



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.

Tuesday, June 25, 2024

10:00 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

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 in addition to calling +1 720-617-3426 United States, Denver (Toll) and entering this Conference ID: 662 558 555#

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 Dr. Juanita Johnson from Deliverance House of Prayer Global Ambassadors.

Cub Scout Troop 79 and Troop 62 led the Pledge of Allegiance, Scout Law, and Scout Oath.

3. Changes to Agenda/Postponements

Sarah B. Johnson, City Clerk, stated items 12.D. and 12. E. will be taken at

1:00 PM or later.

Consensus of Council agreed to this change on the agenda.

4. Consent Calendar

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

4A. Second Presentation:

- 4A.A.** [ZONE-24-00](#) Ordinance No. 24-42 to amend the zoning map of the City of Colorado Springs pertaining to 4.825 acres located southeast of South Union Boulevard and Airport Road from MX-M/R-5/HR-O (Mixed-Use Medium Scale / Multi-family High with Highrise Overlay) to PDZ (Planned Development Zone: Residential, Commercial, and Civic / Institutional; Maximum Density of 53.89 Dwelling Units per Acre; and Maximum Building Height of 62 feet) District.

(Quasi-Judicial) (Second Reading and Public Hearing)

Presenter:

Chris Sullivan, Senior Planner, Planning and Community Development Department

Kevin Walker, Interim Planning Director, Planning and Community Development Department

Attachments: [ORD_Dream Centers Commons](#)
[Staff Report_Dream Centers Commons_CS](#)
[Attachment 1 - Project Summary_CS](#)
[Attachment 2 - Rezoning Exhibit_CS](#)
[Attachment 3 - Land Use Plan_11x17](#)
[Attachment 4 - Traffic Impact Study_Mar2024_CS](#)
[7.5.704 ZONING MAP AMENDMENT \(REZONING\)](#)
[7.2.7 PLANNED DEVELOPMENT ZONE DISTRICT](#)
[Signed Ordinance No. 24-42.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.B.** [LUPL-24-000](#) Establishing the Dream Centers Commons Land Use Plan for proposed Residential, Commercial, and Civic / Institutional uses pertaining to 4.825 acres located southeast of South Union Boulevard and Airport Road.

(Quasi-Judicial)

Presenter:

Chris Sullivan, Senior Planner, Planning and Community Development Department

Kevin Walker, Interim Planning Director, Planning and Community Development Department

Attachments: [Attachment 3 - Land Use Plan 11x17](#)

[7.5.514 LAND USE PLAN](#)

This Item was approved on the Consent Calendar.

- 4A.C.** [ZONE-24-00](#) Ordinance No. 24-41 amending the zoning map of the City of Colorado Springs relating to 7.04 acres located southwest of State Highway 94 and North Marksheffel Road from BP / APZ-2 / AP-O (Business Park / Accident Potential Subzone-2 with Airport Overlay) to MX-M / APZ-2 / AP-O (Mixed-Use Medium Scale / Accident Potential Subzone-2 with Airport Overlay) zone district.

[02](#)

(Quasi-Judicial) (2nd Reading and Public Hearing)

Presenter:

Chris Sullivan, Senior Planner, Planning and Neighborhood Services

Kevin Walker, Interim Planning Director, Planning and Neighborhood Services

Attachments: [ORD_Reagan Ranch Industrial](#)

[Staff Report Reagan Ranch Industrial CS](#)

[Attachment 1 Project Statement - Zone Change CS](#)

[Attachment 2 MX-M Rezone Exhibit A & B CS](#)

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

[Signed Ordinance No. 24-41.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.D.** [LUPL-24-000](#) Establishing the Reagan Ranch Industrial Land Use Plan for proposed commercial and office use consisting of 7.04 acres located southwest of State Highway 94 and North Marksheffel Road.

[2](#)

(Quasi-Judicial)

Presenter:

Chris Sullivan, Senior Planner, Planning and Neighborhood Services

Kevin Walker, Interim Planning Director, Planning and Neighborhood Services

Attachments: [Land Use Plan 11x17](#)

[7.5.514 LAND USE PLAN](#)

This Item was approved on the Consent Calendar.

- 4A.E.** [ZONE-23-00](#) Ordinance No. 24-43 to amend the zoning map of the City of Colorado Springs pertaining to 1.609 acres located at 324 Beckers Lane from [33](#) PK/HS/WUI (Public Park with Hillside Overlay and Wildland Urban Interface Overlay) to MX-I/HS/WUI (Mixed-Use Institutional with Hillside Overlay and Wildland Urban Interface Overlay).

(Quasi-Judicial) (Second Reading and Public Hearing)

Presenter:

Allison Stocker AICP, Planner II, Planning and Neighborhood Services Department

Kevin Walker, Interim Planning Director, Planning and Neighborhood Services Department

Attachments: [GOG Trading Post Draft Ordinance](#)

[GOG Trading Post Staff Report Revised 20240514](#)

[Staff Report Garden of the Gods Trading Post ADS](#)

[Attachment 1 - Exhibit A - Revised Legal Descriptions](#)

[Attachment 2 - Exhibit B - Rezone Map_0604_11x17](#)

[Attachment 3 - Zone Change Project Statement](#)

[Attachment 4 - Land Use Statement](#)

[Attachment 5 - Parks Letter of Support](#)

[Attachment 6 - Public Comments](#)

[Attachment 7 - Public Comments 2](#)

[Attachment 8 - Land Swap Agreement](#)

[Additional Public Comment 3](#)

[Additional Public Comment 4](#)

[Additional Public Comment 5](#)

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

[Signed Ordinance No. 24-43.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.F.** [SUBD-23-00](#) An Ordinance No. 24-44 vacating portions of public right-of-way known as White Leaf Circle within the Weiss - Blatt Subdivision consisting of [98](#) 0.456 acres located southwest of the Broadmoor Avenue and 6th Street intersection.

(Legislative)

Presenter:

Johnny Malpica, AICP, Planner II, Planning and Neighborhood Services.
Kevin Walker, Interim Planning Director, Planning and Neighborhood Services

Attachments: [White Leaf Circle ROW Vacation ORDINANCE](#)
[DRAFT JM 06-13-2024](#)
[White Leaf Circle ROW Vacation Exhibit A - Legal Description - JM](#)
[White Leaf Circle ROW Vacation Exhibit B - Vacation Plat - JM](#)
[White Leaf Circle ROW Vacation Exhibit C - Utility Easement Attachment to Ordinance](#)
[White Leaf Circle ROW Vacation Staff Presentation CC JM](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [24-299](#) Special City Council Regular Meeting Minutes June 10, 2024

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [6-10-2024 Special City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.B. [24-300](#) City Council Regular Meeting Minutes June 11, 2024

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [6-11-2024 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.C. [24-274](#) A Resolution Approving the City Council's 2024 Strategic Plan Pursuant to City Charter §3-10(C) to Provide for the Future of the City and for the Mayor's Consideration in the Development of the 2025 Municipal Administrative Budget

Presenter:

Nancy Henjum, Councilmember District 5
Brian Risley, Councilmember At Large
Carly Hoff, Senior Legislative Analyst
Emily Evans, City Council Administrator

Attachments: [City Council Strategic Plan JUNE 2024](#)
[City Council Strategic Plan 2024 PP Final](#)
[City Council Strategic Plan Resolution 2024](#)
[Signed Resolution No. 54-24.pdf](#)

This Resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Avila, 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 9-0-0-0

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

5. Recognitions

5.A. [24-159](#) A Resolution Designating July as National Park and Recreation Month

Presenter:

David Leinweber, Councilmember At Large

Britt Haley, Director

Parks, Recreation and Cultural Services Department

Attachments: [Park and Rec Month Resolution - 2024](#)
[Signed Resolution No. 55-24.pdf](#)

Councilmember Leinweber read the Resolution Designating July as National Park and Recreation Month.

Britt Haley, Director, Parks, Recreation and Cultural Services, provided a brief history of National Park and Recreation Month, identified some of the events and activities scheduled for the month of July 2024 to commemorate National Park and Recreation Month, and expressed appreciation for the members of the parks system staff, volunteers, and the support of City Council.

Councilmember Leinweber expressed appreciation for Ms. Haley's leadership.

Councilmember Talarico expressed appreciation for the members of Parks Advisory Board and the employees of the Parks, Recreation and Cultural Services Department.

Councilmember Avila stated parks provide a quality of life for everyone regardless of economic status.

Motion by Councilmember Henjum, seconded by Councilmember O'Malley, that the Resolution to designate July as Park and Recreation Month 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

5.B. [24-303](#) A Resolution celebrating July 4, 2024 as Independence Day

Presenter:

Nancy Henjum, Councilmember District 5

Attachments: [Independence Day](#)
[Signed Resolution No. 56-24.pdf](#)

Councilmember Henjum stated the country is celebrating its 248th birthday, spoke about the work which needs to continue to be done to make it a great place to live and read the Resolution celebrating July 4, 2023 as Independence Day.

Emma Pirzadeh, Event Manager, Colorado Springs Sports Corporation, and Nathan Newbrough, Colorado Springs Philharmonic, identified the Fourth of July concert and fireworks event scheduled in honor of Independence Day.

President Helms stated he was in Colorado Springs for the nation's bicentennial celebration.

Councilmember Avila stated this is a nation of immigrants who have brought their talents to make the nation stronger.

Councilmember Donelson stated everyone needs to remember that the colonists went to war when they felt the government was not representing them.

Motion by Councilmember Henjum, seconded by Councilmember Talarico, that the Resolution celebrating July 4, 2024 as Independence Day 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

5.C. [24-294](#) City Council Appointments to Boards, Commissions, and Committees

Presenter:

Randy Helms, Council President and Councilmember District 2

Attachments: [06252024 Boards Commissions and Committee Appointments](#)

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

Councilmember Risley stated he spoke with personnel from the Pikes Peak Regional Building Department who felt the nominee appointees were very well qualified and a good fit for the Pikes Peak Regional Building Department Board of Review and he is in full support of these appointments.

Motion by Councilmember Risley, seconded by President Pro Tem Crow-Iverson, that the Appointments to City Council Boards, Commissions, and Committees 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

6. Mayor's Business

- 6.A.** [24-323](#) A Resolution Confirming the Mayor's Appointment of Richard Mully as Public Works Director

Presenter:
Mayor Yemi Mobolade

Attachments: [R Mully - Public Works Director - Resolution Signed Resolution No. 57-24.pdf](#)

Mayor Yemi presented the Resolution confirming the Mayor's appointment of Richard Mully as Public Works Director, provided an overview of Mr. Mully's credentials for this position and Mr. Mully's achievements during his career with the City.

Councilmember Leinweber spoke highly of Mr. Mully and his character.

Councilmember Risley and Councilmember Henjum recognized Mr. Mully and Gail Sturdivant, Acting Public Works Director, for their work within the City.

Mr. Mully expressed appreciation for the opportunity, the Public Works team, and stated he is excited to serve the City in this capacity.

HayDen Kane, Chief Municipal Judge, administered the Oath of Office.

Motion by Councilmember Leinweber, seconded by Councilmember O'Malley,

that Resolution for confirming the Mayor's appointment of Richard Mulledy as the Public Works Director 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

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

Citizens Max Kronstadt, Rochelle Taylor, Chauncy Johnson, Charles Johnson, Reverend Lindsay Hunt, and Pastor Paul Nelson stated many residents are concerned about being displaced from their homes in the Southeast neighborhoods due to the rising costs of housing in the area and State Bill 24-174.

Citizens Dutch Schultz, Lloyd Neal, Melody Neal, Tim Hoiles, Donna Strom, and Dana Duggan, spoke in favor of referring building height limits to the ballot for the citizens to decide.

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

There was no Unfinished Business.

11. New Business

11.A. [24-244](#)

A Resolution Authorizing the Acquisition of Approximately 2.54 Acres of Property, Identified as the Red Rock Canyon Open Space Extension, through the Trails, Open Space and Parks (TOPS) Program

Presenter:

Britt Haley, Director, Parks Recreation and Cultural Services
Department

Lonna Thelen, Program Manager, Trails, Open Space and Parks
(TOPS) Program

David Deitemeyer, Senior Program Administrator, Trails, Open Space
and Parks (TOPS) Program

Attachments: [Resolution_Red Rock Canyon Open Space Extension- FINAL](#)
[CC Work Session - Red Rock Canyon Open Space Extension](#)
[Signed Resolution No. 58-24.pdf](#)

Lonna Thelen, Program Manager, Trails, Open Space and Parks (TOPS)

Program, presented the Resolution authorizing the acquisition of approximately 2.54 acres of property, identified as the Red Rock Canyon Open Space Extension, through the TOPS and the Ordinance for a supplemental appropriation to the Trails, Open Space and Parks Fund in the amount of \$875,000 to complete the acquisition. She provided an overview of the property, exterior photos, interior photos, Red Rock Canyon Open Space extension, transaction information, TOPS fund balance, site opportunities, site map, tentative timeline, and recommendation.

There were no comments on this item.

Motion by Councilmember Avila, seconded by Councilmember Leinweber, that the Resolution authorizing the acquisition of approximately 2.54 acres of property from Clinton P. Tafoya and Alethea Tafoya through the Trails, Open Space, and Parks (TOPS) Program be adopted. 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

- 11.B.** [24-276](#) An Ordinance Amending Budget Ordinance No. 23-65 (2024 Budget Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks Fund in the Amount of \$875,000 to complete the Acquisition of approximately to 2.54 Acres of Property, identified as the Red Rock Canyon Open Space Extension, for the Purpose of Public Open Space and Trails

Presenter:

Britt Haley, Director, Parks Recreation and Cultural Services
Department

Lonna Thelen, Program Manager, Trails, Open Space and Parks
(TOPS) Program

David Deitemeyer, Senior Program Administrator, Trails, Open Space
and Parks (TOPS) Program

Attachments: [Ordinance - TOPS supplemental approp - Red Rocks Open Space Extension](#)

Please see comments in Agenda item 11.A.

Motion by Councilmember O'Malley, seconded by Councilmember Talarico, that the Resolution supplemental appropriation in the amount of \$875,000 for the acquisition of approximately 2.54 acres of property known as the Red Rocks Open Space Extension which includes the appraised value and closing costs with revenues from the Trails, Open Space, and Parks (TOPS) Program be adopted. 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

- 11.C.** [24-243](#) A Resolution to Amend Resolution No. 208-23 Increasing the 2024 Mesa Drainage Basin Fee

Presenter:

Richard Mulledy, P.E., Deputy Public Works Director, Enterprises;
Erin Powers, P.E., Stormwater Compliance Program Manager

Attachments: [DrainageBasinFeeRES-2024-06-03](#)
[Exhibit A Proposed 2024 Fee Schedule](#)
[Exhibit B - Resolution 208-23](#)
[Mesa Drainage Fee Increase Presentation_Final](#)
[Signed Resolution No. 59-24.pdf](#)

Richard Mulledy, Public Works Director, presented the Resolution increasing the 2024 Mesa Drainage Basin Fee.

There were no comments on this item.

Motion by Councilmember O'Malley, seconded by Councilmember Talarico, that the Resolution No. 208-23 increasing the 2024 Mesa Drainage Basin fee be adopted 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

12. Public Hearing

Printers Hill

- 12.A.** [ZONE-23-00](#) Ordinance No. 24-40 to amend the zoning map of the City of Colorado Springs pertaining to 26.21 acres located at 101 South Union Boulevard from R-5 P (Multi-Family High and Planned Provision Overlay) and R-5 [32](#) (Multi-Family High) to MX-L (Mixed-Use Large Scale) zone district.

(Quasi-Judicial) (Second Reading and Public Hearing)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services
Kevin Walker, Interim Planning Director, Planning and Neighborhood Services

Attachments: [ORD_ZC Printers Hill](#)
[Staff Report - UPH](#)
[Attachment 1 - Exhibit A - Legal Description](#)
[Attachment 2 - Exhibit B - Zoning Map](#)
[Attachment 3 - Zone Change Project Statement](#)
[Attachment 4 - Land Use Plan](#)
[Attachment 5 - Land Use Plan - Project Statement](#)
[Attachment 6 - DVSA - Site Plan](#)
[Attachment 7 - DVSA - Project Statement](#)
[Attachment 8 - Accepted Traffic Impact Study](#)
[Attachment 9 - Geological Hazards Waiver Letter](#)
[Attachment 10 - Neighbor Comment](#)
[Attachment 11 - Zoning Aerial with Legend](#)
[Attachment 12 - Mineral Estate Owner Notification Certification Affidavit](#)
[Attachment 13 - Emails of Support](#)
[7.5.704 ZONING MAP AMENDMENT \(REZONING\)](#)
[Printers Hill Staff Presentation](#)
[CPC Minutes 5.8.24 Final](#)
[Signed Ordinance No. 24-40.pdf](#)

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services, presented the Ordinance to amend the zoning map of the City pertaining to 26.21 acres from R-5 P (Multi-Family High and Planned Provision Overlay) and R-5 (Multi-Family High) to MX-L (Mixed-Use Large Scale) zone district, the Union Printers Home Land Use Plan, and Development Standards Adjustment to City Code Sections 7.2.305 and 7.4.201, to allow for a maximum building height of 160 feet where 65 feet is required, and to provide amenities of public open spaces, corridors, parks, public art, community garden, mini-park plazas, and greater architectural design pertaining to 101 South Union Boulevard. He provided a brief overview of the vicinity map, project summary, phasing plan, zoning depiction, Land Use Plan, timeline of review, agency review, PlanCOS compliance, application review criteria, and optional motions.

Councilmember O'Malley stated he appreciates the way the information was provided in the Agenda packet.

Susan Pattee, UPH Partners, LLC, representing the applicant, provided a brief history of Union Printers Home (UPH), identified some of the UPH

partners, archives project, and their mission.

Councilmember O'Malley asked if the tunnels between the buildings will remain. Ms. Pattee stated they are working towards making those safer.

Lisa Bachman, Bachman PR, representing the applicant, provided an overview of the neighborhood/stakeholder engagement, connecting with the community, and public comments.

Craig Dossey, Vertex Consulting Services, representing the applicant, went over the applications, Land Use Plan, development program, parks/open space areas, parking plan, and the compliance with Land Use Plan criteria, PlanCOS, development standards, and land use/development intensities surrounding the property. He identified the impacts of the permitted/requested uses appropriate to the type of development, neighborhood/community, adequacy of proposed ingress/egress points/traffic circulation, capacity of the existing streets, utilities, parks, schools, and other public facilities. Mr. Dossey provided an overview of the promotion of transitions in height, intensity, or character between proposed non-residential or mixed-use development and nearby low-density residential zone districts, compliance with the Unified Development Code (UDC), map amendment, approval criteria, development standards, and adjustment criteria.

Councilmember O'Malley suggested the aperture be increased to twenty-five degrees. Mr. Dossey stated they will take that recommendation into consideration.

Ms. Pattee identified the ten highlights when envisioning Printers Hill.

Citizens Gloria Martinez, Knob Hill Board, Elle Hinkel, Director of History and Archives, Union Printers Home, and Tim Boddington, Historic Preservation Alliance spoke in favor of the proposed project.

Councilmember Risley, Councilmember Henjum, Councilmember Talarico, and Councilmember Avila expressed their support of the project.

Motion by Councilmember O'Malley, seconded by Councilmember Leinweber, that the Ordinance No. 24-40 amending the zoning map of the City of Colorado Springs pertaining to 26.21 acres located at 101 South Union Boulevard from R-5 P (Multi-Family High and Planned Provision Overlay) and R-5 (Multi-Family High) to MX-L (Mixed-Use Large Scale) zone district based upon 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 9-0-0

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

- 12.B.** [LUPL-23-001](#)
[0](#) Establishing the Union Printers Home Land Use Plan for proposed Residential, Commercial, Retail, Office, Park & Recreation, Streets/Utility Rights-of-Way, Public/Institutional, and Activity Center uses consisting of 26.209 acres located at 101 South Union Boulevard.

(Quasi-Judicial)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

Kevin Walker, Interim Planning Director, Planning and Neighborhood Services

Attachments: [Attachment 4 - Land Use Plan](#)
[Attachment 5 - Land Use Plan - Project Statement](#)
[7.5.514 LAND USE PLAN](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Talarico, seconded by Councilmember Henjum, that the Union Printers Home Land Use Plan related to 26.209 acres based upon the findings that the request complies with the criteria for Land Use Plans as set forth in City Code Section 7.5.514 be approved. 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.** [DVSA-23-00](#)
[04](#) A Development Standards Adjustment to City Code Sections 7.2.305 and 7.4.201, to allow for a maximum building height of 160 feet where 65 feet is required, and to provide amenities of public open spaces, corridors, parks, public art, community garden, mini-park plazas and greater architectural design located at 101 South Union Boulevard.

(Quasi-Judicial)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

Kevin Walker, Interim Planning Director, Planning and Neighborhood Services

Attachments: [Attachment 6 - DVSA - Site Plan](#)
[Attachment 7 - DVSA - Project Statement](#)
[7.5.525 DEVELOPMENT STANDARDS ADJUSTMENT](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember O'Malley, seconded by Councilmember Risley, that the Development Standards Adjustment to City Code Sections 7.2.305 and 7.4.201 allowing for the establishment of a maximum building height of 160 feet as depicted on the associated site plan based upon the findings that the request complies with the criteria for Development Standards Adjustment as set forth in City Code Section 7.5.525 be approved. The motion passed by a vote of 9-0-0

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

Arrowswest Apartments

- 12.D.** [ZONE-24-00](#) Ordinance No. 24-38 to amend the zoning map of the City of Colorado Springs relating to 6.87 acres located at 4145 Arrowswest Drive from BP/WUI-O (Business Park with Wildland Urban Interface Overlay) to [04](#) MX-M/WUI-O (Mixed Use Medium Scale with Wildland Urban Interface Overlay).
(Quasi-Judicial) (Second Reading and Public Hearing)

Presenter:

William Gray, Senior Planner, Planning and Neighborhood Services
Kevin Walker, Interim Planning Director, Planning and Neighborhood Services

Attachments: [Arrowswest Rezoning Ordinance](#)
[Arrowswest Rezoning Exhibit A](#)
[Arrowswest Rezoning Exhibit B](#)
[CPC Minutes 4.16.24 Final](#)
[City Planning Commission Staff Report](#)
[Attachment 1-Annexation Map](#)
[Attachment 2-Zoning Map](#)
[Attachment 3-Shops at Arrowswest Filing No 1](#)
[Attachment 4-Shops at Arrowswest Filing No 1 Development Plan](#)
[Attachment 5-Public Comment](#)
[Attachment 5A-Star Berdon Document](#)
[Attachment 5B-McLain Document](#)
[Attachment 5C-Eddie Hurt Document](#)
[Attachment 6-2023 Public Comment](#)
[Attachment 7-Neighborhood Meeting No. 3](#)
[Attachment 8-2022 Public Comment](#)
[Attachment 9-Traffic Impact Study](#)
[Attachment 10-Final Drainage Report](#)
[Attachment 11-Geologic Hazard Study](#)
[Attachment 12-Grading Consistent with Geologic Hazard Report Recommendations](#)
[Attachment 13-CGS Review Letter](#)
[Attachment 14-Project Statement](#)
[Attachment 15-Vicinity Map](#)
[Attachment 16-Zone Map Amendment Exhibit](#)
[Attachment 17-Development Plan](#)
[Attachment 18-Context Map](#)
[Attachment 19-Cross Section](#)
[Attachment 20-2024 Public Comment](#)
[Attachment 21-Kat Gayle correspondence](#)
[7.5.704 ZONING MAP AMENDMENT \(REZONING\)](#)
[CC Arrowswest Apartments Staff Presentation WEG Final](#)
[CPC Minutes 4.16.24 Final](#)

Ben Bolinger, Assistant City Attorney, City Attorney's Office, stated questions have arisen as to exactly what the zoning current zoning of this property is today and that affects whether the correct criteria have been applied to the development plan review so City Council has three options; the first one is to hold the hearing and to allow this to be one of the matters which Council is deciding on to make findings and determine the current

zoning, the correct criteria and apply them in order to move forward the hearing, the second option would be to postpone the hearing to a date certain to allow further research to be done so that it can be brought forward with more certainty, or the third option would be to refer this item back to the Planning Department to allow them to do research to either re-review the application if they need to apply different criteria which would necessitate setting a new hearing date, renouncing the hearing, and start again from the beginning.

Councilmember Donelson asked if it would be improper for City Council to not send it back to the Planning Commission if they were not clear on the current zoning because their recommendation to City Council was based on this property not being zoned Hillside Overlay. Mr. Bolinger stated that is a position the Council could take, but they would have to start the hearing and make finding of fact to make that determination.

Kevin Walker, Interim Planning Director, Planning and Neighborhood Services, stated the question at hand is the challenge as whether or not this property is zoned with the Hillside Overlay, if it was zoned with a Hillside Overlay, which is not what they believe it is, then the process that Planning followed has not been adequately followed. He stated 1996 there was an Ordinance which they believe exempted the property from the Hillside Overlay, but the maps have not been corrected and so there is some concern and some confusion about what the property is currently zoned relative to the Hillside Overlay, and they would like the chance to clean that up and make a coherent presentation to City Council.

Councilmember Leinweber asked what the risk would be if they moved forward without knowing the current zoning. Mr. Bolinger stated the issue with not applying the correct criteria would be with exceeding jurisdiction and not satisfying due process based on accurate and complete information.

Councilmember Donelson asked if the property is discovered to be zoned with Hillside Overlay if it would be recommended to go back to the Planning Commission to apply the proper criteria. Mr. Walker stated he would need to review the Hillside Overlay criteria before making a recommendation for it.

Councilmember Donelson asked if ex parte communications should be

disclosed before moving forward with this item. Mr. Bolinger stated he encourages Councilmembers to disclose as soon as possible any time they have a conflict of interest or ex parte communication.

Councilmember Donelson stated three Councilmembers received \$2,500 toward their campaign for this office from Weidner Apartment Homes. Mr. Bolinger stated a campaign contribution is not a conflict of interest.

Each Councilmember stated they do not have a conflict of interest.

Laura Neuman, Weidner Apartment Homes, stated for the past two and a half years they have been operating with the information provided by City staff that the property was outside Hillside Overlay, the first time they heard about the challenge to that, was approximately one hour ago, they delayed submission of their application in order to hold a third community meeting in the Fall of 2023 which was not required, they were delayed again in March 2024 due to the zoning error discovery, and then delayed a month ago due to Administrative error in the posting stating 10:00 PM instead of 10:00 AM. She stated Weidner Apartment Homes is based in Kirkland Washington, have had to fly people to Colorado Springs for these types of meetings, have revised their proposals based on the concerns of the community while staying true to their desire to bring high quality housing projects to the communities they serve, and will respect the will of Council if they wish to postpone.

Councilmember Avila asked how a delay will affect the development. Ms. Neuman stated it depends on the process and if it goes back to Planning Commission, but every delay is very costly to the organization. Nick Nowotarski, Development Director, Weidner Apartment Homes, stated depending on the scope and if they need to do a drastic redesign, it could be more than \$100,000.

Kat Gayle, Attorney, representing the Westside Watch, Integrity Matters, and Mountain Shadows Homeowners Association, stated they brought up the Hillside Overlay question at the April 6, 2024 Planning Commission meeting, there is a 2005 Ordinance which illustrated the four lots have Hillside Overlay, and City Council should not move forward with false data.

President Helms stated he believes this item should either be sent back to the Planning Commission or postponed to a date certain.

Councilmember Risley stated he believes this item should be postponed to a date certain to allow the Planning and Neighborhood Services Department to come back with the correct zoning information.

Mr. Walker stated the Planning and Neighborhood Services Department will have the information by July 9, 2024.

Councilmember Henjum asked if the property is discovered to be zoned Hillside Overlay if it would have to go back to the Planning Commission. Mr. Walker confirmed it would.

Councilmember Donelson requested that Councilmember Risley, Councilmember Leinweber, and Councilmember Talarico recuse themselves from the hearing due to receiving \$2,500 from Weidner Apartment Homes for their election campaign. President Helms stated City Council procedures requires Councilmembers to be civil, to not criticize Councilmembers, and he does not want the integrity of other Councilmembers to be impugned.

Bill Wysong, Mountain Shadows Homeowners Association, requested their group be involved in the discussions prior to it coming back to City Council or the Planning Commission. Mr. Walker agreed to Mr. Wysong's request.

Motion by Councilmember Risley, seconded by Councilmember O'Malley, to postpone the Zone Map Amendment to change 6.87 acres from BP/WUI O (Business Park with Wildland Urban Interface Overlay) to MX M/WUI O (Mixed Use Medium Scale with Wildland Urban Interface Overlay) and set a new hearing date for the July 9, 2024 City Council meeting. 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

- 12.E.** [DEPN-24-00](#) [39](#) The Arrowswest Apartments Development Plan establishing a multi-family development with 222 dwelling units in seven (7) buildings consisting of 9.47 acres located at 4145 Arrowswest Drive. (Quasi-Judicial)

Presenter:

William Gray, Senior Planner, Planning and Neighborhood Services
Kevin Walker, Interim Planning Director, Planning and Neighborhood Services

Attachments: [7.5.515 DEVELOPMENT PLAN](#)

Please see comments in Agenda item 12.D.

Motion by Councilmember Risley, seconded by Councilmember Talarico, to postpone the Arrowswest Apartments Development Plan and set a new hearing date for the July 9, 2024 City Council meeting. The motion passed by a vote of 9-0-0

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

Councilmember O'Malley stated he attended his first Sports Authority Board meeting as a City Council liaison and they are doing amazing work to bring people to the City. He also highly recommended everyone tour the United States Olympic and Paralympic Museum.

There being no further business to come before City Council, President Helms adjourned the meeting at 2:10 PM.

Sarah B. Johnson, City Clerk