



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, February 27, 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 10:04 AM.

Present: 8 - 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

Excused: 1 - Councilmember Yolanda Avila

Councilmember Henjum attended the meeting virtually.

2. Invocation and Pledge of Allegiance

The Invocation was made by retired Pastor Joseph Weiner from the Boulder Street Church.

President Helms led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Sarah B. Johnson, City Clerk, stated items 4A.D. and 4B.D. have been requested to be removed from the Consent Calendar.

Consensus of Council agreed to these changes on the agenda.

- 3.A.** [24-105](#) A Joint Proclamation in Support of Colorado Senate Bill 24-106 Concerning Legal Actions Based on Claimed Defects In Construction Projects

Presenter:

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

Randy Helms, Council President and Councilmember District 2
Mayor Yemi Mobolade

Attachments: [Senate Bill 24-106 Proclamation](#)

President Pro Tem Crow-Iverson read the joint Proclamation in support of Colorado Senate Bill 24-106 concerning legal actions based on claimed defects in construction projects.

Mayor Yemi stated one of the City's most urgent and pressing needs is the need for more housing, he has made it one of his top priorities, and encouraged everyone to support this important bill to help unlock the supply of entry level housing.

President Helms introduced the students and three teachers, Matt Stewart, Nash Norris, and Tracy Villanuevo, from the Village High School Civics class.

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.** [24-026](#) Ordinance No. 24-08 Exercising City Council's Legislative Authority Regarding the Extension of Water Service and Outside City Water and/or Wastewater Service to the Park Vista Subdivisions

Presenter:

Bryan English, PMP, Development Projects Manager, Customer Utilities
Connections

Travas Deal, Chief Executive Officer, Colorado Springs Utilities

Attachments: [3. FINAL - Park Vista Enclave Ordinance 20240129](#)

[4. FINAL - EXHIBIT A - Form of Agreement to Annex Template \(Park
Vista Enclaves\) 20240129](#)

[2. FINAL - City Council PPT \(2-13-24\) Park Vista Enclaves Ordinance
20240125
Signed Ordinance No. 24-08.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4A.B. [24-025](#)

Ordinance No. 24-09 Adding New Language to Article 10 of Chapter 12 (Utilities) of the Code of Colorado Springs 2001, as Amended, Pertaining to the Colorado Springs Underground Damage Prevention Safety Program (CSUDPSP or the Program).

Presenter:

Melissa Brown, Energy Regulatory and Compliance Manager, Colorado Springs Utilities

Travas Deal, Chief Executive Officer, Colorado Springs Utilities

Attachments: [2 - CSU-Article10ORDredlines-2024-01-03](#)

[3 - CSU-Article10ORD-2023-12-15](#)

[Signed Ordinance No. 24-09.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4A.C. [24-023](#)

Ordinance No. 24-10 Adding New Language to Article 1 of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Underground Excavation Regulations.

Presenter:

Melissa Brown, Energy Regulatory and Compliance Manager, Colorado Springs Utilities

Travas Deal, Chief Executive Officer, Colorado Springs Utilities

Attachments: [2 - CSU-AbatementORDredlines_2024-01-03](#)

[3 - CSU-AbatementORD_2023-12-15](#)

[Signed Ordinance No. 24-10.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4A.E. [24-062](#)

Ordinance No. 24-13 amending Ordinance No. 23-65 (2024 Budget Appropriation Ordinance) for a supplemental appropriation to the General Fund in an amount not to exceed \$2,600,000 in order to purchase real estate as part of the Nevada Avenue Reconstruction

transportation projects, which will be fully reimbursed by the Pikes Peak Rural Transportation Authority (PPRTA) in 2025, per the Intergovernmental Agreement (IGA)

Presenter:

Charae McDaniel, Chief Financial Officer
Gayle Sturdivant, Acting Public Works Director
Chris Fiandaca, City Budget Manager

Attachments: [FINAL-Ordinance-Supp Approp-Public Works land purchase Signed Ordinance No. 24-13.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [24-099](#) City Council Regular Meeting Minutes February 13, 2024

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [2-13-2024 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.B. [24-061](#) A Resolution Authorizing The City Of Colorado Springs To Enter Into An Intergovernmental Agreement With The Pikes Peak Rural Transportation Authority Concerning Reimbursement For Future Project Costs

Presenter:

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

Attachments: [1 RES PPRTA-IGA 2024-01-22](#)
[2 PPRTA 3 Project Advancement Reimbursement IGA](#)
[3 Presentation IGA Resolution rev](#)
[Signed Resolution No. 17-24.pdf](#)

This Resolution was adopted on the Consent Calendar.

4B.C. [24-063](#) A Resolution Authorizing The Acquisition Of Approximately 11.962 Acres Of Real Property From BNSF Railway

Presenter:

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

Attachments: [1 Draft Resolution - BNSF Acquisition](#)
[2 Resolution Exhibits A and B](#)
[3 Presentation BNSF Acquisition](#)
[Signed Resolution No. 18-24.pdf](#)

This Resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

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

Excused: 1 - Avila

5. Recognitions

5.A. [24-100](#) A Resolution recognizing March 2024 as Women's History Month

Presenter:
Michelle Talarico, Councilmember District 3

Attachments: [Women's History Month](#)
[Signed Resolution No. 19-24.pdf](#)

Councilmember Talarico read the Resolution recognizing March 2024 as Women's History Month and recognized Susan Edmondson, President and Chief Executive Officer, Downtown Development Authority, and Jen Furda, Director of Community Engagement In Local Government Affairs for University of Colorado, Colorado Springs (UCCS), for all their contributions to the community.

Ms. Furda and Ms. Edmondson expressed appreciation for the recognition.

Councilmember Henjum recognized Lindsey Keller, Alternative/Online School Secondary Assistant Principal, Village High School.

**Motion by Councilmember O'Malley, seconded by President Pro Tem Crow-Iverson, that this Resolution be adopted Proposed Motion:
Approve a Resolution recognizing March 2024 as Women's History Month The motion passed by a vote of**

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

Excused: 1 - Avila

5.B. [24-064](#) City Council Appointments to Boards, Commissions, and Committees

Presenter:

Randy Helms, Council President and Councilmember District 2

Attachments: [02272024 Boards Commissions and Committee Appointments](#)

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

Sarah Potter, nominee appointee to the Historic Preservation Board, expressed gratitude for the opportunity to serve.

Councilmember Donelson and Councilmember Risley expressed appreciation for the nominees who wish to serve on Boards, Commissions, and Committees.

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

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

Excused: 1 - Avila

6. Mayor's Business

There was no Mayor's Business.

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

Citizen Charles Barber spoke about the importance of drinking water.

Citizen Matt Stewart invited City Council to observe their model of teaching at Village High School.

Citizen Katie Gibbs spoke regarding the need to repair potholes within the City.

Citizen Julie Herold express gratitude to live in Colorado Springs and read the poem "America the Beautiful" by Katharine Lee Bates.

Citizen Gary Casmir stated he did not agree with not having his questions answered at the February 13, 2024 City Council meeting and suggested President Helms resign.

Citizen Amy Goldberg requested that citizens and people experiencing homelessness work together to pick up trash in the City.

Citizen Jaymen Johnson expressed appreciation for the Resolution recognizing March 2024 as Women's History Month

Citizens Mary Louise Fidler, Chaim Goldman, Karyna Lemus, Katrina Nguyen, Tania Soto, Anna Wermouth, Desiree Hanna, Isaura Flores, Ariella Lyne, Huda Yousef, Gila Kaplan, Brandon Rahron, Leo Reyes, and Genevieve Richard, Chrisi Bymum, Max Mackee, Michael Flyon, Cynthia Verzwylvelt, Alex Sours, Thea Roland, Mara Fritzsinger, Eilex Rodriguez, Lonna Benivides, William Gorman, Turner Francis Black, Andrew Dalby, Eliezer Goldman, Zacharyah Goldman, Nissreen AbuKhdeir, Peter Nels Larson, Elsie Hargeis, Matt Wilson, Jesse Profitt, Sabrina Mheisen, Jo Orwiller, and Linda Amenebadwan spoke about the Israeli-Palestinian conflict.

8. Items Called Off Consent Calendar

- 4A.D.** [SUBD-23-0145](#) Ordinance No. 24-12 vacating Lierman Street public right-of-way that is approximately 0.443 acres and is located between North Cascade Ave and Schafer Heights (Legislative)

Presenter:

Allison Stocker AICP, Planner II, Planning + Neighborhood Services.
Peter Wysocki, Director, Planning + Neighborhood Services

Attachments: [SUBD-23-0145 Updated Ordinance ADS 20230228](#)

[SUBD-23-0145 Updated Exhibit A ADS 20240228](#)

[SUBD-23-0145 Ord ExhibitB ADS 20240119](#)

[SUBD-23-0145 Presentation CC 20240126](#)

[7.5.703 VACATION OF PUBLIC STREETS OR RIGHTS-OF- WAY](#)

[SUBD-23-0145 Full Memo ADS 20240119](#)

Allison Stocker, Planner II, Planning and Neighborhood Services, stated the Ordinance vacating Lierman Street public right-of-way that is approximately 0.443 acres and is located between North Cascade Ave and Schafer Heights requires an amendment for the addition of language which includes "shall reserve easements for public utility, public improvement, and public access easements".

Ben Bolinger, Assistant City Attorney, explained that this technical modification will require a third reading.

Councilmember Donelson asked who currently owned the parcel. Ms. Stocker clarified that the City owns this right-of-way.

Councilmember Donelson asked by vacating this right-of-way, if the owners will be required to bring the condition of the road up to City standards. Ms. Stocker stated this road is already not up to City standards and by vacating it, the owner will have to maintain it.

Councilmember Donelson asked how often these types of right-of-way vacations occur. Peter Wysocki, Director, Planning and Neighborhood Services, stated they occur approximately one to two times a year.

Motion by Councilmember Leinweber, seconded by President Pro Tem Crow-Iverson, that the Ordinance vacating Lierman Street public right-of-way that is approximately 0.443 acres and is located between North Cascade Ave and Schafer Heights based upon the findings that the request complies with the criteria as set forth in City Code Section 7.5.703 be approved as amended. The motion passed by a vote of 8-0-1-0

4B.D. [24-091](#) Request for approval of settlement amount in Case No. 23CV30143

Presenter:

Wynetta Massey, City Attorney/Chief Legal Officer

There were no comments on this item.

Motion by President Pro Tem Crow-Iverson, seconded by Councilmember Risley, that the \$160,000.00 settlement amount in Case No. 23CV30143 be approved. The motion passed by a vote of 6-2-1-0

Aye: 6 - Crow-Iverson, Helms, Henjum, Leinweber, Risley, and Talarico

No: 2 - Donelson, and O'Malley

Excused: 1 - Avila

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

There was no New Business.

12. Public Hearing

- 12.A. [ZONE-23-00](#)
[25](#) Ordinance No. 24-11 amending the zoning map of the City of Colorado Springs pertaining to 7500 square feet located at 903 Swope Avenue from R-1 6 (Single-Family - Medium) to R2 (Two-Family). (Quasi-Judicial) (Second Reading and Public Hearing)

Presenter:

Austin Cooper, Planner II, Planning + Neighborhood Services.

Peter Wysocki, Director, Planning + Neighborhood Services

Attachments: [Staff Report](#)

[Conceptual Site Plan](#)

[903 Swope- Ordinance](#)

[Exhibit A and B](#)

[Public Comments](#)

[Public Comment Response Letter](#)

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

[CPC Minutes](#)

[903 Swope ZC Staff](#)

[Signed Ordinance No. 24-11.pdf](#)

Austin Cooper, Planner II, Planning and Neighborhood Services presented the Ordinance amending the zoning map of the City pertaining to 7500 square feet located at 903 Swope Avenue from R-1 6 (Single-Family - Medium) to R2 (Two-Family). He provided an overview of 903 Swope Avenue, vicinity map, project summary, site plan, agency reviews, criteria for approval, and Planning Commission optional motions.

Heather Robertson, representing the applicant, stated she would like to put a small Accessory Dwelling Unit (ADU) on the front of the lot, the area is relatively unattractive, her mother is aging, and there is not room to build an addition on to the house.

Councilmember Henjum stated she supports this request.

There were no citizen comments on this item.

Motion by Councilmember Henjum, seconded by Councilmember Leinweber, that the Ordinance approving the zone change of 7,500 square feet from R-1 6 (Single-Family - Medium) to R-2 (Two-Family) based on the findings that the request complies with the criteria for a Zoning Map Amendment as set forth in City Code Section 7.5.704 be finally passed. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Avila

- 12.B.** [ZONE-23-00](#) Ordinance No. 24-03 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 (Quasi-Judicial) (Second Reading and Public Hearing)

[14](#)

Presenter:

Katelynn Wintz, Planning Supervisor, Planning + Neighborhood Services.

Peter Wysocki, Director, Planning + 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](#)

[Staff_Ovation_KAW](#)

[CDOT letter](#)

[public comment_2.13](#)

[public comment_12.13](#)

[public comment_12.12](#)

[publiccomment_initial](#)

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

Katelynn Wintz, Planning Supervisor, Planning and Neighborhood Services, presented the Ordinance amending the zoning map of the City pertaining to 60.28 acres located northwest of Old Ranch Road and Powers Boulevard from PK (Public Park) to R-Flex Low. She provided an overview of the Ovation project, vicinity map, project summary, site plan, timeline of review, stakeholder involvement, agency reviews, PlanCOS compliance, application review criteria, and Planning Commission optional motions.

Councilmember Henjum requested additional information regarding the

condition of approval to access Colorado Department of Transportation (CDOT) right-of-way. Ms. Wintz stated no permanent legal access will be allowed to that right-of-way, but CDOT would not preclude any coordination should an emergency event occur which would require some temporary access to that right-of-way to evacuate a particular area.

Councilmember Leinweber asked why the Kettle Creek North project was denied access to the right-of-way even in the event of an emergency. Mike Tassi, Assistant Director, Planning and Neighborhood Services, clarified that one of the differences with this condition is the applicant identified a specific easement that must be granted at grade so they identified a spot where that emergency access could occur in the case of an event but there is no formal access allowed on either one of the properties.

Britt Haley, Director, Parks, Recreation, and Cultural Services Department, identified the site location, site history, land exchange status, and land exchange goals.

Councilmember Henjum asked who the owner of High Valley Land Company is. Ms. Haley stated it is the Loo family. Doug Quimby, President and Chief Executive Officer, La Plata Communities, representing the applicant, also confirmed it is owned by the members of the Loo family.

Councilmember Henjum asked if there is a contractual obligation regarding this land exchange. Ms. Haley stated the City's contractual obligation is the application for the zone change. Ben Bolinger, Assistant City Attorney, clarified that there is no contractual obligation for City Council to approve the application for the zone change.

Councilmember Henjum asked what the City's obligation is to the Larry Ochs Park Sports Complex. Ms. Haley stated the City is in need of those type of fields, but there is no obligation.

President Helms asked if there is 180-acres adjacent to this property. Ms. Haley confirmed there is.

Cody Humphrey, Director of Planning, La Plata Communities, representing the applicant, went over the Ovation site context, history of the 1987 Briargate Master Plan, protected mouse habitat, history of land acquisitions by City Parks, Recreation, and Cultural Services Department,

2006 Briargate Master Plan, 2016 sports complex planning failed attempt, 2022 three-way land exchange, land use plan, proposed zoning, density comparison, density representation, anticipated product types/lot sizes, overhead utility line, park, open space/trail amenities, traffic study, Chapel Ridge Drive, project meetings, and CDOT letter.

Councilmember Risley read the CDOT letter from the Kettle Creek North project in 2022 which stated CDOT would not allow emergency access to Powers Boulevard.

Mr. Humphrey identified the evacuation plan, Colorado Springs Police Department (CSPD) email, in-home sprinkler system, emergency access, emergency route options, and Academy School District 20 response.

Councilmember Henjum asked if the trails will be connected to other trails in the area. Mr. Humphrey stated there are no other existing trails and none planned due to the endangered mouse habitat.

Councilmember Talarico asked what the price point will be. Mike Ruebenson, Chief Operating Officer, La Plata Communities, representing the applicant, stated they anticipate they will be in the low \$400,000 range.

Councilmember Leinweber requested additional information regarding the proposed emergency access. Todd Frisbie, City Traffic Engineer, stated Powers Boulevard is designated as a freeway and per CDOT code, they do not allow any type of formalized access, even emergency access, to a freeway between interchanges, but La Plata Communities is proposing building a section of path up to their property line which would be unmaintained, and because the topography is at 4.4 percent slight grade, in the event which requires evacuation, they can cut the fence and vehicles could traverse that section between the property line and the pavement of Powers Boulevard.

Councilmember O'Malley stated that vehicles traversing that emergency access may cause a grass fire which in turn could destroy the jumping mouse habitat. Mr. Quimby stated this potential access point is nothing more than an additional possibility in the event of an emergency, there are no requirements in City Code for an evacuation route, just an emergency access plan, there will be two paved existing public roads which allow access to Old Ranch Road, and this is just an extra exit in the event of an

emergency.

President Helms asked if CDOT would allow access to Powers Boulevard in the event of an emergency. Mr. Quimby stated CDOT would most likely close the highway to regular traffic in the event of an emergency evacuation.

Citizens Jill Gaebler and Devin Camacho spoke in support of the proposed project.

Citizen Jamie Nau spoke in opposition of the proposed project, and provided an overview of the August 2023 Maui fires, December 2021 Marshall fires, 2013 Black Forest fires, FLEET evacuation modeling supports resident's concerns, and a comparison to the July 2023 North Fork evacuation.

Citizen Kat Gayle spoke in opposition of the proposed project, identified the legal issues, and Preble's jumping mouse (National Environmental Policy Act (NEPA) protected species) habitat.

Mr. Nau went over the problems with the second egress, CDOT property, proposed egress slopes at nineteen percent grade, quotes from the North Fork Council, CDOT property gate, CDOT during an emergency, east exit on to Powers Boulevard, smaller emergencies, the future of Powers Boulevard, stated this proposal is one of a kind, and identified what other experts think about this plan.

Citizens Natalie Watts, Carlene Sevcik, Rick Sevcik, Elizabeth Rivers, Michael Wilhelm, Sarah Larsen, William Janas, Dane Larsen, Adriane Nau, Tracy Corl, Jack Rivers, Emily Garlock, Dana Duggan, Kaitlin Quist, and Mike Spencer spoke in opposition of the proposed project.

Mr. Ruebenson went over some main differences between their proposal and was brought before Council which included: they do not have the school, there are more homes in the context, there are multiple exits coming out of the community, the emergency access road at a four percent grade, they are proposing 290 units, and Bret Lacey, Fire Marshall, Colorado Springs Fire Department, (CSFD), stated they do not have any concerns with the development.

Kyle Campbell, Classic Consulting, stated the emergency access egress on to Powers Boulevard is located where there is no drainage, no swale, no steep slope and is a slightly over a four percent slope so they feel in their analysis, the location is very safe with it measuring 25 to 27 foot in length/50 feet wide, and that it is a very appropriate emergency egress to Powers Boulevard.

Mr. Reubenson stated in terms of the agreement, when the City approached them to talk about the three-way land exchange, even though it was not what they had wanted, they sold the land to the City for the fire station, the neighbors had said previously that they did not want a sports complex, that they would prefer residential, even though the Master Plan intended for it to be a sports complex, the open space was not a swap, and the City can now use the \$6 million to find a better location for a sports complex.

Mr. Wilhelm stated the Parks, Recreation, and Cultural Services Department made promises and commitments to the neighborhood, this land should remain as an open space, in 2016, regarding the sports complex, the neighborhood was concerned about there being only one entrance/egress from the community, the ability to evacuate safely in the event of an emergency falls within the criterion that a rezoning change not be detrimental to the public health, safety, convenience, or general welfare, there was no traffic study done on Rhinestone Drive, the schools are too crowded, this project will negatively impact property values, and lives will be at risk if this project is approved.

Mr. Reubenson stated they have fulfilled their obligation to the agreement, they hope the City will as well, School District 20 stated they want more students to attend, and the fence is a three-wire simple fence.

Peter Wysocki, Director, Planning and Neighborhood Services, stated there were a lot of comments made comparing this project to the Kettle Creek North project and reminded Council to review this application based on the merits of the review criteria for this project and not to compare one to the other.

Councilmember O'Malley stated the applicant introduced risk into an equation which he finds unacceptable and will not be supporting the project.

Councilmember Leinweber asked how many employees are employed by the Parks, Recreation, and Cultural Services Department. Ms. Haley stated approximately 260.

Councilmember Leinweber requested information regarding the study for the Parks, Recreation, and Cultural Services Department backlog. Ms. Haley explained that in 2020, they had a third-party consultant review, conducted by Jacobs Engineering, where they evaluated all the Parks, Recreation, and Cultural Services Department infrastructure and what was determined is that the City's Parks Recreation And Cultural Services Department has a backlog of deferred maintenance across all its facilities in the realm of \$279 million.

Councilmember Leinweber asked if it would be beneficial to have a sports complex in this area. Ms. Haley confirmed it would be because the City is in need of more playing fields particularly in the northeastern part of the City, but realistically, they need to focus on taking care of the infrastructure they already have.

Councilmember Leinweber stated he thinks the City needs to find a way to reinvest the \$6 million from the sale of this property, invest it into something the community could really use, and he is in support of this project.

Councilmember Talarico asked how wide Chapel Ridge Road is. Mr. Humphrey stated it is a sixty-five feet wide right-a-way and from flow line to flow line, which is basically the width of the actual road, is forty-three feet.

Councilmember Henjum asked if the property must be rezoned in order for the City to receive the money. Ms. Haley confirmed it is a condition of the contract for the sale. Mr. Bolinger reminded City Council to make their decision on the criteria in the City Code and that the contract is not relevant.

Councilmember Henjum asked who is paying for the power lines to be buried. Steve Ross, Director of Development, La Plata Communities, representing the applicant, stated it is a fifty/fifty shared cost between the developer and Colorado Springs Utilities (CSU). Jacqueline Rowland, City Auditor, confirmed that shared cost is a CSU regulation and policy.

Councilmember Henjum requested additional information about the motions made at the Planning Commission. Mr. Tassi went over how the Planning Commission was struggling with how the CDOT letter would apply to this proposal. Ms. Wintz stated they were trying to figure out how it would be memorialized as part of the approval of the land use plan application, which are included in the land use plan in item 12.C., and provided a detailed description of how the Planning Commission arrived at their final decision.

Councilmember Risley stated the Planning Commission made multiple motions which had to do with embedding the CTL Thompson geotechnical report results for geohazards. Ms. Wintz stated the technical modifications made as part of the CTL Thompson study, which is the geologic hazard report, was a technical modification and was included in each of the four motions which was provided by staff prior, and applied to any motion that would approve or recommend approval of the land use plan application.

Councilmember Henjum asked Councilmember O'Malley to elaborate on his safety concerns. Councilmember O'Malley stated the road conditions on Powers Boulevard is very fast and when people need to evacuate the neighborhood, he finds the undeclared exit onto Powers Boulevard very dangerous, especially for children who may have just gotten their driver's license.

President Helms requested additional information on whether CDOT would allow traffic to come out of this informal road into southbound Powers Boulevard in the event of an evacuation. Fire Marshall Lacey stated this development meets the requirements of the Fire Code without the use of this emergency egress. He stated these types of emergency egress roads are often problematic because they are rarely maintained and the CSFD does not consider these when evaluating the requirements of Fire Code.

President Helms asked if this road was taken out of the equation, how the community would exit this neighborhood. Fire Marshall Lacey stated the developer has worked with CSFD recommendations, the Fire Code does not address neighborhood evacuation, it addresses the protection of the dwellings within that neighborhood to make sure CSFD has access into that location to suitably take care of fire/medical emergencies, the fire sprinkler system in each of the homes will suppress the fire until CSFD can get there, and therefore they had no issues because the developer has met

the code requirements with the single point of egress.

Councilmember Leinweber asked if the risk for wildfire is greater for a non-maintained open field versus a maintained landscaped community. Fire Marshall Lacey confirmed it is.

President Helms asked if there will be a buffer for fire mitigation utilized for this development similar to what was used in The Farm development. Mr. Humphrey stated an open space buffer is planned for the entirety of the project.

President Helms requested the informal emergency egress road be removed from the Development Plan. Mr. Humphries stated they are amenable to removing it, but that road was a response to the community's request.

Councilmember Henjum asked Fire Marshall Lacey to elaborate on the one exit and the North Fork fire. Fire Marshall Lacey spoke about combustible vegetation and the risks associated with vehicles driving through it, but in this part of the City, he does not see a gross life risk.

Councilmember Donelson asked if a development can have only one road in if it has indoor sprinklers because even if CSFD is delayed getting into the area, the water will suppress the fire for a while. Fire Marshall Lacey confirmed that is correct.

Councilmember Donelson asked if the Fire Code does not consider egress or evacuation. Fire Marshall Lacey stated it does not, but it does deal with building evacuation.

Councilmember Donelson stated it is City Council's responsibility to consider evacuation as part of the safety of the community, another concern is the capacity of School District 20, when the City agreed to the different land exchanges, they were not obligated to agree to whatever would be proposed on this land, so if reasonable concerns were brought up that met the criteria, they could deny it, citizens bought property with this adjacent land zoned as Public Park (PK,), and he will be voting to deny the project.

Motion by Councilmember O'Malley, seconded by Councilmember Donelson, to deny an Ordinance establishing 60.28 acres as a R-Flex Low zone district based upon the findings that the request complies with the criteria for a Zoning Map Amendment as set forth in Unified Development Code Section 7.5.704. The motion

failed by a vote of 2-6-1-0

Aye: 2 - Donelson, and O'Malley

No: 6 - Crow-Iverson, Helms, Henjum, Leinweber, Risley, and Talarico

Excused: 1 - Avila

Councilmember Risley stated City Council takes the input of citizens very seriously but there are very distinct differences between the Kettle Creek North project and this project and because of that, he does not see where the risk exists when it comes to fire danger and egress/emergency exiting. He stated he sees significant commercial and residential development surrounding this area, not wildland interface concerns, and he sees the need for housing in our community so he will be supporting this project.

Councilmember Henjum stated she needs to acknowledge there were a lot of decisions made along the way that have been confusing and concerning, she has heard the residents loud and clear, City Council needs to look at each project in its own context, and this is not easy work.

Motion by Councilmember Risley, seconded by Councilmember Talarico, that the Ordinance establishing 60.28 acres as a R-Flex Low zone district based upon the findings that the request complies with the criteria for a Zoning Map Amendment as set forth in Unified Development Code Section 7.5.704 be finally passed. The motion passed by a vote of 6-2-1-0

Aye: 6 - Crow-Iverson, Helms, Henjum, Leinweber, Risley, and Talarico

No: 2 - Donelson, and O'Malley

Excused: 1 - Avila

- 12.C.** [MAPN-23-00](#) Approval of the Ovation Land Use Plan for proposed residential development consisting of 60.28 acres located at northwest of Old Ranch Road and Powers Boulevard.
[05](#) (Quasi-Judicial)

Presenter:

Katelynn Wintz, Planning Supervisor, Planning + Neighborhood Services.

Peter Wysocki, Director, Planning + Neighborhood Services

Attachments: [CPCStaffReport_Ovation](#)
[Land Use Plan_Ovation](#)
[GeohazardReport](#)
[Traffic Impact Analysis](#)
[7.5.514 LAND USE PLAN](#)
[Staff_Ovation_KAW](#)

President Helms asked if the applicant was amenable to removing the alternate emergency egress route. Mr. Humphrey confirmed they were. Councilmember Donelson stated by removing the alternate way out of the neighborhood with the emergency egress route would be going backwards from what the Planning Commission proposed. President Helms stated he is basing this on Councilmember O'Malley and Fire Marshall Lacey's comments regarding the safety aspect of it. Councilmember O'Malley confirmed that he believes it is not safe.

Councilmember Leinweber stated this development meets Fire Code criteria without this proposed road. Councilmember Donelson stated the Code addresses CSFD getting to the building if there is only one way in and having an indoor sprinkler system so the fire does not get out of control before they get there, but it does not address getting out of that neighborhood which requires egress routes and that is what City Council needs to assess for safety.

Councilmember Leinweber stated the fire load is significantly reduced here and even more so by having the development here rather than an undeveloped field.

Councilmember O'Malley stated fire will rip quickly through a prairie community and is very dangerous.

Councilmember Leinweber explained the difference in vegetation between the other fires which occurred and this area once it is developed.

Councilmember Risley stated this area is also surrounded by both commercial and residential development and is not a WUI with large scale fuel.

Councilmember Talarico stated she agrees with Councilmember Risley's comments, there are quite a few employment centers near this site, and she feels it is a good thing to increase housing opportunities.

Motion by Councilmember Talarico, seconded by Councilmember Leinweber, Approve the Ovation Land Use Plan related to 60.28 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, with the following condition of approval and technical modifications:

A. Revise note 19 of the Land Use Plan to the following: "This property is subject to the finding's summary and conclusions of a geologic hazard report prepared by CTL Thompson Inc. dated May 2, 2023, which identified the following specific geologic hazards on the property; expansive soil and bedrock and shallow groundwater. The following recommendations shall be adhered to 1.

Construction materials testing and observation services during site development and construction. 2. Individual lot soils and foundation investigations for foundation design. 3. Subgrade investigation and pavement design for on-site pavements. A copy of said report has been placed within File# MAPN-23-0005 or within the subdivision file of the City of Colorado Springs Planning and Development Team. Contact the Planning and Development team, 30 S Nevada, Suite 701, Colorado Springs, CO, 80903, if you would like to review said report." be approved.

B. Revise the Land Use Plan to remove the Emergency Access Phase 1 to the Powers Blvd ROW line.

The motion passed by a vote of 6-2-1-0

Aye: 6 - Crow-Iverson, Helms, Henjum, Leinweber, Risley, and Talarico

No: 2 - Donelson, and O'Malley

Excused: 1 - Avila

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 7:10 PM.

Sarah B. Johnson, City Clerk