



# City of Colorado Springs

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

## Meeting Minutes City Council

*City Council meetings are broadcast live on Channel 18. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event.*

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Tuesday, September 12, 2017

1:00 PM

Council Chambers

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### **1. Call to Order**

- Present:** 6 - Councilmember Yolanda Avila, Councilmember Merv Bennett, Councilmember David Geislinger, Councilmember Bill Murray, Councilmember Andy Pico, and President Richard Skorman
- Excused:** 3 - President Pro Tem Jill Gaebler, Councilmember Don Knight, and Councilmember Tom Strand

### **2. Invocation and Pledge of Allegiance**

The Invocation was made by Jennifer Holz, Executive Pastor, from First Presbyterian Church.

President Skorman led the Pledge of Allegiance.

### **3. Changes to Agenda/Postponements**

Eileen Lynch Gonzalez, City Council Administrator, stated that she received a request from staff that Items 11.C. and 11.D. relating to the Southwest Downtown districts be postponed until the September 26, 2017 City Council regular meeting. Ms. Gonzalez also stated that she received notification from staff that Items 12.A., 12.B., and 12.C. relating to the Robbin Place appeal has been requested by the appellant to be postponed until the September 26, 2017 City Council regular meeting.

Consensus of Council agreed to these changes 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.** [CPC ZC 17-00054](#) Ordinance No. 17-73 amending the zoning map of the City of Colorado Springs pertaining to 1.46 acres from PBC (Planned Business Center) and C-6 (General Business) to PBC (Planned Business Center) located at the southeast corner of North Academy Boulevard and North Carefree Circle

(Quasi-Judicial)

Presenter:

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

**Attachments:** [ORD ZC CVS Store 11001](#)

[Exhibit A - Legal Description](#)

[Vicinity Map](#)

[Signed Ordinance 17-73](#)

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.B.** [17-973](#) Ordinance No. 17-75 amending Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Entertainment Districts, Common Consumption Areas, and Promotional Associations.

Presenter:

Sarah B. Johnson, City Clerk  
Lee McRae, License Enforcement Officer

**Attachments:** [EntDistrictORD-2017-07-27](#)

[Signed Ordinance 17-75](#)

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.C.** [17-1179](#) Ordinance No. 17-76 amending Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended

Presenter:

Sarah B. Johnson, City Clerk  
Lee McRae, License Enforcement Officer

**Attachments:** [Clerk-CS\\_Ch2ORD-2017-08-22](#)

[Signed Ordinance 17-76](#)

**This Ordinance was finally passed on the Consent Calendar.**

**4B. First Presentation:**

**4B.A.** [17-1228](#) City Council Regular Meeting Minutes August 22, 2017

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [8-22-2017 City Council Regular Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

**4B.B.** [17-1242](#) Appointments to Boards and Commissions

Presenter:  
Jacquelyn Puett, Assistant to Council

**Attachments:** [091217 Boards and Commissions](#)

This Item was approved on the Consent Calendar.

**4B.C.** [17-1178](#) A resolution accepting and adopting the Liquor and Beer Rules and Regulations for The City of Colorado Springs

Presenter:  
Sarah B. Johnson, City Clerk  
Lee McRae, License Enforcement Officer

**Attachments:** [Clerk-LiquorBoardRulesRES-2017-07-27](#)  
[Clerk-LiquorBoardRulesRES-EXHIBITA-2017-08-22](#)  
[Clerk-EntDistrictLIQUOR\\_RULES-2017-08-22-redline](#)  
[Signed Resolution 95-17](#)

This Resolution was adopted on the Consent Calendar.

**4B.D.** [17-1211](#) Ordinance No. 17-77 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$2,638,264 and to the Lodgers and Auto Rental Tax (LART) Fund in the amount of \$66,219 for the refund of 2016 fiscal year revenue above the 2016 fiscal year revenue and spending limitations (TABOR cap), representing the amount over what was approved by voters to be retained in the April 2017 municipal election

Presenter:  
Charae McDaniel, Acting Budget Director

**Attachments:** [Ordinance for Supp Approp - 2016 TABOR refund.docx](#)

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

- 4B.E.** [17-1216](#) Ordinance No. 17-78 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the Grants Fund in the amount of \$9,923,798 for the Hazard Mitigation Grant Program awards funding landslide affected property acquisition and for the Community Development Block Grant-Disaster Recovery award funding phase III of the Manitou Incline Corridor Reconstruction project

Presenter:

Bret Waters, Deputy Chief of Staff

Gordon Brenner, Recovery Coordinator, Office of Emergency Management

Jennifer Vance, Grants Manager, Finance

**Attachments:** [0008 1 Ordinance for Grants Fund Supplemental](#)

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

- 4B.F.** [17-1180](#) Ordinance No. 17-79 amending Section 107 (Special Projects; Abandonment or Partial Abandonment) of Part 1 (Financial Procedures, Officers) of Article 5 (Finance Management Procedures) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to project abandonment

Presenter:

Councilmember Don Knight

Wynetta Massey, City Attorney

**Attachments:** [091217 CS-Ch1-AbandonmentORD-2017-07-11](#)

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

- 4B.G.** [17-1181](#) Ordinance No. 17-80 amending Section 312 (Power to Establish Departments, Divisions, Offices, and Agencies) of Part 3 (Powers and Duties of Mayor) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to establishing departments

Presenter:

Councilmember Don Knight

Wynetta Massey, City Attorney

**Attachments:** [091217 CS-Ch1-AdministrativeDeptsORD-2017-07-06](#)

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

- 4B.H.** [17-1182](#) Ordinance No. 17-81 amending Section 101 (Mayor) and Section 108 (Ordinance Approval and Adoption; Disapproval or Veto) of Part 1

(Elective Officers) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to elective officers

Presenter:  
Councilmember Don Knight  
Wynetta Massey, City Attorney

**Attachments:** [091217 CS-Ch1-ElectiveOfficersORD-2017-07-06](#)

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

- 4B.I.** [17-1188](#) Ordinance No. 17-82 amending Section 310 (Investigate Operations) of Part 3 (Powers and Duties of the Mayor) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to duties of the Mayor

Presenter:  
Councilmember Don Knight  
Wynetta Massey, City Attorney

**Attachments:** [091217 CS-Ch1-MayorSection31ORD-2017-07-28](#)

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

- 4B.J.** [17-1186](#) Ordinance No. 17-83 amending Section 308 (Office of Traffic Engineer) of Part 3 (Administration) of Article 1 (Administration and Enforcement) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Traffic Engineer

Presenter:  
Councilmember Don Knight  
Wynetta Massey, City Attorney

**Attachments:** [091217 CS-Ch10-TrafficEngORD-2017-07-28](#)

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

- 4B.K.** [17-1185](#) Ordinance No. 17-84 amending Section 401 (Office of the City Attorney) of Part 4 (Powers and Duties of the City Attorney) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Office of the City Attorney

Presenter:  
Councilmember Don Knight  
Wynetta Massey, City Attorney

**Attachments:** [091217 CS-Ch1-CityAttorneyORD-2017-07-28](#)

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

- 4B.L.** [17-1184](#) Ordinance No. 17-85 amending Section 407 (Make Reports) of Part 4 (Powers and Duties of the City Attorney) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to reports to Council

Presenter:  
Councilmember Don Knight  
Wynetta Massey, City Attorney

**Attachments:** [091217 CS-Ch1-ReportsToCouncilORD-2017-07-28](#)

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

- 4B.M.** [17-1183](#) Ordinance No. 17-86 amending Sections 102 (Budget; Creation of Accounts), 104 (Transfer of Funds Within Departments or Special Funds), and 105 (Transfer of Funds Between Departments or Special Funds) of Part 1 (Financial Procedures, Officers) of Article 5 (Finance Management Procedures) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to appropriation departments

Presenter:  
Councilmember Don Knight  
Wynetta Massey, City Attorney

**Attachments:** [091217 CS-Ch1-BudgetTransfersORD-2017-07-28](#)

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

## **Approval of the Consent Agenda**

**Motion by Councilmember Bennett, seconded by Councilmember Pico, 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 6-0-3**

**Aye:** 6 - Avila, Bennett, Geislinger, Murray, Pico, and Skorman

**Absent:** 3 - Gaebler, Knight, and Strand

## **5. Recognitions**

- 5.A.** [17-1060](#) A resolution recognizing September 30 through October 8, 2017 as "Creek Week" in the City of Colorado Springs

Presenter:

Larry Small, Executive Director, Fountain Creek Watershed, Flood Control and Greenway District

**Attachments:** [091217 Creek Week Resolution](#)  
[Signed Resolution 96-17](#)

Larry Small, Executive Director, Fountain Creek Watershed, Flood Control and Greenway District, stated there are eleven governments supporting the Fountain Creek Watershed clean-up initiative of Creek Week and introduced members of the Citizens Advisory Group. Allison Plute, Fountain Creek Watershed Project Manager for Colorado Springs Utilities, expressed appreciation for the volunteers and Councilmember Bennett read the Resolution recognizing September 30, 2017 through October 8, 2017 as Creek Week.

**Motion by Councilmember Bennett, seconded by Councilmember Geislinger, that the Resolution be adopted. The motion passed by a vote of 6-0-3**

**Aye:** 6 - Avila, Bennett, Geislinger, Murray, Pico, and Skorman

**Absent:** 3 - Gaebler, Knight, and Strand

## **6. Citizen Discussion**

Citizen Charles Barber spoke about stormwater erosion and the Pikes Peak Regional Building Department (RBD) Code. Councilmember Pico clarified that the \$460 million that the City will dedicate to stormwater projects is not gifted to Pueblo, CO and that it is for the completion of stormwater projects located in Colorado Springs.

Citizen Gerald Miller spoke regarding the potential of lawsuits related to marijuana due to the Racketeer Influenced and Corrupt Organizations (RICO) Act.

Citizen Deborah Stout Meininger spoke against marijuana use and against the stormwater fee.

Citizen Tom Noonan stated that transit bus fees should be reduced during special events.

## **7. Mayor's Business**

There was no Mayor's Business.

## **8. Items Called Off Consent Calendar**

There were no items called off the Consent Calendar.

## **9. Utilities Business**

- 9.A. [17-1212](#) A Resolution authorizing the use of eminent domain to acquire interests in real properties needed for the Southern Delivery System Project's Upper Williams Creek Reservoir

Presenter:

Lyman Ho, Project Manager, SDS Land Manager

Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [SDS Condemnations City Council Presentation 2017-09-12.pptx](#)  
[SDSResolutionAuthorizingUseofEminentDomainRES 2017-08-10.doc](#)  
[X](#)  
[Signed Resolution 97-17](#)

Lyman Ho, Project Manager, Southern Delivery System (SDS) Land Manager, presented the request for City Council authorization to use eminent domain to acquire interests in real property for the SDS Upper Williams Creek Reservoir. Mr. Ho described the SDS pipeline, pump stations, treatment plant, and the four properties for the proposed acquisition. He then reviewed the use of condemnation on the SDS project.

Lisa Eastep, property owner, stated that without being able to record conversations, negotiations have been very difficult.

Councilmember Geislinger asked if the tenant of the property had a written lease. Emily Green, property tenant, confirmed that she did and had been living on the property for the past seven years for \$250 per month.

**Motion by Councilmember Bennett, seconded by Councilmember Pico, that the Resolution authorizing the use of eminent domain to acquire interests in real properties needed for the Southern Delivery System Project's Upper Williams Creek Reservoir be adopted. The motion passed by a vote of 6-0-3**

**Aye:** 6 - Avila, Bennett, Geislinger, Murray, Pico, and Skorman

**Absent:** 3 - Gaebler, Knight, and Strand

## **10. Unfinished Business**

- 10.A. [17-1210](#) Ordinance No. 17-74 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$137,265 for November 2017 election



expense

Presenter:

Charae McDaniel, Acting Budget Director

**Attachments:** [Ordinance - Supp Approp for Nov Election Expenses.docx](#)  
[Signed Ordinance 17-74](#)

Charae McDaniel, Acting Budget Director, presented the Ordinance for a supplemental appropriation to the general fund in the amount of \$137,265 for November 2017 coordinated election expense.

There were no comments on this item.

**Motion by Councilmember Bennett, seconded by Councilmember Geislinger, that the Ordinance approving a supplemental appropriation to the General Fund in the amount of \$137,265 for November 2017 election expense be finally passed. The motion passed by a vote of 5-1-3**

**Aye:** 5 - Avila, Bennett, Geislinger, Murray, and Skorman

**No:** 1 - Pico

**Absent:** 3 - Gaebler, Knight, and Strand

## **11. New Business**

- 11.A.** [17-1159](#) A resolution approving the Transit Services Division's 2017 - 2020 Title VI program, which documents how services are provided without regard to race, color, or national origin

Presenter:

Craig Blewitt, Transit Services Division Manager  
Christopher Ryan, SRF Consulting, Inc.

**Attachments:** [Council Resolution - Title VI Approval](#)  
[Transit 2017 Title VI Program 2017-08-01](#)  
[Transit Service Monitoring Evaluation 2017-08-01](#)  
[Transit Council Work Session Presentation 2017-08-02](#)  
[Signed Resolution 98-17](#)

Erin McCauley, Metro Mountain Transit (MMT), explained the project information and the requirements for compliance with the Title VI Program. Ms. McCauley said there had been a robust public involvement process that took place for public input regarding the policies.

Councilmember Geislinger asked if Transit Services expects to expand service further than the Title VI requirements. Brian Vitulli, Transit Planning

Supervisor, said there are multiple planning processes being utilized to improve long range transportation services including the 2040 Transit Plan, the 2045 Transit Plan, and the Mayor's Transportation study.

Councilmember Geislinger asked for a future presentation that outlines these additional plans. Mr. Vitulli agreed to provide that information.

Councilmember Avila asked if the Title VI plan is a future plan or is currently in place. Ms. McCauley clarified there is a Title VI plan currently in place.

Citizen Tom Noonan said ridership would improve if service was more reliable and if the citizens felt like they were being heard at the public meetings. Councilmember Avila commented that Metro Mountain Transit has been making efforts to hold the public meetings in several areas of the City.

**Motion by Councilmember Murray, seconded by Councilmember Bennett, that the Resolution approving the Transit Services Division's updated Title VI Program to be effective October 1, 2017 through September 30, 2020 be adopted. The motion passed by a vote of 6-0-3**

**Aye:** 6 - Avila, Bennett, Geislinger, Murray, Pico, and Skorman

**Absent:** 3 - Gaebler, Knight, and Strand

- 11.B.** [17-1170](#) A resolution approving a service plan allowing for the creation of the Barnes Center Metropolitan District

(Legislative)

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department

**Attachments:** [RES Barnes Center Resolution](#)

[Attachment 1\\_Service Plan\\_Barnes Center Metropolitan District Final](#)

[v2](#)

[BCMD Executive Summary](#)

[Barnes Center Metro v2 Redline to Model Service Plan 7-17](#)

[BCMD Cost Summary](#)

[Signed Resolution 99-17](#)

Carl Schueler, Comprehensive Planning Manager, presented the Barnes Center Metropolitan District service plan and stated that it was consistent with the City's adopted policy and Model Service Plan.

Councilmember Murray requested that the maximum debt for public

improvement cost be reduced to \$1.5 million. Kevin Walker, applicant, said they prefer to keep the maximum debt service authorization at \$3 million based on inflation, but would be willing to reduce it to \$2.5 million.

**Motion by Councilmember Murray that the Resolution approving a service plan for the Barnes Center Metropolitan District with a maximum debt authorization limit of \$1,500,000 be adopted. Motion failed for lack of second.**

**Motion by Councilmember Bennett, seconded by Councilmember Pico, that the Resolution approving a service plan for the Barnes Center Metropolitan District with a maximum debt authorization limit of \$3,000,000 be adopted. The motion passed by a vote of 5-1-3**

**Aye:** 5 - Avila, Bennett, Geislinger, Pico, and Skorman

**No:** 1 - Murray

**Absent:** 3 - Gaebler, Knight, and Strand

- 11.C. [17-1171](#)** A resolution approving a service plan allowing for the creation of the SW Downtown Metropolitan District Nos. 1 and 2.

This agenda item is related to the SW Downtown BID  
(Legislative)

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department

**Attachments:** [RES\\_SW Downtown Metro Dist Nos 1-2](#)

[Exhibit for the RES\\_SW Downtown Service Plan \(revision to Re-Submittal on September 5, 2017\) -cleaned](#)  
[Figure 1 Redline - SW Downtown Metropolitan District Nos. 1 & 2 Service Plan-Redline-cleaned](#)  
[Infrastructure Breakdown\\_SW Downtown FINAL](#)  
[ReSubmittal Ltr to City of Colorado Springs \(Resubmittal dated September 5, 2017\) 9.26.17](#)  
[Structure Summary\\_SW Downtown Special District](#)  
[Attachment 2- SW Downtown Metro Dist Nos 1-2 resolution](#)  
[Attachment 6- SW Downtown Special District Structure Summary](#)  
[Notice of Public Hearing on Service Plan \(revised\)-cleaned](#)  
[Signed Resolution 107-17](#)

This Item was postponed to the September 26, 2017 City Council Meeting.

**Motion by Councilmember Bennett seconded by Councilmember Pico, that the request for approval of a Resolution of the City approving a service plan for the SW Downtown Metropolitan District Nos. 1 and 2 with a maximum debt authorization of \$220,000,000 for each District be postponed to the City Council meeting of September 26, 2017. The motion passed by a vote of 6-0-3**

**Aye:** 6 - Avila, Bennett, Geislinger, Murray, Pico, and Skorman

**Absent:** 3 - Gaebler, Knight, and Strand

- 11.D.** [17-1172](#) An ordinance organizing the SW Downtown Business Improvement District and providing for the Election of the Board of Directors.

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

**Attachments:** [ORD\\_SW Downtown BID](#)

[Exhibit A SWDBID Petition for Organization \(Revised 8-11-17\)  
-cleaned](#)

[Exhibit B Public Notice](#)

[Exhibit C SWDBID Operating Plan and Budget](#)

[Exhibit D Special Districts Policy '06](#)

[SWDBID Operating Plan and Budget- Redline](#)

This Item was postponed to the September 26, 2017 City Council Meeting.

**Motion by Councilmember Bennett, seconded by Councilmember Pico, that the Ordinance approving a Southwest Downtown Business Improvement District and providing for the Election of the Board of Directors be postponed to the City Council meeting of September 26, 2017. The motion passed by a vote of 6-0-3**

**Aye:** 6 - Avila, Bennett, Geislinger, Murray, Pico, and Skorman

**Absent:** 3 - Gaebler, Knight, and Strand

- 11.E.** [17-1173](#) Ordinance No. 17-87 including certain property into the Creekwalk Marketplace Business Improvement District

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Development

**Attachments:** [ORD\\_Creekwalk Marketplace](#)

[Exhibit A - Petition for Inclusion](#)

[Attachment 4- Creekwalk BID Inclusion Properties - Map](#)

Carl Schueler, Comprehensive Planning Manager, presented the Ordinance for the Creekwalk business improvement district (BID) property inclusion and stated it was consistent with state statute.

Citizen Debra Stout Meininger asked what properties were included in the

district. Councilmember Bennett identified 1505 South Tejon Street, 1778 South Nevada Avenue, and 115 Ramona Avenue.

**Motion by Councilmember Bennett, seconded by Councilmember Murray, that the Ordinance including certain property into the boundaries of the Creekwalk Marketplace Business Improvement District be approved on first reading. The motion passed by a vote of 6-0-3**

**Aye:** 6 - Avila, Bennett, Geislinger, Murray, Pico, and Skorman

**Absent:** 3 - Gaebler, Knight, and Strand

## **12. Public Hearing**

- 12.A. [CPC SWP 16-00155](#) An appeal of City Planning Commission approval of a Subdivision Waiver from subdivision design standards allowing primary residential access from an alley for three duplex buildings on lots zoned R-2 (Two-Family Residential) located at 543 Robbin Place.

(Quasi-Judicial)

Related Files: CPC PFP 16-00156, AR NV 17-00141

.Body

Presenter:

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

**Attachments:** [EXHIBIT 1 appeal request](#)

[Vicinity Map](#)

[Robbin PI - CC Powerpoint - LT](#)

[Staff Report - CPC SWP 16-00155; CPC PFP 16-00156; CPC NV 17-00141 \(Robbin PI\)](#)

[EXHIBIT 2 postponement request FW August 22nd City Council Meeting appeal item](#)

[FIGURE 1A.rev - Preliminary Plat](#)

[FIGURE 1B - Final Plat](#)

[FIGURE 2 - Project Statement](#)

[FIGURE 3 - emails](#)

[FIGURE 4 - Letters](#)

[FIGURE 5 - Appeal Letter](#)

[FIGURE 6 - OWN letter](#)

[FIGURE 7 - CGS Recommendations](#)

[FIGURE 8.rev - Geological Hazard Investigation](#)

[FIGURE 9 - Survey Ltr for Admin Relief](#)

[7.7.1302 Waiver of Subdivision Dev](#)

[CPC July 20 2017 543 Robbins Place Minutes](#)

Dee Dengler, appellant, stated that she would prefer all City Council members to be present for review of this appeal because the outcome could set a precedent for future City Ordinances as well as changes in City Code. Ms. Dengler also stated that when it was presented to City Council last year, the result was a 4-4 tie.

Applicant Paul Rising, Tara Custom Homes, and Duncan Bremer, attorney for the applicant, stated that the decision for the project application has been delayed for over a year. Mr. Bremer stated the original appeal was denied previously by City Council, but the applicant felt that a new full application process instead of just the alley access issue was the right thing to do. He said that the Planning Commission approved the new application unanimously. Mr. Bremer stated that appellant does not have good cause for further delay.

Councilmember Murray asked what difficulty would be caused in delaying the hearing two weeks. Mr. Bremer replied that it would be an additional delay, the consultants that had prepared for presentations would have to be rescheduled, as well as the project would be further delayed.

Councilmember Bennett said the full City Council should be involved for public hearings.

Councilmember Geislinger asked if the applicant felt the decision would be affected with a partial Council. Mr. Bremer stated that the postponement is an annoyance.

This Item was postponed to the September 26, 2017 City Council Meeting.

**Motion by Councilmember Bennett, seconded by Councilmember Murray, that the appeal hearing of the City Planning Commission's approval of a subdivision waiver to allow primary legal access via a public alley and associated preliminary and final plat applications re-platting the subject property from three lots into six lots be postponed to the City Council meeting of September 26, 2017. The motion passed by a vote of 5-1-3**

**Aye:** 5 - Bennett, Geislinger, Murray, Pico, and Skorman

**No:** 1 - Avila

**Absent:** 3 - Gaebler, Knight, and Strand

**12.B.** [AR NV](#)  
[17-00141](#)

An appeal of City Planning Commission approval of a Non-Use Variance to allow for a reduced 50-foot minimum lot width standard in the R-2 (Two-Family Residential) zone district for three (3) duplex units

located at 543 Robbin Place.

(Quasi-Judicial).

Related Files: CPC SWP 16-00155, CPC PFP 16-00156

Presenter:

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

**Attachments:** [FIGURE 1A.rev - Preliminary Plat](#)

[7.5.802 Nonuse Variance](#)

Please see comments in Agenda Item 12.A.

**Motion by Councilmember Bennett, seconded by Councilmember Geislinger, that the appeal hearing of the City Planning Commission's approval of a nonuse variance for lot width and associated subdivision waiver to allow primary legal access via a public alley and preliminary and final plat applications re-platting the subject property from three lots into six lots be postponed to the City Council meeting of September 26, 2017. The motion passed by a vote of 6-0-3**

**Aye:** 6 - Avila, Bennett, Geislinger, Murray, Pico, and Skorman

**Absent:** 3 - Gaebler, Knight, and Strand

- 12.C.** [CPC PFP 16-00156](#) An appeal of City Planning Commission approval of a Preliminary and Final Plat to create six (6) lots for the development of three (3) duplex buildings located at 543 Robbin Place.

(Quasi-Judicial)

Related Files: CPC SWP 16-00155, AR NV 17-00141

**Attachments:** [FIGURE 1A.rev - Preliminary Plat](#)

[FIGURE 1B - Final Plat](#)

[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](#)

Please see comments in Agenda Item 12.A.

**Motion by Councilmember Bennett, seconded by Councilmember Geislinger, that the appeal hearing of the City Planning Commission's approval of a nonuse variance for lot width and associated subdivision waiver to allow primary legal access via a public alley and preliminary and final plat applications re-platting the subject property from three lots into six lots be postponed to the City Council meeting of September 26, 2017. The motion passed by a vote of 6-0-3**

**Aye:** 6 - Avila, Bennett, Geislinger, Murray, Pico, and Skorman

**Absent:** 3 - Gaebler, Knight, 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