



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, January 9, 2024

10:00 AM

Council Chambers

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Estimated agenda item times are provided for planning purposes and do not constitute notice of a specific time for any item. Items may take more or less time than estimated. City Council may amend the order of items.

1. Call to Order and Roll Call

President Helms called the meeting to order at 10:00 AM.

Present: 9 - Councilmember Yolanda Avila, President Pro Tem Lynette Crow-Iverson, Councilmember Dave Donelson, President Randy Helms, Councilmember Nancy Henjum, Councilmember David Leinweber, Councilmember Mike O'Malley, Councilmember Brian Risley, and Councilmember Michelle Talarico

2. Invocation and Pledge of Allegiance

The Invocation was made by Deacon David Casper.

President Helms led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

There were no changes to 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:

4B. First Presentation:

4B.A. [24-004](#) City Council Regular Meeting Minutes December 12, 2023

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [12-12-2023 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Donelson, seconded by Councilmember Henjum, 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, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

5. Recognitions

5.A. [24-014](#) Appointments to City Council Boards, Commissions and Committees

Presenter:
Randy Helms, Council President and Councilmember District 2

Attachments: [010924 Boards Commissions and Committee Appointments](#)

President Helms presented the City Council Appointments to Boards, Commissions, and Committees.

Motion by Councilmember Henjum, seconded by Councilmember Talarico, that the Appointments to City Council Boards, Commissions, and Committees (Downtown Review Board) be approved. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

President Helms presented the City Council Appointments to Boards, Commissions, and Committees.

President Pro Tem Crow-Iverson stated the Pikes Peak Library District Board of Trustees voted unanimously in favor of the appointment of

Angela Dougan, nominee appointee to the Pikes Peak Library District Board of Trustees.

Motion by Councilmember Leinweber, seconded by Councilmember Talarico, that the Appointments to City Council Boards, Commissions, and Committees (Pikes Peak Library District Board of Trustees) be approved. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

5.B. [24-013](#) A Joint Proclamation in Recognition of Martin Luther King Jr. Day

Presenter:

Yolanda Avila, Councilmember District 4
Mayor Yemi Mobolade

Attachments: [Martin Luther King Jr Day Proclamation 2024](#)

Councilmember Avila read a joint Proclamation recognizing January 15, 2024 as Martin Luther King Jr. Day.

Mayor Yemi recognized the work, labor and sacrifice of civic leader Dr. King and encouraged everyone to continue to make America better.

Senator Tony Exum provided a brief history of slavery, the fifteenth amendment, the poll tax, discrimination, and restrictive voting measures.

Danielle Summerville, Mayor's Office of Community Affairs, introduced Donald Deas, Alpha Phi Alpha Fraternity Chair, Martin Luther King Jr. Planning Committee, who requested everyone recognize this day by attending the All People's Breakfast being held on Monday, January 15, 2024 at Ed Robson Arena.

President Helms spoke about attending the 50th anniversary of Martin Luther King Jr.'s "I Have A Dream" speech.

Councilmember Donelson stated he disagrees that voter suppression is occurring in the United States.

President Pro Tem Crow-Iverson encouraged everyone to focus on what they stand for on Martin Luther King Jr. Day.

6. Mayor's Business

There was no Mayor's Business.

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

Citizen Harry Flanagan, Chair, Alpine Glen Subdivision HOA in Peregrine, spoke against the proposed Blodgett Open Space Plan.

Citizens Mary Sprunger Froese, Max Krondstadt, Sandy White, Ray Quinn, and Frozie Abbott requested a Community Benefit Agreement with the Mill Street Neighborhood and the property owner of the parcel where the Martin Drake Power Plant is located and spoke against the South Downtown Railroad Underpass Realignment (SDRUR) proposed for the Mill Street Neighborhood.

Citizen Corey Sutela, Executive Director, MedWheel, spoke in favor of the Trails and Open Space and Parks (TOPS) Program's proposed Blodgett Open Space Plan.

Citizen Ted Bryant spoke about the need for sidewalk repairs in his neighborhood located at the intersection of Vickers Drive and Union Boulevard.

8. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

9. Utilities Business

- 9.A.** [23-657](#) Resolution Setting the Gas Cost Adjustment Effective January 15, 2024.

Presenter:

Travas Deal, Chief Executive Officer, Colorado Springs Utilities
Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities

Attachments: [2 - 01-09-2024 CC Mtg-GCA Resolution](#)
[3 - G Sheet 2.4 Rate Tbl - 24th Revised - Redline](#)
[4 - G Sheet 2.4 Rate Tbl - 24th Revised - Final](#)
[5 - Worksheet - GCA Calculation](#)
[Signed Resolution No. 01-24.pdf](#)

Scott Shirola, Pricing and Rates Manager, Colorado Springs Utilities (CSU) presented the Resolution setting the Gas Cost Adjustment (GCA) effective January 15, 2024 and provided an overview natural gas prices as of December 14, 2023, GCA projections for December 2023, sample residential bill, seasonal residential bill impacts, and how customers can

receive assistance.

Councilmember Risley and Councilmember Leinweber stated it is important that CSU maintains cost competitive pricing, there should not be an emphasis on being the lowest priced utilities, and there needs to be a balance of maintaining affordability for ratepayers with the need to reinvest in infrastructure.

Councilmember Henjum stated CSU has a policy which requires they stay within a band of over and under collection.

Motion by Councilmember Henjum, seconded by Councilmember Donelson, that the Resolution Setting the Gas Cost Adjustment effective January 15, 2024 be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11.A. [24-008](#) A Resolution Authorizing the Acquisition of a Permanent Easement of 23,940 Square Feet and a Temporary Construction Easement of 61,969 Square Feet from BNSF Railway and a Permanent Easement of 17,127 Square Feet and a Temporary Construction Easement of 44,662 from Union Pacific with Funding from the Pikes Peak Rural Transportation Authority for the South Circle Drive Bridge Project

Presenter:

Gayle Sturdivant, PE, PMP, Acting Public Works Director/City Engineer

Attachments: [1 Resolution CircleBridgeEasement 20231222](#)
[2 Resolution ExhibitA](#)
[3 Presentation Circle Bridge Property Acquisitions](#)
[Signed Resolution No. 02-24.pdf](#)

Gayle Sturdivant, Acting Public Works Director/City Engineer, presented the Resolution authorizing the acquisition of a permanent easement of 23,940 square feet and a temporary construction easement of 61,969 square feet from BNSF Railway and a permanent easement of 17,127 square feet and a temporary construction easement of 44,662 from Union Pacific with funding from the Pikes Peak Rural Transportation Authority (PPRTA) for the South Circle Drive Bridge Project.

Councilmember Donelson asked if this item has anything to do with the

realignment of the railway near Nevada Avenue. Ms. Sturdivant stated it does not.

Motion by Councilmember Avila, seconded by Councilmember Henjum, that the Resolution authorizing the acquisition of a permanent easement of 23,940 square feet and a temporary construction easement of 61,969 square feet from BNSF Railway and a permanent easement of 17,127 square feet and a temporary construction easement of 44,662 from Union Pacific with funding from the Pikes Peak Rural Transportation Authority for the South Circle Drive Bridge Project be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

**11.B. CPC ZC
21-00140**

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 7.9 acres northeast of the Thunder Mountain Avenue and Daydreamer Drive intersection from A (Agricultural) to PK (Public Park) zone district.
(Quasi-Judicial - 1st Reading only to set the public hearing for January 23, 2024)

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Neighborhood Services

Peter Wysocki, Planning Director, Planning and Neighborhood Services

Attachments: ORD_NorthForkZC
Exhibit A
Exhibit B
NorthForkPark_Presentation_KW
CPC Report_North Fork Park
CPC_ConsentCalendar12.16.21_draft
Context Map
North fork minutes dec 2021
7.5.603.B Findings - ZC

Mike Tassi, Assistant Planning Director, Planning and Neighborhood Services, presented the Ordinance to set the public hearing for January 23, 2024 to amend the zoning map of the City pertaining to 7.9 acres northeast of the Thunder Mountain Avenue and Daydreamer Drive intersection from A (Agricultural) to PK (Public Park) zone district.

Councilmember Donelson stated that this will be the first vote for the zone change with no opportunity for a presentation or citizen input. Mr. Tassi stated that these items have previously been presented to the Planning Commission which allows the opportunity for citizens to speak.

Motion by Councilmember Henjum, seconded by Councilmember Talarico, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 7.9 acres northeast of the Thunder Mountain Avenue and Daydreamer Drive intersection from A (Agricultural) to PK (Public Park) zone district, for the purpose of providing notice and setting a public hearing date for January 23, 2024, to consider the North Fork Park zone change ordinance be approved on first reading. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Crow-Iverson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

No: 1 - Donelson

- 11.C. ZONE-23-00** An ordinance amending the zoning map of the City of Colorado Springs pertaining to 45.33 acres located southeast of N Carefree Circle and Tutt Blvd from PDZ/AP-O/SS-O (Planned Development Zone with Airport and Streamside Overlays) to PK/AP-O/SS-O (Public Park with Airport and Streamside Overlays).
16 (Quasi-Judicial - 1st Reading only to set the public hearing for January 23, 2024)

Presenter:

Ann Odom, Planner II, Planning + Neighborhood Services
Peter Wysocki, Planning Director, Planning and Neighborhood Services

Attachments: Greenways - Ordinance
Greenways - Context Map
Project Statement_Land Use Statement
Greenways - Staff Report
Exhibit A
Exhibit B
7.5.704 ZONING MAP AMENDMENT (REZONING)
Greenways consent minutes
Applicant Presentation - Greenways Neighborhood Park
CC Ready - All Public Comments
Greenways - CC Staff Presentation

Mike Tassi, Assistant Planning Director, Planning and Neighborhood Services, presented the Ordinance to set the public hearing for January 23, 2024 to amend the zoning map of the City pertaining to 45.33 acres located southeast of N Carefree Circle and Tutt Blvd from PDZ/AP-O/SS-O (Planned Development Zone with Airport and Streamside Overlays) to PK/AP-O/SS-O (Public Park with Airport and Streamside Overlays).

There were no comments on this item.

Motion by Councilmember Leinweber, seconded by Councilmember Talarico, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 45.328 acres from PDZ/AP-O/SS-O (Planned Development Zone with Airport and Streamside Overlays) to PK/AP-O/SS-O (Public Park with Airport and Streamside Overlays) for the purpose of providing notice and setting a public hearing date for January 23, 2024, to consider the Greenways Neighborhood Park zone change ordinance be approved on first reading. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Crow-Iverson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

No: 1 - Donelson

- 11.D. [ZONE-23-00](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 60.28 acres located northwest of Old Ranch Road and Powers Boulevard from PK (Public Park) to R-Flex Low zone district.
[14](#) (Quasi-Judicial - 1st Reading only to set the public hearing for January 23, 2024)

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Neighborhood Services

Peter Wysocki, Planning Director, Planning and Neighborhood Services

Attachments: [StaffReport_Ovation_KAW](#)

[ORD_OvationZC](#)

[Project Statement](#)

[Zone Change Exhibit A](#)

[Zone Change Exhibit B](#)

[GeohazardReport](#)

[Traffic Impact Analysis](#)

[7.5.704 ZONING MAP AMENDMENT \(REZONING\)](#)

[CPC_OvationMinutes_Draft](#)

Mike Tassi, Assistant Planning Director, Planning and Neighborhood Services, presented the Ordinance to set the public hearing for February 27, 2024 to amend the zoning map of the City relating to 60.28 acres located northwest of Old Ranch Road and Powers Boulevard from PK (Public Park) to R-Flex Low zone district.

President Helms stated after a discussion with all the parties involved, it has been decided that February 27, 2024 is a better date for the public hearing.

Citizen Jamie Knock, Kettle Creek Neighborhood Representative, stated he will be out of town for the originally scheduled date of January 23, 2024.

Motion by President Pro Tem Crow-Iverson, seconded by Councilmember Avila, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 60.28 acres located northwest of Old Ranch Road and Powers Boulevard from PK (Public Park) to R-Flex Low zone district, for the purpose of providing notice and setting a public hearing date for February 27, 2024, to consider the Ovation zone change ordinance be approved on first reading. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Crow-Iverson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

No: 1 - Donelson

12. Public Hearing

- 12.A. [UVAR-23-00](#) A Use Variance to allow the Humble Paws Animal Care Facility use within the MX-L/cr (Mixed-Use Large with prior conditions of record) zone district consisting of 7,500 square feet located at 925 W. Cucharras St.
[05](#)

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning + Neighborhood Services

Peter Wysocki, Director, Planning + Neighborhood Services

Attachments: [Humble Paws CPC Staff Report RBT](#)
[Humble Paws Aerial Photo 1](#)
[Humble Paws Aerial Photo 2](#)
[Humble Paws Lower Floor of building site plan](#)
[Humble Paws Main Floor of building site plan](#)
[Humble Paws Project Statement and Justification](#)
[Humble Paws Legal Description](#)
[All Stakeholder Communications as of 102423](#)
[Consolidated PACFA Documents](#)
[CPC Minutes_HumblePaws_draft](#)
[7.5.527 USE VARIANCE](#)

Ben Bolinger, Assistant City Attorney, City Attorney's Office, polled City Council regarding any ex parte communications. All Councilmembers responded they have not received any ex parte communications and stated they are able to make fair and impartial decisions.

Ryan Tefertiller, Urban Planning Manager, Planning and Neighborhood

Services, presented the Use Variance to allow the Humble Paws Animal Care Facility (Humble Paws) use within the MX-L/cr (Mixed-Use Large with prior conditions of record) zone district consisting of 7,500 square feet located at 925 W. Cucharras Street. He provided an overview of the vicinity map, applications, project summary, site plan, proposal, and timeline of review. Mr. Tefertiller went over the applications, stakeholder involvement, agency review, consistency with PlanCOS, required review criteria, findings, and optional motions.

Councilmember Leinweber requested additional information regarding the location of the kennel. Mr. Tefertiller provided additional information regarding the property site and adjacent properties.

Manual Martinez and his son Manuel Martinez, Humble Paws, representing the applicants, provided an overview of Humble Paws, community concerns, plan of action, asset to the community, Pet Animal Care and Facilities Act (PACFA), and results of a fight incident. They identified the Humble Paws grounds, back yard kennels which had been moved, Certificate of Appreciation received, community assistance they have provided to neighbors, united providers, and Humane Society recommendation.

President Helms asked if the applicant had resided at the current location prior to opening their business in June 2023. Mr. Martinez (son) stated they had not.

President Helms asked how they are mitigating the noise of the barking dogs. Mr. Martinez (son) stated they have put up a padded barrier to reduce the noise.

There was no public comment.

Mr. Martinez (father) stated they realize they should have checked zoning before opening this business in this location, there should be zoning within the City for dog kennels without having to apply for a Use Variance, and taking Humble Paws out of the community would be bad for the community.

Councilmember Henjum asked if the applicant is amenable to the conditions recommended by the Planning Commission. Mr. Martinez (father) stated they are.

Councilmember O'Malley asked how far Humble Paws is located from the Pikes Peak Region Humane Society. Mr. Martinez (son) stated less than a mile.

Councilmember O'Malley asked if they have paid City taxes. Mr. Martinez (father) stated they have been paying City taxes for the business for two and a half years.

Councilmember Talarico asked if the Pikes Peak Region Humane Society gave them any advice regarding the concerns which have been raised. Mr. Martinez (father) stated PACFA investigated a dog fight which was deemed to be handled appropriately and they have not had any other citations.

Councilmember Risley requested additional information regarding the terms of the lease. Mr. Martinez (father) stated they do not live on site although his son is at the location most of the time, it is a three-year lease, and the property owner is willing to let them out of the lease.

Councilmember Risley asked when the recommendations (action plan) from the Planning Commission were implemented. Mr. Martinez (father) stated August 2023.

Councilmember Risley asked when the dog fight took place. Mr. Martinez (son) stated within approximately two weeks of the business opening.

Councilmember Risley asked if there are any zone districts within the City which permit animal care facilities. Mr. Tefertiller stated the A Zone permits it, the LI/GI Zones, and FB Zones allow it with a Conditional Use Permit.

Councilmember Donelson asked what the hours of operation are. Mr. Martinez (son) stated 6:30 AM to 6:00 PM and there are usually no dogs housed on the weekends.

Mr. Tefertiller stated they do empathize with this family since the City Code changed right around the same time they were signing their lease, they will continue to work with the family, and there were five people who spoke in opposition to this Use Variance request at the Planning

Commission meeting.

Councilmember Donelson asked if this was a use by right with the old City Code on this property. Mr. Tefertiller stated it was with a Conditional Use permit.

Councilmember Leinweber asked if a six month or year extension could be granted until the Martinez's found another location. Mr. Tefertiller stated the business could continue to operate until they found another location and recommended a one month extension. Mr. Bolinger stated Council cannot issue a stay of enforcement but could approve a Conditional Use with a time limit on it.

Councilmember Avila asked how much has been invested into this business. Mr. Martinez (father) stated approximately \$18,000 since July 2023 not including expenses for relocation of the business. Mr. Martinez (son) stated it may take four to six months for PACFA to be able to certify a new location.

Councilmember Donelson asked if the PACFA certification is needed before opening a new facility. Mr. Martinez (son) confirmed it is.

Councilmember Avila spoke about the service dogs provide, the spirit of the law, the spirit of the City, the spirit of supporting small businesses, and stated she will be supporting the approval of the Use Variance.

Councilmember Talarico stated she supports this type of family business and the area where this facility is located is a very mixed-use area.

Councilmember Donelson stated with the old zoning code, this business would not have been a use by right and even though he supports their business, he believes they need to find a new location.

Councilmember O'Malley stated he supports approving the Use Variance with a provision of it expiring on April 30, 2024.

Councilmember Avila requested the provision be extended to June 30, 2024. Councilmember O'Malley and Councilmember Leinweber agreed to Councilmember Avila's request.

Councilmember Donelson stated he believes the Use Variance should

be denied and encouraged staff to work with the family regarding finding a new location.

Mr. Martinez stated it will cost another \$5,000 to comply with the Planning Commission's technical modification number 4.

Councilmember Risley suggested the Use Variance be denied without the four conditions with the assumption that staff will work with the family to find another location.

Councilmember Avila asked what amount of work would be put on staff to assist this family with finding a new location. Peter Wysocki, Director, Planning and Neighborhood Services, stated as standard practice, staff will work with business owners by providing them thirty to forty-five days to relocate a nonconforming business and because there are state requirements for inspections and issuance of certifications, they would work with the family to ensure that they have enough time until state certifications are issued.

Councilmember Avila asked if the family would have to pay another \$2,700 to start this process of permitting again with the city. Mr. Wysocki stated it would depend on the location and zoning.

Councilmember Leinweber asked what would happen if the family were not able to get state certifications by June 30, 2024. Mr. Wysocki stated it is good to have a deadline as of July 1, 2024 because the City has remedies to use Cease and Desist if necessary.

Councilmember Avila stated that she believes the Use Variance should be granted until May 31, 2024 without requiring the technical modifications. The Martinez family agreed to this proposal.

Motion by Councilmember O'Malley, seconded by Councilmember Leinweber, to approve the Use Variance to allow the Humble Paws Animal Care Facility use within the MX-L/cr (Mixed-Use Large with prior conditions of record) zone district consisting of 7,500 square feet located at 925 W. Cucharras St. set to expire on May 31, 2024. The motion passed by a vote of 7-2-0-0

Aye: 7 - Avila, Crow-Iverson, Helms, Henjum, Leinweber, O'Malley, and Talarico

No: 2 - Donelson, and Risley

- 12.B.** [ZONE-23-00](#) Ordinance 23-69 amending the zoning map of the City of Colorado Springs pertaining to 9.62 acres located at the northwest corner of Elkton Drive and Rusina Road from MX-N/HS-O-/WUI-O (Mixed-Use
[23](#)

Neighborhood Scale with Hillside and Wildland Urban Interface Overlays) to MX-M/HS-O/WUI-O (Mixed-Use Medium Scale with Hillside and Wildland Urban Interface Overlay). (Second Reading and Public Hearing)

Quasi-Judicial

Presenter:

Tamara Baxter, Senior Planner, Planning + Neighborhood Services
Peter Wysocki, Director, Planning + Neighborhood Services

Attachments: [ORD_ZC Point of the Pines Garden Assisted Living](#)
[Staff Rpt Point of Pines Villas](#)
[Project Statement Land Use Statement](#)
[Project Statement Zone Change](#)
[CONTEXT MAP](#)
[Zone Change Exhibit](#)
[Public Comment](#)
[Public Comment Response](#)
[7.5.704 ZONING MAP AMENDMENT \(REZONING\)](#)
[Additional Public Comments](#)
[CPC Point of the Pines Minutes](#)
[Signed Ordinance No. 23-69.pdf](#)

Tamara Baxter, Senior Planner, Planning and Community Development Department, presented the Ordinance amending the zoning map of the City pertaining to the Point of the Pines Gardens Assisted Living/9.62 acres located at the northwest corner of Elkton Drive and Rusina Road from MX-N/HS-O-/WUI-O (Mixed-Use Neighborhood Scale with Hillside and Wildland Urban Interface overlays) to MX-M/HS-O/WUI-O (Mixed-Use Medium Scale with Hillside and Wildland Urban Interface Overlay). She provided an overview of the site, vicinity map, application, project summary, site background, timeline of review, stakeholder involvement, agency review, compliance with PlanCOS, review criteria, and optional motions.

Luanne Ducett, President, Terra Nova Engineering, Applicant's Consultant, went over the application for a zoning map amendment for 330, 360, and 390 Elkton Drive, project statement description, justification, site map, and review criteria.

Mike Jansen, Owner, Developer, and Operator, Point of the Pines

Gardens, representing the applicant, provided an overview of review/recommendations, reasons/background for the zoning map amendment, current zoning map, details on proposed new development, site plan overlay to satellite image of site, and request for approval.

There were no public comments on this item.

Councilmember Henjum asked who owns the lot noted as preservation area/utility easement and if it will remain in perpetuity. Ms. Jansen stated he owns all three parcels and when they re-subdivided the land, they only took what was needed for development and left the rest as preservation. Ms. Baxter stated the preservation easement was established with the final plat and any changes would require an amendment.

Councilmember Donelson asked why this area was zoned MX-N with the adoption of the new Unified Development Code (UDC). Mike Tassi, Assistant Director, Planning and Community Development, stated when the UDC was being considered, the original plan was to combine the OR Zoning District and the OCD Zoning District into the MXN District but after a lot of dialogue with Council, the decision, guidance, and direction was to split those apart, keep OR intact but change OC to MXN. He stated in the negotiations prior to the meeting at Planning Commission with the Historic Neighborhoods Partnership there was a lot of shifting of allowed uses between the OC District and the OR District to make it more amenable but when they guided the consultant to fix that, it did not get corrected. Mr. Tassi stated this will be mentioned as one of the of the omissions and errors update to the Code because it was the City's intent to make this a nonpermitted use.

Councilmember Donelson asked if this facility impact would evacuations out of Pine Cliff or Elton Drive. Mr. Tassi stated they forwarded these applications to the Colorado Springs Fire Department (CSFD) and the Colorado Springs Police Department (CSPD), and they did not receive any comments from either of those agencies. Mr. Jansen stated all the residents in the facility are mobile, most of the residents do not have their own vehicles, they are located right next to Interstate 25, there could be a multifamily residential unit at this location, and as a licensed assisted living facility, they have had to get approvals from many different agencies.

Councilmember Donelson stated based on the facts presented, because the Pine Cliff Homeowner's Association (HOA) approves of this, and it would create very little impact to the evacuation of the area, he will be supporting this item.

Motion by Councilmember Avila, seconded by Councilmember O'Malley, that the Ordinance establishing 9.62 acres as a MX-M/HS-O/WUI-O (Mixed-Use Medium Scale with Hillside and Wildland Urban Interface Overlays) zone district based upon the findings that the request complies with the criteria for establishing a zone district as set forth in City Code Section 7.5.704 be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

- 12.C.** [ANEX-23-00](#) A resolution adopting findings of fact and conclusions of law based
[02R](#) thereon and determining the eligibility for the annexation of property known as Capital Drive Addition No 2 Annexation (Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

Peter Wysocki, Director, Planning and Neighborhood Services

Attachments: [ResolutionFindingsofFact Capital Drive No 2](#)

[Exhibit A - Legal Capital Drive Addition No 2](#)

[Planner Affidavit](#)

[Surveyor Affidavit](#)

[Aerial Location Map](#)

[Signed Resolution No. 03-24.pdf](#)

Gabe Sevigny, Planning Supervisor, Planning and Community Development Department, presented the Resolutions and Ordinance annexing the area known as Capital Drive Addition No. 2 consisting of 6.63 acres and No 3 consisting of 1.01 acres located at north of Constitution Avenue and east of Marksheffel Road. He provided a brief overview of the annexation process, timeline, vicinity map, project summary, site plan, public notice, conditions for annexation, and proposed motions.

There were no comments on this item.

Motion by Councilmember Henjum, seconded by Councilmember Leinweber, that the Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for the annexation of property known as Capital Drive Addition No. 2, based upon the findings that the annexation complies with the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

- 12.D.** [ANEX-23-0002](#) An Ordinance annexing to the City of Colorado Springs that area known as Capital Drive Addition No. 2 annexation consisting of 6.63-acres located north of Constitution Avenue and east of Marksheffel Road.
(Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

Peter Wysocki, Director, Planning and Neighborhood Services

Attachments: [ORD Capital Drive Addition No 2](#)
[Exhibit A - Legal Capital Drive Addition No 2](#)
[Exhibit B - Plat Capital Drive Addition No 2-11X17](#)
[PlanningCommissionStaffReport_CapitalDrive](#)
[Aerial Location Map](#)
[Capital Drive Addition No 2 - Petition](#)
[Signed Resolution No. 181-23.pdf](#)
[Aerial Location Map](#)
[CaptitalDrive2-3_RGS](#)
[Vicinity Map](#)
[7.6.203-Annexation Conditions](#)
[Capital Drive consent minutes](#)

Please see comments in Agenda item 12.C.

Motion by Councilmember Avila, seconded by Councilmember Henjum, that the Ordinance annexing to the City of Colorado Springs that area known as Capital Drive Addition No. 2, based upon the findings that the annexation complies with the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

- 12.E.** [ANEX-23-0003R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for the annexation of property known as Capital Drive Addition No. 3 Annexation
Legislative

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

Peter Wysocki, Director, Planning and Neighborhood Services

Attachments: [RESFindingsofFact Capital Drive No 3](#)
[Exhibit A - Legal Capital Drive Addition 3](#)
[Planner Affidavit](#)
[Surveyor Affidavit](#)
[Aerial Location Map](#)
[Signed Resolution No. 04-24.pdf](#)

Please see comments in Agenda item 12.C.

Motion by Councilmember Donelson, seconded by Councilmember Talarico, that the Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for the annexation of property known as Capital Drive Addition No. 3, based upon the findings that the annexation complies with the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

- 12.F.** [ANEX-23-00](#) An Ordinance annexing to the City of Colorado Springs that area
[03](#) known as Capital Drive Addition No. 3 annexation consisting of
1.01-acres located north of Constitution Avenue and east of
Marksheffel Road.
(Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood
Services

Peter Wysocki, Director, Planning and Neighborhood Services

Attachments: [ORD Capital Drive Addition No 3](#)
[PlanningCommissionStaffReport CapitalDrive](#)
[Aerial Location Map](#)
[Capital Drive Addition No 3 - Petition](#)
[Exhibit A - Legal Capital Drive Addition 3](#)
[Exhibit B - Plat Capital Drive Addition No 3-11X17](#)
[Resolution-Hearing Setting-Capital Drive Addition No 3](#)
[Signed Resolution No. 182-23.pdf](#)
[CaptitalDrive2-3 RGS](#)
[Vicinity Map](#)
[7.6.203-Annexation Conditions](#)
[Capital Drive consent minutes](#)

Please see comments in Agenda item 12.C.

**Motion by Councilmember Donelson, seconded by President Pro Tem
Crow-Iverson, that the Ordinance annexing to the City of Colorado Springs that**

area known as Capital Drive Addition No. 3, based upon the findings that the annexation complies with the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be approved on first reading. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

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, President Helms adjourned the meeting at 2:44 PM.

Sarah B. Johnson, City Clerk