



City of Colorado Springs

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

Meeting Minutes - Final City Council

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Tuesday, October 13, 2015

1:00 PM

Council Chambers

1. Call to Order

Present: 9 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Keith King, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, and Councilmember Tom Strand

2. Invocation and Pledge of Allegiance

The Invocation was led by Councilmember King.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Eileen Gonzalez, City Council Administrator, stated agenda Item 10.B. is on the agenda in error and will be excluded from the meeting today.

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. [15-00538](#) Ordinance No. 15-72 amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for the purchase of replacement fire apparatus.

Res/Ord Number: 15-72

This ordinance was finally passed on the Consent Calendar.

4A.B. [15-00579](#) Ordinance No. 15-73 amending the zoning map of the City of Colorado Springs pertaining to a 7.2 acre property located at 1301, 1353, and 1355 S. 8th Street from OC and R-5 to PBC.

Quasi-Judicial

Res/Ord Number: 15-73

This ordinance was finally passed on the Consent Calendar.

- 4A.C. [15-00581](#) Ordinance No. 15-74 amending the zoning map of the City of Colorado Springs relating to a 9,250 square foot property located at 702 W. Colorado Avenue from C-5 to C-5/P.

Quasi-Judicial

Res/Ord Number: 15-74

This ordinance was finally passed on the Consent Calendar.

- 4A.D. [15-00575](#) Ordinance No. 15-77 amending the zoning map of the City of Colorado Springs, pertaining to 3.04 acres located at 2727 North Cascade Avenue from R-1 6000 (Single-Family) to PUD (Planned Unit Development).

Quasi-Judicial

Res/Ord Number: 15-77

This ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A. [15-00607](#) City Council Special Session Meeting Minutes September 16, 2015

The Meeting Minutes were approved on the Consent Calendar.

- 4B.C. [15-00566](#) Boards and Commissions

This item was approved on the Consent Calendar.

- 4B.D. [15-00546](#) A Resolution Authorizing Free Parking on Saturday, November 7, 2015, for the Veterans Day Parade

Res/Ord Number: 95-15

This resolution was adopted on the Consent Calendar.

- 4B.E.** [15-00547](#) A Resolution Authorizing Free On-Street Metered Parking on Saturday, November 28; Saturday, December 5; Saturday, December 12; and Saturday, December 19, 2015
Res/Ord Number: 96-15

This resolution was adopted on the Consent Calendar.

- 4B.F.** [15-00556](#) Ordinance No. 15-78 amending Part 1 (General Provisions), Part 2 (License Required), Part 3 (Occupation Tax on Liquors), Part 5 (Issuance of Licenses), Part 6 (Suspension and Revocation of Licenses) and Part 7 (General Liquor Offenses) of Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended
Res/Ord Number: 15-78

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

- 4B.G.** [15-00557](#) A resolution amending the Liquor and Beer Licensing Board Rules of Procedure and accepting and adopting the optional fine in lieu of suspension procedures set forth in the Colorado Liquor Code
Res/Ord Number: 97-15

This resolution was adopted on the Consent Calendar.

- 4B.H.** [15-00559](#) A Resolution approving the Memorandum of Agreement for the South Central Region Homeland Security equipment and personnel sharing between the City of Colorado Springs; Teller County, Colorado; Lake County, Colorado; Chaffee county, Colorado; Park County, Colorado; and El Paso County, Colorado.
Res/Ord Number: 98-15

This resolution was adopted on the Consent Calendar.

- 4B.I.** [15-00574](#) A Resolution Authorizing the Approval of a Second Amendment to Agreement Concerning Park Credits for Springs Ranch Golf Course
Res/Ord Number: 99-15

This resolution was adopted on the Consent Calendar.

- 4B.J.** [15-00497](#) A Resolution approving the Intergovernmental Agreement for Disaster Mutual Aid between the City of Colorado Springs and Douglas County, Colorado.

Res/Ord Number: 100-15

This resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, 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.

5. Recognitions

There were no recognitions.

6. Citizen Discussion

Citizens Jenifer Lewis, Monica Snowbird, Carisa Gonzalez, and Ariana Gonzalez spoke in support of designating an Indigenous Citizens Day.

Citizen Charles Barber spoke in opposition to the proposed sales tax increase and encouraged participation of young people in the City Government.

Citizen Longinos Gonzalez Jr. voiced concern about the proposed 2016 City Budget and withdrawals from the emergency reserve fund.

Citizen David Hopkins spoke about gun control.

Citizen Deborah Stout-Meiningner spoke in opposition to the proposed sales tax increase.

Citizen Teddi Roberts spoke in support of medical marijuana.

Peter Wysocki, Director of Planning and Development, introduced citizen Bruce Rau, representing Oakwood Homes, who introduced a request for bond debt issuance for Banning Lewis Ranch development. This item will return to Council October 26 and 27 for a decision.

Citizen Nazli McDonnell, physician with the VA, spoke in opposition to the proposed Sit/Lie Ordinance.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

4B.B. [15-00628](#) City Council Meeting Minutes September 22, 2015

Councilmember Collins stated she pulled the minutes off the Consent Calendar to have agenda item 11.B. changed to include a statement about the LART Committee's thorough review of the 73 applications prior to making their funding recommendations.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the City Council Meeting Minutes for September 22, 2015 be approved as amended. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

10.A. [15-00586](#) Ordinance No. 15-75 vacating a public right of way of a portion consisting of 1,227 square feet, located north and west of W. Colorado Avenue and S. 7th Street, respectively.

Legislative

Res/Ord Number: 15-75

Motion by Councilmember King, seconded by Councilmember Murray, to approve the vacation of the public right-of-way that bisects the subject property between McKinley Place and S 7th Street, based on the finding that the vacation meets the criteria set forth in City Code Section 7.7.402.C.. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

10.C. [15-00613](#) Ordinance No. 15-76 creating a six (6) month moratorium on the establishment of any new marijuana consumption club facility within the City limits.

Res/Ord Number: 15-76

Peter Wysocki, Director of Planning and Development, provided a brief overview of this proposed ordinance and stated City staff has been working on enforcement of this issue since the first reading of this item three weeks ago. This measure prohibits the issuance of building

permits for any new marijuana consumption clubs within City limits.

Councilmember Murray requested information about a marijuana consumption club he heard was shut down over the weekend. Mr. Wysocki stated a club was shut down due to failure to meet City Fire Code requirements.

Councilmember Murray asked why the Planning Commission has not reviewed the moratorium; Mr. Wysocki stated the Planning Commission is not required to review proposed moratoriums.

Citizens Bryan Tuck, Presence Mercier, David Hopkins, Jaymen Johnson, Allie Hillary, James McGuire, Jason Warf, Joel Aigner, Bob Wiley, Cyndy Kulp, and Pamela Bolan spoke in opposition of the proposal.

Citizens Deborah Stout-Meiningner, Pam Staley, Cynthia Chevalier, and Longinos Gonzalez Jr. spoke in support of this proposed moratorium.

Councilmember Strand asked if the section allowing the extension of this moratorium can be removed or if the moratorium can be lifted sooner if Council is ready to do so. Mr. Andrews stated these are both viable options.

Councilmember Collins urged existing consumption club owners to be careful, responsible and respectful of citizens and stressed the importance of Council developing enforceable regulations. Ms. Collins also reminded everyone this issue is also being addressed on a State level.

Motion by Councilmember Knight, seconded by Councilmember Bagley, that the Ordinance adopting a six (6)-month moratorium on the establishment of any new marijuana consumption club facility within the City limits be finally passed. The motion passed by a vote of 7-2-0.

Aye: 7 - Bagley, Bennett, Gaebler, King, Knight, Pico, and Strand

No: 2 - Collins, and Murray

10.D. [15-00629](#)

Ordinance No. 15-79 creating a six (6) month moratorium on the processing of any land use approval or licensing application for a new medical marijuana facility or the change of location or expansion of a currently operating medical marijuana facility within the City limits.

Res/Ord Number: 15-79

Peter Wysocki, Director of Planning and Development, introduced this

proposal which is the result of a the division of the relate item that appeared agenda item at the September 22, 2015 City Council meeting.

Councilmember Knight spoke about the importance of this proposal to allow the City to develop regulations for this business type based on lessons learned over the last few years of legalized medical marijuana sales. The City Clerk's Office will host a medical marijuana license application process training session October 21, 2015 from 1pm-3pm in the City Administration Building Suite 102 to assist business owners with the application process.

Councilmember King asked how the process of developing the regulations will be handled. Mr. Knight stated Executive Staff, Councilmembers, citizens and stakeholders will be involved in the process. City Council will have the final vote on the proposed regulations.

Council discussed the former process of developing medical marijuana licensing regulations, the current need for revision of some of the regulations and the desired process to accomplish Council's goals effectively.

Councilmember Collins asked about the task force formed in June to address marijuana related issues. Ms. Johnson stated the Fire Marshal's office formed a working group in June, they have met two or three times, mainly to bring together all City entities involved in medical marijuana regulation.

Council President Pro Tem Gaebler questioned the broadness of the moratorium as issues of concern seem to be more centered on hash oil extraction and marijuana cultivation facilities located in residential areas.

Citizens Randy Tuck, Joel Aigner, Jeff Sveinsson, Eric Wright, Luther Bonow, John Cureton, Jaymen Johnson, Sharon Shulman, Charles Houghton, Presence Mercier, Teddi Roberts, Ryan Moore, Colin Fletcher, Ryan Tuck, Pam Staley, Jason Warf, Katelyn Hecht, Allie Hillary, Eric Piper, Clifton Black, and Jenifer Lewis spoke in opposition to the proposal.

Councilmember Knight stated there is currently an unfair balance between the community and the medical marijuana industry. Citizens

have no input into the establishment of a medical marijuana facility in their neighborhood. The rules need to be reviewed and revised, by an unbiased task force, to reflect a better balance of power and fairness to citizens.

Councilmember Strand thanked the community for their presence at the meeting today and asked if medical marijuana licensing regulations are more stringent than liquor licensing regulations. Lee McRae, License Enforcement Officer, stated the general business licensing processes are very similar, there are a few State/Federal restrictions that require additional scrutiny on the medical marijuana industry. Liquor licensing requires applicants to appear before the Beer and Liquor Licensing Board and perform neighborhood needs and desires surveys. Mr. Wysocki stated medical marijuana facilities do not have the same zoning restrictions as liquor establishments.

Councilmember King asked which zones the majority of medical marijuana businesses are located in and requested information about how the appropriateness of zone proximities is determined. Mr. Wysocki provided a detailed explanation of the zoning districts and the proximity of zones types. Mr. McRae stated a report mapping medical marijuana facilities and zones will be provided to Council prior to the next meeting.

Council President Pro Tem Gaebler asked Jeff Greene, Chief of Staff, how the Mayor feels about this issue. Mr. Greene stated the Mayor will respect the decision of Council.

Councilmember Murray asked who drafted this ordinance. Mr. Greene stated the ordinance was drafted as a combined effort of the Planning Department, the City Attorney's Office, and the City Clerk's office with guidance from sponsoring City Councilmembers, Knight and Bagley.

Councilmember Murray asked if the City Clerk's Office receives citizen complaints about medical marijuana facilities. Mr. McRae stated all complaints received to date have been odor related, he did not have information on the number of complaints received.

Motion by Councilmember King, seconded by Councilmember Pico, to remove section five (5) of the draft ordinance. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

Res/Ord Number: 15-79

Motion by Councilmember King, seconded by Councilmember Strand, to amend the proposed moratorium ordinance by removing references to change of location or expansion of an existing MMJ facility from the draft ordinance. The motion failed by a vote of 3-6-0.

Aye: 3 - King, Murray, and Strand

No: 6 - Bagley, Bennett, Collins, Gaebler, Knight, and Pico

Res/Ord Number: 15-79

Motion by Councilmember Bagley, seconded by Councilmember Knight, that the ordinance creating a six (6) month moratorium on the processing of any land use approval or licensing application for a new medical marijuana facility or the change of location or expansion of a currently operating medical marijuana facility within the City limits with the removal of section five (5) be approved on first reading. The motion passed by a vote of 5-4-0.

Aye: 5 - Bagley, Bennett, King, Knight, and Pico

No: 4 - Collins, Gaebler, Murray, and Strand

11. New Business

- 11.A.** [15-00619](#) A Resolution Approving an Intergovernmental Agreement for Renewal of the CDL Third Party Testing Unit License Between the City of Colorado Springs and the State of Colorado

Res/Ord Number: 101-15

There were no questions or comments on this agenda item.

Motion by Councilmember Bagley, seconded by Councilmember Murray, that the Resolution approving an intergovernmental agreement for renewal of the CDL third party testing unit license between the City of Colorado Springs and the State of Colorado be adopted. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

- 11.B.** [15-00635](#) A Resolution approving an economic development agreement between the City of Colorado Springs and "DC West" and approving an intergovernmental agreement between the City of Colorado Springs and El Paso County

Res/Ord Number: 102-15

Councilmember Collins stated there are tax incentives all over the country, this is a battle for tax payers money.

Motion by Councilmember Bagley, seconded by Councilmember Murray, that the Resolution approving an economic development agreement between the City of

Colorado Springs and "DC West" and approving an intergovernmental agreement between the City of Colorado Springs and El Paso County be adopted. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

- 11.C. [15-00514](#)** A Resolution to Extend the Term of the Cable Television Franchise being Operated by Comcast of Colorado/Pennsylvania/West Virginia, LLC (locally known as Comcast)

Res/Ord Number: 103-15

Citizen Genevieve Gustafson stated the cable industry, particularly the internet, is vital to citizens.

Councilmember Knight acknowledged the concerns of citizens in areas of the City lacking internet access.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the Resolution to Extend the Term of the Cable Television Franchise being Operated by Comcast of Colorado/Pennsylvania/West Virginia, LLC (locally known as Comcast) be adopted. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

12. Public Hearing

- 12.A. [15-00578](#)** An appeal of the Planning Commission's action to approve a minor amendment to the Colorado College Master Plan.

Quasi-Judicial

Wynetta Massey, City Attorney, went through the recusal process with City Council prior to proceeding with this Quasi-Judicial matter. All Councilmembers stated they have the ability to hear this matter and make a fair and impartial decision based on the review criteria presented.

Ryan Tefertiller, Land Development Review Manager, provided an overview of this amendment to the Colorado College Master Plan which was approved unanimously by the Planning Commission.

Councilmember Knight asked about the impervious surface variance. Mr. Tefertiller provided historical data on the approved variances for the site. Councilmember Knight asked how this impervious surface adjacent to Monument Creek will affect possible flooding. Mr. Tefertiller explained there is a retention pond on the property that will be enlarged to facilitate

the increased drainage.

Christian Wright, representing the appellants, presented a summary of the neighbors' objections to this plan.

Citizens Cathy Hendrichs, Jennifer Wright and Lind Pon spoke in support of the appeal.

Tim Siebert with NES Inc., representing the applicant, provided additional information about the development plan.

Councilmember Knight asked if the drainage plan will control both sediment and water runoff and if a semi pervious parking area has been considered to help absorb some water. Mr. Siebert explained how the drainage system is design to accommodate both forms of runoff and the climate is not conducive to semi pervious parking areas.

Councilmember Knight asked about the care and maintenance plan for the landscaping. Mr. Siebert stated the vegetation will be included in an automatic irrigation system and the maintenance plan for the development includes replacement of any trees that perish.

Councilmember Knight asked how the less attractive areas of the property will be obscured. Mr. Siebert stated a solid gate will aid with security and blocking the view of the older buildings.

Councilmember Knight asked if the college would be willing to accept a condition of record on the SU zone to prohibit future residential use of the property. Mr. Siebert stated the college would not be opposed to this. Mr. Tefertiller stated neighbors expressed a preference to allow student housing to be developed in the area rather than this support center. Councilmember Knight expressed concern about the SU zoning distinction.

Councilmember Knight stated he does not feel sufficient evidence, based the requirements for an appeal, has been presented today and acknowledged the efforts of the college to make the development as harmonious with the neighborhood as possible.

Motion by President Pro Tem Gaebler, seconded by Councilmember Strand, to deny the appeal, approving item CPC MP 97-00261-A4MN15, a minor amendment

to the Colorado College Master Plan, based on the finding that application meets the criteria found in section 7.5.408 of the City Code. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

- 12.B.** [15-00620](#) Ordinance No. 15-80 amending the zoning map of the city of Colorado Springs pertaining to a 1.381 acre property located at 232, 236, and 240 W. San Miguel Street and 1315, 1317, 1323, and 1331 Glen Avenue from R-2/SS(two family residential with streamside overlay) and SU/SS(special use with streamside overlay) to SU/SS(special use with steamside overlay).

(Quasi-Judicial Matter)

Res/Ord Number: 15-80

Please see additional comments in agenda item 12.A.

Motion by Councilmember Knight, seconded by Councilmember Murray, to amend the proposed ordinance to add a condition of record to exclude future residential use of the property. The motion failed by a vote of 3-6-0.

Aye: 3 - King, Knight, and Murray

No: 6 - Bagley, Bennett, Collins, Gaebler, Pico, and Strand

Res/Ord Number: 15-80

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, that the Ordinance to deny the appeal, approving item CPC ZC 15-00055, a zone change from R2/SS (Two Family Residential with Streamside Overlay) and SU/SS (Special Use with Streamside Overlay) to SU/SS (Special Use with Streamside Overlay) based on the findings that the application meets the criteria found in section 7.5.603 of the City Code be approved on first reading. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Collins, Gaebler, King, Murray, Pico, and Strand

No: 1 - Knight

- 12.C.** [15-00621](#) Ordinance No. 15-81 amending the zoning map of the city of Colorado Springs pertaining to a 0.1 acre portion of the property located at 1317 Glen Avenue from R-2/SS(two family residential with streamside overlay) to PK(public park).

(Quasi-Judicial Matter)

Res/Ord Number: 15-81

Please see comments in agenda item 12.A.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Ordinance to deny the appeal, approving item CPC ZC 15-00055, a zone change from R2/SS (Two Family Residential with Streamside Overlay) to PK/SS

(Public Park with Streamside Overlay), based on the findings that the application meets the criteria found in section 7.5.603 of the City Code be approved on first reading. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

- 12.D.** [15-00622](#) An appeal of the Planning Commission's action to approve a non-use variance for impervious cover in the Streamside Overlay Zone.
(Quasi-Judicial Matter)

Please see comments in agenda item 12.A.

Motion by President Pro Tem Gaebler, seconded by Councilmember Strand, to deny the appeal, approving item CPC NV 15-00076, a non-use variance to allow 42% impervious cover within the Streamside Overlay where 25% is the limit, based on the findings that the application meets the criteria found in section 7.5.802.B. of the City Code. The motion passed by a vote of 7-2-0.

Aye: 7 - Bagley, Bennett, Gaebler, King, Murray, Pico, and Strand

No: 2 - Collins, and Knight

- 12.E.** [15-00623](#) An appeal of the Planning Commission's action to approve a major amendment to a conditional use development plan.
(Quasi-Judicial Matter)

Please see comments in agenda item 12.A.

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, to deny the appeal, approving item CPC CU 10-00100-A3MJ15, a major amendment to the Colorado College Facilities Yard Conditional Use Development Plan, based on the findings that the application meets the criteria found in section 7.5.704 of the City Code subject to compliance with the technical and informational plan modifications listed in the Planning Commission Record of Decision from the August 20, 2015 meeting. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

- 12.F.** [15-00624](#) Ordinance No. 15-82 vacating a portion of W. San Miguel Street right-of-way consisting of 0.267 acres and retaining a public utility easement and an access easement to the adjacent public stormwater facility.

(Legislative Matter)

Res/Ord Number: 15-82

Please see comments in agenda item 12.A.

Motion by President Pro Tem Gaebler, seconded by Councilmember King, that the ordinance to deny the appeal, approving item CPC V 15-00058, a vacation of a portion of W. San Miguel St., based on the findings that the vacation meets the criteria found in section 7.7.402.C. of the City Code subject to compliance with the following conditions of approval: Condition of Approval for the Vacation of

San Miguel Right-of-Way: 1. The recordation of the vacation ordinance must immediately precede the conveyance of the area shown on the vacation sketch as being conveyed back to the City for public purposes; 2. Public utility easements and an easement for City access to the adjacent stormwater facility will be retained when the right-of-way is vacated, be finally passed. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

12.G. [15-00577](#)

An appeal of the Planning Commission's denial of an appeal of an administrative approval of a non-use variance to allow a 2.3 foot side yard setback where 5 feet are required, located at 5675 Majestic Drive.

Quasi-Judicial

Wynetta Massey, City Attorney, went through the recusal process with City Council prior to proceeding with this Quasi-Judicial matter. All Councilmembers stated they have the ability to hear this matter and make a fair and impartial decision based on the review criteria presented.

Ryan Tefertiller, Land Development Review Manager, provided an overview of this situation and the resulting appeal.

Maria Petcash, appellant, provided additional information about the appeal.

Scott Hente, the home builder, provided information about the re-building of the neighborhood and the properties and a summary of the builders attempts to reach a compromise with the appellant.

Councilmember Knight requested an estimated cost of reconfiguring the appellant's driveway to accommodate the planned structure on this property. Mr. Hente stated it would cost about \$3000 to \$4000 to remove and replace the driveway. It would cost between \$25,000 and \$30,000 to redo the foundation.

Councilmember King asked if Mr. Hente was aware the neighboring driveway was on his property prior to beginning construction. Mr. Hente stated he was not aware of this situation until after the foundation was complete.

Councilmember Murray asked if there is a buyer for the house under

construction. Mr. Hente stated the house is under contract contingent on the outcome of the hearing tonight.

Citizens Genevieve Gustafson, Don Meaney, and Debra Zawacky spoke in support of the appellant.

Councilmember King asked how far the houses will be apart at the closest location if the variance is granted and if there are houses in the neighborhood closer together than these houses will be. Mr. Hente stated the houses will be about 30 feet apart and some houses in the area that were built on adjacent edges of the properties are as close as ten feet apart.

Councilmember Knight stated his pivotal question in this situation is how other cases in this area have been handled, seeing similar variances have been granted and the construction is contained within the property lines, he will support this denial.

Motion by President Pro Tem Gaebler, seconded by Councilmember King, to deny the appeal, upholding Planning Staff's administrative approval, based on the finding that the appeal has not met the criteria contained in City Code Section 7.5.906(4) and that the application meets the non-use variance review criteria found in City Code Section 7.5.802.B. The motion passed by a vote of 7-2-0.

Aye: 7 - Bagley, Bennett, Collins, Gaebler, King, Knight, and Pico

No: 2 - Murray, and Strand

13. Added Item Agenda

There were no Added Agenda items.

14. Executive Session

There was not an Executive Session.

15. Adjourn

Following adjournment of the regular City Council meeting, City Council will adjourn and reconvene as the Board of Directors of the Briargate General Improvement District.

- A.** [15-00446](#) Request to set November 24, 2015 as the Public Hearing date for consideration of adopting the proposed 2016 Colorado Springs Briargate General Improvement District Budget and to advertise as required by law

Motion by Councilmember Knight, seconded by Councilmember Bagley, to establish November 24, 2015 as the date of the Public Hearing to consider the 2016 Colorado Springs Briargate General Improvement District budget. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

Following adjournment of the Board of Directors of the Briargate General Improvement District, City Council will adjourn and reconvene as the Board of Directors of the Spring Creek General Improvement District.

- A.** [15-00448](#) Request to set November 24, 2015 as the Public Hearing date for consideration of adopting the proposed 2016 Colorado Springs Spring Creek General Improvement District Budget and to advertise as required by law

Councilmember Collins stated she is voting no on these items because she does not believe the City Government should be involved in these special districts.

Motion by Councilmember King, seconded by Councilmember Bagley, to establish November 24, 2015 as the date of the Public Hearing to consider the 2016 Colorado Springs Spring Creek General Improvement District budget. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

Following adjournment of the Board of Directors of the Spring Creek General Improvement District, City Council will adjourn and reconvene as the Board of Directors of the Marketplace at Austin Bluffs General Improvement District.

- A.** [15-00447](#) Request to set November 24, 2015 as the Public Hearing date for consideration of adopting the proposed 2016 Colorado Springs Marketplace at Austin Bluffs General Improvement District Budget and to advertise as required by law

Motion by Councilmember King, seconded by Councilmember Bagley, to establish November 24, 2015 as the date of the Public Hearing to consider the 2016 Colorado Springs Marketplace at Austin Bluffs General Improvement District budget. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins