



# City of Colorado Springs

Plaza of the Rockies  
South Tower, 5th Floor  
Blue River Board Room  
121 S Tejon St  
Colorado Springs, CO  
80901

## Meeting Minutes City Council

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Tuesday, May 25, 2021

9:00 AM

Blue River Board Room

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### 1. Call to Order

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

### 2. Invocation and Pledge of Allegiance

The Invocation was made by President Anita Slaugh from The Church of Jesus Christ of the Latter-day Saints.

President Strand led the Pledge of Allegiance.

### 3. Changes to Agenda/Postponements

Councilmember Avila requested item 4B.C. and Councilmember O'Malley requested item 4B.D. be removed from the Consent Calendar.

Consensus of Council agreed to this change on the agenda.

### 4. Consent Calendar

**These items will be acted upon as a whole, unless a specific item is called for discussion by a Councilmember or a citizen wishing to address the City Council. (Any items called up for separate consideration shall be acted upon following the Mayor's Business.)**

**4A. Second Presentation:**

- 4A.A. [CPC ZC 21-00005](#) Ordinance No. 21-43 amending the zoning map of the City of Colorado Springs pertaining to 8.83 acres located at 301 South Union Boulevard from PF (Public Facility) to OC (Office Complex).

(Quasi-Judicial)

Presenter:

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

**Attachments:** [ORD\\_ZC\\_301SUnionBlvd](#)

[Exhibit A - Legal Desc](#)

[Exhibit B - Zone Change](#)

[Signed Ordinance 21-43](#)

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

- 4A.B. [CPC PUZ 20-00124](#) Ordinance No. 21-45 amending the zoning map of the City of Colorado Springs relating to 282 acres located northeast of Stetson Hills Boulevard and Banning Lewis from Multi-Family and Single Family Residential with Streamside and Airport Overlays (R5/SS/AO and R1-6000/SS/AO) to PUD/AO/SS (Planned Unit Development: Single-Family Detached and Single-Family Attached Residential, 3.5-7.99 Dwelling Units Per Acre and 8-11.99 Dwelling Units Per Acre, and a Maximum Building Height of 35 feet; with an Airport and Streamside Overlay

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A26MJ20; CPC V 20-00123; CPC PUP 20-00125; CPC ZC 21-00038; CPC CP 21-00039

Presenter:

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

**Attachments:** [ORD\\_PUZ\\_BLRVillageA](#)  
[Exhibit A - Legal PUD Zone Change](#)  
[Exhibit B - PUD Zone Change](#)  
[Signed Ordinance 21-45](#)

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

- 4A.C.** [CPC ZC 21-00038](#) Ordinance No. 21-46 amending the zoning map of the City of Colorado Springs relating to 15 acres located southeast of Dublin Boulevard and Banning Lewis from Multi-Family and Single Family Residential with Streamside and Airport Overlays (R5/SS/AO and R1-6000/SS/AO) to PBC/AO/cr (Planned Business Center with Airport Overlay and conditions of record).

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A26MJ20; CPC V 20-00123; CPC PUZ 20-00124; CPC PUP 20-00125; CPC CP 21-00039

Presenter:

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

**Attachments:** [ORD\\_ZC\\_BLRVillageA](#)  
[Exhibit A - Legal Zone Change](#)  
[Exhibit B - Zone Change](#)  
[Signed Ordinance 21-46](#)

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

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

- 4B.A.** [21-274](#) City Council Regular Meeting Minutes May 11, 2021

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [5-11-2021 City Council Meeting Minutes Final](#)

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

- 4B.B.** [21-276](#) Appointments to Boards, Commissions, and Committees

Presenter:

Michael Montgomery, Deputy City Council Administrator

**Attachments:** [052521 Boards Commissions and Committee Appointments](#)

This Item was approved on the Consent Calendar.

### Approval of the Consent Agenda

**Motion by Councilmember Williams, seconded by Councilmember Helms, 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, Donelson, Helms, Henjum, Murray, O'Malley, Skorman, Strand, and Williams

## **5. Recognitions**

- 5.A.** [21-248](#) A Resolution recognizing June 7th to June 10th as Small Business Week in the Pikes Peak Region

Presenter:

Wayne Williams, Councilmember At-large  
Aikta Marcoulier, Executive Director, Pikes Peak Small Business Development Center

**Attachments:** [Small Business Week](#)  
[Signed Resolution 74-21](#)

Councilmember Williams read a Resolution recognizing June 7th to June 10th as Small Business Week in the Pikes Peak Region.

Jonathan Liebert, Better Business Bureau, and Mackenzie Tamayo, Pikes Peak Small Business Development Center, identified the scheduled events designed to create awareness, celebrate, and award the top small businesses in the Pikes Peak Region.

President Pro Tem Skorman expressed appreciation for all the support for small businesses.

Sarah B. Johnson, City Clerk, expressed appreciation for their participation on the 2020 Census Pikes Peak Complete Count Committee.

**Motion by President Pro Tem Skorman, seconded by Councilmember Williams, that the Resolution recognizing June 7th to June 10th as Small Business Week in the Pikes Peak Region be adopted. The motion passed by a vote of 9-0-0-0**

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

- 5.B.** [21-275](#) A Resolution honoring May 31, 2021 as Memorial Day

Presenter:

Mike O'Malley, Councilmember District 6

**Attachments:** [Memorial Day](#)  
[Signed Resolution 75-21](#)

Councilmember O'Malley read the Resolution honoring May 31, 2021 as Memorial Day.

Councilmember Avila requested an explanation of the difference between Memorial Day and Veterans Day. Councilmember Helms explained that Memorial Day is observed for the men and women who had made the ultimate sacrifice of giving their lives in the line of duty and Veterans Day honors all veterans who have served in the Armed Forces.

Councilmember Donelson identified the Memorial Day Remembrance Service scheduled for Monday, May 31, 2021 at 11:00 AM at Memorial Park.

**Motion by Councilmember Donelson, seconded by Councilmember Helms, that the Resolution honoring May 31, 2021 as Memorial Day be adopted. The motion passed by a vote of 9-0-0**

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

- 5.C.** [21-266](#) A Resolution of Appreciation of Wendy Patterson, Transit Business Operations Administrator, Public Works, for 29 years of service to the City of Colorado Springs.

Presenter:

Travis Easton, Public Works Director, Public Works

**Attachments:** [Retiree Resolution - Wendy Patterson](#)  
[Signed Resolution 76-21](#)

Travis Easton, Public Works Director, Public Works, and Craig Blewitt, Transit Services Manager, Public Works, presented the Resolution of appreciation for Wendy Patterson, Transit Business Operations Administrator, Public Works, for her 29 years of service to the City of Colorado Springs.

Several Councilmembers expressed gratitude for Ms. Patterson's accomplishments during her time with the City.

Ms. Patterson expressed appreciation for the opportunities she had been given with the City and the recognition.

President Strand read the Resolution.

**Motion by Councilmember Henjum, seconded by Councilmember Avila, that the Resolution of Appreciation of Wendy Patterson, Transit Business Operations Administrator, Public Works, for 29 years of service to the City of Colorado Springs be adopted. The motion passed by a vote of 9-0-0**

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

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

Citizen Dr. Gill Porat spoke in favor of the decriminalization of psilocybins.

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

There was no Mayor's Business.

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

- 4B.C.** [21-246](#) Ratification of Councilmember Liaisons to City Council Appointed Boards, Commissions and Committees and Councilmember Appointments on Boards, Commissions, and Committees

Presenter:

Tom Strand, Council President

**Attachments:** [Summary of Boards, Commissions, and Committees Councilmember Assignments - Ratification](#)

Councilmember Avila stated she feels her experience and hard work makes her the qualified choice for the position on the El Paso County Board of Health so she can continue to represent the needs of her district.

Councilmember Donelson gave an overview of his professional medical experience and qualifications which make him qualified for the position.

Councilmember Murray stated whoever serves should be vaccinated. Citizen Megan Gatzke stated requiring Councilmembers to be vaccinated is unconstitutional.

Councilmember Williams recommended Councilmember Henjum serve as a liaison to the Chamber of Economic Development Corporation Board. Councilmember Henjum requested the issue be discussed at the Colorado Springs Utilities (CSU) Board meeting since it is an appointment by CSU.

**Motion by Councilmember Williams, seconded by Councilmember Helms, that the Resolution to ratify the Councilmember liaisons to City Council appointed Boards, Commissions and Committees and Councilmember appointments on Boards, Commissions, and Committees with the exception of the appointments to the El Paso County Board of Public Health and Colorado Springs Chamber &**

**Economic Development Corporation Board of Directors be adopted. The motion passed by a vote of 9-0-0**

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

**Motion by President Pro Tem Skorman, seconded by Councilmember Avila, that the Resolution to appointment Councilmember Avila to the El Paso County Board of Public Health be adopted. The motion failed by a vote of 4-5-0**

**Aye:** 4 - Avila, Henjum, Murray, and Skorman

**No:** 5 - Donelson, Helms, O'Malley, Strand, and Williams

**Motion by President Strand, seconded by Councilmember Donelson, that the Resolution to appointment Councilmember Donelson to the El Paso County Board of Public Health be adopted. The motion passed by a vote of 5-4-0**

**Aye:** 5 - Donelson, Helms, O'Malley, Strand, and Williams

**No:** 4 - Avila, Henjum, Murray, and Skorman

**4B.D. [20-501](#)** Resolution authorizing issuance of debt not to exceed \$18,000,000 by the Mountain Vista Metropolitan District located east of Marksheffel Road and South of Barnes Road.

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development Department

**Attachments:** [RES Mountain Vista](#)

[Power Point- Mtn Vista](#)

[Bond Resolution - 04-09-21](#)

[Indenture - 04-09-21](#)

[Mountain Vista MD Financial Plan 02.23.21](#)

[Opinion letter\\_MtnVista](#)

[Mountain Vista MD 2021 Bond Project Costs and Map](#)

[Signed Resolution 77-21](#)

Councilmember O'Malley asked if Graphite Drive and Shell Drive were located within the Mountain Vista Metropolitan District. Travis Easton stated they are City-owned and will be maintained by the City. Councilmember O'Malley asked if they designed for commercial heavy construction regular use. Mr. Easton stated they are not, but they are reconstructing them for conformance. Councilmember O'Malley asked if the redesign of the roundabout will be included in the bonds. Kevin Walker, Walker Schooler District Managers, representing the district stated they will not, they will be paid for by the developer or the engineer.

**Motion by Councilmember Donelson, seconded by Councilmember Williams, that the Resolution approving the authorization for the Mountain Vista Metropolitan District to issue debt in the form of general obligation limited tax bonds in a**

combined principal (par) amount not to exceed \$18,000,000 be adopted. The motion passed by a vote of 8-1-0-0

**Aye:** 8 - Avila, Donelson, Helms, Henjum, Murray, Skorman, Strand, and Williams

**No:** 1 - O'Malley

## **9. Utilities Business**

### **9.A. [21-221](#)**

Ordinance No. 21-47 of the City of Colorado Springs, Colorado providing for the refunding of certain outstanding Utilities System Revenue Bonds of the City; providing for the extension, betterment, other improvement and equipment of the City of Colorado Springs Utilities System; providing for the issuance and sale of the City of Colorado Springs, Colorado, Utilities System Refunding Revenue Bonds, Series 2021A in an aggregate principal amount not to exceed \$69,685,000, and the City of Colorado Springs, Colorado, Utilities System Improvement Revenue Bonds, Series 2021B in an aggregate principal amount not to exceed \$250,000,000, payable solely out of the Net Revenues to be derived from the operation of the City of Colorado Springs Utilities System; authorizing the execution by the city of a Paying Agent Agreement, Escrow Agreements, a Bond Purchase Agreement and an Official Statement related thereto; and providing other matters relating thereto.

Presenter:

Scott Shewey, Chief Planning and Finance Officer, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [CSU 2021AB Bond Ordinance, 4853-1737-8018 3](#)

Scott Shewey, Chief Planning and Finance Officer, Colorado Springs Utilities (CSU), presented the Ordinance for the issuance of the 2021A refunding series and 2021B new money series up to approximately \$250M to support the financing activity.

There were no comments on this item.

**Motion by Councilmember Williams, seconded by Councilmember Helms, that the Ordinance of the City of Colorado Springs, Colorado providing for the issuance and sale of the City of Colorado Springs, Colorado, Utilities System Refunding Revenue Bonds, and for the issuance and sale of Utilities System Improvement Revenue Bonds to provide for the extension, betterment, other improvement, and equipment of the City of Colorado Springs Utilities System be approved on first reading. The motion passed by a vote of 9-0-0-0**

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

## **10. Unfinished Business**

- 10.A. [CPC V 20-00123](#) Ordinance No. 21-44 vacating portions of a public right-of-way known as Banning Lewis Parkway, Stetson Hills Boulevard, Dublin Boulevard and interior roadways consisting of 49.6 acres.

(Legislative)

Related Files: CPC MP 87-00381-A26MJ20; CPC PUZ 20-00124; CPC PUP 20-00125; CPC ZC 21-00038; CPC CP 21-00039

Presenter:

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

**Attachments:** [ORD VacationROW BLRVillageA](#)

[Exhibit A - ROW Vacation](#)

[7.7.402.C Vacation Procedures](#)

Katelynn Wintz, Senior Planner, Planning and Community Development, provided a summary of the Ordinance vacating portions of a public right-of-way known as Banning Lewis Parkway, Stetson Hills Boulevard, Dublin Boulevard, and interior roadways consisting of 49.6 acres.

Councilmember Murray stated the data indicates the roadway should include the approximately 50 acres of roadway and will not be supporting this item. Peter Wysocki, Director, Planning and Community Development, stated the 147-foot right-of-way can easily accommodate a major arterial cross-section up to six lanes of traffic.

Councilmember Avila asked if the City would need to purchase this right-of-way back at a later time. Mr. Wysocki stated the right-of-way was originally dedicated by the landowner. Wynetta Massey, City Attorney, stated if the right-of-way is needed when new development occurs, the City could obtain it through future platting.

Councilmember Williams asked if the City currently has any eight lane non-freeway roads. Mr. Wysocki stated it does not. Councilmember Williams asked if the developer would be required to donate additional turn lanes to the City if they are needed in the future. Mr. Wysocki confirmed they would, and this provision is included in the amended annexation agreement.

Jeff Greene, Chief of Staff, stated the amended and restated annexation

agreement was thoroughly reviewed over a three-year process with these provisions of vacation included in it. President Strand requested a Work Session be scheduled at a later date to discuss the future platting of BLR.

**Motion by Councilmember Helms, seconded by Councilmember Williams, that the Ordinance vacating portions of public right-of-way known as Banning Lewis Parkway, Stetson Hills Boulevard, Dublin Boulevard and interior roadways, based on the findings that the request meets the review criteria granting a street vacation as set forth in City Code Section 7.7.402(C) be finally passed. The motion passed by a vote of 8-1-0-0**

**Aye:** 8 - Avila, Donelson, Helms, Henjum, O'Malley, Skorman, Strand, and Williams

**No:** 1 - Murray

## **11. New Business**

There was no New Business.

## **12. Public Hearing**

- 12.A. [CPC MP 06-00065-A1 MJ20](#) A resolution of the City Council of the City of Colorado Springs, Colorado, approving a major amendment to the Mountain Shadows Master Plan, relating to 125.34 acres located west of the North 30th Street and Garden of the Gods Road changing land use designations to Open Space, Office, Public Institution, Residential and Community & Neighborhood Commercial.

(Legislative)

Related Files: CPC PUZ 20-00176, CPC PUP 20-00177

Presenter:

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

**Attachments:** [Fiscal Impact Analysis.2424 GotG](#)  
[CPC March Staff report 2424GOG 03.18.21](#)  
[RES\\_MasterPlanAmendment\\_MountainShadows](#)  
[Exhibit A - Master Plan Amendment](#)  
[Zone Change](#)  
[March Revision Concept Plan 03.18.21](#)  
[Visual Impact Analysis 03.18.21](#)  
[Conceptual Layouts 03.18.21](#)  
[VisualImpactAnalysis\\_NES Comments 03.18.21](#)  
[CGS Letter](#)  
[Coordinated MSCA response to 2424GOG revisions 03-03-21](#)  
[CPW\\_SheepImpactReview](#)  
[Context Map](#)  
[Permitted Use Comparison](#)  
[PlanCOS vision Map](#)  
[7.5.408 Master Plan](#)  
[Changed Conditions 7.5.409](#)  
[Zoning Rebuttal, Visual Analysis Rebuttal 03.18.21](#)  
[MSCS Rebuttal Letter to CPW 3-1-2021](#)  
[PublicComment 03.18.21](#)  
[Public Comments-2 03.18.21](#)  
[CPC Report\\_2424 GOG](#)  
[Master Plan Amendment](#)  
[PUD Concept Plan](#)  
[Project Statement](#)  
[Public Comment 1](#)  
[Public Comment 2](#)  
[Public Comment 3](#)  
[MSCA document\\_Presentation Appendix](#)  
[MSCA document\\_HOA Presentation](#)  
[MSCA document\\_Petition to stop the rezone](#)  
[New Public Comments](#)  
[MSCA document\\_Bicycle Safety](#)  
[MSCA document\\_Bighorn Sheep](#)  
[MSCA document\\_Hillside Overlay](#)  
[Consultant Presentation 2424](#)  
[MSCA Sponsored petition](#)  
[CPC Minutes 03.18.21 draft](#)

[CPC\\_Minutes\\_01.21.21\\_final](#)

[Signed Resolution 78-21](#)

President Strand and Wynetta Massey, City Attorney, polled City Council regarding any ex parte communication received regarding these items. All Councilmembers disclosed any ex parte communication they had received and confirmed they are able listen to the information presented today in a fair, impartial, manner and make a decision based solely on the review criteria.

Katelynn Wintz, Senior Planner, Planning and Community Development, provided an overview of the major amendment to the Mountain Shadows Master Plan, a proposed zone change, and Planned Unit Development (PUD) Concept Plan relating to 125.34 acres located west of the North 30th Street and Garden of the Gods Road (2424 Garden of the Gods Road). She identified there was a public notice error of the application file number and one of the posters was only posted for seven days of the ten-day notification process. She presented the vicinity map, context map, CO-Star property analysis of the Garden of the Gods Corridor, City versus Garden of the Gods vacancy rates, and the number of property types within the Garden of the Gods corridor. She gave an overview of the 2424 Garden of the Gods existing property, applications, public notice, concerns raised, background, stakeholder process, and site details. She went over the master plan amendment, Planned Unit Development (PUD) zone change, PUD concept plan, Colorado Parks and Wildlife (CPW) findings, geologic hazards and land suitability analysis, hillside overlay, PlanCOS conformance, and staff recommendations.

Councilmember Henjum requested the number of maximum unit count set by permanent density. Todd Frisbie, City Traffic Engineer, stated approximately 468 units.

Councilmember Williams asked if the Big Horn Sheep are recognized federally as a threatened species. Ms. Wintz stated she will provide that information.

Councilmember Avila requested the current amount of industrial zoned acreage and how much of it is currently being utilized as industrial. Ms. Wintz gave an overview of the currently zoned industrial areas and stated there is a forty percent occupancy.

Councilmember Murray requested the source of data which determined the Mountain Shadows neighborhood to be overrepresented by single-family homes. Ms. Wintz stated it is based on the El Paso County Assessor's data where there are sixty-three percent Citywide single-family homes versus ninety-two percent in the Mountain Shadows area.

Councilmember Williams asked if a traffic analysis was conducted under the current zoning if there was one hundred percent capacity. Mr. Frisbie stated it was not, but the proposed rezone generates fewer trips than under the modeling of the existing zone.

Mr. Frisbie gave an overview of the existing traffic data, short-term traffic analysis, two long-term traffic analysis scenarios, traffic volume development, and impact.

Councilmember Donelson asked how the time spent at intersections is calculated. Mr. Frisbie stated it is an average of the time spent at the light based on the Highway Capacity Manual.

Bret Waters, Deputy Chief of Staff, provided an overview of his background in emergency management, emergency evacuations in coordination with City Traffic Department, Pikes Peak Regional Office of Emergency Management, and Division of the Fire Marshal. He stated Emergency Management works by educating residents, planning, training, exercises, public notification procedures, area security, transportation resources, contraflow, and event management. Mr. Waters identified that the City is one of the only municipalities with Emergency Management Accreditation.

Councilmember Avila asked when the Emergency Management Accreditation was received. Mr. Water stated he believes it was 2013 which was one year after the Waldo Canyon Fire.

Brett Lacey, Fire Marshall, Colorado Springs Fire Department (CSFD), stated CSFD does not believe there are any substantial issues or concerns in respect to evacuations due to wildfires or hazardous materials events.

Andrea Barlow, NES Inc., representing Vision Properties, the applicant, gave an overview of the site location, existing parcels, the original submittal of requests, neighborhood involvement, the revised submittal of requests

No. 1, follow-up neighborhood involvement, plan changes, revised submittal of requests No. 2, existing and proposed zoning, existing Planned Industrial Park (PIP-1) uses, proposed Planned Unit Development (PUD) uses, current Mountain Shadows Master Plan, proposed Master Plan amendment, Master Plan consistency, PUD concept plan and permitted uses by area. She identified the proposed open space compared to existing zoning, concept plan areas, existing site elevations, site cross-section, Concept A (45-foot height maximum, three-story), Concept B (limiting to 2-story in 150-foot setback), visual analysis, pedestrian connectivity. Ms. Barlow went over the existing zone building allowances, hillside overlay, PUD zoning, wildfire risk, available wildfire evacuation routes, Big Horn Sheep habitat, compatibility with PlanCOS, apartment data, accessibility to services and facilities, and Parks System Master Plan.

Mike Rocha, SM Rocha, LLC, Traffic and Transportation Engineers, representing the applicant, gave an overview of traffic concerns and presented the traffic impact study for this development application.

Councilmember Henjum asked if seasonal traffic increases were considered in the traffic analysis. Mr. Rocha confirmed they were.

Councilmember Avila asked if there are affordable or attainable housing units proposed for this development. Ms. Barlow stated they are currently proposed as market-rate housing.

Councilmember Avila asked if transit services will be increased in the area. Ms. Barlow stated it will as density increases.

Councilmember Helms asked what the CPW recommendations were. Ms. Barlow stated their standard recommendations are wildlife friendly fences and bear proof trash containers.

Brett Lacey, Fire Marshall, Colorado Springs Fire Department (CSFD), addressed the mass evacuation scenario by saying the fire department, office of emergency management, as well as the community learned a lot of lessons through the Waldo Canyon fire which include calling for early evacuations, an increase in population of residents and business would not be an issue with regards to the capacity of roadways, they will continue to convey the message that evacuate means everybody has to leave

immediately, Garden of the Gods Road can be used as contraflow, which is a minimum of six lanes heading east toward I-25, so there are roadway networks where contraflow can be established, the police department has learned a lot about evacuation control and contraflows. Fire Marshall Lacey stated having people pay attention, the City making early notifications, people leaving as soon as they are uneasy, and honoring orders will improve evacuations and added that, professionally, he did not believe there is a substantial issue because there is enough capacity to get people out of areas, assuming that the evacuations are conducted in a more systematic method.

Citizens Bill Wysong representing the Mountain Shadows Community Association (MSCA) gave an overview of the position of the MSCA and their concerns regarding the safety and emergency evacuation in regard to increased traffic congestion threatens the northwest neighborhoods, City wildfire evacuation planning, wildland urban interface, CSFD 2019 community survey results, information from the Colorado wildfire summit, and COS Hazard Mitigation Plan. He gave an overview of the disregard for hillside overlay Ordinance, proposed building height, non-compliance with PlanCOS, detrimental impact to the Big Horn Sheep habitat, attainable housing versus market rate apartments, improper infill development, and non-enforcement of the dedication of parkland as required by the Parkland Dedication Ordinance (PLDO). Mr. Wysong identified the petition against the project statement, stated the criteria for City Code 7.5.603.B. has not been met, and recommended a moratorium on new multi-family units west of I-25 until and a full evacuation analysis has been completed, if the PLDO LOS is less than eighty-five percent, do not allow payment in lieu of parkland dedication if land is available, and notification by the City of all Master Plan changes to all residents in the Master Plan area.

Citizens Eddie Hurt, Jeff Norton, Sharon De Halas who spoke on behalf of John McLaine, Bobbi Price, Ron Johnson, Glenn Carlson, Sean Herdejürgen, Dorothy Macnak, Sharon De Halas, Maribeth Netherton, Dorian Lee, Polly Dunn, Dana Duggan, David Druke, Darrell Fleck, Kim Fleck, Chris Mitchell, Daniel St. John, Leo Finkelstein, Genevieve Gustafson, Kathy Rios, Gerald White, Nicholas Savelli, Jan Dale, and Jill Watson spoke in opposition of the proposed project.

Laura Nelson, Executive Director, Apartment Association of Southern Colorado, spoke in favor of the proposed project.

Ms. Barlow stated the applicant never represented thousands of housing units, there are 420 housing units proposed, the opponents misrepresented the project on the postcards and petition which was distributed, it is the City's, not the developer's responsibility to address wildfire evacuation, it is not appropriate to put a moratorium on multi-family developments, it is clear that the neighbors do not want apartments on this site, apartments generate on average a lower occupancy than a single-family or townhome high density development, park and school demand and traffic demand is less based on apartments. She stated rezoning is allowed within City Code, the Parks, Recreation, and Cultural Services Department makes the decision regarding the PLDO and payment in lieu of, there is an existing park within a quarter mile of this property, and schools were built for a higher capacity in the Master Plan, these apartments will contribute to the PlanCOS objective for vibrant neighborhoods, it is responsible infill on vacant parking lots, it is not encroaching on the hillside or Garden of the Gods, a balloon study cannot be done until there is a development plan, and traffic will not be congested. Ms. Barlow stated development should not cease due to the fear of wildfire evacuation, it would be difficult to lease the existing building, it is a mixed-use development, more housing is needed across the City, and this development will not negatively impact the views of the foothills.

Councilmember Williams asked what the height limit is on the existing zone. Ms. Barlow stated forty-five feet.

Councilmember Williams stated the natural habitat of Big Horn Sheep is not an asphalt parking lot. Ms. Barlow stated wildlife wanders everywhere, but it is not their habitat.

Mr. Wysong stated there is still the issue of fire evacuation, the 32-foot tall light poles obstruct the hillside, the requested information from the State via the Colorado Open Records Act (CORA) regarding the Big Horn Sheep was denied, single-family housing is purchased and permanent versus apartments which are transient, adding a thousand residents drops the level of park service below 2.0, and the area has grown 250 percent since the first evacuation study was done in 2010.

Councilmember Hejum asked if the neighborhood was concerned about apartments bringing more crime into the area due transiency. Mr. Wysong

stated they are not against apartments, but the high density and the location.

Councilmember O'Malley asked if Vision Properties has considered donating the 55-acres of undeveloped land. Ms. Barlow stated they have been in discussion with the Parks, Recreation, and Cultural Services Department and Trails, Open Space, and Parks (TOPS) about how that will be addressed.

Councilmember Avila asked if the light poles illustrate there will be an obstructed view. Ms. Barlow stated the height of the light poles on the site do not take into account the exact location, orientation, architecture, slope, roof, and other factors of the buildings and the site.

Ms. Barlow stated many apartment dwellers live in their apartments for a very long time and function as part of the community, the original concept plan was not very specific, but they amended it to provide clarity, they have made many concessions based on neighborhood input, this concept plan is better for the neighborhood, there has not been a 250 percent increase of population since 2010, there are nearby apartment complexes which did not cause issues in evacuation, and the developer will add a pedestrian sidewalk along 30th Street where it does not currently exist.

Councilmember Murray asked if this development completes the buildout on this property. Ms. Barlow stated her client does not have any intent to build more than the proposed cap of 420 units.

Councilmember Williams asked why the project was scaled back. Ms. Barlow stated they discovered through the Planning Commission and visual analysis process that they could help the decision process regarding the hillside overlay criteria and to satisfy the neighbors.

Councilmember Helms requested additional information on economic development Area A. Mrs. Barlow stated they are not proposing to expand the 750,000 square-foot building which is currently forty percent occupied, just expanding the uses for it.

Councilmember O'Malley asked if City staff would still recommend approval if the measurements of the height of the development conflict with the Majestic Landscapes concept of PlanCOS. Mr. Wysocki stated staff

does not have any issues with the visual simulation submitted by the applicant and there are no objective standards in City Code by which visual impact is measured.

Councilmember Donelson asked if the viewpoint for visual impact could be considered at the street level. Mr. Wysocki stated there is no measurement criteria or standard within City Code, but they can explore that at a future time.

Councilmember Williams asked if School District 11 was contacted regarding this proposed development. Ms. Wintz stated they were, and they indicated there are no capacity issues.

Councilmember Williams asked the Centennial Boulevard extension and widening 30th Street and 31st Street have been approved for construction. Travis Easton, Public Works Director, Public Works, confirmed they have been.

Councilmember Henjum requested additional information regarding the Wildland Urban Interface (WUI). Mr. Waters stated the 2010 Evacuation Study was meant to be an operational plan for traffic control during evacuation not for land use decisions. Fire Marshall Lacey explained their efforts toward wildfire mitigation and preparedness and their collaboration with the State.

Councilmember Donelson requested additional information regarding the growth of population in the area from 2010 to present. Mr. Waters stated the 2010 Evacuation Study was broken into zones which refers to the number of households and are not reflective of Census tracts or zip codes.

Councilmember Murray stated the Bighorn Sheep Habitat will not be protected from the new residents.

Councilmember Helms asked how many evacuation exits there are in the area. Fire Marshall Lacey stated any of the available public roadways are available for use in the event of an evacuation that lead away from the wildfire.

Councilmember Murray asked how the assessment of 2.5 people on the fiscal impact analysis was calculated. Jeff Greene, Chief of Staff, stated the

PLDO methodology process was related to the Census tract and the 2.5 individuals per multi-family unit and the fiscal impact analysis process is based upon specific projects. Charae McDaniel, Chief Financial Officer, explained the details of how the fiscal impact model was calculated.

Councilmember Murray stated he does not believe the fiscal impact analysis is correct because it is based on occupants who are not even there yet. Bob Cope, Economic Development Officer, stated ninety percent of the City's economic and fiscal impact analysis are done based on projects which have not been built yet, so they are based on reasonable assumptions and sound methodology. He stated he is confident this fiscal impact analysis is accurate.

Mr. Cope stated the economic analysis shows this project will generate 957 temporary construction jobs, 13 permanent jobs, and \$348M GNP over a ten-year period. He stated this project is very attractive to potential clients for economic development prospects, there is a need for workforce housing and an increased supply will bring down pricing.

Councilmember Avila asked how consistency is being achieved if the occupancy rate is 1.63 people for apartments, but 2.5 people for PLDO. Ms. McDaniel stated the new fiscal impact model has the same exact density per type of residence unit as the PLDO, but this fiscal impact analysis was completed prior to the new model being completed. She stated under the new model, the fiscal impact analysis would still result in a positive impact to the City.

Marc Smith, Corporate Division Chief, Office of the City Attorney, stated the fiscal impact analysis is required for a major master plan amendment and the relevant criteria is that the fiscal impact analysis demonstrates no adverse impact.

President Pro Tem Skorman stated all the pieces are not in place for the City to rapidly respond to fires and mitigation and asked if it is safe to add 800 to 1,000 people to this area. Mr. Waters gave an overview of the recent improvements which have been made regarding emergency response. Fire Marshall Lacey stated the CSFD is comfortable with this development as it has been proposed and they have coordinated and stabilized resources with the State.

Councilmember O'Malley stated he wants residents and visitors to remain safe, first responders to not be put in harms way, the City needs standards for measuring the PlanCOS Majestic Landscapes, and recommended the use of funding from the Colorado Springs Health Foundation to develop an evacuation modeling tool and smart phone application for the community.

Councilmember Murray stated the numbers from the fiscal impact analysis were clearly inflated, the increase in population in this area will impact the Big Horn Sheep habitat, and this development should not be built at this location.

President Pro Tem Skorman stated his is concerned about the Big Horn Sheep, traffic build-up, and fire risk, but he believes this apartment project is not a deal breaker and will be supporting the proposed project.

Councilmember Helms stated the City is in need of all forms of housing and the safety of the citizens is more important than that, but he is comfortable with the recommendation from Fire Marshall Lacey, the economic viability of the project, and the fifty-five acres of open space. He stated he will be supporting the project.

Councilmember Henjum stated she feels there can be improvements made in the areas of public notifications, transparency, the WUI, the hillside overlay, protecting the view, and pedestrian/bicycle interfaces in that corridor. She spoke about the uses for land and the freedoms and responsibility of land. Councilmember Henjum stated she is not opposed to redeveloping this land but does not feel the City is ready to make this step.

Councilmember Avila stated the City has a housing crisis, anytime an apartment complex is proposed, there is an uproar by the neighbors, people are willing to take risks if it is where they want to live, eighty-three percent of the City's zoning is single-family, and the hillside overlay standards need to be defined.

Councilmember Donelson stated there were many issues brought forward which include the hillside overlay view shed, impact to the Big Horn Sheep, rights of the property owners, rezoning a unique property which sits right at the base of the foothills, recent fire in the Mountain Shadows neighborhood, and limited egress routes. He stated his decision is based on the safety concerns of the residents.

Councilmember Williams stated this property is not a pristine piece of land, it is a parking lot which is already zoned for development and the proposed zoning will reduce the number of allowed uses, density, traffic volume, and building height, not increase it. He stated the testimony regarding the wildfire evacuation delay took place on Centennial Boulevard, not Garden of the Gods Road, the City is expanding road capacities for egress in this area, the proposed open space zoning prohibits construction, there was extensive public notification, and this is private property in which the owners have the right to develop. Councilmember Williams stated this applicant has met the City Code requirements and he will be supporting this project.

President Strand stated the key issues of the review criteria that resonate with him is the public interest and safety issues. He stated there is a safety issue from the fire threat, evacuation, egress, and the traffic situation, the viewshed is critical to him, and he will not be supporting these items.

Mr. Smith reminded Councilmembers that their decision must be based solely on the review criteria standards set in City Code.

**Motion by Councilmember Williams, seconded by Councilmember Helms, 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 5-4-0-0**

**Aye:** 5 - Avila, Helms, O'Malley, Skorman, and Williams

**No:** 4 - Donelson, Henjum, Murray, and Strand

**12.B.** [CPC PUZ  
20-00176](#)

Ordinance No. 21-48 amending the zoning map of the City of Colorado Springs relating to 125.34 acres located west of the North 30th Street and Garden of the Gods Road from PIP1/A/PUD/HS (Planned Industrial Park, Agriculture and Planned Unit Development with Hillside Overlay) to PUD/HS (Planned Unit Development: Residential and Commercial Uses, 15-16.99 dwelling units per acre, 420 maximum dwelling units, maximum building height 45-feet; and a maximum commercial building square footage of 950,000) with Hillside Overlay.

(Quasi-Judicial)

Related Files: CPC MP 06-00065-A1MJ20, CPC PUP 20-00177

Presenter:

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

**Attachments:** [ORD Zonechng 2424GOTG](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Zone Change Depiction](#)

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

[7.5.603.B Findings - ZC](#)

[7.5.604 Modification of Regulations](#)

Please see comments in Agenda item 12.A.

**Motion by Councilmember Williams, seconded by Councilmember Helms, that the Ordinance amending the zoning map of the City of Colorado Springs relating to 125.34 acres from PIP1/A/PUD/HS (Planned Industrial Park, Agriculture and Planned Unit Development with Hillside Overlays) to PUD/HS (Planned Unit Development: Residential and Commercial Uses, 15-16.99 dwelling units per acre, 420 maximum dwelling units, maximum building height 45-feet; and a maximum commercial building square footage of 950,000) with Hillside Overlay, 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 5-4-0-0**

**Aye:** 5 - Avila, Helms, O'Malley, Skorman, and Williams

**No:** 4 - Donelson, Henjum, Murray, and Strand

**12.C.** [CPC PUP  
20-00177](#)

A PUD Concept Plan for 2424 Garden of the Gods establishing a mixed use development pattern for 125.34 acres, located west of the North 30th Street and Garden of the Gods Road.

(Quasi-Judicial)

Related Files: CPC MP 06-00065-A1MJ20, CPC PUZ 20-00176

Presenter:

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

**Attachments:** [March Revision Concept Plan 03.18.21](#)

[Conceptual Layouts 03.18.21](#)

[PUD Concept Plan](#)

[7.5.501.E Concept Plans](#)

[7.3.605 PUD Concept Plan](#)

Please see comments in Agenda item 12.A.

**Motion by Councilmember Williams, seconded by Councilmember Helms, that**

the PUD Concept Plan for the 2424 Garden of the Gods project, based upon the findings that the request meets the review criteria for establishing a PUD concept plan, as set forth in City Code Section 7.3.605, and the review criteria for establishing a concept plan, as set forth in City Code Section 7.5.501(E) be approved. The motion passed by a vote of 5-4-0-0

**Aye:** 5 - Avila, Helms, O'Malley, Skorman, and Williams

**No:** 4 - Donelson, Henjum, Murray, and Strand

### **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