak Area Council of Governments (PPACG), stated the PPACG Joint Land Use Study (JLUS) report will soon be available on-line.

Citizen Lawrence Martinez requested the personnel from the Department of Health and Services return to the Sand Creek Library. Councilmember Avila stated she is working on a one-stop service center for the Southeast. Councilmember Pico recommended a joint meeting with El Paso County to discuss this item.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

4B.A. [18-0638](#) City Council Regular Meeting Minutes November 27, 2018

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [11-27-2018 City Council Meeting Minutes Final.pdf](#)

Councilmember Avila stated in regards to the requirements for campaign finance, she did not request to itemize every item, just more clarification. She also requested her statement that she lives in a high density area and her first bus stop is a mile from her home to be included in the section of the item discussion on bus service in the Flying Horse development.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Minutes of the City Council Regular Meeting Minutes November 27, 2018, as amended, be approved. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Murray

4B.B. [18-0641](#) Appointments to Boards and Commissions

Presenter:

Jacquelyn Puett, Assistant to Council

Attachments: [121118 Boards and Commissions](#)

President Skorman stated the expiration date for Emily Lewis for the Food Policy Advisory Board needed to be corrected to November 8, 2019 and the expirations date for Alex Armani-Munn for the Citizen's Transportation Advisory Board needed to be corrected to September 12, 2020.

Motion by Councilmember Knight, seconded by Councilmember Geislinger, that the appointments to boards and commissions, as amended, be approved. The motion passed by a vote of 8-0-2-0

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

Absent: 2 - Avila, and Murray

4B.H. [CPC MP 93-176-A3M N18](#) An amendment to the Ivywild Master Plan affecting roughly 10 acres of land west of S. Nevada Ave. and north of E. Cheyenne Rd.

(Quasi-judicial)

Related Files: CPC ZC 18-00096, CPC CP 18-00097, CPC V 18-00098, AR NV 18-00525

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Development Department

Peter Wysocki, Director Planning and Community Development

Attachments: [Creekwalk CPC Staff Report November2018](#)

[Figure 1 - Creekwalk Project Statement](#)

[Figure 2 - Creekwalk Stakeholder Comments](#)

[Figure 3 - Ivywild Master Plan Amendment](#)

[Figure 4 - Creekwalk Zone Legal Description](#)

[Figure 5 - Creekwalk Concept Plan](#)

[Figure 6 - South Nevada Urban Renwal District Streetscape Design Standards](#)

[Figure 7 - ROW Vacation Plat](#)

[Figure 8 - Creekwalk Access Exhibit](#)

[Figure 9 - Creekwalk Setback Exhibit](#)

[Ivywild Neighborhood Fiscal Impact Analysis](#)

[7.5.408 MASTER PLAN REVIEW CRITERIA](#)

Ryan Tefertiller, Urban Planning Manager, Planning and Development, stated the minutes from the Planning Commission hearing that were not provided in the City Council agenda packet were provided to City Councilmembers last night in an email of the Planning Commission discussion. Councilmember Knight stated a summary should have been

included in the item Cover Memo rather than relying on the meeting minutes being completed in time.

Councilmember Pico requested more details on the variance and the right-of-way vacations. Mr. Tefertiller presented a map of the right-of-way vacations that illustrated the concept plan and zone change.

Danny Mientka with The Equity Group, representing the applicant, explained in order to receive approval for the financing for the project the zoning needs to be changed from residential to commercial. He said there is an intergovernmental agreement (IGA) being reviewed by the City Attorney's Office regarding the Business Improvement District taking over the maintenance of the streets that are not being vacated. Mr. Mientka said the adjacent property owners, McDonalds and Wells Fargo, are entertaining easements in order to beautify the alley entrance off from Nevada Avenue, but they want to know the plans are approved. He said their bond financing is a function of having the entitlement risk removed from the project and there are \$2.5M worth of off-site public improvements packaged with this plan.

Councilmember Geislinger asked if postponing the plan one month would be detrimental to the project. Mr. Mientka confirmed it would be.

Councilmember Knight requested justification for the vacation of the alleyway between the McDonald's and Wells Fargo and is concerned with customers having access to the business located off Mt. Washington Avenue. Mr. Mientka stated they own all the property within the boundary of the concept plan with the exception of First State Bank who will be co-developing with them. He said the property owner of the alley on the other side of the creek and Mt. Washington Avenue has provided a letter of support to vacate of it and there is no objection from McDonald's and Wells Fargo regarding the vacation of the alley between them.

Jim Houk, Thomas and Thomas, representing the applicant, gave an overview of the properties included in the project boundaries, stated they have received letters of support from the property owners involved, presented photos of the area, and a rendering of the proposed project.

Councilmember Pico asked about the section of Mt. Washington Avenue becoming a one way street to nowhere. Mr. Houk stated that small section

of Mt. Washington Avenue will become an isolated piece in the system which will help clean up some of the traffic issues in that area. Kathleen Krager, Traffic Engineering Manager, stated CDOT controls all access points on South Nevada and requested the intersection of Mt. Washington be improved. She stated the plan has been approved by the state.

Councilmember Pico asked where the setbacks needing relief were located. Mr Houk identified them on a map and said it is due to flooding and square footage issues.

Councilmember Knight stated he is concerned with vacating the alleyway adjacent to McDonald's and Wells Fargo without seeing letters of support. Ben Bolinger, Senior Attorney, Office of the City Attorney, stated the only restriction the City has on vacating the alley is maintaining public access for the adjoining property owners. He stated the Ordinance specifies the City's right to reserve the public access and public improvement easements across all of the vacated roadway. Councilmember Knight asked if the alley is vacated, would the adjacent property owners have to maintain it. Mr. Bolinger stated the City reserves the right to maintain public improvements on it. Councilmember Knight asked what the consequences would be if that section of alleyway was not included in the vacations. Mr. Tefertiller explained the City traditionally would not maintain the alleyway to the level a private property owner would.

Councilmember Geislinger asked if McDonald's and Wells Fargo could refuse the City's vacation. Mr. Bolinger stated they could not. Mr. Tefertiller stated the vacation could be approved with the condition that a letter of support from McDonald's and Wells Fargo be received within twelve months.

Marc Smith, Division Chief, Corporate Legislative Counsel, suggested that instead of putting a condition on the actual vacation itself, there could be a condition on the disposal of the public access easement based on the City receiving those letters of support.

Motion by Councilmember Bennett, seconded by Councilmember Geislinger, that the amendment to the Ivywild Master Plan based on the findings that the application meets the required review criteria in City Code Section 7.5.408 be approved. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Murray

- 4B.I.** [CPC ZC 18-00096](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 10.499 acres of land west of S. Nevada Ave. and north of E. Cheyenne Rd. from R5 and R5/SS (Multi-Family Residential with and without the Streamside Overlay) to C5 and C5/SS (Intermediate Business with and without the Streamside Overlay)

(Quasi-judicial)

Related Files: CPC V 18-00098

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Development Department

Peter Wysocki, Director Planning and Community Development

Attachments: [ZC ORD Creekwalk](#)

[Exhibit A](#)

[Exhibit B](#)

[Figure 4 - Creekwalk Zone Legal Description](#)

[7.5.603 Findings - ZC req. CA](#)

[CPC_Minutes_CreekwalkRedevelopment_Draft](#)

Please see comments in Agenda item 4B.H.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the zone change application from R5 and R5/SS (Multi-Family Residential with and without the Streamside Overlay) to C5 and C5/SS (Intermediate Business with and without the Streamside Overlay) based on the findings that the request meets the review criteria in City Code Section 7.5.603.B be approved. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Murray

- 4B.J.** [CPC CP 18-00097](#) The Creekwalk Redevelopment Concept Plan affecting roughly 10 acres of land west of S. Nevada Ave. and north of E. Cheyenne Rd.

(Quasi-judicial)

Related Files: CPC MP 93-176-A3MN18, CPC ZC 18-00096, CPC V 18-00098, AR NV 18-00525

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Development Department

Peter Wysocki, Director Planning and Community Development

Attachments: [Figure 5 - Creekwalk Concept Plan](#)
[7.5.501.E Concept Plans](#)

Please see comments in Agenda item 4B.H.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Creekwalk Redevelopment Concept Plan based on the findings that this project meets the concept plan review criteria in City Code Section 7.5.501.E, subject to the following technical modifications: 1. Modify the plan to address the following minor technical issues: Add the file number to all plan sheets. Clarify/correct the line work where Mt. Washington Ave. intersects with the new north/south frontage road just west of building 2. Ensure that Metzler Street and Metzler Place are correctly labeled on all plan sheets. Improve plan labels and font size to clearly communicate the intent of the proposed physical changes to the St. Elmo bridge. Update the plan to describe or illustrate any additional access drive width that may be needed between McDonald's and Wells Fargo 3. Revise Note 12 on the plan to clarify when the S. Nevada streetscape in front of McDonald's and Wells Fargo is to be completed. Clarify how pedestrian facilities can be incorporated into future improvements of St. Elmo Ave. Finalize acceptance of the drainage report and update the concept plan to illustrate all likely stormwater improvements. Continue working with Community Development Staff to document any residential housing that is being removed as part of this project. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Murray

4B.K. [CPC V](#)
[18-00098](#) An ordinance vacating portions of public rights-of way known as Mount Washington Avenue, Saint Elmo Court, and adjacent public alleys consisting of 2.145 acres (Legislative)

Related File: CPC ZC 18-00096

Presenter:

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

Attachments: [V ROW Creekwalk](#)
[Exhibit A](#)
[Exhibit B](#)
[Figure 7 - ROW Vacation Plat](#)
[7.7.402.C Vacation Procedures](#)

Please see comments in Agenda item 4B.H.

Motion by Councilmember Geislinger, seconded by Councilmember Knight, that the Ordinance vacating the public right-of-way based on the findings that the

vacation meets the review criteria in City Code Section 7.7.402.C., subject to the following conditions of approval and technical modifications:

Conditions of Approval:

1. Public Access and Public Utility easements are retained over all right-of-way vacated within this application.
2. Recordation of the vacation ordinance will be concurrent to the necessary street name and property address changes.

Technical modifications: Modify the vacation plat to address the following minor technical issues

- a. Correct the vicinity map to correctly label Metzler Ave.
 - b. Complete the plat name within the dedication statement and City approval blocks.
 - c. Add a note or labels to the plat documenting the retention of public access and utility easements as required by condition of approval number one.
- Public Access and Public Utilities easements shall not be quitclaimed by the City until the applicant provides documentation from Wells Fargo and McDonalds demonstrating that they do not oppose the vacation of right-of-way adjacent to their properties be approved on first reading. The motion passed by a vote of 7-0-2-0

Aye: 7 - Avila, Bennett, Gaebler, Geislinger, Knight, Skorman, and Strand

Absent: 2 - Murray, and Pico

4B.L. [AR NV
18-00525](#)

A non-use variance granting relief from the C5 front yard setback standards along E. St. Elmo Ave. and E. Ramona Ave.

(Quasi-judicial)

Related Files: CPC MP 93-176-A3MN18, CPC ZC 18-00096, CPC CP 18-00097, CPC V 18-00098

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Development Department

Peter Wysocki, Director Planning and Community Development

Attachments: [Figure 8 - Creekwalk Access Exhibit](#)

[Figure 9 - Creekwalk Setback Exhibit](#)

[7.5.803.B Use Variance Review Criteria](#)

Please see comments in Agenda item 4B.H.

Motion by Councilmember Strand, seconded by Councilmember Bennett, that the non-use variance request relating to front setback relief for buildings 1, 4 and 5 as shown on the Creekwalk Concept Plan based on the findings that the request meets the non-use variance review criteria in City Code Section 7.5.802(B) be approved. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Murray

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

- 10.A. [CPC PUZ 18-00085](#) Ordinance No. 18-124 amending the zoning map for the City of Colorado Springs pertaining to 8.73 acres located southeast of the terminus of Silversmith Road and Silver Rose Lane changing the zoning from PUD (Planned Unit Development) to PUD (Planned Unit Development: commercial and residential, 12 dwelling units per acre, maximum 90,000 square feet for nonresidential uses, maximum building height of 45 feet and 35 feet east of the Silversmith Road and Silver Rose Lane intersection).

(QUASI-JUDICIAL)

Related File: CPC PUP 13-00033-A1MJ18

Presenter:

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

Attachments: [ZC ORD FlyingHorseParcel22](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Zone Change Exhibit](#)
[Vicinity Map](#)
[CPC Report FlyingHorseParcel22 DJS](#)
[FIGURE 1 - Zone Change Exhibit](#)
[FIGURE 2 - PUD Concept Plan](#)
[FIGURE 3 - Project Statement](#)
[FIGURE 4 - Public Comments](#)
[7.5.603 Findings - ZC req CA](#)
[7.3.603 Establishment & Development of a PUD Zone](#)
[FlyingHorseParcel22 Staff-Presentation](#)
[CPC_Minutes_FlyingHorseParcel22](#)
[Signed Ordinance 18-124](#)

There were no comments on this item.

Motion by President Pro Tem Gaebler, seconded by Councilmember Geislinger, that the Ordinance changing the zoning of 8.73 acres from (PUD) Planned Unit Development to (PUD) Planned Unit Development: commercial and residential, 12 dwelling units per acre, maximum 90,000 square feet for nonresidential uses,

maximum building height of 45 feet and 35 feet east of the Silversmith Road and Silver Rose Lane intersection, 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) and the development of a PUD zone as set forth in City Code Section 7.3.603 be finally passed. The motion passed by a vote of 6-1-2-0

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

No: 1 - Knight

Absent: 2 - Bennett, and Murray

- 10.B.** [18-0540](#) Ordinance No. 18-125 amending Section 203 (Candidate and Committee Funds Reporting and Disclosures; Conduits) of Part 2 (Fair Campaign Practices; Candidate and Committee Funds and Disclosures) of Article 2 (Campaign Disclosures) of Chapter 5 (Elections) of the Code of the City of Colorado Springs 2001, as amended, pertaining to campaign finance

Presenter:

Jill Gaebler, City Council President Pro-Tem

Sarah B. Johnson, City Clerk

Attachments: [Updated Campaign Finance Ordinance.docx](#)

There were no comments on this item.

Motion by President Pro Tem Gaebler, seconded by Councilmember Knight, that the Ordinance amending Section 203 (Candidate and Committee Funds Reporting and Disclosures; Conduits) of Part 2 (Fair Campaign Practices; Candidate and Committee Funds and Disclosures) of Article 2 (Campaign Disclosures) of Chapter 5 (Elections) of the Code of the City of Colorado Springs 2001, as amended, pertaining to campaign finance be finally passed. The motion passed by a vote of 5-2-2-0

Aye: 5 - Avila, Gaebler, Geislinger, Knight, and Skorman

No: 2 - Pico, and Strand

Absent: 2 - Bennett, and Murray

11. New Business

- 11.A.** [18-0610](#) An ordinance amending Section 101 (Authority to Impound Vehicles) of Article 25 (Removal and Impoundment of Vehicles) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the authority to impound recreational vehicles and providing penalties for the violation thereof.

Presenter:

Commander Sean Mandel, Colorado Springs Police Department

Richard Skorman, City Council President
Tom Strand, City Councilmember

Attachments: [Recreational Vehicles Tow 2018 11 14.docx](#)

Commander Sean Mandel, Colorado Springs Police Department (CSPD), presented the amendment to the Ordinance, pertaining to the authority to impound recreational vehicles and providing penalties for the violation thereof for vehicles parked for extended periods of time in any public right of way. He said the proposed amendment eliminates the language “in a residential area” to include all public right of ways. Commander Mandel identified the current issues impacting the community.

President Pro Tem Gaebler stated she does not think this is the right thing to do or it is at the right time. She said she is concerned these recreational vehicles will move into residential areas and the City needs to find a location for these vehicles to park.

Councilmember Geislinger stated the City is criminalizing a conduct without an alternative and a choice needs to be made even if it is the least bad choice.

Councilmember Pico stated he supports the item.

Councilmember Knight commented that City streets are not equipped to handle the recreational vehicles.

Councilmember Avila stated she is concerned about the capacity of the impound lot and the humanity of it because it affects the City's most vulnerable citizens.

Councilmember Strand stated the public feedback he has received supports this amendment.

Councilmember Geislinger stated he has received a majority response in opposition to the amendment.

President Skorman stated he is concerned with the water pollution caused by some of these vehicles.

Citizen Gerald Miller commented that each situation should be looked at

individually and whether or not a crime is involved.

Citizen Jerry White spoke regarding the homeless population and utilizing public/private partnerships to find a better solution to the problem.

Motion by Councilmember Strand, seconded by Councilmember Pico, that the Ordinance amending Section 101 (Authority to Impound Vehicles) of Article 25 (Removal and Impoundment of Vehicles) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the authority to impound recreational vehicles and providing penalties for the violation thereof be approved on first reading. The motion passed by a vote of 4-3-2-0

Aye: 4 - Knight, Pico, Skorman, and Strand

No: 3 - Avila, Gaebler, and Geislinger

Absent: 2 - Bennett, and Murray

- 11.B.** [CPC MP 18-00123](#) A resolution making certain legislative findings and approving the Tejon and Costilla Urban Renewal Plan.

Related Files: 18-0584

Presenter:

Peter Wysocki, Director Planning and Community Development
Jariah Walker, CSURA Executive Director
Bob Cope, Economic Development Officer

Attachments: [RES tejon costilla URA plan](#)
[condition study tejon and costilla street final](#)
[Tejon Costilla Plan](#)
[Tax Forecast and CIR Tejon Costilla](#)
[vicinity map](#)
[Tejon and Costilla URA CPC staff report](#)
[City Council Meetign 12-11-18_FINAL 12-05-18_V2](#)
[Signed Resolution 163-18](#)

Jariah Walker, Executive Director Colorado Springs Urban Renewal Authority (CSURA), explained they received full pledges from the Pikes Peak Library District, School District, Planning Commission, and the Urban Renewal Authority Board and introduced the presenters of the Tejon and Costilla Urban Renewal Plan.

Wynne Palermo, Chair CSURA, stated this plan was supported by the Urban Renewal Authority Board and said this project will be very good for the community.

Jim DiBiase, Olive Real Estate Group, expressed appreciation for the support they have received.

Councilmember Geislinger stated the area meets the definition of a blighted area and asked if there will be any negative impact to the surrounding area. Mr. Walker stated there will not.

Councilmember Pico stated this plan was reviewed very thoroughly and the taxpayers are protected.

Motion by Councilmember Strand, seconded by Councilmember Geislinger, that the Resolution making certain legislative findings and approving the Tejon and Costilla Urban Renewal Plan be adopted. The motion passed by a vote of 7-0-2-0

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

Absent: 2 - Bennett, and Murray

11.C. [18-0584](#)

A resolution approving a Cooperation Agreement between the Colorado Springs Urban Renewal Authority and the City of Colorado Springs to promote redevelopment and assist with financing of public improvements for the Tejon and Costilla Urban Renewal project and to approve the amount of annual sales tax increment revenue allocated pursuant to Colorado Revised Statute Section 31-25-107(9)(a)(II)

Related File: CPC MP 18-00123

Presenter:

Peter Wysocki, Director Planning and Community Development
Jariah Walker, CSURA Executive Director
Bob Cope, Economic Development Officer

Attachments: [Resolution Tejon Costilla Cooperation Agreement-edits-11-19-18.docx](#)

[Redline Tejon Cooperation Agreement - and parking.docx](#)

Please see comments in Agenda item 11.B.

Motion by Councilmember Strand, seconded by Councilmember Geislinger, that the Resolution approving a Cooperation Agreement between the Colorado Springs Urban Renewal Authority and the City of Colorado Springs to promote redevelopment and assist with financing of public improvements for the Tejon and Costilla Urban Renewal project and to approve the amount of annual sales tax increment revenue allocated pursuant to Colorado Revised Statute Section 31-25-107(9)(a)(II) be adopted. The motion passed by a vote of 7-0-2-0

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

Absent: 2 - Bennett, and Murray

- 11.D. [18-0619](#) A resolution making certain legislative findings and approving a substantial modification to the Southwest Downtown Urban Renewal Plan.

Presenter:

Peter Wysocki, Director Planning and Community Development
Jariah Walker, CSURA Executive Director
Bob Cope, Economic Development Officer

Attachments: [Resolution SW URA Substantial Modification](#)
[SWD Plan Amendment](#)
[Resolution 133-01](#)
[Signed Resolution 160-18](#)

Jariah Walker, CSURA Executive Director, introduced the individuals presenting the Urban Renewal Plan for the Museum and Park Urban Renewal Area.

Wynne Palermo, Chair-Colorado Springs Urban Renewal Authority (CSURA), stated this project is the beginning of a historical change in Colorado Springs.

Chris Jenkins, President, Nor'wood, gave a brief history of Southwest downtown, explained the purpose of the Urban Renewal Plan to cure the existing blight in the area, and identified the support of public and private partnerships.

Councilmember Geislinger requested a breakdown of Phases 2, 3, and 4. Mr. Jenkins stated he will provide that information.

Councilmember Avila requested developers also look at the Southeast as an area to develop.

Citizen Chuck Murphy expressed appreciation for all the collaboration on this project.

Citizen Trevin Wex read a testimonial from the Colorado Springs Chamber of Commerce for his great, great, grandfather, Fred Chrissy, who was a visionary for the City.

Councilmember Pico commented that the tax money received from the project will only go toward public infrastructure, not the museum.

Councilmember Geislinger said this project will benefit many citizens of Colorado Springs.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution making certain legislative findings and approving a substantial modification to the Southwest Downtown Urban Renewal Plan be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Murray

- 11.E. [CPC MP 01-00017-A2 MJ18](#) A resolution making certain legislative findings and approving the Urban Renewal Plan for the Museum and Park Urban Renewal Area.

Presenter:

Peter Wysocki, Director Planning and Community Development
Jariah Walker, CSURA Executive Director
Bob Cope, Economic Development Officer

Attachments: [RES museum and park URA plan v3](#)
[Urban Renewal Plan Museum & Park \(final - updated\)](#)
[Museum & Park URA CPC staff report](#)
[Museum & Park Tax Forecast and CIR](#)
[BS Southwest Downtown Cos Spg 6-21-18 FINAL](#)
[Museum and Park CC Presentation - Public - FINAL 2](#)
[Signed Resolution 161-18](#)

Please see comments in Agenda item 11.D.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution making certain legislative findings and approving the Urban Renewal Plan for the Museum and Park Urban Renewal Area be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Murray

- 11.F. [18-0585](#) A resolution approving a Cooperation Agreement between the City of Colorado Springs and the Colorado Spring Urban Renewal Authority authorizing the Colorado Springs Urban Renewal Authority to use annual sales tax increments generated within Museum and Park Urban Renewal Area for a period of up to 25 years for qualifying public improvements.

Presenter:

Peter Wysocki, Director Planning and Community Development
Jariah Walker, CSURA Executive Director
Bob Cope, Economic Development Officer

Attachments: [Resolution Approving MP Cooperation Agmt-Revised-12-4-2018.docx](#)
[MP Cooperation Agreement between CSURA and City -Rev-12-5-18.docx](#)
[MP Cooperation Agreement between CSURA and City final-2-11-19-18](#)

Please see comments in Agenda item 11.D.

Motion by Councilmember Bennett, seconded by President Pro Tem Gaebler, that the Resolution approving a Cooperation Agreement between the City of Colorado Springs and the Colorado Spring Urban Renewal Authority authorizing the Colorado Springs Urban Renewal Authority to use annual sales tax increments generated within Museum and Park Urban Renewal Area for a period of up to 25 years for qualifying public improvements be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Murray

12. Public Hearing

There were no Public Hearings.

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