



# City of Colorado Springs

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

## Meeting Minutes City Council

*City Council meetings are broadcast live on Channel 18. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event. Documents created by third parties may not meet all accessibility criteria.*

---

Tuesday, November 26, 2024

9:00 AM

Council Chambers

---

### How to Watch the Meeting

Coloradosprings.gov/springstv | Facebook Live: Colorado Springs City Council  
Facebook Page @coscity Council | SPRINGS TV - Comcast Channel 18 / 880 (HD)  
- Stratus IQ Channel 76 / 99 (Streaming)

### How to Comment on Agenda Items

Before the meeting, you may email general comments for items not on the agenda or comments regarding agenda items to: [allcouncil@coloradosprings.gov](mailto:allcouncil@coloradosprings.gov)

During the meeting, those who wish to comment should submit their name, telephone number, and the topic or agenda item for comment via [allcouncil@coloradosprings.gov](mailto:allcouncil@coloradosprings.gov) in addition to calling +1 720-617-3426 United States, Denver (Toll) and entering this Conference ID: 812 076 474#

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 9:00 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

Councilmember Henjum arrived at approximately 10:45 AM, left at approximately 2:45 PM, and attended the meeting virtually.

## 2. Invocation and Pledge of Allegiance

The Invocation was made by United Stated Army Chaplain Killian Moly.

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:**

- 4A.A. [24-590](#)** Ordinance No. 24-100 Creating A New Section 507 (Waiver Of Rights Of First Refusal And First Offer On Qualifying Multifamily Residential Or Mixed-Use Rental Properties) Of Part 5 (Acquisition And Disposition Of Real Property Interests) Of Article 2 (City Properties) Of Chapter 3 (Public Property And Public Works) Of The Code Of The City Of Colorado Springs 2001, As Amended, As Related To Colorado House Bill 24-1175 And A Local Government's Right Of First Refusal And First Offer To Purchase Qualifying Property For The Purpose Of Providing Long-Term Affordable Housing Or Mixed-Income Development

Presenter:

Lynette Crow-Iverson, Council President Pro Tem and Councilmember At Large

**Attachments:** [ORD - Waiver of HB24-1175](#)

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

- 4A.B. [24-610](#)** Ordinance No. 24-102 repealing Ordinance No. 23-63 and Adopting the City of Colorado Springs - 2025 Salary Structure for Civilian and Sworn Municipal Employees

Presenter:

Myra Romero, Chief Human Resources and Risk Office  
Charae McDaniel, Chief Financial Officer

**Attachments:** [2025 Salary Schedule](#)  
[SalarySchedule2025 - Ordinance](#)

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

- 4A.C. [24-325](#)** Ordinance No. 24-103 Making and Certifying the 2024 Tax Levy for Taxes Payable in 2025 at 3.554 Mills (comprised of a general operating mill levy of 4.279 mills and a temporary tax credit of 0.725 mills) Upon Each Dollar of Assessed Valuation of All Taxable Property and a Tax

Credit of 3.554 Mills Upon Each Dollar of Assessed Valuation of All Taxable Business Personal Property Within the Corporate Limits of the City of Colorado Springs

Presenter:  
Charae McDaniel, Chief Financial Officer

**Attachments:** [TaxLevy2025-BPPT CreditORD SB23B](#)

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

- 4A.D.** [ANEX-24-00](#)  
[08](#) Ordinance No. 24-105 annexing the area known as Neagle-Dutcher Family Addition Annexation located at 4105 Date Street consisting of 1.01 acres.  
(Legislative)

Presenter:  
Tamara Baxter, Planning Supervisor, Planning Department  
Kevin Walker, Planning Director, Planning Department

**Attachments:** [Annexation Ordinance - Neagle-Dutcher Family Addition Annexation Exhibit A Legal Description Neagle-Dutcher Family Addition Neagle-Dutcher Family Addition Formal Presentation TPB 7.5.701 ANNEXATION OF LAND](#)

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

- 4A.E.** [ZONE-24-00](#)  
[05](#) Ordinance No. 24-106 establishing a R-5 (Multi-Family High) zone district for 0.23 acres located 4105 Date Street.  
(Legislative)

Presenter:  
Tamara Baxter, Planning Supervisor, Planning Department  
Kevin Walker, Planning Director, Planning Department

- Attachments:** [Staff Report - Neagle-Dutcher Family Addition #1](#)  
[Attachment 1 - Petition](#)  
[Attachment 2 - Project Statement](#)  
[Attachment 3 - Land Use Statement](#)  
[Attachment 4 - Public Comments](#)  
[Attachment 5 - Public Comment Response](#)  
[Attachment 6 - Annexation Plat](#)  
[Attachment 7 - Legal Description](#)  
[Attachment 8 - Draft Annexation Agreement\\_6.4.24](#)  
[Attachment 9a - Zone Change Exhibit A](#)  
[Attachment 9b - Zone Change Exhibit B](#)  
[Attachment 10 - Mineral Estate Owner Notificaton Affidavit](#)  
[Staff Response to Public Comment](#)  
[7.5.704 ZONING MAP AMENDMENT \(REZONING\)](#)  
[Exhibit A-Neagle-Dutcher Family Addition ZC Exhibit](#)  
[Exhibit B-Neagle-Dutcher Family Addition ZC Exhibit](#)  
[Zoning Ordinance Neagle-Dutcher Family Addition](#)

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

**4B. First Presentation:**

**4B.A.** [24-683](#) City Council Regular Meeting Minutes November 12, 2024

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [11-12-2024 City Council Meeting Minutes Final](#)

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

**4B.B.** [24-625](#) A Resolution of the City Council of the City of Colorado Springs, Colorado rescinding Resolution No. 136-19 and establishing fees and charges associated with the building permit applications for the Development Review Enterprise.  
(Legislative)

Presenter:  
Dan Sexton, Development Review Enterprise Manager, Planning Department  
Kevin Walker, Planning Director, Planning Department

**Attachments:** [Proposed DRE Fee Schedule 962024](#)  
[Signed Resolution 136-19](#)  
[Res. 24-625 DRE Fee Schedule 1162024](#)  
[CC Presentation Staff DRE and LUR Fee Schedules draft](#)  
[Exhibit A DRE Fee Schedule 2024](#)  
[Signed Resolution No. 183-24.pdf](#)

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

- 4B.C. [24-626](#)** A Resolution of the City Council of the City of Colorado Springs, Colorado rescinding Resolution No. 77-23 and establishing fees and charges for land development applications administered by the Planning Department. (Legislative)

Presenter:  
Kevin Walker, Planning Director, Planning Department

**Attachments:** [Proposed LUR Fee Schedule 962024](#)  
[Signed Resolution No. 77-23](#)  
[Res. 24-XXX Land Development Fee Schedule 1162024](#)  
[Exhibit A Land Development Fee Schedule 2024](#)  
[Signed Resolution No. 184-24.pdf](#)

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

- 4B.D. [24-632](#)** The April 1, 2025 General Municipal Election Mail Ballot plan

Presenter:  
Sarah B Johnson, City Clerk

**Attachments:** [2025 Mail Ballot Election Plan and Calendar \(Final 2024-11-04\).pdf](#)

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

- 4B.E. [24-668](#)** The City Clerk reports that on November 7, 2024, there was filed with her a petition for the annexation of Southern Colorado Rail Park Addition No. 1 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1).

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [SCRP - Petition for Annexation.pdf](#)  
[SCRP Addition No.1 Annexation Plat.pdf](#)  
[SCRP Vicinity Map.pdf](#)

This Item was approved on the Consent Calendar.

**4B.F.** [24-617](#) Ordinance No. 24-107 of the City Of Colorado Springs, Colorado Approving and Authorizing the Execution and Delivery of Standby Letter of Credit and Reimbursement Agreement Between The City of Colorado Springs, Colorado and Sumitomo Mitsui Banking Corporation, Acting Through its New York Branch, and the Fee Agreement Between the City of Colorado Springs, Colorado and Sumitomo Mitsui Banking Corporation, Acting Through its New York Branch; and Ratifying Certain Action Heretofore Taken.

Presenter:  
 Travas Deal, Chief Executive Officer, Colorado Springs Utilities  
 Adam Hegstrom, Treasury and Finance Manager, Colorado Springs Utilities

Attachments: [CSU Ordinance Approving LOC, 4890-5732-4777\\_5](#)  
[CC 11.26.24 - Letter of Credit Agmt](#)

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

### Approval of the Consent Agenda

**Motion by President Pro Tem Crow-Iverson, seconded by Councilmember Risley, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Henjum

## 5. Recognitions

**5.A.** [24-546](#) A Resolution honoring December 7, 2024 as Pearl Harbor Remembrance Day

Presenter:  
 Randy Helms, Council President and Councilmember District 2

Attachments: [Pearl Harbor](#)  
[Signed Resolution No. 185-24.pdf](#)

President Helms read the Resolution honoring December 7, 2024 as Pearl Harbor Remembrance Day.

Councilmember Donelson honored Donald Stratton, World War II Veteran, and recommended everyone read the book "All the Gallant Men: An

American Sailor's Firsthand Account of Pearl Harbor”.

Roger Fortin provided a brief overview of the weekly gathering of military veterans expressed gratitude for the recognitions.

**Motion by Councilmember Donelson, seconded by President Pro Tem Crow-Iverson, that the Resolution honoring December 7, 2024 as Pearl Harbor Remembrance Day be adopted. The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Henjum

**5.B. [24-669](#) City Council Appointments to Boards, Commissions, and Committees**

Presenter:

Randy Helms, Council President and Councilmember District 2

**Attachments:** [11262024 Boards Commissions and Committee Appointments](#)

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

Councilmember Risley expressed gratitude for the nominees who wish to serve on the Planning Commissions.

Councilmember Donelson requested the biographies of the nominees be included in future Agenda packets.

**Motion by Councilmember Talarico, seconded by Councilmember Risley, that City Council Appointments to Boards, Commissions, and Committees be approved. The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Henjum

## **6. Mayor's Business**

**6.A. [24-689](#) Appointment of Mark Tremmel to fill the vacancy of a five-year term, on the Colorado Springs Urban Renewal Authority Board, expiring on April 1, 2027.**

Presenter:

Travis Easton, Deputy Chief of Staff - Infrastructure and Development

**Attachments:** [Tremmel.pdf](#)

Travis Easton, Deputy Chief of Staff - Infrastructure and Development, presented the nominations to appoint Mark Tremmel, Robert “Bob”

Riefstahl, and Mike Degrant to fill the vacancies on the Colorado Springs Urban Renewal Authority (CSURA) Board.

President Helms asked who participated on the interviewing panel. Jariah Walker, Executive Director, CSURA, stated Mayor Yemi, President Helms, John Olson, President, CSURA Board and himself, Executive Director, CSURA

President Helms stated these three nominees will be a positive contribution to the economic development of the CSURA.

**Motion by Councilmember Talarico, seconded by Councilmember Leinweber, that the Mayoral appointee Mark Tremmel to serve the remainder of an active Colorado Springs Urban Renewal Authority Board term beginning on November 26, 2024, and expiring on April 1, 2027 be approve. The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Henjum

- 6.B.** [24-688](#) Appointment of Robert "Bob" Riefstahl to fill the vacancy of a five-year term, on the Colorado Springs Urban Renewal Authority Board, expiring on April 1, 2028.

Presenter:

Travis Easton, Deputy Chief of Staff - Infrastructure and Development

**Attachments:** [Riefstahl.pdf](#)

Please see comments in Agenda item 6.A.

**Motion by Councilmember Leinweber, seconded by President Pro Tem Crow-Iverson, that the Mayoral appointee Bob Riefstahl to serve the remainder of an active Colorado Springs Urban Renewal Authority Board term beginning on November 26, 2024, and expiring on April 1, 2028 be approved. The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Henjum

- 6.C.** [24-691](#) Appointment of Mike Degrant to fill the vacancy of a five-year term, on the Colorado Springs Urban Renewal Authority Board, expiring on April 1, 2028.

Presenter:

Travis Easton, Deputy Chief of Staff - Infrastructure and Development

**Attachments:** [DeGrant.pdf](#)



Please see comments in Agenda item 6.A.

**Motion by President Pro Tem Crow-Iverson, seconded by Councilmember Risley, that Mayoral appointee Mike Degrant to serve the remainder of an active Colorado Springs Urban Renewal Authority board term beginning on November 26, 2024, and expiring on April 1, 2028 be approved. The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Henjum

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

Citizen Alec Lancona spoke about the issue relating to people experiencing homelessness and public safety.

Citizens Jessica Williams Ken Pfeil, Principal, Trailblazer Elementary, (Amanda Rogers ceded their time to Chris Johnson), (Audry Rogers ceded their time to Karla Powers, Save Rockrimmon Library), Veronica Baker, Steve Witt, Natalie Becker, Andrew Bacon, Lisa Bigelow, Skipp Haffner, Kat Gayle, Eden Hoobler, Sarah Hoobler, (Jackie Ostrom ceded their time to Joe Pelka), Stephanie Austjen, and Dana Duggan spoke in opposition of the closing of the Rockrimmon-Library branch of the Pikes Peak Library District (PPLD).

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

There were no items called off the Consent Calendar.

## **9. Utilities Business**

There was no Utilities Business.

## **10. Unfinished Business**

- 10.A. [24-326](#)** Annual Appropriation Ordinance No. 24-104 Adopting the Annual Budget and Appropriating Funds for the Several Purposes Named in Said Budget for the Year Ending December 31, 2025  
Presenter:  
Charae McDaniel, Chief Financial Officer

**Attachments:** [2025 Budget Ordinance-11.2024](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance adopting the Annual Budget and appropriating funds for the several purposes named in said Budget for the year ending December 31, 2025.

Citizens Angelina Martinez and Rayleen Moreno requested the City address the mental health issues within the community.

**Motion by Councilmember Avila, seconded by Councilmember Talarico, that the annual appropriation Ordinance adopting the annual budget and appropriating funds for the several purposes named in said budget for the year ending December 31, 2025 be finally passed. The motion passed by a vote of 8-0-1-0**

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

**No:** 1 - Donelson

## **11. New Business**

### **11.A. [24-652](#)**

Ordinance No. 24-108 amending sections of Part 2 (allowed use and tables) and Part 3 (Use-Specific standards) of Article 3 (Use and Regulations) and Section 1003 (parking space requirement by use) of Part 10 (Parking and Loading) of Article 4 (Development Standards and Incentives) and Part 3 (Definitions) of Article 6 (Definitions and rules of construction) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Natural Medicine.

Presenter:

Kevin Walker, Planning Director

**Attachments:** [UDC-NaturalMedicineORD\\_MEO\\_CPC\\_Version\\_Clean](#)  
[Natural\\_Medicine\\_1Mile\\_v3](#)  
[Initiative-58- Natural Medicine Act](#)  
[City Council Natural Medicine 11-12-24 presentation final](#)

Kevin Walker, Planning Director, Planning Department, presented the Ordinance amending City Code pertaining to Natural Medicine. He stated the approval of Proposition 122 allows certain land uses in the state related to psilocybin use effective January 1, 2025, this Ordinance will identify the zones and requirements for those land uses, adopt regulations that allow the uses in City limits by additions to the Unified Development Code. Mr. Walker provided an overview of the issues for drafting a local regulation, and highlights of the proposed Ordinance.

Councilmember Donelson requested a map of where healing centers will be permitted. Mr. Walker identified the potential location areas on a map.

Councilmember Leinweber asked how far a liquor store is permitted to be from a school. Mr. Walker stated 1,000 feet.

Councilmember Leinweber asked how far vaping product stores need to be from a school. Mr. Walker stated those are not regulated by the Zoning

## Code

Councilmember Leinweber stated he does not support the one-mile setback from schools because he would like to see healing centers in medical offices and in locations which make this treatment more available to patients who need it and people under the age of 21 would not be permitted to enter these facilities. Mr. Walker stated because children are a vulnerable population, the Zoning Code restricts certain uses from areas where children congregate.

Councilmember Leinweber asked if the City could limit the number of healing centers per City Council district. Mr. Walker confirmed it could.

Councilmember Henjum stated these healing centers are very different from medical/retail marijuana and asked who was involved in the drafting the Ordinance. Mr. Walker stated the City Attorney's Office, Planning Departments in Oregon, El Paso County, and the Mayor's Office, and reviewed the Healing Advocacy Fund data.

Councilmember Henjum asked if staff has spoken with anyone who has used psilocybin. Mr. Walker stated they have not.

Councilmember Henjum asked if why the Planning Commission changed the setback to one thousand feet. Mr. Walker stated they felt the use was too restricted.

Councilmember Talarico requested additional information regarding the City's oversight of time, place, and manner. Mr. Walker stated it means the City may use zoning actions to regulate the use of the property.

Councilmember Avila stated she is intrigued with having two or three healing centers in each City Council District in order make it equitable.

Councilmember Donelson asked how many usable offices are located in the proposed zoning areas. Mr. Walker stated there are several dozen buildings located in those areas, but he does not know how many are available for rent.

Councilmember Leinweber stated he supports a one-thousand feet setback and one healing center per City Council District.

Citizens (Jessica Langley ceded their time to Nate Miller), (Abe Sanchez ceded their time to Tasia Poinsette), Tamara Whiting-Latham, Scott DeWalt, (Dante Liberato ceded their time to Kenny Stahl), Vincent Bruno, Patrick Treptow, Benjy Dezeval, Dylan Ruane, Lane Belem, Tori Honor, and Sharay Martinez spoke in favor of healing centers with less of a restrictive setback.

Councilmember Henjum asked Dr. Miller what he recommends for the City to ensure access to healing centers while supporting safety. Dr. Miller stated by proceeding cautiously and the type of facilitators which are permitted to introduce psilocybin to the community.

Councilmember Leinweber asked if there is a chance for an adverse reaction for any prescribed mental health medication. Dr. Miller confirmed there is.

Councilmember Leinweber asked if there should be a medical provider on site at the healing facilities. Dr. Miller stated there are tools in place to escalate to an appropriate level of higher care without the provider being on site.

Councilmember Henjum asked Mr. Treptow if his counselor noticed positive changes in his mental health after taking psilocybin and if he was able to stop using other substances after taking psilocybin. Mr. Treptow confirmed both were correct.

Councilmember Henjum asked Mr. Treptow if he would be willing to receive psilocybin treatments from a licensed facilitator. Mr. Treptow confirmed he would.

Councilmember Leinweber stated these healing centers need to be accessible, available and safe, but he believes a mile radius setback is too extreme.

Councilmember Avila stated the mile radius setback will make healing centers not accessible, this natural product seems to help a lot of individuals, and she would like to see at least one healing center in each City Council District.

Councilmember Henjum stated this community has the highest suicide rate in the state with one in four being a veteran and would like to amend the Ordinance to a 1,000-foot setback from schools and childcare facilities and require a clinical facilitator who is practicing at their existing office space as long as they're within ten minutes of a medical facility or a healing center that is co-located within a medical facility.

Councilmember Leinweber asked if the condition of ten minutes of a medical facility can be enforced. Mr. Walker stated would be problematic of a regulatory function and would need to be more definitive. Mr. Walker stated requiring the healing center to be located near emergency services would also be restrictive and most emergency calls are responded to by the Colorado Springs Fire Department/and or ambulance services Councilmember Henjum removed those recommended conditions.

Councilmember Henjum asked if healing centers are already required to have a clinical facilitator on site. Ms. Poinsette stated there are two license types for facilitators, a facilitator and a clinical facilitator, who also holds a license to practice medicine or psychotherapy.

Ben Bolinger, Legislative Counsel, City Attorney's Office, stated the 1,000-foot setback is already mandated by the State so City Council cannot reduce that setback, only expand it and they cannot amend the State licensing requirements and restrict healing centers to only have clinical facilitators. Ms. Poinsette stated there is a provision in State statute which allows local jurisdictions to reduce or waive the 1,000-foot setback. Mr. Bolinger stated the City cannot restrict licensed facilitators from operating within the City.

Councilmember Risley stated he is concerned about putting regulatory requirements in a Chapter 7 Code amendment for land use. Mr. Bolinger stated City Council should only consider land use as it relates to the Ordinance.

Councilmember Henjum asked if this Ordinance could be postponed. Mr. Bolinger stated that on December 31, 2024, the State will begin taking licensing applications so prior to that date is City Council's opportunity to regulate the land use. Councilmember Henjum asked how many applications they are anticipating during the first ten days of the new year. Ms. Poinsette stated most jurisdictions are taking a "wait and see"

approach with the expectation that a majority of businesses are not going to pursue licensure immediately.

Councilmember O'Malley stated they should move forward with the amendment and the original vote.

Councilmember Donelson stated he believes there are medical benefits from the use of psilocybin, but the citizens of Colorado Springs did not vote in favor of it so he will not support reducing the setback to 1,000 feet.

Councilmember Avila stated she feels the one-mile setback is too restrictive and requested an amendment reducing the setback to 2,000 feet.

**Motion by Councilmember Henjum, seconded by Councilmember Leinweber, that the Ordinance be amended to change the setback from one mile to 1,000 feet. The motion failed by a vote of 3-6-0-0.**

**Aye:** 3 - Avila, Henjum, and Leinweber

**No:** 6 - Crow-Iverson, Donelson, Helms, O'Malley, Risley, and Talarico

Councilmember Leinweber made a motion to change the setback to 2,000 feet and limit the number of healing facilities to two in each City Council District. Mr. Bolinger stated limitations on the number of healing centers operating would be a very problematic fit for the Zoning Codes and City Council Districts change constantly, so if Council wants a geographical limitation, they may want to choose a different a way of defining it. Councilmember Leinweber withdrew his condition to limit the number of healing centers.

**Motion by Councilmember Leinweber, seconded by Councilmember Avila, that the Ordinance be amended to change the setback from one mile to 1,000 feet. The motion failed by a vote of 3-6-0-0.**

**Aye:** 3 - Avila, Henjum, and Leinweber

**No:** 6 - Crow-Iverson, Donelson, Helms, O'Malley, Risley, and Talarico

Councilmember Leinweber asked if they could require a setback between healing centers. Sarah Brewen, Attorney, City Attorney's Office, stated all of the natural medicine businesses with the exception of the testing center can be co-located. She said the only distinction is that they cannot be co-located with marijuana or alcohol.

Councilmember Avila asked what the State's setback requirements are for cultivation, manufacture and testing. Ms. Brewer stated the State does not have any setback restrictions for those, but the proposed Ordinance

requires a 1,000-foot setback for cultivation, manufacture, and testing, and a one-mile setback for healing centers.

**Motion by Councilmember O'Malley, seconded by President Pro Tem Crow-Iverson, that the Ordinance amending Part 2 and Part 3 of Article 3, and Section 1003 of Part 10, of Article 4, and Part 3 of Article 6; of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, pertaining to natural medicine land use regulations be approved on first reading. The motion passed by a vote of 6-3-0-0**

**Aye:** 6 - Crow-Iverson, Donelson, Helms, O'Malley, Risley, and Talarico

**No:** 3 - Avila, Henjum, and Leinweber

## **12. Public Hearing**

- 12.A.** [ZONE-24-0009](#) Ordinance No. 24-101 to amend the zoning map of the City of Colorado Springs pertaining to 40.20 acres located at the intersection of North Powers Boulevard and Interquest Parkway/Highway 83 from A (Agricultural) to MX-M (Mixed-Use Medium Scale). (Quasi-Judicial) (2nd Reading)

Presenter:

Kyle Fenner, Senior Planner, Planning Department

Kevin Walker, Planning Director, Planning Department

**Attachments:** [Staff Report Jovenchi RV & Kettle Crk LUPL Final v.3.](#)

[Attachment 1 Project Statement](#)

[Attachment 2 Applicant Response to Ojection](#)

[Attachment 3 Applicant Response to Negative Citizen Comment](#)

[Attachment 4 Combined Public Comment & Staff Responses](#)

[Attachment 5 Powers-State Highway 83 Agreement ORD 183-02](#)

[Attachment 6 Zone Change Exhibit Jovenchi Parcels 1-4](#)

[Attachment 7 Kettle Creek Center LUP Exhibit](#)

[Exhibit A - Legal Desc. Parcels 1-4](#)

[Exhibit B - Parcels 1-4](#)

[Ordinance ZONE-24-0009 Jovenchi Parcels 1-4](#)

[PUBLIC COMMENT #2\\_ZONE-24-0009\\_LUPL-24-0007](#)

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

[CPC Minutes 10.9.24 Draft](#)

[Signed Ordinance No. 24-101.pdf](#)

Kyle Fenner, Senior Planner, Planning Department, presented the Jovenchi-Kettle Creek zone change from A (Agricultural to MX-M (Mixed-Use Medium Scale) and land-use plan pertaining to 40.20 acres located at the intersection of North Powers Boulevard and Interquest

Parkway/Highway 83. She provided an overview of the vicinity map, applications, project summary, site plan, background, surrounding land uses, stakeholder involvement, timeline of review, agency review, PlanCOS compliance, application review criteria, and City Council motions.

Councilmember Donelson asked if there was a unanimous approval by the Planning Commission. Ms. Fenner stated they voted 7-2 in favor of the zone change and 6-3 in favor of the land use plan and the negative votes were largely due to traffic concerns.

Councilmember Risley stated there was an agreement with the Colorado Department of Transportation (CDOT) that there would be a full-movement access intersection at this site.

President Helms believes traffic issues will be resolved once the Powers Boulevard corridor is completed.

Jason Alwine, Matrix Design Group representing the applicant, identified the proposed commercial land uses, traffic concerns, where the full movement intersections will be located, access points, logical utility extensions, and stormwater improvements.

Councilmember Donelson requested additional information regarding the full movement intersections. Mr. Alwine stated they will be lighted four-way intersections.

Citizen Barb Newland spoke in opposition to the project.

Mr. Alwine stated this site was previously identified as commercial in the Briargate Master Plan, according to Planning criteria, this is a great intersection for commercial development, and their Traffic Study was submitted and approved by the City's Traffic Engineering Department and CDOT.

President Helms stated he is very familiar with the traffic in this area, but he is confident the improvements being made in the next few years will fix many of the traffic issues and he supports this project.

Councilmember Avila requested additional information regarding the weigh station. Ms. Fenner stated Highway Patrol periodically sets up portable



weigh stations due to truckers using Highway 83 to bypass the weigh station on Interstate 25.

**Motion by Councilmember O'Malley, seconded by Councilmember Risley, that the Ordinance No. 24-101 amending the zoning map of the City of Colorado Springs to 40.20 acres located at the intersection of North Powers Boulevard and Interquest Parkway/Highway 83 from A (Agricultural) to MX-M (Mixed-Use Medium Scale) be finally passed. The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Henjum

- 12.B.** [LUPL-24-000](#) Establishing the Kettle Creek Center Land Use Plan for proposed commercial uses consisting of 40.20 acres located at the intersection of North Powers Boulevard and Interquest Parkway/Highway 83. (Quasi-Judicial)

Presenter:

Kyle Fenner, Senior Planner, Planning Department  
Kevin Walker, Director, Planning Department

**Attachments:** [ZONE-24-0009 & LUPL-24-0007 Jovenchi ZC\\_Kettle Creek Ctr LUP\\_Council 2024.11.26\\_FINAL 7.5.514 LAND USE PLAN](#)

Please see comments in Agenda item 12.A.

**Motion by Councilmember Leinweber, seconded by Councilmember Talarico, that the Kettle Creek Center Land Use Plan related to 40.20 acres based upon the findings that the request complies with the review criteria for Land Use Plans as set forth in City Code Section 7.5.514 be approved. The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Henjum

### **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 3:12 PM.

Sarah B. Johnson, City Clerk

