



# 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 26, 2017

1:00 PM

Council Chambers

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

**Present:** 7 - Councilmember Yolanda Avila, President Pro Tem Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, President Richard Skorman, and Councilmember Tom Strand

**Excused:** 2 - Councilmember Merv Bennett, and Councilmember Andy Pico

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

The Invocation was made by Councilmember Tom Strand.

President Skorman led the Pledge of Allegiance.

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

Jeff Mark, Landhuis Company, requested that Items 11.E. relating to the issuance of debt by the Morningview Metropolitan District be postponed until the City Council meeting of October 10, 2017.

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. [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](#)  
[Signed Ordinance 17-77](#)

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

**4A.B. [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](#)  
[Signed Ordinance 17-78](#)

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

**4A.C. [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](#)  
[Signed Ordinance 17-79](#)

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

**4A.D. [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](#)  
[Signed Ordinance 17-80](#)

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

- 4A.E.** [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](#)  
[Signed Ordinance 17-81](#)

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

- 4A.F.** [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](#)  
[Signed Ordinance 17-82](#)

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

- 4A.G.** [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](#)

[Signed Ordinance 17-83](#)

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

- 4A.H.** [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](#)

[Signed Ordinance 17-84](#)

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

- 4A.I.** [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](#)

[Signed Ordinance 17-85](#)

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

- 4A.J.** [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](#)  
[Signed Ordinance 17-86](#)

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

**4A.K. [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](#)  
[Signed Ordinance 17-87](#)

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

#### **4B. First Presentation:**

**4B.A. [17-1257](#)** City Council Regular Meeting Minutes September 12, 2017

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [9-12-2017 City Council Regular Meeting Minutes Final](#)

**The Minutes were approved on the Consent Calendar.**

**4B.B. [17-1258](#)** Appointments to Boards and Commissions

Presenter:  
Jacquelyn Puett, Assistant to Council

**Attachments:** [092617 Boards and Commissions Final](#)

**This Item was approved on the Consent Calendar.**

**4B.C. [16-646](#)** A Resolution of Support for the Transit Downtown Relocation Study Recommendations

Presenter:  
Craig Blewitt, Transit Services Manager

**Attachments:** [DTC City Council Presentation\\_08212017](#)  
[SCRecommendation-ExhibitA-8-21-2017](#)  
[RecommendationAcceptanceRes-8-3-17](#)  
[Signed Resolution 100-17](#)

**This Resolution was adopted on the Consent Calendar.**

- 4B.D.** [17-1237](#) Ordinance No. 17-88 amending Section 109 (Unlawful Acts) of Part 1 (Medical Marijuana License Code) of Article 2 (Marijuana) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to medical marijuana center hours of operation

Presenter:  
Sarah B Johnson, City Clerk

**Attachments:** [Clerk-MMJHoursORD-2017-08-16.docx](#)  
[Survey of MMJ Dispensary & Pharmacy Hours](#)

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

- 4B.E.** [CPC PUZ](#)  
[17-00013](#) Ordinance No. 17-89 amending the zoning map of the City of Colorado Springs pertaining to 44.71 acres located northwest of the Old Ranch Road and Chapel Ridge Drive intersection from A (Agricultural) and R1-6000 (Single-Family Residential) to PUD (Planned Unit Development: Single-Family Detached Residential; Maximum Density of 2.3 Dwelling Units per Acre; and Maximum Building Height of 35 feet)

(Quasi-Judicial)

Related File: CPC PUD 17-00014

Presenter:  
Peter Wysocki, Director Planning and Community Development  
Daniel Sexton, Senior Planner, Planning and Community Development

**Attachments:** [ZC\\_Ord - Bison Ridge at Kettle Creek](#)  
[Exhibit A - Legal Description](#)  
[Exhibit B - Zone Change Exhibit](#)  
[Vicinity Map](#)

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

- 4B.F.** [CPC PUD](#)  
[17-00014](#) Bison Ridge at Kettle Creek Filings 5 and 6 PUD Development Plan to subdivide 44.71 acres into 103 single-family detached residential lots, located northwest of the Old Ranch Road and Chapel Ridge Drive intersection

(Quasi-Judicial)

Related File: CPC PUZ 17-00013

Presenter:  
Peter Wysocki, Director Planning and Community Development  
Daniel Sexton, Senior Planner, Planning and Community Development

**Attachments:** [FIGURE 2 - 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.G.** [CPC ZC 17-00078](#) Ordinance No. 17-90 amending the zoning map of the City of Colorado Springs pertaining to 17.99 acres located near the southeast corner of Powers Boulevard and Old Ranch Road from A (Agriculture) to PBC (Planned Business Center).

(Quasi-Judicial)

Related File: CPC CP 17-00079

Presenter:  
Peter Wysocki, Director Planning and Community Development  
Catherine Carleo, Principal Planner, Planning and Community Development

**Attachments:** [ZC Ord Cordera Commercial North](#)  
[Exhibit A Legal Description](#)  
[Exhibit B Zone Change Exhibit](#)  
[Vicinity Map\\_Cordera Commercial North](#)

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

- 4B.H.** [CPC CP 17-00079](#) Cordera Commercial North Concept Plan illustrating conceptual layout for the 17.99 acres as a proposed commercial center, located near the southeast corner of Powers Boulevard and Old Ranch Road.

(Quasi-Judicial)

Related File: CPC ZC 17-00078

Presenter:  
Peter Wysocki, Director Planning and Community Development  
Catherine Carleo, Principal Planner, Planning and Community Development

Development

**Attachments:** [FIGURE 1 CN1 Concept Plan New](#)  
[7.5.501.E Concept Plans](#)

**This Item was approved on the Consent Calendar.**

- 4B.I.** [CPC PUZ 17-00071](#) Ordinance No. 17-91 amending the zoning map of the City of Colorado Springs pertaining to 10.08 acres located northeast of the Federal Drive and New Life Drive intersection from A (Agricultural) and PUD (Planned Unit Development) to PUD (Planned Unit Development: Small Lot Single-Family Detached Residential; Maximum Density of 8.23 Dwelling Units per Acre; and Maximum Building Height of 35 feet)

(Quasi-Judicial)

Related File: CPC PUD 17-00072

Presenter:  
Peter Wysocki, Director Planning and Community Development  
Daniel Sexton, Senior Planner, Planning and Community Development

**Attachments:** [ZC Ord - Midtown Collections at Foothills Farm](#)  
[Exhibit A - Legal Description](#)  
[Exhibit B - Zone Change Exhibit](#)  
[Vicinity Map](#)

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

- 4B.J.** [CPC PUD 17-00072](#) Midtown Collection at Foothills Farm PUD Development Plan for 10.08 acres to be developed as a small lot single-family residential development consisting of 83 single family detached lots, located northeast of the Federal Drive and New Life Drive intersection.

(Quasi-Judicial)

Related File: CPC PUD 17-00071

Presenter:  
Peter Wysocki, Director Planning and Community Development  
Daniel Sexton, Senior Planner, Planning and Community Development

**Attachments:** [FIGURE 2 - PUD Development Plan](#)  
[FIGURE 3 - Project Statement](#)  
[7.5.502.E Development Plan Review](#)  
[7.3.606 PUD Development Plan](#)



**This Item was approved on the Consent Calendar.**

- 4B.K.** [CPC LUM 17-00064](#) Ordinance No. 17-92 amending the 2020 Land Use Map of the City of Colorado Springs pertaining to 20.9281 acres from “Employment Center” to “General Residential”.

(Legislative)

Related Files: CPC PUZ 17-00065, CPC PUP 17-00066

Presenter:

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

**Attachments:** [LUM Ord - Midtown Collections at Cottonwood Creek](#)  
[Exhibit A 2020 Land Use Map Amended](#)

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

- 4B.L.** [CPC PUZ 17-00065](#) Ordinance No. 17-93 amending the zoning map of the City of Colorado Springs pertaining to 20.9281 acres from OC/SS/AO (Office Complex with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development with Streamside and Airport Overlays), located at the southwest corner of Woodmen Road and Lee Vance Drive.

(Quasi-Judicial)

Related Files: CPC LUM 17-00064, CPC PUP 17-00066

Presenter:

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

**Attachments:** [ZC Ord - Midtown at Cottonwood Creek](#)  
[Exhibit A - Legal Description](#)  
[Exhibit B - Diagram](#)  
[Vicinity Map](#)

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

- 4B.M.** [CPC PUP 17-00066](#) A concept plan for the Midtown Collections at Cottonwood Creek proposing a small lot PUD concept for 111 single-family detached dwelling units at 5.3 dwelling units per acre with a maximum building height of 35 feet.

(Quasi-Judicial)

Related Files: CPC LUM 17-00064, CPC PUZ 17-00065

Presenter:

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

**Attachments:** [Figure 1 - PUD Concept Plan - Revised](#)

[Figure 5 - 2004 Concept Plan](#)

[Figure 6 - 2008 Concept Plan](#)

[Figure 7 - Current Concept Plan](#)

[7.3.605 PUD Concept Plan](#)

[7.5.501.E Concept Plans](#)

**This Item was approved on the Consent Calendar.**

**4B.N. [17-1249](#)**

A resolution finding a petition for annexation of the area known as 2864 S. Circle Annexation consisting of 5.754 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of November 14, 2017 for the Colorado Springs City Council to consider the annexation of the area.

(Legislative)

Presenter:

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

**Attachments:** [2864 S Circle AX\\_RES\\_Finding of Facts\\_Hearing Dates](#)

[Exhibit A - Legal Description](#)

[Enclave Map](#)

[Vicinity Map and Location Map](#)

[Signed Resolution 101-17](#)

**This Resolution was adopted on the Consent Calendar.**

### Approval of the Consent Agenda

**Motion by Councilmember Strand, seconded by President Pro Tem Gaebler, 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, Gaebler, Knight, Murray, Skorman, and Strand

**Absent:** 3 - Bennett, Geislinger, and Pico

## **5. Recognitions**

- 5.A.**    [16-585](#)            October is Arts Month - Cultural Office of the Pikes Peak Region (COPPeR) Update

Presenter:

Andy Vick, Executive Director, Cultural Office of the Pikes Peak Region

**Attachments:**    [092617 Arts Month Proclamation](#)  
[2017 Arts Month Proclamation Presentation](#)

Andy Vick, Executive Director, Cultural Office of the Pikes Peak Region (COPPeR), gave a brief history identifying October 2017 as the fourth year of Arts Month in the Pikes Peak Region. Mr. Vick explained the objective and call to action for everyone to try a new cultural experience during the month. President Pro Tem Gaebler read the proclamation recognizing October 2017 as Arts Month.

- 5.B.**    [17-1218](#)            A resolution to support October 2017 as Fire Prevention Month in the City of Colorado Springs

Presenter:

Fire Marshal Brett Lacey

**Attachments:**    [FPW 2017 Resolution](#)  
[Signed Resolution 102-17](#)

Colorado Springs Fire Department (CSFD) Chief Ted Collas presented a brief background on the origination of Fire Prevention Month. Chief Collas stated that the theme of the month is "Every Second Counts, Plan Two Ways Out". Councilmember Knight read the resolution to support October 2017 as Fire Prevention Month in the City of Colorado Springs.

**Councilmember Geislinger arrived.**

**Motion by Councilmember Knight, seconded by Councilmember Geislinger, that this Resolution be adopted. The motion passed by a vote of 6-0-2**

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

**Absent:** 2 - Bennett, and Pico

## **6. Citizen Discussion**

Craig Blewitt, Transit Services Manager, expressed recognition for the

Steering Committee members who participated in the work leading to recommendations for the Downtown Transit Center relocation.

Citizen Victoria Heim spoke against the killing of animals to control the wildlife population near Cheyenne Creek.

Citizen Jim Ciletti spoke about the downtown parking crisis due to the removal of twenty metered parking spaces.

Citizen Tom Noonan expressed gratitude to Councilmembers for listening to the issues regarding transit.

Citizen Jaymen Johnson expressed appreciation for the extension of the hours of operation for medical marijuana dispensaries.

## **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. [17-1213](#) A resolution authorizing the acquisition of easements on property owned by the Bach Family Trust to be used for the Clear Spring Ranch Bank Stabilization Project and for access to the Owen and Hall Diversion Structure

Presenter:

Dan Higgins, Chief Water Services Officer

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

**Attachments:** [City Council Agenda Memo Bach Family Trust.docx](#)  
[BachFamilyTrustEasementAcquisitionRES-2017-09-07.docx](#)  
[Resolution Exhibits.pdf](#)  
[Signed Resolution 104-17](#)

Dan Higgins, Chief Water Services Officer, Colorado Springs Utilities, presented a property map identifying the easements that need to be acquired in order to perform work to the north of the Clear Spring Ranch area where the Nixon Power Plant is located.

Councilmember Geislinger asked how soon after acquisition would the

stabilization of the Clear Spring Ranch bank begin. Mr. Higgins said it would begin next year.

**Motion by Councilmember Strand, seconded by Councilmember Murray, that the Resolution authorizing the acquisition of easements on property owned by the Bach Family Trust to be used for the Clear Spring Ranch Bank Stabilization Project and for access to the Owen and Hall Diversion Structure be adopted. The motion passed by a vote of 7-0-2**

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

**Absent:** 2 - Bennett, and Pico

- 9.B.** [17-1262](#) A Resolution naming a Southern Delivery System Reservoir as the "Gary M. Bostrom Reservoir"

Presenter:

Jerry A. Forte, P.E., CEO, Colorado Springs Utilities

**Attachments:** [CC Resolution UWCR Naming 9-14-17\\_Final.docx](#)

[Signed Resolution 103-17](#)

Jerry A. Forte, P.E., CEO, Colorado Springs Utilities, expressed recognition for Gary M. Bostrom, former Chief Water Services Officer for his contribution to the community. Jeff Greene, Chief of Staff, stated that Gary M. Bostrom ensured the success of the Southern Delivery System. President Skorman, Wynetta Massey, Bernie Herpin, Sallie Clark, Brandy Williams, and Lionel Rivera, also expressed their appreciation for Mr. Bostrom. Councilmember Strand read the resolution naming a Southern Delivery System Reservoir as the "Gary M. Bostrom Reservoir".

**Motion by Councilmember Strand, seconded by Councilmember Murray, that the Resolution naming a Southern Delivery System raw water reservoir as "Gary M. Bostrom Reservoir" in honor of longtime water service and community leader Gary M. Bostrom, and in so doing, move that Council waive the waiting period of one year established in resolutions 31-06 and 54-07 be adopted. The motion passed by a vote of 7-0-2**

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

**Absent:** 2 - Bennett, and Pico

## **10. Unfinished Business**

There was no Unfinished Business.

## **11. New Business**

- 11.A.** [17-1233](#) A Resolution Authorizing Free Parking on Saturday, November 4, 2017, for the Veterans Day Parade

Presenter:

Greg Warnke, Parking Administrator

**Attachments:** [Res for Free Parking for Veterans Day Parade 9-26-2017](#)

[Signed Resolution 105-17](#)

President Skorman recused himself from this item due to his ownership of a downtown business.

Greg Warnke, Parking Administrator, presented a Resolution Authorizing Free Parking on Saturday, November 4, 2017, for the Veterans Day Parade.

Councilmember Geislinger asked if Mr. Warnke could work with Mountain Metropolitan Transit (MMT) to see if transit fares would be free or reduced for this day. Mr. Warnke said that he would inquire with the Transit Services Administration.

Councilmember Murray asked if this could be made a permanent change. Jeff Greene, Chief of Staff, said that would require a City Code change.

**Motion by Councilmember Knight, seconded by Councilmember Murray, that the Resolution authorizing free parking on Saturday, November 4, 2017, for the Veterans Day Parade be adopted. The motion passed by a vote of 6-0-3**

**Aye:** 6 - Avila, Gaebler, Geislinger, Knight, Murray, and Strand

**Absent:** 2 - Bennett, and Pico

**Recused:** 1 - Skorman

**11.B.** [17-1234](#)

A Resolution Authorizing Free On-Street Metered Parking on Saturday, November 25, Saturday, December 2, Saturday, December 9, Saturday December 16, and Saturday, December 23, 2017.

Presenter:

Greg Warnke, Parking Administrator

**Attachments:** [Resolution for Free Holiday Parking.doc](#)

[Signed Resolution 106-17](#)

President Skorman recused himself from this item due to his ownership of a downtown business.

There were no comments on this item.

**Motion by Councilmember Murray, seconded by Councilmember Knight, that the Resolution authorizing free on-street metered parking on Saturday, November 25,**

Saturday, December 2, Saturday, December 9, Saturday December 16, and Saturday, December 23, 2017 be adopted. The motion passed by a vote of 6-0-3

**Aye:** 6 - Avila, Gaebler, Geislinger, Knight, Murray, and Strand

**Absent:** 2 - Bennett, and Pico

**Recused:** 1 - Skorman

- 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](#)

Peter Wysocki, Planning and Community Development Director, gave a brief history and the vision of the redevelopment plan for the Southwest Downtown area. He identified the current under-utilized condition of the neighborhood and the reasons for the timing and public/private partnership.

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department, stated these districts support the revitalization of the downtown area. He provided a summary of the three related districts, the background history, as well as the boundaries and vertical separation of the districts. Mr. Schueler identified the changes and updates since the presentation at the work session.

Councilmember Murray asked for a specific list of what the \$440 million

debt authorization will be used for. Mr. Schueler said that the petitioner's list reflecting \$238.5 million identifies what eligible projects it is intended for and said that staff is comfortable with the flexibility of the debt authorization amount.

Councilmember Knight commented that once the debt authorization is approved, it will be used as a supporting argument for future projects and that the list of eligible projects listed for \$238.5 million is very inclusive. Councilmember Knight asked if the BID's cap was set for less, if the amount could be raised at a later date. Mr. Schueler stated that the authorized cap could be set lower by Council through either the operating plan or service plan for the districts.

Councilmember Geislinger asked if an obstacle would be created if a \$325 million debt authorization was approved. Russ Dykstra from Spencer Fane, LLP, representing the applicant, said that they could manage with \$220 million for the metropolitan districts and \$105 million for the Business Improvement District (BID). Councilmember Geislinger also asked about the tax burden for residential tenants versus commercial tenants. Mr. Schueler stated that the districts would have a public fiduciary responsibility to ensure that it is allocated equitably. Mr. Dykstra stated that the districts will be divided horizontally and the costs will be divided proportionally.

Councilmember Murray commented that the taxing authority is being given to the developer and that the economic model has not been presented.

Councilmember Knight said that he is for the project, but suggested that the debt authorization should be set at \$325 million for all three districts. Mr. Dykstra said that they are facing a tight timeframe for getting the districts formed before the November 2017 election and that they are comfortable with modifying the service plan authorization for the two metropolitan districts at \$220 million and the operating plan authorization for the BID at \$105 million.

Citizens Tim Hoiles, Don Hardgrove, Eliceo Claudio, and Michael Francisco spoke against Item 11.C.

Citizen Burt Don asked what demand is present to propel this agenda item.



Susan Edmondson, Downtown Partnership, and Dirk Draper, President and CEO, Chamber of Commerce and EDC, spoke in favor of Item 11.C.

Jeff Greene, Chief of Staff, stated that the City administration supports the request for approving the service plan and the bonding capacity to be set at \$325 million for the three districts.

President Skorman commented that the flexibility of the districts should not be limited because of the opportunities available for the future of downtown.

Bob Cope, Project Manager, stated that in special districts, the developers are taxing themselves, not the citizens and that the debt cap has many safeguards. He stated the twenty year project list was a best estimate of the capital expenditures that are anticipated to occur. Mr. Cope said the fiscal and economic impacts for the City is estimated at \$110 million in new net revenue over twenty years, 5,000 jobs, and billions of dollars to the gross metropolitan product.

President Pro Tem Gaebler stated that the funds promote the building of the public realm infrastructure that will fulfill the needs of downtown.

Councilmember Knight commented that this venture is an opportunity and that he looks at the big picture when reviewing issues and that even if this sets a precedent, each item will be reviewed on a case-by-case basis. He also commented that the City's economy has an unhealthy reliance on sales and use tax over property tax, but supports adding a metropolitan district to this area.

Councilmember Geislinger asked what involvement Council would have regarding what the applicant is charging to the residential and the commercial tenants. Renee Congdon, City Attorney, said that how the improvement costs are divided would be through Intergovernmental Agreements (IGA) between the metropolitan districts and the BID and would not involve Council.

**Motion by Councilmember Strand, seconded by Councilmember Geislinger, that the Resolution approving a service plan for the SW Downtown Metropolitan District Nos. 1 and 2 with a combined maximum debt authorization of \$220,000,000 be adopted. The motion passed by a vote of 6-1-2**

**Aye:** 6 - Avila, Gaebler, Geislinger, Knight, Skorman, and Strand

**No:** 1 - Murray

**Absent:** 2 - Bennett, and Pico

**11.D.** [17-1172](#) Ordinance No. 17-94 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 2017-2018 Operating Plan and Budget \(revised 9-27-17\)](#)
  - [Exhibit D Special Districts Policy '06](#)
  - [SWDBID Operating Plan and Budget- Redline](#)
  - [Exhibit C SWDBID Operating Plan and Budget\\_09.26.17](#)

Please see comments in Agenda item 11.C.

**Motion by Councilmember Strand, seconded by Councilmember Geislinger, that the Ordinance approving the operating plan and budget for the Southwest Downtown Business Improvement District as amended by changing the maximum debt authorization to \$105,000,000.00 and providing for the election of the board of directors be approved on first reading. The motion passed by a vote of 6-1-2**

**Aye:** 6 - Avila, Gaebler, Geislinger, Knight, Skorman, and Strand

**No:** 1 - Murray

**Absent:** 2 - Bennett, and Pico

**11.E.** [17-1174](#) A Resolution Approving the Issuance of Debt by the Morningview Metropolitan District in the Form of Series 2017 Limited Tax General Obligation Bonds

(Legislative)

Presenter:  
Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

**Attachments:** [Attachment 1- Morningview PP](#)  
[Attachment 2-MorningviewCouncilResolution](#)  
[Attachment 3- Morningview Bond Cover Letter](#)  
[Attachment 4- Proposed Authorizing Resolution v1](#)  
[Attachment 5- Cash Flow Private Bonds 6.19.2017](#)  
[Attachment 6- 12-10-2015 - Summary of Recommended Reimbursement Costs Morningview](#)  
[Attachment 7- MORNINGVIEW CLA CERT FINAL 2016](#)  
[Attachment 8- Morningview MD External Financial Consultant 6.19.2017](#)  
[Attachment 9- Opinion Letter of Compliance to Colorado Springs - Morningview Metro re proposed Dev Bond Issuance](#)

Please see comments in Agenda item 3.

**Motion by Councilmember Murray, seconded by Councilmember Strand, that the Resolution approving the issuance of Debt by the Morningview Metropolitan District in the form of 2017 Limited Tax General Obligation Bonds in the principal amount not to exceed \$1,300,000 be postponed to the City Council meeting of October 10, 2017. The motion passed by a vote of 6-0-3.**

**Aye:** 6 - Avila, Gaebler, Knight, Murray, Skorman, and Strand

**Absent:** 3 - Bennett, Geislinger, and Pico

- 11.F. [CPC MP 87-00381-A1 6MJ17](#) Major amendment to the Banning Lewis Ranch Master Plan changing the land use of 284 acres to Residential-Medium (3.5-7.99 dwelling units per acre)

(Legislative)

Related Files: CPC MP 87-00381-A16JM17, CPC PUP 17-00048, CPC PUZ 17-00047, CPC V 17-00049

Presenter:

Hannah Van Nimwegen, Planner II, Planning & Community Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [RES BLR V3](#)[Exhibit A - Master Plan Exhibit](#)[City Council 9.26, BLR V3, Staff Presentation - HVN](#)[CPC Staff Report BLR V3](#)[Figure 1. Zoning Exhibit](#)[Figure 2. Master Plan Exhibit](#)[Figure 3. Concept Plan](#)[Figure 4. Vacation Plat](#)[Figure 5. Project Narrative](#)[Figure 6. FIA](#)[Figure 7. Document Legend](#)[Figure 8. School District 49 Review](#)[Figure 9. Parkland Distribution](#)[7.5.408 MASTER PLAN REVIEW CRITERIA](#)[CPC August 17 Minutes BLR Village 3](#)[Signed Resolution 108-17](#)

Hannah Van Nimwegen, Planner II, Planning & Community Development, identified the Banning Lewis Ranch Village vicinity map, the site details of the master plan designation, applications, public notification and involvement, the internal and external agency review, and the City Planning Commission's recommendations. She explained the major master plan amendment, the Planned Unit Development (PUD) zone change, the Village 3 Concept Plan, and the right-of-way vacation. Ms. Van Nimwegen also identified the fiscal impact analysis which would be a neutral impact to the City, the impact to School District 49, and the recommended technical modifications.

Josh Rowland, LAI Design Group, representing the applicant, provided an overview of the background of the development of Banning Lewis Ranch as well as anticipated future projects. He explained the impact to the schools in the area and the parks.

Councilmember Murray asked how many homes would be added to the area. Mr. Rowland said approximately 1,100.

**Motion by Councilmember Strand, seconded by Councilmember Geislinger, that the Resolution approving the major amendment to the Banning Lewis Ranch Master Plan, based upon the finding that the amendment meets the review criteria for granting a master plan amendment as set forth in City Code Section 7.5.408 be adopted. The motion passed by a vote of 5-2-2**

**Aye:** 5 - Gaebler, Geislinger, Knight, Skorman, and Strand

**No:** 2 - Avila, and Murray

**Absent:** 2 - Bennett, and Pico

- 11.G.** [CPC V  
17-00049](#) Ordinance No. 17-95 vacating portions of Public Right-Of-Way known as Dublin Boulevard, Vista Del Tierra Drive, Circulo Del Sol Loop, and Stetson Hills Boulevard consisting of 19.91 acres located west and southwest of the Dublin Boulevard and Banning Lewis Ranch Parkway intersection

(Legislative)

Related Files: CPC MP 87-00381-A16JM17, CPC PUP 17-00048, CPC PUZ 17-00047

Presenter:

Hannah Van Nimwegen, Planner II, Planning & Community Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [ORD Vac ROW - BLR V3](#)

[Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Figure 4. Vacation Plat](#)

[7.7.402.C Vacation Procedures](#)

Please see comments in Agenda item 11.F.

**Motion by Councilmember Strand, seconded by Councilmember Geislinger, that the Ordinance approving the right-of-way vacation along a portion Dublin Boulevard, Vista Del Tierra Drive from Dublin Boulevard to Stetson Hills Boulevard, Circulo Del Sol Loop, and a portion of Stetson Hills Boulevard based on the finding the request complies with the review criteria in City Code Section 7.7.402.C be approved on first reading. The motion passed by a vote of 5-2-2**

**Aye:** 5 - Gaebler, Geislinger, Knight, Skorman, and Strand

**No:** 2 - Avila, and Murray

**Absent:** 2 - Bennett, and Pico

- 11.H.** [CPC PUZ  
17-00047](#) Ordinance No. 17-96 amending the zoning map of the City of Colorado Springs pertaining to 284 acres located southwest of the Dublin Boulevard and Banning Lewis Ranch Parkway intersection from R-5/CR/AO/SS; R-5/CR/AO; R1-6000/AO/SS; PBC/CR/AO/SS to PUD/AO/SS (Planned Unit Development: single-family residential with a maximum building height of 40 feet and a gross density of 7.99 dwelling

units per acre with Airport and Streamside Overlays)

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A16JM17, CPC PUP 17-00048,  
CPC V 17-00049

Presenter:

Hannah Van Nimwegen, Planner II, Planning & Community Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [ZC Ord - BLR V3](#)

[Exhibit A](#)

[Exhibit B](#)

[Figure 1. Zoning Exhibit](#)

[7.5.603 Findings - ZC](#)

[7.3.603 Establishment & Development of a PUD Zone](#)

Please see comments in Agenda item 11.F.

**Motion by Councilmember Strand, seconded by Councilmember Geislinger, that the Ordinance approving the zone change from R-5/CR/AO/SS; R-5/CR/AO; R1-6000/AO/SS; PBC/CR/AO/SS to PUD/AO/SS (Planned Unit Development: single-family residential with a maximum building height of 40 feet and a gross density of 7.99 dwelling units per acre with Airport and Streamside Overlays), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 and the development of a PUD zone as set forth in City Code Section 7.3.603 be approved on first reading. The motion passed by a vote of 5-2-2**

**Aye:** 5 - Gaebler, Geislinger, Knight, Skorman, and Strand

**No:** 2 - Avila, and Murray

**Absent:** 2 - Bennett, and Pico

- 11.I. [CPC PUP 17-00048](#) Banning Lewis Ranch Village Three Concept Plan illustrating single-family residential development of 284 acres located southwest of the Dublin Boulevard and Banning Lewis Ranch Parkway intersection

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A16JM17, CPC PUZ 17-00047,  
CPC V 17-00049

Presenter:

Hannah Van Nimwegen, Planner II, Planning & Community Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [Figure 3. Concept Plan](#)  
[7.5.501.E Concept Plans](#)  
[7.3.605 PUD Concept Plan](#)

Please see comments in Agenda item 11.F.

**Motion by Councilmember Strand, seconded by Councilmember Geislinger, that the Banning Lewis Ranch Village Three Concept Plan based upon the findings that the concept plan meets the review criteria for granting approval of a concept plan as set forth in City Code Section 7.5.501.E and the PUD Concept Plan criteria as set forth in City Code Section 7.3.605 subject to the below technical modification: Technical Modification to the Banning Lewis Ranch Village Three Concept Plan: 1. General note to be added to the cover sheet of the concept plan, "Further assessment for land dedication or fees-in-lieu shall be conducted by the appropriate school district during the review of a filing's development plan and final plat. The applicant/builder of Village Three to provide the Planning Department a copy of the filing's Covenants, Conditions & Restrictions to provide to the school district for consideration. A general note must be placed on the plat stating the subdivision filing is subject to the Covenants, Conditions & Restrictions recorded at the applicable reception number." 2. Remove all language referencing "age-restriction" and "active-adult." be approved. The motion passed by a vote of 5-2-2**

**Aye:** 5 - Gaebler, Geislinger, Knight, Skorman, and Strand

**No:** 2 - Avila, and Murray

**Absent:** 2 - Bennett, and Pico

## **12. Public Hearing**

- 12.A.** [CPC AP 17-00104](#) An appeal of the Planning Commission decision to deny the appeal of a Notice and Order to Abate a sign code violation at 1624 North Academy Boulevard.

(Quasi-Judicial)

Presenter:

Kurt Schmitt, Sign Specialist

Meggan Herington, Assistant Director, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

**Attachments:** [CPC AP 17-00104-Appeal to CC](#)  
[1624 N Academy Appeal for sign code violation Council](#)  
[CPC Staff Report Sign Enforcement appeal](#)  
[Figure 1 - AIM Diagnosis Appeal statement](#)  
[Figure 2 - Banner violation photos](#)  
[Figure 3 - Polo Center Electronic Message Center Signs](#)  
[Figure 4 - Polo Center - 1624 N Academy EMC Affidavit](#)  
[Figure 5 - Notice and Order To Abate Sign Code violation](#)  
[Figure 6 - Email communications](#)  
[Figure 7 - 7.4.409.E - Banners- Temporary signs](#)  
[7.5.906 \(A\)\(4\)](#)  
[CPC August 17 Minutes - Notice and Order to Abate Appeal](#)

Meggan Herington, Assistant Director, Planning & Community Development, identified the sign code violation at 1624 North Academy Boulevard and stated that the appellant notified staff that they would not be appearing for the appeal hearing today and that the banners would be removed tomorrow.

**Motion by Councilmember Knight, seconded by Councilmember Geislinger, to deny the appeal and uphold the Notice and Order to Abate sign code violation issued at 1624 North Academy Boulevard, based on the finding that the appellants have not substantiated that the appeal satisfies the review criteria to overturn the Planning Commission decision as outlined in City Code Section 7.5.906(A)(4). The motion passed by a vote of 7-0-2**

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

**Absent:** 2 - Bennett, and Pico

- 12.B.** [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](#)

Lonna Thelen, Principal Planner, Planning and Community Department, presented a vicinity map of the property, as well as the details of the application to provide legal access via a public alley and the neighborhood meetings. She identified the preliminary and final plat, the subdivision waiver, and the areas of concern which include drainage, geologic hazards, fire access, the alley, and the nonuse variance for lot width.

Councilmember Geislinger asked how long lots 427 and 423 had been using the alley as their primary access and when the homes had been built. Ms. Thelen said that she will look into that information.

Councilmember Knight asked if the homes using the alley had requested a subdivision waiver. Ms. Thelen said they were not required to because they have an additional access to North Chestnut Street. Councilmember Knight also asked if the plats met the 7,000 square feet requirement. Ms. Thelen confirmed that they did.

Councilmember Murray asked how the Fire Department would address the issues of navigating the one-way alley. Fire Marshall Brett Lacey stated that the Fire Department utilizes alleyways in many parts of the City and that once the alley is repaired, they will reassess the alley, but that they do

not have concerns with this area.

Councilmember Knight said that there was a video of a fire truck attempting access to the alley as it is now that depicted there was a clearance issue and that there was also an issue with the truck making the turn. Fire Marshall Lacey said that the roadway width would not be a problem once the alley repairs are completed. Councilmember Knight asked if two engines and a truck would fit in the alleyway in the event of a fire. Fire Marshall Lacey explained how they would position those engines in that situation and stated that the Fire Department is comfortable with what is proposed for that site.

Councilmember Geislinger asked if this is the only area in the City where the Fire Department access would be difficult. Fire Marshall Lacey stated it was not.

Dee Dengler, appellant, stated that the alley is a public right-of-way which provides secondary access and should not be utilized as a street. She also stated that due to the steep slope of the property, there is potential for landslide activity on the site. Ms. Dengler commented that she is also concerned with the fire safety for this location.

Citizens John Osborn and Welling Clark spoke in support of the appellant.

Councilmember Geislinger asked the appellants if it was their position that nothing should be built on that property. Mr. Osborne confirmed that it was their position. Councilmember Geislinger also asked if there were other neighbors using the alleyway. Mr. Osborne identified the neighbors who utilized the alley.

Paul Rising, the applicant and owner of Tara Custom Homes, stated that he purchased this property fourteen years ago and said it was acceptable for him to access his property from the alley just as nine other neighbors access theirs from the alley. He identified that his company strives to do the best job possible and that he received approvals from all of the proper departments of the City. Mr. Rising provided the background of the application, the proposed project plan, and addressed the planned alley improvements. He stated that the slope, drainage, geotech, and infill issues have all be resolved. Mr. Rising also identified the neighborhood meetings that had been held.

Joe Good, Entech Engineering, spoke regarding the caissons that were placed on the property. Austin Nossokoff, Entech Engineering, described the sub-surface soil investigation, the stability of the slope, the original factor of safety of 1.3 and the mitigation that was completed to bring the factor of safety to 1.5.

Citizens Karen Howard, Don Hardgrove, and Mary Osborn spoke in opposition of the applicant's project.

Duncan Bremer, attorney representing the applicant, stated the City Code has flexibility built in for these types of exceptions. He stated that the applicant has put forth the effort and time to establish the proposal and make the improvements for this difficult piece of property.

Ms. Thelen stated that the home located on lot 423 was built in 1955 and 427 was built in 1962. She also identified that in 1996 the subdivision was re-subdivided to east/west for those lots. She stated that the alley right-of-way was twenty feet wide and the alley pavement width is twelve feet wide because of the utility poles located in the alley.

Councilmember Knight asked if elevating the concrete pan had an impact on the drainage requirements. Ms. Thelen said that both drainage and fire concerns were addressed and approved by the Engineering and Fire Departments.

Councilmember Geislinger commented that all areas of concern have been approved by the appropriate departments and that he will not be supporting the appeal.

Councilmember Knight said that the waiver of the lot size is only for a couple of inches, but he is concerned about the waiver relating to the fire safety code. He stated that the utility lines could be put underground to expand the alley.

President Skorman commented that he does not want to set precedence for the Fire Department access and that the development does not fit the neighborhood or the steepness of the site.

Mr. Rising said that he is in agreement with putting the utilities

underground. Ms. Thelen said that she will have to confirm if there are any structures in that right-of-way and clarified that it would still be classified as an alley, not a public street.

**Motion by Councilmember Knight, seconded by Councilmember Strand, 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 October 10, 2017. The motion passed by a vote of 7-0-2**

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

**Absent:** 2 - Bennett, and Pico

Duncan Bremer, attorney representing the applicant, stated that his client will be out of the country on October 10, 2017.

**Motion by Councilmember Knight, seconded by Councilmember Strand, to reconsider the postponement of 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 to the City Council meeting of October 10, 2017. The motion passed by a vote of 7-0-2**

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

**Absent:** 2 - Bennett, and Pico

**Motion by Councilmember Knight, seconded by President Pro Tem Gaebler, 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 October 24, 2017. The motion passed by a vote of 7-0-2**

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

**Absent:** 2 - Bennett, and Pico

**12.C.** [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](#)

Dee Dengler, appellant, stated that she will be out of the country on October 24, 2017. Discussion from Council that there is no perfect date for everyone to be present.

**Motion by Councilmember Knight, seconded by President Pro Tem Gaebler, 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 October 24, 2017. The motion passed by a vote of 6-1-2**

**Aye:** 6 - Avila, Gaebler, Geislinger, Murray, Skorman, and Strand

**No:** 1 - Knight

**Absent:** 2 - Bennett, and Pico

- 12.D.** [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.B.

**Motion by Councilmember Geislinger, seconded by President Pro Tem Gaebler, 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 October 24, 2017. The motion passed by a vote of 6-1-2**

**Aye:** 6 - Avila, Gaebler, Geislinger, Murray, Skorman, and Strand

**No:** 1 - Knight

**Absent:** 2 - Bennett, and Pico

### **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