



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, February 23, 2021

10:00 AM

Council Chambers

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1. Call to Order

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

2. Invocation and Pledge of Allegiance

The Invocation was made by Colorado Springs Police Department Chaplain Larry Selman.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Councilmember Knight requested items 4B.B. 4.B.F. and 4.B.G be removed from the Consent Calendar.

Consensus of Council agreed to this change on the agenda.

3.A. [AR NV](#)
[20-00678](#) An appeal of the City Planning Commission's decision to uphold the appeal of the administrative approval of a nonuse variance allowing a

fence/retaining wall combination at a height of 7 feet 6 inches within the side-yard setback addressed as 21 Marland Road.

(Quasi-Judicial)

Related Files:

Presenter:

Meggan Herington, Assistant Director, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [CPC Staff Report - 21 Marland](#)
[Approved Site Plan 21 Marland Road](#)
[Record of Decision 21 Marland Road](#)
[SWENT Email](#)
[21 Marland Staff PP](#)
[CPC Minutes 21MarlandRoad draft](#)
[CC Appeal Letter Surofchek](#)
[CC Surofchek Presentation without videos](#)
[CC Surofchek 1 VideoEnteringGarage](#)
[CC Surofchek 2 VideoExitingGarage](#)
[CC Surofchek 3 VideoImprovement](#)
[Exhibits A thru N Surofchek](#)
[HOA Board Email Surofchek](#)
[HOA letter of support Surofchek](#)
[03.01.21 ltr tracy&surofchek HOA Response](#)
[CPC Appeal Letter Tracey](#)
[Tracy Response](#)
[Code Enforcement Letter](#)
[ILC](#)
[RussAcufflettertoCity](#)
[Photos for CPC Memo](#)
[Neighbor Opposition](#)
[7.5.906 \(B\) Appeal](#)
[7.5.802.B Nonuse Variance Criteria](#)
[7.5.802.E GuidelinesforReview NonuseVariance](#)
[7.4.102 Fences or Walls](#)
[7.5.906 \(A\)\(4\) Administrative Appeal.docx](#)
[Williams Support 21 Marland](#)
[Busch Support 21 Marland](#)
[Tenney Exchange 21 Marland](#)
[League 21 Marland](#)
[Kohl Exchange 21 Marland](#)
[Johnson Exchange 21 Marland](#)
[Burkett.Melissa Grievance re 21 Marland Road variance](#)

There were no comments on this item.

Motion by Councilmember Murray, seconded by President Pro Tem Strand, that the appeal be postponed to the March 9, 2021, City Council hearing per City Code Section 7.5.906.B.3. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

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. [21-011](#)** Ordinance No. 21-23 amending Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Motor Vehicles and Providing Penalties for the Violation Thereof

Presenter:

Amy Loft, Prosecution, City Attorney's Office

Attachments: [Ordinance Bicycle E-scooterCh10 2020-10-07](#)
[2021_1_25_Chapter 10 Council Presentation](#)
[Signed Ordinance 21-23](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A. [21-113](#)** City Council Regular Meeting Minutes February 9, 2021

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [2-9-2021 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

- 4B.B. [CPC MP](#)** A resolution of the City Council of the City of Colorado Springs, Colorado approving a major master plan amendment to the
[01-00147-A6](#) Greenbriar/Powerwood Master Plan changing 9.23 acres of land from
[MJ20](#) Regional Commercial to Multi-Family Residential southeast of the Woodmen Road and Tutt Boulevard intersection.

(Legislative)

Related File: CPC CP 01-00148-A12MJ20

Presenter:

Katie Carleo, Senior Planner, Planning & Community Development
Peter Wysocki, Planning & Community Development Director

- Attachments:** [RES Greenbriar-PowerwoodMasterPlanAmendment](#)
[Exhibit A - Greenbriar-Powerwood Master Plan Amendment](#)
[STAFF PP Greenbriar-Powerwood](#)
[APPLICANT PP Greenbriar-Powerwood](#)
[FISCAL IMPACT ANALYSIS GreenbriarPowerwood](#)
[CPC Staff Report Greenbriar-Powerwood](#)
[PROJECT STATEMENT](#)
[GREENBRIAR-POWERWOOD MASTER PLAN](#)
[GREENBRIAR-POWERWOOD CONCEPT PLAN](#)
[CPC Minutes Consent 01.21.21](#)
[7.5.408 Master Plan](#)
[Signed Resolution 24-21](#)

This Resolution was adopted on the Consent Calendar.

- 4B.C.** [CPC CP 01-00148-A1 2MJ20](#) A major amendment of the Greenbriar/Powerwood Concept Plan changing 9.23 acres of land from Regional Commercial to Multi-Family Residential as an allowable use located southeast of the Woodmen Road and Tutt Boulevard intersection.

(Quasi-Judicial)
Related File: CPC MP 01-00147-A6MJ20

Presenter:
Katie Carleo, Senior Planner, Planning & Community Development
Peter Wysocki, Planning & Community Development Director

- Attachments:** [GREENBRIAR-POWERWOOD CONCEPT PLAN](#)
[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

- 4B.D.** [CPC ZC 20-00155](#) Ordinance No. 21-27 amending the zoning map of the City of Colorado Springs relating to 36.14 acres located on multiple parcels throughout The Farm development from PUD (Planned Unit Development) and A (Agricultural) to PK (Park).

(Quasi-Judicial)

Presenter:
Katie Carleo, Senior Planner, Planning & Community Development
Peter Wysocki, Planning & Community Development Director

- Attachments:** [ORD_ZoneChange_TheFarm](#)
[EXHIBIT A_Legal Description_The Farm Parks](#)
[EXHIBIT B_The Farm Park Rezone](#)
[Signed Ordinance 21-27](#)

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

- 4B.H.** [CPC V 19-00173](#) Ordinance No. 21-28 vacating portions of a public right-of-way described as the western portion of Metzler Avenue as platted in Metzler’s Subdivision consisting of 0.157 of an acre.
(LEGISLATIVE)

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

- Attachments:** [ORD_VacationROW_Metzler](#)
[Exhibit A - Metzler ROW Vacation Legal](#)
[Exhibit B - Metzler ROW Vacation Plat](#)

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

- 4B.I.** [21-089](#) A Resolution Repealing Resolution 137-18 and Amending Resolution 254-80 Regarding The Lodgers And Automobile Rental Tax Citizens’ Advisory Committee

Presenter:
Jill Gaebler, Councilmember District #5
Wayne Williams, Councilmember At-large
Michael Montgomery, Deputy City Council Administrator

- Attachments:** [LART_MembershipRES-2021-01-27](#)
[Resolution 137-18](#)
[Res 254-80](#)
[Signed Resolution 25-21](#)

This Resolution was adopted on the Consent Calendar.

- 4B.J.** [21-081](#) A Resolution Approving the Issuance of Debt by Copper Ridge Metropolitan District in the Form of a Limited Tax Obligation Loan in a Principal Amount Not to Exceed a Principal Amount of \$6,000,000.

(Legislative Item)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Attachments: [Resolution_CopperRidgeMD](#)

[PowerPoint](#)

[1- Transmittal Memo Copper Ridge Met Dist January 2021](#)

[2- Copper Ridge Term Sheet 12.16](#)

[3- Copper Ridge MD 2021 Loan Agreement](#)

[4- CRMD Cash Flow Model 1.19.2021](#)

[5- CRMD 2021 Loan Improvements Map](#)

[6- Draft District Opinion letter](#)

[7- Stifel External Financial Advisor Cert CRMD January 2021](#)

[Signed Resolution 26-21](#)

This Resolution was adopted 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, Knight, Murray, O'Malley, Skorman, Strand, and Williams

5. Recognitions

There were no Recognitions.

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

There was no Citizen Discussion.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

4B.E. [CPC MP 06-00065-A2 MJ20](#)

A resolution of the City Council of the City of Colorado Springs, Colorado approving a major master plan amendment for the Mountain Shadows Master Plan changing 2.4 acres from Research & Development (R&D) to Residential with a density of 3.5-7.99 dwelling units per acre located northwest of Silverstone Terrace and Mule Deer Drive.

(Legislative)

Related Files: CPC PUZ 20-00071, CPC PUD 06-00067-A5MN20

Presenter:

Katelynn Wintz, Senior Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Attachments: [RES MountainShadowsMasterPlanAmendment](#)

[Exhibit A - Master Plan Amendment](#)

[Fiscal Impact Analysis.Tuscan Foothills](#)

[CC TFV Staff](#)

[CPC Report TFV4](#)

[Zone Change](#)

[Development Plan](#)

[Project Statement](#)

[PlanCOS vision Map](#)

[Context Map](#)

[CGS Letter](#)

[7.5.408 Master Plan](#)

[CPC Minutes Consent 01.21.21](#)

[Signed Resolution 29-21](#)

Councilmember Knight stated he called these items off from the Consent Calendar is concerned there has not been a traffic study completed for this development which is located on a major egress route.

Katelynn Wintz, Senior Planner, Planning and Community Development, provided a summary of the Tuscan Foothills Village Phase 4. She presented the vicinity map, general information, context map, master plan amendment, Planned Unit Development (PUD) zone change, PUD development plan, and staff recommendations.

Councilmember Knight asked if a traffic study was done which included the houses identified in the latest master plan. Todd Frisbie, City Traffic Engineer, stated there was a traffic study completed in 2006 when the use was for commercial and in 2016 for the homes located to the south along Centennial Boulevard.

Councilmember Knight asked if this new development would create evacuation issues due to it being located on a major egress route. Brett Lacey, Fire Marshall, Colorado Springs Fire Department (CSFD) stated there are no evacuation standards, necessary protocols, or design

standards to reference when the CSFD evaluates plan reviews, but they are working towards calling for evacuations earlier to maximize the efficiency of getting people out and defining areas of concern.

Councilmember Knight asked how the City will ensure it will not take the residents who live in the more southern area three to four hours to evacuate. Bret Waters, Deputy Chief of Staff, stated the Emergency Management Office provides education to prepare neighborhoods and notification systems have improved immensely.

Councilmember Knight asked if the Office of Emergency Management tracks the addition of new homes. Mr. Waters confirmed they do, and they work with the Traffic Engineering Department, Colorado Springs Police Department (CSPD), and CSFD to formulate evacuation plans.

Councilmember Knight asked if there is any more developable land in this district. Ray O'Sullivan, Owner and Developer, representing the applicant, stated there will be an additional twelve units developed which is consistent with the PUD which was approved.

Councilmember Knight asked if these developments will be annexed into the Metropolitan District. Mr. O'Sullivan stated they will not be.

Councilmember Geislinger stated the City needs to address this issue regarding development and egress routes, but he supports this project.

Councilmember Gaebler stated PlanCOS does not address development in a wildland urban interface (WUI) area, but it does recommend condominium type development similar to this project.

Councilmember Knight stated there needs to be a solid game plan to address wildfire in the WUI area and he will not be supporting this item because public safety is his predominant concern.

President Skorman stated the City does need to look at the bigger picture regarding the WUI and he will be supporting the project.

Motion by Councilmember Geislinger, seconded by Councilmember Gaebler, that the Resolution amending the Mountain Shadows Master Plan, based upon the findings that the request meets the review criteria for granting a major master plan amendment, as set forth in City Code Section 7.5.408 be adopted. The motion passed by a vote of 7-2-0-0

Aye: 7 - Avila, Gaebler, Geislinger, O'Malley, Skorman, Strand, and Williams

No: 2 - Knight, and Murray

- 4B.F.** [CPC PUZ 20-00071](#) Ordinance No. 21-30 amending the zoning map of the City of Colorado Springs relating to 5.07 acres located at Silverstone Terrace and Villa Lorenzo Drive from PIP1/PUD/HS (Planned Industrial Park, Planned Unit Development with Hillside Overlay) to PUD/HS (Planned Unit Development: Residential (Single-Family Attached and Townhouse), 3.5-7.99 dwelling units per acre and Maximum Building Height 35-feet with Hillside Overlay).

(Quasi-Judicial)

Related Files: CPC MP 06-00065-A2MJ20, CPC PUD 06-00067-A5MN20

Presenter:

Katelynn Wintz, Senior Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Attachments: [ORD_ZoneChange_TuscanFoothillsVillagePhase4](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Zone Change Depiction](#)

[Context Map](#)

[7.3.603 Establishment & Development of a PUD Zone](#)

[7.5.603.B Findings - ZC](#)

[Signed Ordinance 21-30](#)

Please see comments in Agenda item 4B.E.

Motion by President Pro Tem Strand, seconded by Councilmember Williams, that the Ordinance amending the zoning map of the City of Colorado Springs relating to 5.07 acres from Planned Industrial Park and Planned Unit Development with Hillside Overlay (PIP1/PUD/HS) to Planned Unit Development: Residential (Single-Family Attached and Townhouse), 3.5-7.99 dwelling units per acre and a Maximum Building Height of 35 feet, with Hillside Overlay (PUD/HS), based upon the findings that the request meets the review criteria for establishing a PUD zone, as set forth in City Code Section 7.3.603, and the review criteria for a zone change, as set forth in City Code Section 7.5.603 be approved on first reading. The motion passed by a vote of 7-2-0-0

Aye: 7 - Avila, Gaebler, Geislinger, O'Malley, Skorman, Strand, and Williams

No: 2 - Knight, and Murray

- 4B.G.** [CPC PUD 06-00067-A5 MN20](#) A PUD Development Plan for the Tuscan Foothills Village Filing 4 project to allow residential development with ancillary public and private improvements located northwest of Silverstone Terrace and Mule Deer Drive.

(Quasi-Judicial)

Related Files: CPC MP 06-00065-A2MJ20, CPC PUZ 20-00071

Presenter:

Katelynn Wintz, Senior Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Attachments: [Development Plan](#)

[7.3.606 PUD Development Plan](#)

[7.5.502.E Development Plan Review](#)

Please see comments in Agenda item 4B.E.

Motion by President Pro Tem Strand, seconded by Councilmember Williams, that the PUD Development Plan Amendment for the Tuscan Foothills Village Filing 4 project, based upon the findings that the request meets the review criteria for establishing a PUD Development Plan, as set forth in City Code Section 7.3.606, and the review criteria for establishing a development plan, as set forth in City Code Section 7.5.502(D) be approved. The motion passed by a vote of 7-2-0-0

Aye: 7 - Avila, Gaebler, Geislinger, O'Malley, Skorman, Strand, and Williams

No: 2 - Knight, and Murray

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

10.A. [CPC CA
19-00135](#)

Ordinance No. 21-24 repealing and reordaining Part 12 (Park and School Site Dedications) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to park land dedication

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development
Britt Haley, Parks Development Manager/TOPS Program Manager
Chris Lieber, N.E.S. Inc.

Attachments: [PLDO ORD 2.3.2021Updated](#)
[Exhibit A to PLDO ORD](#)
[Meeting Presentation City Council Work Session 1-25-2021](#)
[PLDO ORD 01.13.2021 old](#)
[ACS 2019 Raw Household data.pdf](#)
[Meeting Presentation City Council Public Hearing 2-9-2021 - Final](#)
[Signed Ordinance 21-24](#)

Councilmember Knight requested additional information regarding the Colorado State Supreme Court case Marshall B. Crump and Wynetta D. Crump versus the Breckenridge Sanitation District which states the Dolan v. City of Tigard analysis does not apply to the City broadly. Ben Bolinger, Senior Attorney, City Attorney's Office, stated that was case was prior to 2013 when the Supreme Court passed the Koontz versus St. John's Riverwater Management District decision which confirmed that fees are subject to the same analysis as land dedications and the Dolan v. City of Tigard analysis would also apply to fees. Councilmember Knight stated the Dolan analysis would not apply to the City historically requiring 7.5 acres per 1,000 people in total land and monetary dedication and if the City lowers the standard to 5.5 acres per 1,000 people it will not protect against lawsuits. Mr. Bolinger a standard could added which requires a land dedication of 5.5 acres per 1,000 people plus fees equaling a value of 2.0 acres per 1,000 acres.

Councilmember Murray read a letter provided by Citizen James Lockhart which gave an overview of the Dolan v. City of Tigard case and stated what the City of Tigard did or the proposed Park Land Dedication Ordinance (PLDO) of 7.5 acres per 1,000 of park land dedication was improper or unconstitutional.

Citizen Carol Beckman spoke in opposition of the proposed Ordinance.

Citizen Sarah Bryerly spoke in favor of the proposed Ordinance.

Councilmember Murray requested Councilmember Geislinger either disclose if he has had any contributions towards his campaign or recuse himself from voting. Councilmember Geislinger stated that is an inappropriate request.

Councilmember Geislinger stated in the Koontz versus St. John's

Riverwater Management District case, the developer's application in Koontz was denied, but the Supreme Court still held there was a violation of the takings case because the Constitution's enumerated rights prevent the government from coercing people into giving up property rights and the fundamental question is about what property and money, that belongs to somebody else, the City going to take in order to allow development of that property. He stated the court has repeatedly found government takings could have resolved through taxation and there needs to be analysis of the takings clause of the PLDO. Councilmember Geislinger stated there is a fundamental risk to continue to rely on developers to provide the parks system rather than the citizens.

Councilmember Avila stated there needs to be a comprehensive review of the park system based on the 2020 Census because the number of parks available for residents in the Southeast is inequitable.

Councilmember Skorman disclosed he has accepted campaign contributions from groups both for and against the proposed PLDO but is able to vote fairly on these items.

Motion by Councilmember Williams, seconded by Councilmember Geislinger, that the Ordinance repealing and reordaining Part 12 (Park and School Site Dedications) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to park land dedication be finally passed. The motion passed by a vote of 5-4-0-0

Aye: 5 - Gaebler, Geislinger, O'Malley, Strand, and Williams

No: 4 - Avila, Knight, Murray, and Skorman

10.B. [21-017](#)

Ordinance No. 21-25 creating a new Part 19 (School Site Dedications) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to school site dedication

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development
Britt Haley, Parks Development Manager/TOPS Program Manager
Chris Lieber, N.E.S. Inc.

Attachments: [SchoolSiteDedications ORD](#)
[Signed Ordinance 21-25](#)

Please see comments in Agenda item 10.A.

Motion by Councilmember Williams, seconded by President Pro Tem Strand, that the Ordinance creating a new Part 19 (School Site Dedications) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to school site dedication be finally passed. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

- 10.C.** [CPC CA 21-00004](#) Ordinance No. 21-26 amending Section 210 (Service Without Annexation) of Part 2 (Annexations) of Article 6 (Planning Commission and Annexations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to school site section change

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development
Britt Haley, Parks Development Manager/TOPS Program Manager
Chris Lieber, N.E.S. Inc.

Attachments: [SchoolSiteSectionChange-CodeCleanUpORD](#)
[Signed Ordinance 21-26](#)

Please see comments in Agenda item 10.A.

Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the Ordinance amending Section 210 (Service Without Annexation) of Part 2 (Annexations) of Article 6 (Planning Commission and Annexations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to school site section change be finally passed. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

11. New Business

- 11.A.** [21-087](#) A Resolution to increase the Stormwater Service Fees effective July 1, 2021

Presenter:

Richard Mulledy, Stormwater Enterprise Manager

Attachments: [Resolution Stormwater Fee Increase.docx](#)
[Exhibit A](#)
[Stormwater Enterprise Fee Increase 2.05.21](#)
[Signed Resolution 27-21](#)

Richard Mulledy, Stormwater Enterprise (SWENT) Manager, presented the

Resolution establishing the new Stormwater Plan Review Fee effective July 1, 2021. He provided an overview of the applicable City Code, existing revenue, SWENT Obligations, goals and guiding principles, assumptions, options for rate increase, and property examples.

President Skorman stated these SWENT fees are much lower than many other jurisdictions.

Councilmember Geislinger stated in regard to the judge's adverse liability determination, this is a great settlement.

Councilmember Williams stated the SWENT funds will go toward the City's stormwater obligations and improvements through the Arkansas Basin.

President Skorman gave a brief history of the SWENT.

Motion by Councilmember Geislinger, seconded by Councilmember Williams, that the Resolution to adjust the stormwater fees as presented be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

11.B. [21-052](#) An Amended 2021 Operating Plan and Budget for the USAFA Visitors Center Business Improvement District

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning

Attachments: [USAFA BID - Amended 2021 Operating Plan - 2-11-2021](#)

[USAFA BID - Amended 2021 Operating Plan - 2-11-2021\(Redline\)](#)

[USAFA BID - 2021 Operating Plan - Original](#)

[PowerPoint USAFA 2021AmendedOpsPlan](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, presented the amended 2021 Operating Plan and Budget for the USAFA Visitors Center Business Improvement District (BID).

Councilmember Knight stated he had requested the amended plan be updated to reflect the existing debt obligations include the developer advanced and outstanding interest debt and stated the additional amount of the 2020 developer advancements should be closer to 200K than 92K, but instead of it being amended, it was deleted from the plan. Pat Hrbacek, Spencer Fane, LLC, representing the applicant, stated the developer

advances will be paid from the facilities funding and acquisitions agreement.

Councilmember Knight asked if there will be an additional \$180,000 still owed to the developer for Operations. Mr. Hrbacek stated it is included in mostly legal and accounting fees. Eric Smith, Blue and Silver Development Partners, LLC, representing the applicant, confirmed that statement.

Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the proposed Amended 2021 Operating Plan and Budget for the USAFA Visitors Center Business Improvement District be approved. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Gaebler, Geislinger, Knight, O'Malley, Skorman, Strand, and Williams

No: 1 - Murray

11.C. [21-010](#)

Ordinance No. 21-29 authorizing the issuance and delivery of the City's Series 2021 multi-family housing revenue bonds for the Academy Heights Apartments project in one or more series, in the aggregate principal amount of \$22,000,000

Presenter:

Steve Posey, HUD Program Manager, Planning & Community Development

John Bales, Fred Marienthal, Kutak Rock LLP

Peter Wysocki, Director of Planning and Community Development

Attachments: [2021 Ordinance - Colorado Springs Academy Heights](#)

[2021 Tax Regulatory Agreement - Colorado Springs Academy Heights](#)

[2021 Project Loan Agreement - Colorado Springs Academy Heights](#)

[2021 Funding Loan Agreement - Colorado Springs Academy Heights](#)

Steve Posey, HUD Program Manager, Planning and Community Development, presented the Ordinance authorizing the issuance and delivery of the City's Series

2021 multi-family housing revenue Private Activity Bonds (PAB) for the Academy Heights Apartments project in the amount of \$22M.

Councilmember Geislinger stated this is a wonderful use of PAB project for the City.

President Skorman asked how many units there will be. Mr. Posey stated there will be 201 one- and two-bedroom units for this affordable housing project for low income seniors and single working individuals.

Motion by Councilmember Geislinger, seconded by Councilmember Avila, that

the Ordinance authorizing the issuance and delivery of the City's Series 2021 multi-family housing revenue bonds for the Academy Heights Apartments project in one or more series, in the aggregate principal amount of \$22,000,000 be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

12. Public Hearing

- 12.A.** [CPC ZC 20-00161](#) A Resolution of the City of Colorado Springs adopting design standards for the Historic Preservation Overlay associated with Old North End Historic District.

(Legislative)

Related Files: CPC ZC 20-00161

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Attachments: [Resolution_ONENDesignStandards](#)
[Exhibit A - ONE HP Overlay Zone Design Standards](#)
[ONEN Standards - HPB Staff Memo](#)
[ONEN Design Standards Materials](#)
[Ordinance_11-147](#)
[PublicComments](#)
[SHPO_Email162021](#)
[CC_ONEN Design Standards_DJS_rev](#)
[Updated - ONEN Design Standards Pres](#)
[Dec HPB minute_ONEN Design Standards_DRAFT](#)
[Signed Resolution 28-21](#)

Daniel Sexton, Principal Planner, Planning and Community Development, presented the Resolution adopting design standards for the Historic Preservation Overlay (HPO) associated with Old North End (ONE).

Citizens Dutch Schulz, Tim Scanlon, Pat Doyle, Tim Boddington, Matt Railey, Linda Railey, Michael Anderson, Dianne Stober, and Mark Harris spoke in favor of the proposed Ordinance.

Councilmember Geislinger asked if it was the ONE's expectation that the design guidelines would be adopted as guidelines. Mr. Railey stated they thought the guidelines would be adopted as standards.

Councilmember Williams stated these guidelines should be adopted as standards with the preamble included.

Councilmember Geislinger stated this system has worked for many years and if this Resolution codifies that system, he will support it.

Peter Wysocki, Director, Planning and Community Development stated there will have to be an understanding between both the ONE and the City that there will be pragmatic things which will need to be addressed.

Ben Bolinger, Senior Attorney, City Attorney's Office, explained that design standards are statements adopted by City Council Resolution as criteria for use by the board in consideration of an application for report of acceptability for properties with Historic Preservation Overlay zoning and how they are interpreted based on their drafting is up to the board members.

Councilmember Gaebler stated she will be supporting the proposed Ordinance but would like the staff to revisit the standards to ensure they are in compliance with PlanCOS and any weatherizing is included. She requested the Historic Preservation Board (HPB) receive additional education so they fully understand their role. Mr. Wysocki stated staff is working towards providing more assistance and training to the HPB.

Councilmember Williams stated there is an appeal process if necessary, but the standards which have been used for the past twenty years should be adopted.

President Pro Tem Strand and President stated they supports the proposed Ordinance with the preamble included.

Motion by Councilmember Williams, seconded by Councilmember Geislinger, , that the Resolution adopting the North End Historic Preservation Overlay Zone Design Standards, based upon the finding that the request is consistent with the Historic Preservation Board authorities for establishing rules and regulations, including design standards, as set forth in City Code Section 7.5.1601(l) as amended to include the preamble be adopted. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

13. Added Item Agenda

There were no items added to the Agenda.

14. Executive Session

There was no Executive Session.

15. Adjourn

There being no further business to come before City Council, Council adjourned.

Sarah B. Johnson, City Clerk