



# 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, March 27, 2018

1:00 PM

Council Chambers

### 1. Call to Order

- Present:** 8 - Councilmember Yolanda Avila, Councilmember Merv Bennett, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, and Councilmember Tom Strand
- Excused:** 1 - President Pro Tem Jill Gaebler

Councilmember Geislinger left the meeting at approximately 2:50 PM

### 2. Invocation and Pledge of Allegiance

The Invocation was made by Jerome Nixon, Colorado Springs Fire Department Chaplain.

President Skorman led the Pledge of Allegiance.

### 3. Changes to Agenda/Postponements

Eileen Krauth, City Council Administrator, stated Councilmember Knight requested item 4B.C related to the transfer of property to Greccio Housing Unlimited, LLC be removed from the Consent Calendar and that staff requested items 7.A. and 9.A. be moved to before Citizen Discussion.

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.** [18-0115](#) Ordinance No. 18-18 amending Sections 101 (Definitions), 103 (Possession or Display), 105 (Exceptions to the Prohibitions) of Part 1

(Dangerous and Deadly Weapons) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to dangerous weapons

Presenter:  
Peter Carey, Chief of Police

**Attachments:** [DangerousWeaponsORD-2018-02-21](#)  
[Signed Ordinance 18-18](#)

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

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

**4B.A.** [18-0147](#) City Council Regular Meeting Minutes March 13, 2018

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [3-13-2018 City Council Meeting Minutes Final](#)

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

**4B.B.** [18-0151](#) Appointments to Boards and Commissions

Presenter:  
Jacquelyn Puett, Assistant to Council

**Attachments:** [032718 Boards and Commissions](#)

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

**4B.D.** [18-0096](#) An Ordinance amending Section 202 (Bonds and Oaths) of Part 2 (Appointive Officers; General Provisions) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended

Presenter:  
Victoria McColm, Risk Manager, Risk Management

**Attachments:** [BondRepealORD-2018-02-07.docx](#)

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

**4B.E.** [17-979](#) An Ordinance Amending Section 203 (Expenditures From Fund) of Part 2 (Conservation Trust Fund) of Article 6 (City Funds) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Expenditures of Conservation Trust Fund

Presenter:

Karen Palus, Parks, Recreation and Cultural Services Director

**Attachments:** [P R-CodeScrubCh1-2018-03-02](#)

[3-12-18 - Parks Recreation and Cultural Services Department Code  
Scrub Presentation](#)

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

**4B.F. [17-981](#)**

An Ordinance Amending Articles 1 (Administration), 2 (Rules And Regulations), 3 (Permits), And 5 (Colorado Springs Museum Activities) Of Chapter 4 (Parks, Recreation And Cultural Services) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To Parks, Recreation And Cultural Services Administration And Regulations

Presenter:

Karen Palus, Parks, Recreation and Cultural Services Director

**Attachments:** [P R-CodeScrubCh4-ParkAdminRegs-2018-03-02](#)

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

**4B.G. [17-982](#)**

An Ordinance Amending Article 7 (Regulation of Animals - General Provisions) of Chapter 6 (Neighborhood Vitality / Community Health) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Animals

Presenter:

Karen Palus, Parks, Recreation and Cultural Services Director

**Attachments:** [P R-CodeScrubCh6-Animals-2018-03-02](#)

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

**4B.H. [18-0040](#)**

An Ordinance Amending Section 402 (Purpose and Specific Requirements of the Special Purpose Zone Districts) of Part 4 (Special Purpose Districts), Section 717 (Mixed Use Pedestrian and Bicycle Access and Circulation) of Part 7 (Mixed Use Zone Districts) and Section 903 (Definitions) of Part 9 (Traditional Neighborhood Development) All of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as Amended Pertaining to Parks

Presenter:

Karen Palus, Parks, Recreation and Cultural Services Director  
Meggan Herington, Planning & Community Development Assistant  
Director

**Attachments:** [CPC Staff Report Chapter 7 City Code Parks](#)  
[P R-CodeScrubCh7-PlanDev-2018-03-02](#)

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

- 4B.I.** [17-984](#) An Ordinance Amending Section 104 (Discharge of Weapon) of Part 1 (Dangerous and Deadly Weapons), of Article 7 (Dangerous Weapons and Substances) and Multiple Sections of Article 9 (Parks Offenses) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Park Offenses

Presenter:

Karen Palus, Parks, Recreation and Cultural Services Director

**Attachments:** [Edits - 3-26-18 - P R-CodeScrubCh9-ParkOffenses-2018-03-21](#)

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

- 4B.J.** [17-985](#) An Ordinance Amending Article 12 (Stopping, Standing or Parking Regulations) and Article 27 (Park Traffic Offenses) of Chapter 10 (Motor Vehicle and Traffic) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Motor Vehicle and Traffic

Presenter:

Karen Palus, Parks, Recreation and Cultural Services Director

**Attachments:** [P R-CodeScrubCh10-MV-2018-03-02v2](#)

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

- 4B.K.** [18-0074](#) An Ordinance amending Sections 102 (Definitions) of Article 1 (Public Health and Sanitation - General Provisions) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, relating to the definition of administrator (Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development  
Mitchel Hammes, Neighborhood Services Manager

**Attachments:** [Housing-AdministratorDefORD-2017-09-18](#)  
[022618 Housing Analysis](#)  
[031218 Housing Code DRAFT Revisions - Redline](#)  
[Housing Standards in City Code](#)

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

- 4B.L.** [18-0076](#) An Ordinance amending Section 106 (Notice and Order Appeal Hearings), 107 (Appeal Hearing Decision), and repealing section 108 (Appeal to City Council; Notice and Order Appeal Hearing) all of Article

5 (Municipal Court Referee) of Chapter 11 (Municipal court) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Municipal Court Appeal Hearings (Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development  
Mitchel Hammes, Neighborhood Services Manager

**Attachments:** [Housing-MuniCtAppealHearingsORD-2017-09-18](#)

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

- 4B.M. [18-0075](#)** An Ordinance amending Sections 102 (Right of Entry), 105 (Appeal of Notice and Order; Hearing), 106 (Failure to Comply with Order to Abate) and 108 (Abatement; Emergency Order); creating Section 110 (Adoption of Rules and Regulations) of Article 5 (Public Health and Sanitation - Enforcement); and repealing Part 2 (Inspections and Enforcement) of Article 12 (Housing Code) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to enforcement of the Housing Code (Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development  
Mitchel Hammes, Neighborhood Services Manager

**Attachments:** [Housing-HousingCodeEnforcementORD-2017-09-18](#)

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

- 4B.N. [18-0109](#)** Outside City Service Request: Change of Use - Water Service

Presenter:

Brian Whitehead, Manager, System Extensions  
Jerry A. Forte, P.E., CEO, Colorado Springs Utilities

**Attachments:** [Outside City Resolution - 1250 W Woodmen Rd Final sec 3.docx](#)  
[Signed Resolution 19-18](#)

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

### Approval of the Consent Agenda

**Motion by Councilmember Bennett, seconded by Councilmember 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 8-0-1-0**

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

**Absent:** 1 - Gaebler

## **5. Recognitions**

- 5.A.**    [17-1305](#)    A resolution commemorating the 50th anniversary of the assassination of Martin Luther King, Jr.

Presenter:  
Councilmember David Geislinger

**Attachments:**    [MLKCommemorateRES-2018-01-22](#)  
[Signed Resolution 20-18](#)

Councilmember Geislinger presented the Resolution commemorating the 50th anniversary of the assassination of Martin Luther King, Jr.

There were no comments on this item.

**Motion by Councilmember Strand, seconded by Councilmember Bennett, that the Resolution commemorating the 50th anniversary of the assassination of Martin Luther King, Jr. be adopted. The motion passed by a vote of 8-0-1-0**

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

**Absent:** 1 - Gaebler

- 5.B.**    [18-0125](#)    A Resolution recognizing Downtown Colorado Springs, Old Colorado City and Manitou Springs as a locally-recognized creative corridor

Presenter:  
Karen Cullen, Executive Director, Old Colorado City Associates

**Attachments:**    [CreativeCorridorRES-2018-03-05](#)  
[OCCA\\_CD\\_Letter](#)  
[CVB Creative District](#)  
[Manitou OCC Creative District Letter of Support](#)  
[Recommendation Letter for OCC Arts Corridor](#)  
[Signed Resolution 21-18](#)

Karen Cullen, Executive Director, Old Colorado City Associates, introduced Natalie Johnson, Manitou Springs Creative District, and Ann-Noel Spencer, Art@Altitude, and explained the creative corridor concept which will connect downtown Colorado Springs, Manitou Springs and Old Colorado City and leverage events such as the First Friday Art Walk to showcase the arts in these areas.

Andy Vick, Cultural Office of the Pikes Peak Region (COPPeR), identified

the free shuttle bus program which links all three neighborhoods for the 1st Friday Art Walk.

There were no comments on this item.

**Motion by Councilmember Murray, seconded by Councilmember Strand, that the Resolution recognizing Downtown Colorado Springs, Old Colorado City and Manitou Springs as a locally-recognized creative corridor be adopted. The motion passed by a vote of 8-0-1-0**

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

**Absent:** 1 - Gaebler

**5.C.**    [18-0153](#)        A Proclamation recognizing April 2018 as Fair Housing Month

Presenter:

Steve Posey, HUD Program Administrator, Community Development Division

**Attachments:**    [Fair housing month proclamation.pdf](#)

Steve Posey, HUD Program Administrator, Community Development Division, introduced Joyce Salazar, Rise Coalition, and Cindy Smallidge, People's Access to Homes, and stated that Colorado passed its own set of civil rights laws almost a decade before the federal government passed similar legislation.

Councilmember Geislinger read the Proclamation recognizing April 2018 as Fair Housing Month

There were no comments on this item.

## **6. Citizen Discussion**

Citizens Lannon Abbott and Grace Rummel spoke against the open carry law in the state of Colorado.

Citizen Gerald Miller gave a brief history of the Mollie Kathleen gold mine and spoke about gun laws.

Citizen Carl Strow spoke regarding the public comment process within the City and the Strawberry Fields land swap.

Citizen Nick Pfiefer spoke about tourism, the City for Champions, and suggested building a Zebulon Pike Convention Center as a project.

Citizen Dave Tone discussed a prophecy concerning a sink hole by the Century Link building.

Citizen Derek Shetrone spoke about Alexander Nix of Cambridge Analytica, algorithms, data breaches, and the need for added security.

Citizen Zac Chapman, Colorado Springs Food Rescue, spoke regarding increasing fair housing in the City.

Citizen Walter Lawson spoke regarding the public process of the proposed Banning Lewis Ranch annexation agreement.

Citizen Mark Rosman spoke about the COSBikes! plan and said there needs to be more citizen input regarding it.

Citizen Michael Francisco, Fourth Estate News, asked for clarification of the number of acres in the proposed Banning Lewis Ranch annexation agreement and said that there needs to be more transparency for the citizens and that with the anticipated amount of gross revenue projected for the developers, the City appears to be giving up a lot.

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

- 7.A. [18-0129](#) Nomination to appoint Jason Berns as an Associate Municipal Court Judge.

Presenter:  
Mayor John Suthers

**Attachments:** [February 2018 MC Appointment-signed Jason Berns Documents Redacted](#)

Mayor John Suthers presented the nomination to appoint Jason Berns as an Associate Municipal Court Judge. Mayor Suthers said he and Councilmember Strand conducted the interview for Mr. Berns and said that with twenty-four years of experience in law, Mr. Berns is very qualified for the position.

There were no comments on this item.

**Motion by Councilmember Bennett, seconded by Councilmember Murray, that the appointment of Jason Berns as an Associate Municipal Court Judge be approved. The motion passed by a vote of 8-0-1-0**



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

**Absent:** 1 - Gaebler

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

**4B.C.** [18-0098](#) A Resolution Authorizing Transfer of Property to Greccio Housing Unlimited, Inc.

Presenter:

Steve Posey, HUD Program Administrator, Community Development Division

**Attachments:** [Property Transfer for a Public Purpose](#)  
[Exhibit to RES - Purchase Agreement](#)  
[Greccio Housing RES](#)

Councilmember Knight commented that he is concerned that the current Real Estate Manual was not followed in regards to there being one logical potential purchaser of the property.

Councilmember Geislinger asked if since the Community Development Department stated they had a use for the property, would the City still have to conduct a bidding process for it. Marc Smith, Division Chief, Corporate Legislative Counsel, stated the surplus property was circulated to City departments using a "buck slip" process, and was assigned to the Community Development Department and City Council needs to decide if it should be designated as surplus property, if there is one logical potential purchaser, and if there is a valid public purpose for assigning this property to Greccio Housing Unlimited, Inc. for senior affordable housing. Jeff Greene, Chief of Staff, said this property was identified almost a year ago by the Planning Department for use as affordable senior housing.

Steve Posey, HUD Program Administrator, Community Development Division, said when a City property is identified for disposal, departments within the City are allowed to propose a use for that property. He stated there have been multiple discussions with other non-profit housing organizations who expressed their support of the proposed project.

Councilmember Murray stated the City Attorney indicated that there were caveats regarding this donation. Mr. Greene stated the property was donated to the City by Norwood Development with restrictions that it is only to be used for a public purpose. He stated that even though the terms of

the restrictions have lapsed, they still want to honor the request of use for a public purpose.

Darlene Kennedy, Real Estate Services Manager, stated the original 2012 contract required that for a period of three years and one day after closing, the City shall not transfer or convey the property except to another tax exempt charitable entity or for consideration equal to or greater than the property's value as determined by the appraisal. She also explained that if no City department had stepped up and said they had a use for the property, it would have been put up for bid or marketed for sale.

Councilmember Pico stated that some people are concerned about the value of the property being donated, but supports that the property should be utilized for a public purpose because it was donated as a charitable contribution.

Councilmember Knight said that the bid process should have been conducted to identify the one logical potential purchaser. Ms. Kennedy said that the process will be refined and clarified in the revision of the Real Estate Manual in the future, but because there was a department that identified the one logical potential purchaser, the Real Estate Manual was followed.

Councilmember Geislinger commented that Greccio Housing Unlimited, Inc. completed the process to qualify for tax credit funding which made them the one logical purchaser. Lee Patke, Greccio Housing Unlimited, Inc., said they do have the capacity to complete the development and the ability to obtain the tax credit. Ms. Kennedy stated if Greccio Housing Unlimited, Inc. does not fulfill the requirements of the transfer, the property will revert back to the City.

Citizen Scott Lizer commented that the contract is vague and stated that it should go out for a request for proposal.

Mr. Posey stated the transfer of the deed would not occur until Greccio Housing Unlimited, Inc. has obtained the tax credit financing and it would have restrictions for them to use the property for senior affordable housing.

**Motion by Councilmember Bennett, seconded by Councilmember Geislinger, that the Resolution waiving City Council Rule 6-1 and authorizing the transfer of property located at 4921 Templeton Gap Road, also known as Lot 2 Sundown Square Sub Filing No. 1, to Greccio Housing Unlimited, Inc., a Colorado**

non-profit corporation, as the one logical potential purchaser be adopted. The motion passed by a vote of 7-1-1-0

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

**No:** 1 - Knight

**Absent:** 1 - Gaebler

## **9. Utilities Business**

- 9.A.** [18-0127](#) A Resolution renaming the Mesa Water Treatment Plant, for Phillip H. Tollefson

Presenter:

Earl Wilkinson, III, Chief Water Services Officer, Water Services Division  
Jerry A. Forte, P.E., CEO, Colorado Springs Utilities

**Attachments:** [CC Resolution Tollefson WTP 3-27-18.docx](#)  
[Signed Resolution 22-18](#)

Jerry A. Forte, P.E., CEO, Colorado Springs Utilities, listed the accomplishments of Phillip H. Tollefson who was the first Chief Executive Officer of Colorado Springs Utilities and presented the Resolution renaming the Mesa Water Treatment Plant for Phillip H. Tollefson.

Former Mayor Mary Lou Makepeace, Kelly Means and Ed Bailey, former CSU employees, and President Skorman expressed recognition for Phillip H. Tollefson and his achievements with Colorado Springs Utilities.

**Motion by Councilmember Strand, seconded by Councilmember Pico, that the Resolution renaming the Mesa Water Treatment Plant for Phillip H. Tollefson be adopted. The motion passed by a vote of 8-0-1-0**

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

**Absent:** 1 - Gaebler

## **10. Unfinished Business**

There was no Unfinished Business.

## **11. New Business**

- 11.A.** [18-0119](#) A Resolution authorizing issuance of debt by the Dublin North Metropolitan District No. 2 in the form of limited tax general obligation refunding and improvement bonds, Series 2018A, 2018B, and 2018C Notes with a multiple fiscal year pledge of ad valorem tax from Dublin North Metropolitan District No. 3 the combination of which will use an amount not to exceed \$4,000,000 in service plan authorization.

(Legislative Item)

Presenter:

Conrad Olmedo, Comprehensive Planner II, Planning and Community Development

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

**Attachments:** [RES\\_DublinNorthMetroDistNo.2](#)

[Figure 1 - Dublin North MD - Transmittal Letter](#)

[Figure 2 - Dublin North MD No. 2 - 2018 Senior Indenture of Trust](#)

[Figure 3 - Dublin North MD No. 2 - 2018 Subordinate Pledge Agreement](#)

[Figure 4 - Dublin North MD No. 2 - 2018 Senior Pledge Agreement](#)

[Figure 5 - Dublin North MD No. 2 - 2018 Subordinate Indenture of Trust](#)

[Figure 6 - Subordinate Note](#)

[Figure 7 - Dublin North MD No. 2 - Development Projection](#)

[Figure 8 - Dublin North MD No. 1 - 2017 Map](#)

[Figure 9 - Dublin North MD No. 2 - 2017 Map](#)

[Figure 10 - Dublin North MD No. 3 - 2017 Map](#)

[Figure 11 - Dublin North MD - General Council Opinion](#)

[Figure 12 - Dublin North MD No. 2 - External Financial Advisor Certificate - Series 2018C](#)

[Figure 13 - Dublin North MD No. 1 Public Improvement Cost Summary](#)

[CC-Presentation-Dublin North](#)

Conrad Olmedo, Comprehensive Planner II, Planning and Community Development, stated that the petitioner requested that the item be postponed to the April 10, 2018 City Council meeting.

**Motion by Councilmember Bennett, seconded by Councilmember Murray, that the Resolution authorizing issuance of debt by the Dublin North Metropolitan District No. 2 in the form of limited tax general obligation refunding and improvement bonds, Series 2018A, 2018B, and 2018C Notes with a multiple fiscal year pledge of ad valorem tax from Dublin North Metropolitan District No. 3 the combination of which will use an amount not to exceed \$4,000,000 in service plan authorization be postponed to the April 10, 2018 City Council meeting. The motion passed by a vote of 7-0-2-0**

**Aye:** 7 - Avila, Bennett, Knight, Murray, Pico, Skorman, and Strand

**Absent:** 2 - Gaebler, and Geislinger

**11.B. [18-0045](#)**

Ordinance amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$346,506 for The Tutt and Cowpoke Stormwater Project

Presenter:

Richard Mulledy, P.E., Water Resources Engineering Division Manager

**Attachments:** [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Appropriation Ordinance for Tutt Cowpoke](#)

Brian Kelley, Engineering Programs Manager, presented the request for a supplemental appropriation for the Tutt and Cowpoke Stormwater Project. He identified that the funds will be used for the construction of the Tutt Boulevard Bridge concurrent with the construction of the Tutt and Cowpoke detention facility. Mr. Kelley presented a vicinity map of the project location, and provided an overview of the Reel annexation agreement, the major thoroughfare plan, and the construction elements of the project.

Councilmember Murray asked if the supplemental appropriation will go toward building a four-lane bridge. Mr. Kelley confirmed it would.

Citizen Nick Pfeifer asked what the time table was for development to the north of the bridge. Mr. Kelley said the private property ownership does not have a specified time table for the rate of development. Councilmember Murray stated that he expects the development to be completed within two years.

**Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Ordinance amending Ordinance No. 17-116 for a supplemental appropriation to the General Fund in the amount of \$346,506 for the Tutt and Cowpoke Stormwater Project be approved on first reading. The motion passed by a vote of 7-0-2-0**

**Aye:** 7 - Avila, Bennett, Knight, Murray, Pico, Skorman, and Strand

**Absent:** 2 - Gaebler, and Geislinger

## **12. Public Hearing**

- 12.A.** [CPC MP 04-00254-A6 MN17](#) An appeal of the City Planning Commission's decision to recommend approval to the City Council of a minor master plan amendment of the Farm Master Plan that updates the street network and locations and sizes of park sites, located west of Voyager Parkway off Ridgeline Drive.

(QUASI-JUDICIAL)

Related Files: CPC ZC 16-00152, CPC CP 16-00153

Presenter:

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

**Attachments:** [Notice of Appeal](#)

[La Plata Letter\\_3262018](#)

[Vicinity Map](#)

[CPC Report\\_TheFarmFiling5\\_DJS](#)

[FIGURE 1 - MASTER PLAN](#)

[FIGURE 2 - ZONE CHANGE EXHIBIT](#)

[FIGURE 3 - PUD DEVELOPMENT PLAN](#)

[FIGURE 4 - PROJECT STATEMENT](#)

[FIGURE 5 - USAFA COMMENT LTR](#)

[FIGURE 6 - PARKS BOARD MEETING MINUTES](#)

[7.5.408 MASTER PLAN REVIEW CRITERIA](#)

[The Farm minutes](#)

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

There were no comments on this item.

**Motion by Councilmember Strand, seconded by Councilmember Murray, that the appeal hearing of the City Planning Commission's decision to recommend approval to the City Council the minor master plan amendment of the Farm Master Plan that updates the street network and locations and sizes of park sites, located west of Voyager Parkway off Ridgeline Drive be postponed to the City Council meeting of April 10, 2018. The motion passed by a vote of 8-0-1-0**

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

**Absent:** 1 - Gaebler

**12.B.** [CPC PUZ  
17-00132](#)

An appeal of the City Planning Commission's decision to recommend approval to the City Council an ordinance amending the zoning map of the City of Colorado Springs pertaining to 28 acres of land from A (Agricultural) to PUD (Planned Unit Development: Single-Family Detached Residential; Maximum Density of 3.29 Dwelling Units per acre; and Maximum Building Height of 35 feet), located west of the future alignment of Secretariat Drive.

(QUASI-JUDICIAL)

Related Files: CPC MP 04-00254-A6MN17, CPC PUD 17-00133

Presenter:

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

**Attachments:** [Exhibit A - LegalDescription](#)  
[Exhibit B - Zone Change Exhibit](#)  
[La Plata Letter 3262018](#)  
[FIGURE 2 - ZONE CHANGE EXHIBIT](#)  
[7.3.603 Establishment & Development of a PUD Zone](#)  
[7.5.603 Findings - ZC req\\_CA](#)

There were no comments on this item.

**Motion by Councilmember Strand, seconded by Councilmember Murray, that the appeal hearing of the City Planning Commission's decision to recommend approval to the City Council an ordinance amending the zoning map of the City of Colorado Springs pertaining to 28 acres of land from A (Agricultural) to PUD (Planned Unit Development: Single-Family Detached Residential; Maximum Density of 3.29 Dwelling Units per acre; and Maximum Building Height of 35 feet), located west of the future alignment of Secretariat Drive be postponed to the April 10, 2018 City Council meeting. The motion passed by a vote of 8-0-1-0**

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

**Absent:** 1 - Gaebler

- 12.C.** [CPC PUD 17-00133](#) An appeal of the City Planning Commission's decision to recommend approval to the City Council of the Farm Filing 5 PUD development plan for 28 acres of land to be developed with a single-family residential development consisting of 93 single-family detached lots, located west of the future alignment of Secretariat Drive.

(QUASI-JUDICIAL)

Related Files: CPC MP 04-00254-A6MN17, CPC PUZ 17-00132

Presenter:

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

**Attachments:** [FIGURE 3 - PUD DEVELOPMENT PLAN](#)  
[7.3.606 PUD Development Plan](#)  
[7.5.502.E Development Plan Review](#)

There were no comments on this item.

**Motion by Councilmember Strand, seconded by Councilmember Murray, that the appeal hearing of the City Planning Commission's decision to recommend approval to the City Council the Farm Filing 5 PUD development plan for 28 acres of land to be developed with a single-family residential development consisting of 93 single-family detached lots, located west of the future alignment of Secretariat Drive be postponed to the April 10, 2018 City Council meeting. The motion passed by a vote of 8-0-1-0**

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

**Absent:** 1 - Gaebler

- 12.D.** [CPC CM1  
17-00141](#) An appeal of the City Planning Commission's approval of the Conditional Use Development Plan for a Commercial Mobile Radio Service (CMRS) Cell Tower located southeast of the North Circle Drive and East San Miguel intersection.

(Quasi-Judicial)

Presenter:

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

**Attachments:** [Exhibit 1 Notice of Appeal - 1225 North Circle Drive](#)

[Vicinity Map - 1225 North Circle Drive](#)

[Powerpoint - 1225 North Circle Drive](#)

[CPC Staff Report CMRS on North Circle Drive](#)

[Figure 1 - Site Plan](#)

[Figure 2 - Project Statement](#)

[Figure 3 - Neighborhood Comments](#)

[Figure 4 - Neighborhood Meeting](#)

[Figure 5 - Applicant Response](#)

[7.5.704 Conditional Use Review](#)

[7.4.607 Site Selection and Collocation req](#)

[7.4.608 Design Criteria & construction standards](#)

[CMRS North Circle Drive minutes](#)

Rachel Teixeira, Planner II, Planning and Community Development presented the conditional use development plan for a commercial mobile radio service (CMRS) cell tower located at 1225 North Circle Drive. She presented a vicinity map, the proposed design plan of the project for a fifty-five foot monopine cellular structure, and photos of the area. Ms. Teixeira gave the history of the neighborhood process and involvement and the Planning Commission's decision. She identified the appellant's concerns and stated the structure meets the City's review criteria.

Councilmember Murray asked if it was solely an AT&T tower. Ms. Teixeira stated it was and that two other carriers would be able to co-locate on it. Councilmember Murray disclosed that his son worked for AT&T and asked if that would be a conflict of interest. Marc Smith, Division Chief, Corporate Legislative Counsel, asked if his son had a financial interest in the tower or if it would impact Councilmember Murray's ability to review the application.



Councilmember Murray stated no.

Lori Nieves, representing the appellant, stated the reason for their dispute was due to the cell tower not meeting the conditions of City Code Section 7.4.608.B.3. She stated that since the height of the tower is fifty-five feet, the proposed setback location from San Miguel Street should also be fifty-five feet. She stated that the monopine structure would not blend in with the smaller deciduous trees and that neighbors do not agree that it would promote general welfare due to the concerns of health issues from radio and electromagnetic frequencies from the cell tower. Ms. Nieves stated that the City's review criteria has not been met.

Richard Gatto, representing the applicant, stated that mobile data is driving the wireless industry and that sites have limited capacity. He stated that the area north of San Miguel Street has very weak signal coverage, but putting a tower in this proposed location would address that issue. Mr. Gatto also stated that this tower is co-locatable so that other carriers could share this tower.

Nick Limberopoulos from Busch Law Firm, PLLC, attorney for AT&T, representing the applicant, spoke regarding the regulation of the siting of wireless telecommunications facilities on the basis of perceived health effects of radio frequency (RF) emissions and claims regarding property values. He stated that their application was in compliance with City Code design criteria, the comprehensive plan and that AT&T will work with City staff regarding the landscaping plan. Mr. Limberopoulos also said that the results from their alternative site analysis revealed there are no other potential sites available for this tower.

Councilmember Murray asked if the tower height can be increased by twenty feet pursuant to federal law. Mr. Limberopoulos confirmed that could as long as it does not substantially change the physical dimensions of the existing site and remained stealth.

Councilmember Pico asked if the tower could be set back fifty-five feet. Mr. Gatto stated it is set back at fifty-one feet due to the stealthing requirement of the branches and if it was set back an additional four feet, an additional elevation of the tower would be required because of the slope of the hill.

Citizen Scott Barnes, owner of the property, spoke in support of the applicant.

Citizens Deborah Bohlken and Michael Rudd, spoke in support of the appellant.

Citizen Derek Shetrone asked what the energy output would be and how many clients would receive emergency notices such as an Amber Alert. Mr. Gatto stated the energy output is on the low end of the Federal Communications Commission's (FCC) allowance range and that anyone on the AT&T network within the GPS range of the Amber Alert would receive the alert. Councilmember Pico stated the energy output would be between ten-fifty watts.

Mr. Gatto stated there are several cell towers are located on school grounds and buildings and if the tower were to fall, it would not damage any homes. He stated that other potential locations for the tower were investigated, but did not meet the requirements for the tower.

Councilmember Knight asked what the current zoning and building height restrictions were. Ms. Teixeira stated the property was zoned C-5 and the maximum building height is forty-five feet. Councilmember Knight stated that the appellant's complaint was due to the tower not meeting City Code restrictions for the side and rear setbacks. Ms. Teixeira stated that she utilized City Code Section 7.4.606.B.1 in determining the setback. Councilmember Knight identified the requirements of City Code Section 7.5.11 and the administrative relief that was granted in regards to the front yard requirements. Ms. Teixeira explained that the front yard setback requirements in City Code Section 7.4.606.B.3 states "the front yard setback for freestanding CMRS facilities from property lines adjacent to public or private streets shall be a distance equal to the height of the freestanding facility".

Mr. Gatto stated that AT&T has consented to a reduction of the tower height to fifty-one feet.

**Motion by Councilmember Strand, seconded by Councilmember Pico, to deny the appeal and uphold the City Planning Commission's decision to approve the CMRS conditional use development plan based upon the finding that the appellant did not substantiate that the appeal satisfies the review criteria outlined in City Code Section 7.5.906.B, and that the conditional use meets the review criteria in City Code Section 7.5.704, and the CMRS location and design**

criteria as set forth in City Code Sections 7.4.607 and 7.4.608 with a condition that the maximum height of the CMRS tower not exceed fifty-one (51) feet. The motion passed by a vote of 6-1-2-0

**Aye:** 6 - Bennett, Knight, Murray, Pico, Skorman, and Strand

**No:** 1 - Avila

**Absent:** 2 - Gaebler, and Geislinger

### **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