



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, June 14, 2022

10:00 AM

Council Chambers

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1. Call to Order and Roll Call

Present: 9 - Councilmember Yolanda Avila, Councilmember Dave Donelson, Councilmember Stephannie Fortune, President Pro Tem Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, Councilmember Mike O'Malley, President Tom Strand, and Councilmember Wayne Williams

Councilmember Murray left the meeting at approximately 10:30 AM and returned at approximately 10:45 AM.

Councilmember Avila left the meeting at approximately 1:15 PM.

2. Invocation and Pledge of Allegiance

The Invocation was made by Pastor Anthony Bell Sr. from Rolmi Church.

President Strand led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Sarah B. Johnson, City Clerk, reminded everyone that items 12.A. and

12.B. will be held at 1:00 PM.

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:

4B. First Presentation:

4B.A. [22-344](#) City Council Regular Meeting Minutes May 24, 2022

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [5-24-2022 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.B. [22-256](#) Ordinance No. 22-32 amending Ordinance No. 21-112 (2022 Budget Appropriation Ordinance) for a Supplemental Appropriation to the General Fund in the amount of \$34,617,510 and to the Lodgers and Auto Rental Tax (LART) Fund in the amount of \$603,284, for the retention and refund of 2021 fiscal year revenue above the 2021 fiscal year revenue and spending limitations (TABOR cap); and a Supplemental Appropriation to the newly established Wildfire Mitigation Fund in the amount of \$1,000,000 which represents the 2022 expenditure budget and is funded by a \$20,000,000 transfer from the General Fund for the purposes stated in Ballot Issue 2D approved by voters in the November 2021 coordinated election; and with \$15,220,794 refunded to residents

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [SupplementalAppropriationTABOR 2021ORD-2022-05-17 final](#)

This Ordinance was approved on first reading on the Consent Calendar

4B.C. [22-308](#) Ordinance No. 22-33 Amending Ordinance No. 20-44 Revising the Name of the Law Enforcement Transparency and Accountability Commission

Presenter:

Janice Frazier, Chair, Law Enforcement Transparency and Accountability Commission

Steve Kern, Vice Chair, Law Enforcement Transparency and

Accountability Commission

Attachments: [LETAC Revision20-44ORD-2022-05-11](#)

This Ordinance was approved on first reading on the Consent Calendar

Approval of the Consent Agenda

Motion by Councilmember Williams, seconded by President Pro Tem Helms, 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, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

5. Recognitions**5.A. [22-348](#) City Council Appointments to Boards, Commissions, and Committees**

Presenter:

Tom Strand, Council President and Councilmember At Large

Attachments: [061422 Boards Commissions and Committee Appointments](#)

[Greater Downtown Colorado Springs Business Improvement District Appointment Request](#)

President Strand presented the appointments to Boards, Commissions, and Committees.

Motion by Councilmember Williams, seconded by President Pro Tem Helms, that the City Council Appointments to Boards, Commissions, and Committees be approved. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

5.B. [22-338](#) A Resolution of Appreciation of Craig Blewitt, Transit Services Manager, Public Works, for their 37 years of service to the City of Colorado Springs.

Presenter:

Travis Easton, Public Works Director, Public Works.

Attachments: [Retiree Resolution \(Employee Will Attend\) Craig Blewitt](#)

Travis Easton, Public Works Director, Public Works, illustrated a few highlights from the year 1985 when Craig Blewitt, Transit Services Manager, Public Works, started working for the City and provided an overview of the achievements of Mr. Blewitt.

President Strand read the Resolution of appreciation for his thirty-seven

years of service with the City.

Several Councilmembers expressed appreciation for Mr. Blewitt's many accomplishments during his career with the City.

Mr. Blewitt expressed gratitude to his family, colleagues, and for the opportunities he was given during his time with the City.

Motion by Councilmember Fortune, seconded by Councilmember Williams, the Resolution of appreciation of Craig Blewitt, Transit Services Manager, Public Works, for their thirty-seven years of service to the City of Colorado Springs be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

5.C. [22-349](#) A Resolution recognizing June 2022 as Alzheimer's Brain and Awareness Month

Presenter:

Tom Strand, Council President and Councilmember At Large
Charlotte Long, Alzheimer's Association

Attachments: [Alzheimer's Brain and Awareness Month](#)

President Strand read a Resolution recognizing June 2022 as Alzheimer's Brain and Awareness Month.

Charlotte Long, Central Colorado Alzheimer's Association, provided an overview of Alzheimer's Disease, how it affects the community, and available support programs.

Councilmember Henjum identified that the University of Colorado, Colorado Springs (UCCS) Aging Center also has many resources to address Alzheimer's.

Councilmember Donelson spoke about the need for exercise to help prevent or postpone the disease.

Councilmember Avila spoke about her mother's battle with Alzheimer's.

RoseMary Jaramillo, Regional Director, Alzheimer's Association, spoke about the need for education surrounding Alzheimer's.

Motion by Councilmember Henjum, seconded by President Pro Tem Helms, that the Resolution recognizing June 2022 as Alzheimer's Brain and Awareness Month be adopted. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Donelson, Fortune, Helms, Henjum, O'Malley, Strand, and Williams

Excused: 1 - Murray

- 5.D.** [22-328](#) A Resolution celebrating June 15, 1215 as the passage of the Magna Carta

Presenter:

Wayne Williams, Councilmember At Large

Attachments: [Magna Carta](#)

Councilmember Williams provided a brief history regarding the Magna Carta and read a Resolution celebrating June 15, 1215 as the passage of the Magna Carta.

Judge Hayden Kane, Colorado Springs Municipal Court, spoke about the importance of the Magna Carta to the country.

Motion by Councilmember Fortune, seconded by Councilmember O'Malley, the Resolution celebrating June 15, 1215 as the passage of the Magna Carta be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

- 5.E.** [22-329](#) A Resolution recognizing June 15 and July 13-16 as Western Wear Days

Presenter:

Councilmember Stephannie Fortune, District 3

Attachments: [Western Wear Days](#)

Councilmember Fortune read a Resolution recognizing June 15 and July 13-16 as Western Wear Days.

Linda Weise, CEO of the Colorado Springs Conservatory, introduced her daughter, Kelsey Wells, Nancy Harrison, and her granddaughter from Mark Reyner Stables, and Bob Buck who sang "Home, Home on the Range."

Mike McKernan, President, Pikes Peak Range Riders, gave a brief history of the Pikes Peak Range Riders and identified the details of the event at the Pro Rodeo Hall of Fame, and the Western Street Breakfast.

Chris Whitney, Pikes Peak or Bust Rodeo, gave an overview of the 81st

Pikes Peak or Bust Rodeo event.

Corliss Palmer, Volunteer with the Pikes Peak or Bust Rodeo, introduced Georgia Strimenos, 2022 Girl of the West, and Brooke Soltwedel, 2022 Aide to Girl of the West, who provided detailed information on the upcoming events associated with the 2022 Pikes Peak or Bust Rodeo.

Councilmember Avila spoke about the rich culture of rodeo in Hispanic culture.

Motion by Councilmember Williams, seconded by President Pro Tem Helms, that the Resolution recognizing June 15 and July 13-16 as Western Wear Days be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

5.F. [22-327](#) A Joint Proclamation recognizing June 19, 2022 as Juneteenth

Presenter:

Councilmember Yolanda Avila, District 4
Mayor John Suthers

Attachments: [Proclamation Juneteenth](#)

Councilmember Avila read a Resolution honoring June 19, 2022 as Juneteenth.

Jennifer Smith and DeAndre "D" Smith, One Body Ent, gave a brief history of Juneteenth One Body ENT, went over the community events scheduled June 17 through June 19, 2022 at America the Beautiful Park, and introduced Miss Juneteenth Colorado Springs, Rosie .

Danielle Summerville, Community, Diversity, and Outreach Programs Manager, introduced June Waller with the National Association for the Advancement of Colored People (NAACP) Colorado Springs, Angela Stevens, President, NAACP Colorado Springs, Pastor Bob L. Jackson with the Journey Bible Church and Director of the Urbanite Board, and Rodney Gullatte, President and CEO, Colorado Springs Black Chamber of Commerce, expressed appreciation for the City's acknowledgement of Juneteenth and provided an overview of the importance of Juneteenth in the community.

Several Councilmembers expressed appreciation for all their efforts in bringing the community together.

- 5.G. [22-372](#) A Resolution in Remembrance of June 26, 2022 as the 10 Year Anniversary of the Waldo Canyon Fire

Presenter:

Dave Donelson, Councilmember District 1

Attachments: [Waldo Canyon Fire](#)

Bill Wysong, Eddie Hurt, Jeff Norton, Mountain Shadows Community Association, spoke about the devastation and trauma of the Waldo Canyon Fire and expressed appreciation for the Resolution.

Councilmember Donelson read the Resolution in Remembrance of June 26, 2022 as the ten-year anniversary of the Waldo Canyon Fire.

Councilmember Fortune stated this Resolution is a remembrance of the tragedy as well as a celebration of how the community came together.

Motion by Councilmember Donelson, seconded by Councilmember O'Malley, that the Resolution in Remembrance of June 26, 2022 as the 10 Year Anniversary of the Waldo Canyon Fire be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

6. Mayor's Business

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

Citizen Craig Sheets spoke about the potential attack on the Colorado River, Great Lakes, freight trains, oceans, and meth labs located in tornado shelters.

Citizens Mary Sprunger-Froese, Frozie Abbott, Mary Quinn, and Peter Sprunger-Froese, Mill Street Neighborhood, spoke about the preservation of the historic character of the Mill Street neighborhood and presented a video illustrating its residents and characteristics.

Citizen Garrett Mullens requested City Council's support for the creation of a church which allows marijuana use inside the church.

Citizen Tom Noonan requested the free downtown shuttle be expanded to the entire transit system.

Citizen Larry Lamz invited City Council to participate in several of the events occurring at Prospect Lake.

Citizen Conrad Czajkowski spoke about the need for affordable housing.

Citizen Jaymen Johnson spoke about the threat he received of being excluded from being a part of the recreational marijuana platform.

Citizen Noble Baylor spoke about the racism he and his wife have experienced since being in the City and requested he and his wife's child be returned to them.

Citizen Chris Daily spoke about being homeless and attacked on Tejon Street.

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

There was no New Business.

12. Public Hearing

12.A. [CPC ZC
22-00008](#)

Ordinance No. 22-34 amending the zoning map of the City of Colorado Springs relating to 10.4 acres located southeast of Chapel Hills Drive and Dynamic Drive from PIP1/cr (Planned Industrial Park with conditions of record) to OC/cr (Office Complex with conditions of record)

(Quasi-Judicial)

Related Files: CPC ZC 22-00008; CPC CP 22-00009

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC_AllasoAtBriargate](#)
[Exhibit A Legal](#)
[Exhibit B Zone Change Depiction](#)
[staff report Allaso KAW](#)
[Zone Change Exhibit](#)
[Concept Plan](#)
[Project Statement](#)
[Vision Map](#)
[Traffic Study](#)
[View Studies](#)
[public comments 1](#)
[public comments2](#)
[public comments3](#)
[D20_response Capacity comments](#)
[public comments_afterinformalCPC](#)
[7.5.603.B Findings - ZC](#)

Councilmember Williams disclosed that he has lived in the area for approximately twelve years and is very familiar with the site but will remain fair and impartial.

Councilmember O'Malley, Councilmember Henjum, President Strand, and Councilmember Donelson, and Councilmember Murray stated they have received many texts and emails regarding this issue, but will remain fair and impartial

President Pro Tem Helms stated he is very familiar with this area, has worked on road and sidewalk issues along Dynamic Drive, but can remain firm and impartial.

Councilmember Fortune stated she visited the site on June 12, 2022, her husband was friends with Dave Rodi early in his life, she received an email from the Rodi family, and will be fair and impartial.

Katelynn Wintz, Planning Supervisor, Planning and Community Development, presented the Ordinance amending the zoning map of the City relating to 10.4 acres located southeast of Chapel Hills Drive and Dynamic Drive from PIP1/cr (Planned Industrial Park with conditions of record) to OC/cr (Office Complex with conditions of record) and the Concept Plan for Allaso Briargate illustrating the development framework

for 10.4-acres for multi-family residential located at 2505 Dynamic Drive. She provided an overview of the applications, vicinity map, proposed zone change, concept plan, revised concept plan, project impacts, wildfire risks, and response from School District 20. Ms. Wintz identified compliance with PlanCOS, zone change review criteria, concept plan review criteria, and staff recommendations.

Councilmember Williams requested the current zoning maximum building height limit for multi-family residential. Ms. Wintz stated it is forty-five feet.

President Pro Tem Helms asked if this complex can be accessed from Dynamic Drive. Ms. Wintz stated it could be accessed through the T-Mobile Call Center parking area, but they have eliminated the shared access point.

President Strand asked what the outcome would be if the zoning change is passed, but not the Concept Plan. Ben Bolinger, Assistant City Attorney, stated he will look into that.

President Strand asked what the Planning Commission vote was. Andrea Barlow, NES, representing the applicant, Titan Development, stated it was 7-0 in favor of the zoning change and 5-2 in favor for the Concept Plan.

Ms. Barlow identified the proposed applications and introduced Brian Patterson, Titan Development, representing the applicant.

Mr. Patterson identified the local project team and previously developed Titan Development projects.

President Strand asked where Titan Development is incorporated. Mr. Patterson stated Albuquerque, NM.

Ms. Barlow provided an overview of the site location, existing parcels, current zoning, proposed zoning, use comparison, reducing intensity of use, proposed concept plan, revised concept plan, and comparable building architecture. She went over the neighborhood engagement, changes in response to comments, home prices increasing, apartment rents increasing, building height impact on views, proposed heights/setbacks, and traffic impacts. Ms. Barlow identified the need to retain existing buffers, easements on recorded final plats, proposed

buffer/setback on east boundary, the concerns regarding emergency/wildfire evacuation, school capacity, property values, crime, drugs, and safety. She went over the implemented Briargate Master Plan, consistency with PlanCOS, and accessibility to services/facilities.

Mr. Patterson presented renderings of how the proposed project would affect the views and integration and enhancement of an existing trail system.

Councilmember Henjum asked what Orix Prime is. Ms. Barlow stated it is the T-Mobile Call Center.

Councilmember Williams asked who owns the approximately thirty feet strip of land outside the landscaping buffer. Ms. Barlow stated the City's Parks, Recreation and Cultural Services Department.

Councilmember Donelson asked what the elevation drop was from the back fence of the houses to the trail and then to the parking lot. Ms. Barlow stated it varies from fifteen to thirty feet.

President Pro Tem Helms asked what the rent would be. Mr. Patterson stated it would be approximately \$1,600 for a one-bedroom unit and \$2,300 for a three-bedroom unit.

Councilmember Fortune asked what the demographic of residents would be. Mr. Patterson stated it would include everyone from young couples to retirees.

Councilmember Fortune asked if rental rates go down when there is more inventory available. Mr. Patterson confirmed they do.

Councilmember Fortune asked if there was a safety study completed for police and fire. Ms. Barlow stated there were no concerns expressed by the fire or police departments during the review.

Councilmember Murray asked how many Class A apartments are located within a mile of the project site. Ms. Barlow stated she does not have that exact number, but there are other developments to the west of the site.

Councilmember Murray asked what the occupancy rates of those

apartment units are. Mr. Patterson stated there are five nearby properties with over ninety percent occupancy rates.

Councilmember Murray asked if there are any covenants in the surrounding neighborhoods which prevent the rental of houses. Mr. Patterson stated he is not aware of any. Ms. Barlow clarified this project is not located within the Summerfield neighborhood; it is located in the Briargate Business Campus.

Laura Nelson, Executive Director of the Apartment Association of Southern Colorado, and Johnna Reeder-Kleymeyer spoke in support of the proposed project.

Robert Sallee, representing the appellant, provided an overview of the Summerfield neighbors opposition to the rezoning and Concept Plan application for two lots located in the Briargate Business Campus and went over the reasons why they believe the location, density, and design are incompatible. He identified the current uses of the business campus, the Summerfield subdivision as part of the Briargate Master Plan, other available City sites for multi-family development, PlanCOS typologies, and requested the current zoning be retained and the Concept Plan be rejected.

Councilmember Williams asked what percentage of the Summerfield is owner-occupied. Mr. Sallee stated he did not know that number.

Citizens Tony Breeden, Joe Woyte, Dave Shiller, Daniel de Jesus, Christine Callender, Susan Sallee, Karen Chui, George Sontheimer, Emily Sitzberger, Michelle Kane, Shea Kautz, Beth Breyer-Mbise, Holly Rhody, Rob Hollinger, Carlos Perez, Bobbi Wells, Richard Kiser spoke in opposition of the proposed project.

Councilmember Williams disclosed that he has known Mr. Woyte for a long time, but the relationship does not affect his ability to be fair and impartial.

Councilmember Williams asked if a flatter roofline is preferable. Ms. Chui stated the buildings to the east of the neighborhood do not obstruct their views.

Councilmember Williams asked if Ms. Kautz is asking for a fence to be

installed around the property. Ms. Kautz stated a masonry wall or fence-line would protect the trail from people have to walk right up against a parking lot.

Ms. Barlow stated the project is not subject to the Summerville covenant, the Briargate Business Campus is in support of the project, the commercial uses at the Highlands at Briargate will be a majority of restaurant and entertainment type uses which will open into the evenings, a majority of the amendments to the Briargate Master Plan was to the land uses, not the allowed uses withing the land use category, the forty-five feet maximum building height allowance is indicative of a low rise development, surrounding building heights are varied, and the southern parcel development was proposing a three-story, forty-two feet, six inches, medical office with a seven and a half foot parapet. She stated there is a fairly significant buffer between this development and the residential properties, a significant elevation difference on the east side, there is a compatibility of this development with the existing residential neighborhood, there will be public facilities available for all, the trail parcel is owned by the property owner, and there were several stakeholder meetings, they have many changes at the request of the neighbors, and their density is well below what is allowed.

Councilmember Williams asked if the applicant would be amenable to a strict thirty-eight foot maximum building height limit as opposed to a thirty-eight plus five-foot limit. Mr. Patterson stated they would agree to that request.

Councilmember Williams asked if the applicant would be amenable to lowering the grading where possible. Mr. Patterson stated from an engineering standpoint, he does not see where that would work due to drainage and utilities requirements, but they will not be raising the site.

Councilmember Murray asked if Titan Development owns this property. Mr. Patterson stated they are under contract to purchase.

Councilmember Murray recommended this project go back to the community to resolve the issues brought forward.

Councilmember Williams asked if access to the trail will be allowed during construction. Mr. Patterson stated they legally will not change the trail other

than a possible trail improvement if approved by the Briargate Business Campus.

Councilmember Williams asked if Dynamic Drive will be a point of access through the T-Mobile Call Center parking lot. Mr. Patterson stated the traffic study was approved by the City with Trip Distribution included and there would only be approximately one vehicle going through there every fifteen minutes during the peak hour. He stated that they will also work with T-Mobile to improve their parking lot.

Councilmember Williams requested additional information regarding the neighborhood concerns regarding the orientation of the buildings. Ian Robertson, Titan Development, representing the applicant, stated there are many options available and they will work on the design and setback of the buildings to protect the views of the mountains.

Councilmember Donelson asked if a barrier could be built to prohibit traffic into the T-Mobile parking lot. Ms. Barlow stated they are in discussion with T-Mobile to potentially add landscaping island to prevent that traffic, but the driveway to Chapel Hills Road allows a cut through the T-Mobile parking lot which they do not have control over.

Councilmember Donelson asked if the vegetation has been considered in regard to visual obstruction. Mr. Robertson stated they will work with the neighborhood and provide a legal binding document regarding the vegetation concerning view obstruction.

Councilmember Henjum asked Mr. Patterson to summarize what concerns he has heard from the neighbors. Mr. Patterson stated view obstruction, traffic, (audio and video cut off for approximately five minutes).

Ms. Wintz read the three conditions of records for the zoning request which include: 1. Thirty-eight foot maximum building height for multi-family residential uses only, 2. A seventy-foot landscape/open space buffer area will extend along the entire eastern property line, and 3. One tree per ten feet is required within the seventy-foot buffer area, and one third of the required trees will be evergreen.

Councilmember Williams asked what the traffic impact would be to the six-laned roads of Chapels Hills Drive and Research Parkway. Todd

Frisbie, City Traffic Engineer, stated the traffic study analysis shows that these roads will not be significantly impacted by the addition of this development.

Councilmember Williams requested additional information regarding safety concerns on Dynamic Drive. Mr. Frisbie provided additional information regarding the City's Traffic Calming Program.

Councilmember Williams suggested the following conditions of record: 1. Access to the trail will be continued throughout construction except for a reasonable time for trail improvements as approved by the City, 2. There will be no direct access from the development onto Dynamic Drive, the applicant will work with the Briargate Business Campus and the owners of the T-Mobile facility to discourage traffic cutting through the T-Mobile parking lot to Dynamic Drive, 3. The applicant will work to situate the buildings as close as practically possible to the west side of the property and will work to situate the buildings so that decks and windows to the east are minimized on the second and third levels, 4. Applicant will grade the lot to minimize the impact on eastern neighbors, and will work to minimize any grade increase to no more than one foot and work to lower grading to the maximum extent possible, compatible with drainage, stormwater, and utility requirements and will also work to reduce the height of the easternmost portion of the buildings to two stories if practicable to achieve the approved density of 251 units, 5. A landscaping buffer will not be planted if the adjoining property owner does not desire trees that would impact views and 6. The color of the exterior buildings would be designed to be compatible with surrounding construction. Mike Tassi, Assistant Planning Director, explained that not having a landscaping buffer would go against City Code requirements. Councilmember Williams stated he is more concerned with the higher growing types of trees. Mr. Bollinger stated he has concerns with getting approval from a third party unless it was a notarized affidavit and cautioned that words such as "reasonable" and "practicable" are very subjective.

Councilmember Henjum asked if the zoning change and concept plan were contingent on the other being passed. Mr. Bollinger confirmed they were.

Councilmember Murray stated he was speaking to a constituent (Ms. Callender) who requested a condition of record that the applicant orient the buildings along the east side to minimize the visual impact to adjacent

single-family properties with balconies situated on the long side of the buildings and not the ends for privacy.

Councilmember Fortune asked if the applicant was willing to accept the requested conditions. Ms. Barlow stated she did not believe the subjective ones should be part of the zoning Ordinance and they would need more clarification regarding the grading, and she does not believe the limiting of balconies on the east side is justified due to the distance and height of the buildings from the adjacent properties.

Councilmember Williams stated the two conditions of record for the zoning change is the thirty-eight foot maximum building height limit without the standard five-foot leeway and there would be no direct access from the development to Dynamic Drive and the other proposed conditions of record would be applicable to the Concept Plan. He stated the applicant will grade the lot to minimize the impact on eastern neighbors and will work to minimize any grade increase to no more than one foot compatible with drainage, stormwater, and utility requirements.

Councilmember O'Malley stated limiting the profile on the east side of the building is a bad idea because having the lights on the building would add security.

Motion by Councilmember Murray, to postpone the rezone of 10.4-acres from PIP1/cr to OC/cr to the July 12, 2022 City Council meeting. The motion failed for lack of second.

Mr. Sallee stated there is an existing condition of record which states the grading would be reduced to the maximum extent possible, but the condition of record states the applicant would grade within six inches of the existing grading which is fifteen feet above the finished floor of every building on three sides of the proposed site and the parking lot had minimal grading and the highest point on that land is 65 to 67 feet high which is what the applicant agreed to be within six inches of.

Ms. Wintz confirmed the current zoning condition of record states the finished grade and finished floor elevation shall be reduced to the maximum extent possible at DP to reduce impacts to the residents and she can include that condition in the record.

Motion by Councilmember Donelson, seconded by President Pro Tem Helms, to amend Councilmember Williams' amendment of Councilmember Donelson's original motion to remove Councilmember Williams' proposed conditions of record related to grading limitations. The motion passed by a vote of 6-2-1-0

Aye: 6 - Donelson, Fortune, Helms, Henjum, O'Malley, and Williams

No: 2 - Murray, and Strand

Excused: 1 - Avila

President Pro Tem Helms stated as his duty of following the zoning change criteria, he will be supporting this proposed zoning change.

Motion by Councilmember Williams, seconded by Councilmember Henjum, to amend Councilmember Donelson's original motion to include the additional conditions of record that: 1. 38-foot maximum building height without the five-foot standard leeway, applicable to multi-family residential uses only; 2. There will be no direct access from the development onto Dynamic Drive. The motion passed by a vote of 8-0-1-0

Aye: 8 - Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

Excused: 1 - Avila

President Strand stated the applicant has not demonstrated that they want to be part of the community and he believes the development will be detrimental to the general health, welfare, and safety or convenience to those residing in the neighborhood, he does not believe the proposed development promote stabilization and preservation of existing properties in adjacent areas and surrounding residential neighborhoods, and the Concept Plan does not conform to all the requirements of the zoning code of the subdivision code with all the applicable elements of the Comprehensive Plan and he will not be supporting these items.

Motion by Councilmember Donelson, seconded by President Pro Tem Helms, that the Ordinance approving the rezone of 10.4-acres from PIP1/cr to OC/cr, based on the findings that the change of zoning request complies with the three (3) criteria for granting a zone change as set forth in City Code Section 7.3.603(B) with the following conditions of record: 1. 38-foot maximum building height without the five-foot standard leeway, applicable to multi-family residential uses only; 2. A 70-foot landscape/open space buffer area will extend along the entire east property line. This buffer area shall not allow development (i.e., parking, buildings, etc.); 3. One tree per ten feet is required within the 70-foot buffer area. One third of the required trees will be evergreen. Tree sizes within the 70-foot buffer area shall be a minimum of 8' (eight feet) high for evergreens and 2 ½ inch caliper for deciduous trees; 4. There will be no direct access from the development onto Dynamic Drive. The motion passed by a vote of 6-2-1-0

Aye: 6 - Donelson, Fortune, Helms, Henjum, O'Malley, and Williams

No: 2 - Murray, and Strand

Excused: 1 - Avila

- 12.B.** [CPC CP 22-00009](#) A concept plan for Allaso Briargate illustrating the development framework for 10.4-acres for multi-family residential located at 2505 Dynamic Drive.

This item will be heard at 1:00 PM.

(Quasi-Judicial)

Related Files: CPC ZC 22-00008

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [CC Allaso Briargate CP-Plan](#)
[CPC Concept Plan](#)
[7.5.501.E Concept Plans](#)

Please see comments in Agenda item 12.A.

Ms. Barlow requested Councilmember Williams' proposed motion be amended to change the word "decks" to "balconies" and the reduction of windows would be problematic because rooms are required to have windows in order to be legally habitable and these conditions should only apply to the third levels since the second levels are below the level of the homes to the east. She stated regarding the grading, they would prefer to have the language "no more than one foot" removed as well as the two-story condition because the angle at which the neighbors would be viewing the building would still show the backs of the three-story buildings and it would be difficult to achieve the 251-unit density. Councilmember Williams agreed to changing the word "decks" to "balconies" and removing the language "no more than one foot."

Mr. Sallee stated the neighbors are concerned about privacy and the balconies overlooking their properties, security cameras faced toward the houses, lights continually shining toward the houses, and the perpendicular orientation of the apartments would remedy many of these concerns.

Ms. Kautz asked why the applicant is requested to remove the "no more than one foot" condition regarding the grading. Councilmember Williams stated there may be drainage reasons which may require the grading to go above one foot.

Councilmember Donelson stated he does not believe City Council should be the ones to lay out the specifics such as no windows or restrict the

eastside to two stories for the development and will be voting against Councilmember Williams motion.

Councilmember Henjum is not City Council's job to micro-manage the builder and hopes as some point the neighborhood, and the applicant will find a way to listen to each other.

Councilmember Murray stated he will support this project with the proposed conditions because it is a balance between the two sides.

Motion by Councilmember Williams, seconded by Councilmember Murray, to amend Councilmember Donleson's motion with the following conditions: 1. The applicant will work to situate the buildings as close as practically possible to the west side of the property and will work to situate the buildings so that balconies and windows to the east are minimized on the second and third levels if the backyards of homes to the east are visible, 2. The applicant will grade the lot to minimize the impact on eastern neighbors, and will work to minimize any grade increase and work to lower grading to the maximum extent possible, compatible with drainage, stormwater, and utility requirements, 3. The applicant will also work to reduce the height of the easternmost portion of the buildings to two stories if practicable to achieve the approved density of 251 units. The motion passed by a vote of 5-3-1-0

Aye: 5 - Henjum, Murray, O'Malley, Strand, and Williams

No: 3 - Donelson, Fortune, and Helms

Excused: 1 - Avila

Motion by Councilmember Donelson, seconded by President Pro Tem Helms, to approve the concept plan for Allaso at Briargate based on the findings that the plan meets the review criteria for establishing a concept plan, as set forth in City Code Section 7.5.501(E) with the following technical modifications: 1. Show and label the full spectrum detention facility prior to approval of the plans. 2. Access to the trail will be continued throughout construction except for a reasonable time for trail improvements as approved by the City, 3. The applicant will work with the Briargate Business Campus and the owners of the T-Mobile facility to discourage traffic cutting through the T-Mobile parking lot to Dynamic Drive, 4. A landscaping buffer will not be planted if the adjoining property owner does not desire trees that would impact views. The motion passed by a vote of 6-2-1-0

Aye: 6 - Donelson, Fortune, Helms, Henjum, O'Malley, and Williams

No: 2 - Murray, and Strand

Excused: 1 - Avila

13. Added Item Agenda

There were no items added to the Agenda.

14. Executive Session

There was no Executive Session.

15. Adjourn

There being no further business to come before City Council, Council adjourned.

Sarah B. Johnson, City Clerk