



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, June 27, 2017

1:00 PM

Council Chambers

1. Call to Order

Present: 9 - Councilmember Yolanda Avila, Councilmember Merv Bennett, President Pro Tem Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, and Councilmember Tom Strand

2. Invocation and Pledge of Allegiance

The Invocation was made by Reverend Norm Bouchard from the Center for Spiritual Living

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Eileen Lynch Gonzalez, City Council Administrator, requested that Item 12.B. an appeal for a revocable permit be moved to before Item 6. Citizen Discussion. 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. [17-991](#)

Ordinance No. 17-46 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$235,642 for events recommended by the LART Citizen Advisory Committee

Presenter:
Charae McDaniel, Acting Budget Director
Fred Veitch, Chair, LART Citizen Advisory Committee

Attachments: [2017 Attachment A - List of LART recommended projects](#)
[Ordinance for LART 2017 Additional Events](#)
[Signed Ordinance 17-46](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [17-1073](#) City Council Regular Meeting Minutes June 13, 2017

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [6-13-2017 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.B. [17-994](#) 2018 Audit Plan Approval

Presenter:
Denny L. Nester, City Auditor, Office of the City Auditor

Attachments: [2018 Audit Plan Draft](#)
[2018 Audit Plan slides](#)

This 2018 Audit Plan was approved on the Consent Calendar.

4B.C. [17-958](#) Request to Establish a Public Hearing August 8, 2017 for the Consideration of Resolutions Regarding Certain Changes to Utilities Rules and Regulations

Presenter:
Mr. Chris Bidlack, City Attorney's Office - Utilities Division
Mr. Jerry Forte, P.E., CEO Colorado Springs Utilities

Attachments: [URR - Restated Vol. 5 - Final.pdf](#)

This Item was approved on the Consent Calendar.

4B.D. [17-998](#) A Resolution Approving an Intergovernmental Agreement Regarding the School Yard Initiative Grant to the Academy For Advanced and Creative Learning

Presenter:
Karen Palus - Director of Parks, Recreation and Cultural Services
Tilah Larson - Senior Grants Analyst

Attachments: [6-12-17 - IGA - AcademyACL\(final draft\)](#)
[6-12-17 - School Yard Powerpoint - IGA](#)
[Resolution 124-16](#)
[GOCO AcademyforAdvancedandCreativeLearningIGA-RES-2017-05-31formatted](#)

This Resolution was adopted on the Consent Calendar.

- 4B.E. [17-1000](#)** A Resolution Approving an Intergovernmental Agreement Regarding the School Yard Initiative Grant on Behalf of Thomas Edison Elementary

Presenter:

Karen Palus - Director of Parks, Recreation and Cultural Services
Tilah Larson - Senior Grants Analyst

Attachments: [6-12-17 - IGA - Edison\(reviewed draft\)](#)
[6-12-17 - School Yard Powerpoint - IGA](#)
[GOCO EdisonElementaryIGA-RES-2017-05-31Formatted](#)
[Resolution 125-16](#)

This Resolution was adopted on the Consent Calendar.

- 4B.F. [17-986](#)** A Resolution Supporting the City of Colorado Springs Inspire Initiative Grant Application to Great Outdoors Colorado on Behalf of the Pikes Peak Coalition

Presenter:

Karen Palus, Parks, Recreation and Cultural Services Director
Tilah Larson, Senior Grants Analyst

Attachments: [6-12-17 - City Council Presentation - Inspire Implementation Grant](#)
[GOCO InspireInitiative-RES-2017-06-01](#)
[Signed Resolution 69-17](#)

This Resolution was adopted on the Consent Calendar.

- 4B.G. [17-1012](#)** A resolution authorizing the submission of Passenger Facility Charge (PFC) Application #22 to the Federal Aviation Administration increasing the total PFC funds to be collected for capital improvements at the Colorado Springs Airport

Presenter:

Greg Phillips, A.A.E., Director of Aviation Colorado Springs Airport

Attachments: [Draft_PFC_22_Resolution - Application.docx](#)
[FINAL_PFC_22_Table 1 - Previous Council Actions.pdf](#)
[FINAL_PFC_22_Table 2 - Financial Implications.pdf](#)
[Final_PFC_22_Exhibit A - Project Description.docx](#)
[ColspALP10-CIP.EX05-PFC.22.B.pdf](#)
[Airport Advisory PFC #22 Letter of Support May 2017.pdf](#)
[Final PFC #22 Submittal City Council.pptx](#)

This Resolution was adopted on the Consent Calendar.

4B.H. [17-1014](#) Federal Transit Administration Authorizing Resolution

Presenter:

Craig Blewitt, Transit Services Division Manager

Attachments: [FTA_GoverningBodyRES-2017FINAL](#)
[Signed Resolution 71-17](#)

This Resolution was adopted on the Consent Calendar.

4B.I. [17-1037](#) A Resolution authorizing the Mayor to execute and administer the revised agreement between the City of Colorado Springs, the Pikes Peak Rural Transportation Authority (PPRTA) and the Colorado Department of Transportation (CDOT) for the Fillmore and I-25 Interchange Project

Presenter:

Kathleen Krager, Traffic Division Manager

Travis Easton, P.E. Public Works Director

Attachments: [IGA-CDOT-I-25Fillmore-2017-05-24](#)
[Exhibit A-Fillmore St IGA](#)

This Resolution was adopted on the Consent Calendar.

4B.J. [17-1038](#) A Resolution authorizing the Mayor to execute and administer the revised agreement between the City of Colorado Springs, the Pikes Peak Rural Transportation Authority (PPRTA) and the Colorado Department of Transportation (CDOT) for the Old Ranch Road and Powers Interchange Project

Presenter:

Kathleen Krager, Traffic Division Manager

Travis Easton, P.E. Public Works Director

Attachments: [IGA-CDOT-OldRanch-2017-05-26](#)
[Exhibit A--Old Ranch Rd IGA](#)

This Resolution was adopted on the Consent Calendar.

- 4B.K.** [17-1040](#) A Resolution Authorizing the Mayor to Execute and Administer the revised Agreement between the City of Colorado Springs, the Pikes Peak Rural Transportation Authority (PPRTA) and the Colorado Department of Transportation (CDOT) for the I-25 / Cimarron Street Reconstruction Project

Presenter:
Kathleen Krager, Transportation Manager
Travis Easton, P.E., Public Works Director

Attachments: [Resolution I-25 Cimarron](#)
[Exhibit A Cimarron St](#)

This Resolution was adopted on the Consent Calendar.

- 4B.L.** [CPC PUZ](#)
[16-00096](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 5.012 acres located at the southeast corner of Fillmore Street and Grand Vista Circle from R/HS (Residential Estate with Hillside Overlay) to PUD (Planned Unit Development: Multi-Family Residential, 18.16 Dwelling Units Per Acre and a 55 foot maximum building height).

(Quasi-Judicial)

Related File: CPC PUP 16-00097

Presenter:
Peter Wysocki, Director Planning and Community Development
Michael Schultz, Principal Planner, Planning and Community Development

Attachments: [ZC ORD-Fillmore Street Apts](#)
[Exhibit A - Legal Description](#)
[New Vicinity Map](#)

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

- 4B.M.** [CPC PUP](#)
[16-00097](#) Fillmore Apartments PUD Concept Plan pertaining to 5.012 acres located at the southeast corner of Fillmore Street and Grand Vista Circle illustrating a conceptual layout for two multi-family apartment buildings housing a total of 91 units and a manager's office and clubhouse building.

(Quasi-Judicial)

Related File: CPC PUZ 16-00096

Presenter:

Peter Wysocki, Director Planning and Community Development
Michael Schultz, Principal Planner, Planning and Community Development

Attachments: [Figure 2 - Fillmore Apts CP](#)

[7.3.605 PUD Concept Plan](#)

[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

4B.N. [CPC ZC
16-00098](#)

An ordinance amending the zoning map of the City of Colorado Springs pertaining to .8-acre located at the northeast corner of Stetson Hills Boulevard and Templeton Drive from PBC/cr/AO (Planned Business Center with conditions of record and Airport Overlay) and OC/cr/AO (Office Complex with conditions of record and Airport Overlay) to PUD/AO (Planned Unit Development: Multi-Family Residential, 15 Dwelling Units per Acre, maximum building height of 30 feet with an Airport Overlay)

(Quasi-Judicial)

Related File: CPC DP 16-00099

Presenter:

Peter Wysocki, Director Planning and Community Development
Michael Schultz, Principal Planner, Planning and Community Development

Attachments: [ORD_ZC_Stetson Ridge Townhomes](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Graphic Depiction](#)

[Vicinity map](#)

This Ordinance was approved on first reading on the Consent Calendar

4B.O. [CPC DP
16-00099](#)

Stetson Ridge Townhomes Filing No. 4 PUD Development Plan consisting of 12 townhome units on .8-acre located at the northeast corner of Stetson Hills Boulevard and Templeton Drive.

(Quasi-Judicial)

Related File: CPC ZC 16-00098

Presenter:

Peter Wysocki, Director Planning and Community Development
Michael Schultz, Principal Planner, Planning and Community Development

Development

Attachments: [Figure 4 - PUD Development Plan](#)
[7.3.606 PUD Development Plan](#)
[7.5.502.E Development Plan Review](#)

This Item was approved on the Consent Calendar.

- 4B.P.** [17-1075](#) A Resolution finding a public purpose in a short-term lease to Ruth D. Anderson of less than fair market value for property purchased as part of the Southern Delivery System Project

Presenter:

Lyman Ho, SDS Land Acquisition Manager
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Attachments: [SDS Lease BelowFMV_Anderson-RobertsRES-2017-06-05.docx](#)
[Signed Resolution 75-17](#)

This Resolution was adopted on the Consent Calendar.

- 4B.Q.** [17-1076](#) A Resolution finding a public purpose in a short-term lease to Ryan B. Roberts of less than fair market value for property purchased as part of the Southern Delivery System Project

Presenter:

Lyman Ho, SDS Land Acquisition Manager
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Attachments: [SDS Lease BelowFMV_RobertsRES-2017-06-05.docx](#)
[Signed Resolution 76-17](#)

This Resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Bennett, seconded by Councilmember Strand, 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

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

5. Recognitions

- 5.A.** [17-961](#) A Resolution Designating July as National Park and Recreation Month

Presenter:

Karen Palus, Director
Parks, Recreation and Cultural Services

Attachments: [062717 - 2017 Park and Rec Month Resolution](#)
[Signed Resolution 77-17](#)

Councilmember Bennett read a Resolution Designating July as National Park and Recreation Month.

Karen Palus, Director Parks, Recreation and Cultural Services, stated that the Parks and Recreation Department is celebrating the power of play during the month of July. Ms. Palus introduced Josiah Garcia from Hillside Community Center who stated that the Hillside Center provides friends, a place where he feels safe, and feels that the counselors from Hillside Center are always there for him. Ms. Palus also introduced Arelia from Meadows Park Community Center who stated that the center gives her a place to play tag, inside hide-n-seek, groundsies, and play at the park.

Ms. Palus thanked Mayor Suthers, Jeff Greene, Chief of Staff, City Council, and volunteers in the community for their support. Ms. Palus identified the many events planned for July and President Skorman commented that Colorado Springs has one of the best park systems in the country.

Motion by Councilmember Bennett, seconded by Councilmember Murray, that the Resolution be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

6. Citizen Discussion

Citizen Gerald Miller spoke regarding interrupting when necessary and against marijuana use.

Citizen Abby Simpson from the Pikes Peak Library District spoke about receiving grant funding for internships within the library district and introduced the library interns and staff.

Citizen Shanon Greever spoke for the disadvantaged and gave suggestions for the future of America.

Citizen Susan Davies, Trails and Open Space Coalition, spoke for support and improved funding of trails, open spaces, and parks.

David Navarro and Ayesha Bogart, World Mission Society Church of God, spoke for building relationships with the leadership of Colorado

Springs, their volunteer cleanup efforts of the parks, and blood drives. Ms. Bogart invited Council to a charitable concert benefiting the people of Haiti being held on July 23, 2017 at Cheyenne Mountain High School.

7. Mayor's Business

- 7.A. [17-1036](#) Nomination to appoint Martha Barton for a three year term on the Colorado Springs Health Foundation Board of Trustees.

Presenter:
Mayor John Suthers

Attachments: [Memo to City Council CSHF 062017](#)
[Martha Barton Application 2017 Redacted](#)

Mayor John Suthers presented the nomination to appoint Martha Barton for a three year term on the Colorado Springs Health Foundation Board of Trustees. Mayor Suther stated that Ms. Barton served thirty years as the President and CEO of the Pikes Peak Hospice and Palliative of Care. Councilmember Bennett stated that Ms. Barton has the experience needed for the position, but would like to find positions for all three interview finalists.

Ms. Barton thanked Council for the opportunity to serve with the Colorado Springs Health Foundation Board of Trustees.

Motion by Councilmember Bennett, seconded by Councilmember Geislinger, that the Appointment be approved. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 7.B. [17-1074](#) Nomination to appoint Edward Colt as an Associate Municipal Court Judge.

Presenter:
Mayor John Suthers

Attachments: [municipal court committee June 2017](#)
[Edward Colt Application Redacted](#)

Mayor John Suthers presented the nomination to appoint Edward Colt as an Associate Municipal Court Judge. Mayor Suthers said there were thirty-eight applicants for the position and a panel of five people reviewed those applicants and then he and Councilmember Strand conducted interviews of the three nominees. Mayor Suthers said that Mr. Colt is an excellent fit for the position and is an outstanding lawyer and jurist. Councilmember Strand said that Mr. Colt's twenty-three

years of experience as a judge will be a great asset.

Councilmember Geislinger recused himself due to a conflict of interest.

Motion by Councilmember Strand, seconded by Councilmember Bennett, that the Appointment be approved. The motion passed by a vote of 8-0-1

Aye: 8 - Avila, Bennett, Gaebler, Knight, Murray, Pico, Skorman, and Strand

Recused: 1 - Geislinger

8. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

- 10.A.** [17-923](#) Ordinance No. 17-47 amending Part 7 (Peddlers of Food Wares) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Mobile Food Vendors and providing penalties for the violation thereof

Presenter:

Sarah B. Johnson, City Clerk

Lee McRae, License Enforcement Officer

Attachments: [MobileFoodVendorCh2Art3Part7-2017-05-17v2 \(2\)](#)

[City Council - Mobile Food Vending-2017-06-13](#)

[Signed Ordinance 17-47](#)

There were no comments on this item.

President Skorman recused himself from the public hearing due to his ownership of a downtown restaurant business.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Ordinance to amend and rename the Peddler of Food Wares License Code be finally passed. The motion passed by a vote of 8-0-1

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Strand

Recused: 1 - Skorman

- 10.B.** [17-1021](#) Ordinance No. 17-48 amending Section 507 (License Fees Enumerated) of Part 5 (License Fees) of Article 1 (General Business License Provisions) of Chapter 2 (Business Licensing, Liquor

Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Mobile Food Vendor license fees

Presenter:

Sarah B. Johnson, City Clerk

Lee McRae, License Enforcement Officer

Attachments: [MobileFoodVendorCh2Art1Pt5-LicenseFeesEdit-2017-05-17](#)

[Signed Ordinance 17-48](#)

There were no comments on this item.

President Skorman recused himself from the public hearing due to his ownership of a downtown restaurant business.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Ordinance to amend License Fees Enumerated section of the General Business License Code to reflect the name change of the "Peddler of Food Wares" license type to "Mobile Food Vendors" be finally passed. The motion passed by a vote of 8-0-1

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Strand

Recused: 1 - Skorman

- 10.C.** [17-916](#) Ordinance No. 17-49 amending Section 104.F, Article 15, Chapter 10 and Section 106, Article 15, Chapter 10 of the City Code to allow mobile food vendors to utilize on-street metered parking spaces.

Presenter:

Greg Warnke, Parking Administrator

Attachments: [Parking-MobileFoodVendorORD-2017-05-12FINAL](#)

[Application for Mobile Food Vendor Parking Hoods - Final](#)

[Signed Ordinance 17-49](#)

There were no comments on this item.

President Skorman recused himself from the public hearing due to his ownership of a downtown restaurant business.

Motion by Councilmember Murray, seconded by Councilmember Avila, that the Ordinance amending Section 104 F, Article 15, Chapter 10, and Section 106, Article 15, Chapter 10 of the City Code pertaining to permits for extended use of parking meters be finally passed. The motion passed by a vote of 8-0-1

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Strand

Recused: 1 - Skorman

11. New Business

- 11.A. [17-992](#) An Ordinance establishing the terms, fees, compensation, conditions and other matters relating to the granting of a cable franchise to Comcast of Colorado/ Pennsylvania/West Virginia, LLC and approving a cable franchise agreement between Comcast of Colorado/Pennsylvania/West Virginia, LLC and the City of Colorado Springs

Presenter:

Bret Waters, Deputy Chief of Staff

Ken Fellman, Outside Counsel

Renee Congdon, Senior Attorney,

Kelsey Hunt, Southern Colorado Educational Television Consortium

Attachments: [ApprovingComcastFranchiseORD-2017-05-22 final](#)

[Proposed Comcast-Colorado Springs Renewal Franchise](#)

[Agreement](#)

[Comcast cable franchise comparison of key terms 5-22-17](#)

[SCETC POWERPOINT CITY COUNCIL WORK SESSION 5-22-17](#)

[Comcast--Summary of Public Comments](#)

Bret Waters, Deputy Chief of Staff, stated there was an extensive presentation of the Comcast cable franchise agreement at the May 22, 2017 City Council Work Session meeting with a robust public comment process. Mr. Waters said that they are proposing a very conservative 3.5% increase fee to franchisees for use of the public right-of-way.

Renee Congdon, Senior Attorney, said the Cedar Heights neighborhood has been reviewed in great detail and even if there were public utility easements, the greater issue is the cost to implement Comcast service in that area. Ms. Congdon stated that the existing franchise agreement does not indicate that free service is required to be provided to neighborhoods more than 125 feet from a distribution line.

Councilmember Knight stated that he does not believe the distance to Cedar Heights is accurate. Arthur Ortegon, Director of Government and Regulatory Affairs at Comcast, said that Comcast tries to find the most cost effective way to bring service. He explained that Cedar Heights is sixteen miles away and that there is not a distribution point within 125 feet of the community.

Councilmember Geislinger asked if a distribution point is determined, can the service be added to Cedar Heights. Mr. Waters said that this agreement was only for television service and that most franchisee

contracts have the standard language of 125 feet.

Kelsey Hunt, Director of Media Services at UCCS and President of Southern Colorado Educational Television Consortium, identified the schools that she represents and introduced Allison Cortez, Director of Communications for School District 20. Ms. Cortez said that the consortium has enabled students to have opportunity to work across platforms and achieve more than they could without it.

Citizen Walter Lawson said he is opposed to the proposed increase in the Comcast franchise fee and suggested senior discounts and performance evaluations every three years.

Citizen Bill Sandras from Cedar Heights said that it would cost \$1.3 million to put cable in their neighborhood. Mr. Sandras stated that staff had been involved in discussions and that Comcast is using the 125 feet as a loophole to avoid service to certain communities.

Councilmember Knight asked to add an amendment to the contract to add service to the Cedar Heights area within the next 18 months. Ken Fellman, Kissinger & Fellman, P.C., said the contract would have to be renegotiated in order to add that condition.

Councilmember Knight asked if Comcast lays cable that is for internet only, what right would Comcast have to the City's right-of-ways. Mr. Fellman said that Senate Bill 10 legislation allows for telecommunication and broadband companies the right to use the City's right-of-ways. Councilmember Knight stated that a small number of people receiving television service will bear the burden of the franchise fee. Jeff Greene, Chief of Staff, said that it is a choice of Comcast to pass the fee on to subscribers and recommends denial of the motion for an amendment.

Councilmember Geislinger stated the right-of-way for cable is a City asset that needs to be used as a benefit for all citizens and without a fee, only people who received service would benefit from it.

Councilmember Gaebler said that Comcast should implement service in the Cedar Heights neighborhood and incur the \$1.3 million cost.

Councilmember Murray said that Comcast should have already had the franchise fee for years and that there needs to be more competition.

Councilmember Pico said Comcast is not a monopoly with CenturyLink

and other wireless broadband in the area and that Comcast has 40% of market. Councilmember Avila said that she reluctantly supports the agreement and agrees that Comcast needs to serve the Cedar Heights area.

Motion by Councilmember Knight to add an amendment to add Comcast service for Cedar Heights within the next 18 months. Motion failed for lack of second.

Motion by Councilmember Pico, seconded by Councilmember Knight, to add an amendment to keep the franchise fee at the current rate throughout the term of the contract. The motion failed by a vote of 2-7-0

Aye: 2 - Knight, and Pico

No: 7 - Avila, Bennett, Gaebler, Geislinger, Murray, Skorman, and Strand

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Ordinance establishing the terms, fees, compensation, conditions and other matters relating to the granting of a cable franchise to Comcast of Colorado/Pennsylvania/West Virginia, LLC and approving a cable franchise agreement between Comcast of Colorado/Pennsylvania/West Virginia, LLC and the City of Colorado Springs be approved on first reading. The motion passed by a vote of 7-2-0

Aye: 7 - Avila, Bennett, Gaebler, Geislinger, Murray, Skorman, and Strand

No: 2 - Knight, and Pico

- 11.B. [17-957](#)** An ordinance amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$6,000,000, which is the amount of the 2016 fiscal year revenue above the 2016 fiscal year revenue and spending limitations (TABOR cap), approved by voters in the April 2017 municipal election to be retained and spent for stormwater projects

Presenter:

Charae McDaniel, Acting Budget Director

Attachments: [Ordinance for Supplemental for TABOR \\$6M](#)

There were no comments on this item.

Motion by Councilmember Bennett, seconded by Councilmember Knight, that the Ordinance to appropriate the voter approved \$6 million in 2016 revenue in excess of TABOR limits for the purpose of stormwater improvement projects.. The motion passed by a vote of 9-0-0

- 11.C. [17-963](#)** An Ordinance amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a Supplemental Appropriation to the General Fund in the amount of \$75,000 for tree cleanup from the April 2017 snowstorm

Presenter:

Karen Palus, Parks, Recreation and Cultural Services Director
Jay Hein, City Forester

Attachments: [050817 - Ordinance for Parks Forestry Div Tree Cleanup \(17-963\).docx](#)
[5-8-17 - Forestry Emergency Supplemental Request - Powerpoint](#)
[April 4 snowstorm June Council.pptx](#)

Kurt Schroeder, Parks Maintenance and Operations Manager, presented a request for a supplemental appropriation in the amount of \$75,000 for tree cleanup from the April 2017 snowstorm. Mr. Schroeder stated that a private contractor was retained to assist with the cleanup of 107 hanging branches. He said that brush piles have been removed and that they are nearing completion of the project. Mr. Schroeder said staff received over 1500 calls for service relating to the snowstorm cleanup.

Councilmember Knight said that this was postponed two weeks by the Budget Committee in order for the Finance Department to review alternative funding before withdrawing the appropriation from reserves, but is fully supportive of the work that needs to be completed. Councilmember Gaebler asked if postponement would impede the work that needs to be completed. Mr. Schroeder said that the work will continue, but the budget may move into the negative as they move forward.

Councilmember Strand said he saw many of the cleanup issues resolved by the end of May. He asked Charae McDaniel, Acting Budget Director, if there would be any surplus in the budget. Ms. McDaniel said that there will be situations that will arise throughout the year and that there will be departments that will not have the savings. Ms. McDaniel said that postponement would allow further review of the Parks and Recreation Department budget expenditure information. Jeff Greene, Chief of Staff, said that he requests Council approve the item today.

Councilmember Murray said that they budget based on unpredictability and at the end of the budget cycle, it would be recouped. Councilmember Knight said that at the end of the year, there has always been savings due to vacancies and projects that end up costing less than expected. He stated that the risk is in taking it out of reserves.

Councilmember Geislinger asked if there is a downside to delaying until the end of the year. Ms. McDaniel said it would put a strain on the Parks

and Recreation Department budget for future projects. She said there are processes in place to prevent salary savings being spent on other items without approval. President Skorman said he believes this is an emergency and that is what the general fund is for.

Motion by Councilmember Knight, seconded by Councilmember Pico, that this Ordinance be postponed indefinitely. The motion failed by a vote of 3-6-0

Aye: 3 - Geislinger, Knight, and Pico

No: 6 - Avila, Bennett, Gaebler, Murray, Skorman, and Strand

Motion by Councilmember Gaebler, seconded by Councilmember Murray that the Ordinance amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a Supplemental Appropriation to the General Fund in the amount of \$75,000 for tree cleanup from the April 2017 snowstorm be approved on first reading. The motion passed by a vote of 8-1-0

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Skorman, and Strand

No: 1 - Pico

- 11.D. [17-1047](#)** A Resolution Rescinding Resolution No. 120-11 and Resolution No. 153-11 and Establishing Medical Marijuana Business Application and License Fees and Charges

Presenter:

Chris Wheeler, Senior Analyst, Fiscal & Strategic Planning Office,
Finance

Nina Vetter, Strategic Plan & Business Process Administrator,
Finance

Attachments: [MMJ_FeesRES-2017-05-31](#)

[MMJ_FeesRES-2017-05-31 ExhibitA](#)

[MMJ_Fees_2011_Comparison-2017-05-31](#)

[MMJ Fees to Council -06.12.17](#)

[Signed Resolution 78-17](#)

There were no comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Bennett, that the Resolution rescinding Resolution No. 120-11 and Resolution No. 153-11 and establishing medical marijuana business application and license fees and charges be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 11.E. [17-1057](#)** An ordinance amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$100,000 for increased revenue and expenditures

related to the updated Medical Marijuana Business Application and License Fees Schedule and associated enforcement expenditures

Presenter:

Chris Wheeler, Senior Analyst, Fiscal and Strategic Planning Office,
Finance
Nina Vetter, Strategic Plan and Business Process Administrator,
Finance

Attachments: [Ordinance for MMJ Fee Revenue & Exp Increase](#)

There were no comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Ordinance amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$100,000 for increased revenue and expenditures related to the updated Medical Marijuana Business Application and License Fees Schedule and associated enforcement expenditures be approved on first reading. The motion passed by a vote of 9-0-0

- 11.F. [17-1039](#) A Resolution Authorizing the Mayor to Execute and Administer an IGA between the City of Colorado Springs (City) and the Colorado Department of Transportation (CDOT) for Landscaping Costs Associated with the I-25 / Cimarron Expressway Interchange Project

Presenter:

Kathleen Krager, Traffic Division Manager
Travis Easton, P.E., Public Works Director

Attachments: [Landscape I-25-Cimarron](#)
[LandscapeCimmRES-2017-06-07 \(2\)](#)

Kathleen Krager, Traffic Division Manager, said that this Intragovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT) is for \$1.5 million in landscaping costs for the Cimarron/I-25 Interchange project which is scheduled to be completed late October 2017.

Councilmember Pico stated that this IGA is part of the local match that was agreed upon in 2015. Ms. Krager said the local match was less than ten percent of the overall project cost.

Motion by Councilmember Strand, seconded by Councilmember Bennett, that the Resolution Authorizing the Mayor to Execute and Administer an IGA between the City of Colorado Springs (City) and the Colorado Department of Transportation (CDOT) for Landscaping Costs Associated with the I-25 / Cimarron Expressway Interchange Project be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

12. Public Hearing

- 12.A. [AR PFP 16-00629](#) An appeal of the Planning Commission decision to approve the Archer Park Preliminary and Final Plat, dividing 4.7-acres into 7 single-family residential lots located at 10 El Encanto Drive.

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

Attachments: [EXHIBIT A - Appeal Memo Letter](#)
[EXHIBIT B - Appeal Postponement Request](#)
[Vicinity Map](#)
[Archer Park PP - LT - City Council](#)
[CPC Staff Report Archer Park](#)
[FIGURE 1 - Preliminary Plat](#)
[FIGURE 2 - Final Plat](#)
[FIGURE 3 - Project Statement](#)
[FIGURE 4 - 1st Submittal neighborhood comments](#)
[FIGURE 5 - 2nd Submittal neighborhood comments](#)
[FIGURE 6 - 3rd submittal neighborhood comments](#)
[FIGURE 7 - 4th submittal neighborhood comments](#)
[FIGURE 8 - surrounding properties layout](#)
[FIGURE 9 - Density of surrounding neighborhood](#)
[FIGURE 10 - Book 1397 page 217-219](#)
[FIGURE 11 - Book 2228 page 380](#)
[FIGURE 12 - Reception number 216067228](#)
[FIGURE 13 - Book Z2 page 98 \(Replat of Lot 9, Block 1 Sierra Vista Estates Plat\)](#)
[FIGURE 14 - CGS Geologic Hazard Review](#)
[7.7.102 Subdivision Plats Review Criteria](#)
[7.7.204 Preliminary Plat Req - Subdivision Plats Review Criteria](#)
[7.7.303 Final Plat Req - Subdivision Plats Review Criteria](#)
[CPC May 18 2017 Minutes - Archer Park](#)

Marc Smith, City Attorney, discussed ex parte communications with City Council prior to proceeding with this Quasi-Judicial matter. All Councilmembers indicated they have the ability to hear this matter and make a fair and impartial decision based on the review criteria presented.

Councilmember Geislinger asked for clarification on the standard of review that governs Councilmembers on this type of appeal. Mr. Smith said the appeal authority for Councilmember is City Code criteria 7.5.906(A)(4).

Lonna Thelen, Principal Planner, Planning & Community Development, provided an overview of the Archer Park vicinity map, existing property zoning, the application for 7 single-family homes, and the neighborhood meetings that were held. She reviewed the preliminary plat and the neighborhood concerns of density, private access and parking, fire access and safety, utility easements, detention and water quality, traffic, and geologic hazard.

Steve Rossoll, Engineer Stormwater Department, stated that stormwater reviewers do not approve any drainage design plans associated with development that do not meet compliance with the City's stormwater drainage criteria manual.

Les Gruen, representing the appellants, presented a summary of their objections to the development plan. Mr. Gruen stated that the Planning Commission made their decision based on incomplete information.

Jon Steeler, Environmental Lawyer, representing the appellants, specializing in drainage issues and stormwater flood management, stated that the plan needs to comply with City's drainage criteria. Mr. Steeler said that the drainage plan should not cause damage to neighboring property.

Gary Thomas, Senior Engineer of Martin/Martin, representing the appellants, stated that he analyzed the construction of the building and the details and consistency of the information in the design plan and if it followed current City criteria and the feasibility of the project. Mr. Thomas said that the detention pond is a full spectrum pond which does not adhere to criteria and the outlet structure design does not follow the urban design criteria. He also said that the drainage analysis was not complete and that the water quality and runoff does not meet City criteria.

Councilmember Geislinger asked what the results of the test workbook were and if it was presented to the Planning Commission. Mr. Thomas

said it was completed, but not submitted to the City with the packet.

Councilmember Murray asked if the current neighborhood has flooding issues. Mr. Thomas said that they do and that the drainage swales do not exist. Councilmember Geislinger asked if the proposed plan would build the swale behind the property. Mr. Thomas said that is the intent.

Bruce Wright from Flynn and Wright, representing the appellants, said that he reviewed the existing easement and said that it cannot be used for anything other than the existing sewer line and that new utilities would not be allowed in the twenty foot easement.

Mr. Gruen said there were four submittals to the Planning Commission and believes that the project should have never been approved. Mr. Gruen listed the provisions that he was disputing and he stated the decision was against the language and intent of the zoning ordinance. He requested the decision of the Planning Commission be reversed and that the applicant be required to wait one year before resubmitting the application.

Councilmember Knight said two-thirds of the properties in the density report are less than half an acre. Mr. Gruen said that from his perspective the vast majority of the surrounding property represents a lower density. Councilmember Geislinger asked if the appellants were opposed to density similar to their own property. Mr. Gruen said that the appellants that he represents have lower density properties.

Councilmember Geislinger asked about an adequate drainage maintenance plan. Mr. Gruen said he would like a financial assurance such as a bond.

John Olson, Altitude Land Consultants, representing the applicant, gave an overview of the proposed Archer Park plan which was approved by the Planning Commission. He asked that Councilmembers not be swayed by the fancy graphics presented by the appellant. Mr. Olson explained the project process and that the drainage and utilities would still need to be designed in the construction planning phase of the project. Mr. Olson stated that they are not submitting anything outside of City code requirements.

Kristen Heggem, Licensed Architect, Altitude Land Consultants,

representing the applicant, presented the project plan which included the site location, residential character, site photos, the project timeline, design, and planning. Ms. Heggem said the original plan was for ten units, but due to neighborhood feedback, the developer agreed to reduce it to seven. She reviewed the controversy regarding rural versus urban character. Ms. Heggem explained how each of the issues presented from the appellant were addressed.

Councilmember Gaebler asked why a parking area was added. Ms. Heggem said they wanted to keep roads narrow to keep traffic at lower speeds. Councilmember Gaebler also asked about the lack of sidewalks. Ms. Heggem said the green space area would provide enough walking space.

Councilmember Knight asked if the stormwater management capacity on the swales was 38 cubic feet being per second. Eric Burtzlaff, Civil Engineer, Altitude Land Consultants, representing the applicant, said that the project provides 41.46 cubic feet capacity.

Councilmember Geislinger asked regarding the maintenance of the drainage swales and detention pond. Ms. Heggem said the City requires a Homeowner's Association (HOA) agreement which the Newport Company's attorney is in the process of drafting.

Councilmember Avila asked how the grass parking will meet ADA requirements. Ms. Heggem said that it would be a shared street for them. Councilmember Avila also asked about the Fire Code requirements. Ms. Heggem said twenty feet is the minimum buffer requirement and that they voluntarily abided by Appendix K of the International Fire Code.

Citizen Mr. Schrader, Jack Gloriod, Howard Donaldson, Genevieve Warren speaking for Gina Cimino (client), spoke in support of the applicants and the development plan.

Councilmember Strand asked if the Fire Department had visited the site. Brett Lacey, Fire Marshall, said that both he and Steve Smith, Fire Protection Engineer, had visited the site and said that he did not have any issues with the development.

Citizens Bill Kozar, Michael Rosland, Palo Smith, Dr. James Albert,

Diane Mansinger, Bette Ann Albert, and Fred Jones, and Betty Wolfe spoke in opposition of the application.

Councilmember Geislinger asked if the appellants submitted other reports to the City after the Planning Commission's decision. Ms. Mansinger, representing the appellants, said just the Martin/Martin report.

Councilmember Murray asked if there is a FEMA designation as a flood zone for this area. Mr. Kozar, representing the appellants, said that the area is not currently designated as a flood plain.

Councilmember Murray inquired about the dimensions of the detention pond. Mr. Burtzloff said that it is fairly small and will not have standing water in it the majority of the time. Councilmember Geislinger asked about the possibility of a fence around the detention pond for the safety of children. Rick DeLesk, The Newport Company, said that the developer was not opposed to it.

Councilmember Bennett asked if there has been any approval for a drainage master plan. Mr. Easton said there has not been.

Councilmember Pico asked if the detention pond was sufficient and if there was a need for a fence. Mr. Easton said that many detention ponds throughout the city do not have fencing and that the plans will not be approved until they meet the City's criteria. Councilmember Pico also asked if the hundred year storm is the criteria for the culvert size. Mr. Rossell said that the City's criteria permits the hundred year storm to go into the roadway.

President Skorman commented that perhaps the plat should not be approved until the drainage concerns met the City's drainage criteria. Councilmember Knight said that even if the appeal was denied, the plans would not move forward until the City's drainage criteria were met. Ms. Thelen confirmed the technical modification for the drainage report to be approved was already a requirement in the final plat.

Councilmember Knight stated that he is voting in favor to deny the appeal because the area is already zoned R-2 and that the developer is meeting all the rights and criteria of the City Code. President Skorman stated that he is not in favor because of the density of the project.

Councilmember Murray said the development is not in a flood zone, the detention pond has not been determined to be a hazard and that the burden of proof rests with the appellant.

Motion by Councilmember Bennett, seconded by Councilmember Geislinger, to deny the appeal and uphold the City Planning Commission decision to approve the preliminary and final plat for Archer Park, based upon the finding that the preliminary and final plat complies with the review criteria in City Code Section 7.7.102, 7.7.204 and 7.7.303, subject to compliance with the technical and/or informational plan modifications and noted in the minutes from the May 18, 2017 City Planning Commission Hearing. The motion passed by a vote of 7-2-0

Aye: 7 - Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Strand

No: 2 - Avila, and Skorman

12.B. [17-987](#)

An appeal of an administrative approval of a Revocable Permit for a Commercial Mobile Radio Service facility (CMRS) located at Research Parkway and Chapel Hills Drive.

(Quasi-Judicial)

Presenter:

Suzann Matz, Revocable Permit Coordinator, Planning & Community Development

Meggan Herrington, Planning & Community Development, Assistant Director

Peter Wysocki, Planning & Community Development Director

Attachments: [Peak Internet permit](#)

[Briargate Business Campus Owner Assn Appeal](#)

[Centum Health appeal](#)

Meggan Herrington, Planning & Community Development, Assistant Director, presented the request to postpone an appeal of an administrative approval of a Revocable Permit for a Commercial Mobile Radio Service facility (CMRS) located at Research Parkway and Chapel Hills Drive until August 22, 2017. Ms. Herrington said that City staff does not believe this CMRS meets the regulations of City Code Chapter 7 which required the facility to be co-located and stealthed.

Councilmember Geislinger asked if there would be any negative effects from the delay. Ms. Herrington said that the delay would facilitate the ability of the two appellants to reach an agreement before August 22, 2017.

Councilmember Knight inquired as to what the differences were from the

cell phone towers poles in Peregrine and the Broadmoor area. Ms. Herrington replied that there was no difference in that it is for an internet related communications tower located in the public right-of-way.

Councilmember Murray asked who authorized them to install it. Ms. Herrington said several permits need to be obtained prior to installation, however in this case there was miscommunication between the agencies. Councilmember Murray said that it needs to be taken down. Ms. Herrington said that this is in a code enforcement situation and that staff would like to be able to work with the applicant and Colorado Springs Utilities on co-location.

Austin Weatherford with Peak Internet, said that they have been working with Ms. Herrington and Ms. Matz, Revocable Permit Coordinator, Planning & Community Development, to move to a co-location and is in favor of postponing until August 22, 2017.

Councilmember Geislinger said that he does not want to see another delay. Mr. Weatherford said that he does not foresee any further delays.

Motion by Councilmember Bennett, seconded by Councilmember Strand, to postpone the appeal to the August 22, 2017 City Council meeting. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 12.C.** [CPC A 16-00133-1R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as the Kum and Go Store 689 Annexation Number 1.

(Legislative)

Related Files: CPC A 16-00133R (public hearing dates), CPC A 16-00133-1, CPC A 16-00133-1R, CPC A 16-00133-2, CPC A 16-00133-2R, CPC V 16-00147, CPC ZC 16-00146, CPC DP 16-00148, CPC NV 16-00149

Presenter:

Peter Wysocki, Director Planning and Community Development
Michael Schultz, Principal Planner, Planning and Community Development

Attachments: [RES-FindingsOfFact-KumGoStore689No01](#)
[Exhibit A - Legal Description - Kum and Go Store 689 Annexation Number 1](#)
[Kum and Go Austin Bluffs CC Presentation Mike S](#)
[CPC Staff Report KumandGo](#)
[Figure 7 - Enclave Map](#)
[Clerks Affidavit - Kum and Go Store 689.docx](#)
[Surveyors Affidavit - A1 - Number 1 - Frontier Bank](#)
[Planner Affidavit - Number 1 - Frontier Bankv2](#)
[CRS 31-12-107 Petitions For Annexation & annex elections](#)
[CRS 31-12-109 Municipal Annex-Hearing](#)
[CRS 31-12-110 Municipal Annex-Findings](#)
[Signed Resolution 80-17](#)

Michael Schultz, Principal Planner, Planning and Community Development, presented a location map of the Kum & Go Store #689 and reviewed the City Annexation Plan which is part of Park Vista Estate Enclave. Mr. Schultz said that there are two annexations as part of the request because there are two separate property owners. He also reviewed the development plan and project details. He stated public improvements include access from Cobalt Drive onto Austin Bluffs Pkwy, right-in/right-out only to Austin Bluffs Pkwy, new sidewalks, and a new storm drain. Mr. Schultz said that the Planning Commission unanimously voted to recommend approval of all six applications.

Councilmember Knight asked if there was a risk of court appeal by voting for the Resolution with more than one property annexation in one session. Renee Congdon, Senior Attorney, stated that the state statute addresses this with series annexation for multiple annexations in a row and is acceptable under state law.

Motion by Councilmember Murray, seconded by Councilmember Pico, that the Resolution finding that the Kum and Go Store 689 Annexation Number 1 meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 12.D.** [CPC A 16-00133-1](#) An ordinance annexing to the City of Colorado Springs an area known as the Kum & Go Store 689 Annexation Number 1 consisting of .773-acre.

(Legislative)

Related Files: CPC A 16-00133R (public hearing dates), CPC A 16-00133-1, CPC A 16-00133-1R, CPC A 16-00133-2, CPC A

16-00133-2R, CPC V 16-00147, CPC ZC 16-00146, CPC DP 16-00148, CPC NV 16-00149

Presenter:

Peter Wysocki, Director Planning and Community Development
Michael Schultz, Principal Planner, Planning and Community Development

Attachments: [ORD_AX-KumGoStore689No01ORD-2017-06-12](#)

[Exhibit A - Legal Description - Kum and Go Store 689 Annexation Number 1](#)

[Exhibit B - Kum and Go Store 689 Annexation Agreement signed by property owners](#)

[Figure 5 - Zoning Map](#)

Please see comments in agenda item 12.C.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance annexing the area known as Kum and Go Store 689 Annexation Number 1, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 12.E.** [CPC A 16-00133-2R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as the Kum and Go Store 689 Annexation Number 2.

(Legislative)

Related Files: CPC A 16-00133R (public hearing dates), CPC A 16-00133-1, CPC A 16-00133-1R, CPC A 16-00133-2, CPC A 16-00133-2R, CPC V 16-00147, CPC ZC 16-00146, CPC DP 16-00148, CPC NV 16-00149

Presenter:

Peter Wysocki, Director Planning and Community Development
Michael Schultz, Principal Planner, Planning and Community Development

Attachments: [RES-FindingsOfFactRES-KumGoStore689No02](#)
[Exhibit A - Legal Description No 2- Kum and Go Store 689 Annexation](#)
[Planner Affidavit - Number 2 - VCB LLC](#)
[Clerks Affidavit - Kum and Go Store 689](#)
[Surveyors Affidavit - A2 - Number 2 - VCB LLC](#)
[CRS 31-12-107 Petitions For Annexation & annex elections](#)
[CRS 31-12-109 Municipal Annex-Hearing](#)
[CRS 31-12-110 Municipal Annex-Findings](#)
[Signed Resolution 81-17](#)

Please see comments in agenda item 12.C.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Resolution finding that the Kum and Go Store 689 Annexation Number 2 meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 12.F.** [CPC A 16-00133-2](#) An ordinance annexing to the City of Colorado Springs an area known as the Kum & Go Store 689 Annexation Number 2 consisting of 1.403 acres.

(Legislative)

Related Files: CPC A 16-00133R (public hearing dates), CPC A 16-00133-1, CPC A 16-00133-1R, CPC A 16-00133-2, CPC A 16-00133-2R, CPC V 16-00147, CPC ZC 16-00146, CPC DP 16-00148, CPC NV 16-00149

Presenter:

Peter Wysocki, Director Planning and Community Development
Michael Schultz, Principal Planner, Planning and Community Development

Attachments: [ORD_AX-KumGoStore689No02-2017-06-12](#)
[Exhibit A - Legal Description - Kum and Go Store 689 Annexation Number 2](#)
[Exhibit B - Annexation Agreement Kum and Go 689](#)

Please see comments in agenda item 12.C.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Ordinance annexing the area known as the Kum and Go Store 689 Annexation Number 2, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be

approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 12.G.** [CPC V
16-00147](#) An ordinance vacating portions of a public right-of-way known as Pearl Drive consisting of 9,096 square feet (.209-acre).

(Legislative)

Related Files: CPC A 16-00133R (public hearing dates), CPC A 16-00133-1, CPC A 16-00133-1R, CPC A 16-00133-2, CPC A 16-00133-2R, CPC V 16-00147, CPC ZC 16-00146, CPC DP 16-00148, CPC NV 16-00149

Presenter:

Peter Wysocki, Director Planning and Community Development
Michael Schultz, Principal Planner, Planning and Community Development

Attachments: [ORD_VacationROW_Pearl Dr](#)

[Exhibit A - Legal Description - Vacation of ROW](#)

[Exhibit B - Pearl Drive Vacation Plat](#)

Please see comments in agenda item 12.C.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Ordinance vacating portions of a right-of-way known as Pearl Drive consisting of 9,096 square feet (0.209-acre), based upon the findings that the vacation complies with all review criteria outlined in City Code Section 7.7.402.C be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 12.H.** [CPC ZC
16-00146](#) An ordinance establishing a PBC/AO (Planned Business Zone with Airport Overlay) zone district pertaining to 1.539 acres located at the northeast corner of Austin Bluffs Parkway and Park Vista Boulevard.

(Legislative)

Related Files: CPC A 16-00133R (public hearing dates), CPC A 16-00133-1, CPC A 16-00133-1R, CPC A 16-00133-2, CPC A 16-00133-2R, CPC V 16-00147, CPC ZC 16-00146, CPC DP 16-00148, CPC NV 16-00149

Presenter:

Peter Wysocki, Director Planning and Community Development
Michael Schultz, Principal Planner, Planning and Community Development

Attachments: [ZC ORD AX-KumGoStore689ZoningEst-2017-06-13](#)
[Exhibit A - Zoning Legal Description](#)
[Figure 5 - Zoning Map](#)

Please see comments in agenda item 12.C.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Ordinance establishing a PBC/AO (Planned Business Zone with Airport Overlay) zone district, based upon the findings that the zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603 be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 12.I.** [CPC DP 16-00148](#) A development plan for Kum and Go Store 689 pertaining to 1.539 acres for the purpose of a 6,210-square foot convenience store located at the northeast corner of Austin Bluffs Parkway and Park Vista Boulevard.

(Quasi-Judicial)

Related Files: CPC A 16-00133R (public hearing dates), CPC A 16-00133-1, CPC A 16-00133-1R, CPC A 16-00133-2, CPC A 16-00133-2R, CPC V 16-00147, CPC ZC 16-00146, CPC DP 16-00148, CPC NV 16-00149

Presenter:

Peter Wysocki, Director Planning and Community Development
Michael Schultz, Principal Planner, Planning and Community Development

Attachments: [Figure 6 - Kum and Go Store 689 DP](#)
[7.5.502.E Development Plan Review](#)

Please see comments in agenda item 12.C.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Development Plan for Kum and Go Store 689 based upon the findings that the development plan complies with the review criteria in City Code Section 7.5.502.E, subject to addressing technical and/or informational plan modifications be approved. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 12.J.** [CPC NV 16-00149](#) A non-use variance for Kum and Go Store 689 to allow a nine (9) foot building setback along Cobalt Drive where 25 feet is required, property is located at the northeast corner of Austin Bluffs Parkway and Park Vista Boulevard.

(Quasi-Judicial)

Related Files: CPC A 16-00133R (public hearing dates), CPC A 16-00133-1, CPC A 16-00133-1R, CPC A 16-00133-2, CPC A 16-00133-2R, CPC V 16-00147, CPC ZC 16-00146, CPC DP 16-00148, CPC NV 16-00149

Presenter:

Peter Wysocki, Director Planning and Community Development
Michael Schultz, Principal Planner, Planning and Community Development

Attachments: [Figure 6 - Kum and Go Store 689 DP](#)

[7.3.204](#)

[7.5.802 Nonuse Variance](#)

Please see comments in agenda item 12.C.

Motion by Councilmember Pico, seconded by Councilmember Murray, that the Non-Use Variance for Kum and Go Store 689 from City Code Section 7.3.204 to allow a nine (9) foot building setback where 25-feet is required based upon the findings the non-use variance complies with the review criteria in City Code Section 7.5.802.B be approved. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

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, Council adjourned.

Sarah B. Johnson, City Clerk