



# City of Colorado Springs

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

## Meeting Minutes - Draft City Council

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Tuesday, August 23, 2016

1:00 PM

Council Chambers

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### 1. Call to Order

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

### 2. Invocation and Pledge of Allegiance

The invocation was led by Gaylord Hatler, First Christian Church.

The Pledge of Allegiance was led by Council President Bennett.

### 3. Changes to Agenda/Postponements

Council President Bennett stated there has been a request to postpone agenda item 10.A. indefinitely.

### 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. [16-453](#)**

Ordinance No. 16-79 amending Section 302 (Classification and Occupation Tax Established) of Part 3 (Occupation Tax on Liquors) of Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Lodging and Entertainment Licenses

Presenter:  
Sarah Johnson, City Clerk

Res/Ord Number: 16-79

**The ordinance was finally passed on the Consent Calendar.**

- 4A.B.** [16-485](#) Ordinance No. 16-80 amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the Public Safety Sales Tax (PSST) Fund in the amount of \$3,200,000 for Public Safety Projects

Presenter:  
Kara Skinner, Chief Financial Officer

Res/Ord Number: 16-80

**The ordinance was finally passed on the Consent Calendar.**

- 4A.C.** [16-491](#) Ordinance No. 16-81 of the City of Colorado Springs, Colorado approving and authorizing the execution and delivery of the Revolving Loan Agreement between the City of Colorado Springs, Colorado and U.S. Bank National Association and the Revolving Promissory Note of the City relating thereto; and providing matters relating thereto

Presenter:  
Bill Cherrier, Chief Planning and Finance Officer, Colorado Springs Utilities  
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Res/Ord Number: 16-81

**The ordinance was finally passed on the Consent Calendar.**

- 4A.D.** [16-492](#) Ordinance No. 16-82 of the City of Colorado Springs, Colorado approving and authorizing the execution and delivery of the Standby Bond Purchase Agreement among the City of Colorado Springs, Colorado, Wells Fargo Bank, National Association, as Tender Agent, and Landesbank Hassen-Thuringen Girozentrale, the Standby Letter of Credit and Reimbursement Agreement between the City of Colorado Springs, Colorado and Sumitomo Mitsui Banking Corporation, the Fee Agreements between the City of Colorado Springs, Colorado and such banking organizations, and the Official Statements for the Utilities System Revenue Bonds previously issued by the City to which the agreements relate; ratifying certain action heretofore taken

Presenter:  
Bill Cherrier, Chief Planning and Finance Officer, Colorado Springs

Utilities

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

Res/Ord Number: 16-82

**The ordinance was finally passed on the Consent Calendar.**

**4A.E. [16-467](#)**

Ordinance No. 16-83 creating a new Appendix P (Indoor Flora Grow Operations in Residential Occupancies) to Chapter 8, Article 4, Part 1, Section 105 of the Code of the City of Colorado Springs 2001, as amended.

Presenter:

Ted Collas, Interim Fire Chief, CSFD

Brett Lacey, Fire Marshal, CSFD

Res/Ord Number: 16-83

**The ordinance was finally passed on the Consent Calendar.**

**4A.F. [CPC CA  
16-00073](#)**

Ordinance No. 16-84 amending Section 206 (Parking Exempt Districts) of Part 2 (Off-street Parking Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Old Colorado City Parking Exempt District.

(Legislative)

Presenter:

Michael Turisk, Planner II, Planning and Community Development

Peter Wysocki, Planning and Community Development Director

Res/Ord Number: 16-84

**The ordinance was finally passed on the Consent Calendar.**

**4B. First Presentation:**

**4B.A. [16-519](#)**

City Council Meeting Minutes August 9, 2016

Presenter:

Sarah Johnson, City Clerk

**The meeting minutes were approved on the Consent Calendar.**

**4B.B. [16-528](#)**

Appointments to Boards and Commissions

Presenter:  
Jacquelyn Puett, Assistant to Council

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

**4B.C. [16-451](#)**

A resolution amending Resolution 92-12, the Bylaws and the Investment Policy of the Colorado Springs Health Foundation

Presenter:  
BJ Scott, Chair, Colorado Springs Health Foundation Board of Trustees  
Jon Medved, Secretary, Colorado Springs Health Foundation Board of Trustees

Res/Ord Number: 81-16

**The resolution was adopted on the Consent Calendar.**

**4B.D. [16-495](#)**

A resolution approving the assignment of 2016 Private Activity Bond volume cap allocation to El Paso County

Presenter:  
Bob Cope, Economic Development Manager

Res/Ord Number: 82-16

**The resolution was adopted on the Consent Calendar.**

**4B.E. [16-496](#)**

A resolution adopting an amendment to the "City of Colorado Springs Rules and Procedures of City Council" relating to donations and unspent council funds

Presenter:  
Eileen Lynch Gonzalez, City Council Administrator

Res/Ord Number: 83-16

**The resolution was adopted on the Consent Calendar.**

**4B.F. [16-506](#)**

A Resolution Accepting the Donation of Property from Daniela F. Cusack for a Public Purpose to the City of Colorado Springs

Presenter:  
Dan Higgins, Chief Water Services Officer  
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Res/Ord Number: 84-16

**The resolution was adopted on the Consent Calendar.**

- 4B.G.** [CPC ZC 16-00064](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 3.084 acres located at the southwest corner of North Carefree Circle and North Powers Boulevard from R-5/CR/AO and PBC/CR/AO (Multi-Family Residential and Planned Business Center with Conditions of Record and Airport Overlay) to OC/CR/AO (Office Complex with Conditions of Record and Airport Overlay).

(Quasi-Judicial)

Related Files: AR CP 11-00482-A2MJ16, CPC DP 16-00066

Presenter:

Conrad Olmedo, Planner II, Planning & Community Development  
Peter Wysocki, Director Planning and Community Development

Res/Ord Number: 16-91

**The ordinance was approved on first reading on the Consent Calendar.**

- 4B.H.** [AR CP 11-00482-A2 MJ16](#) An amendment to the Southwest Powers Boulevard & North Carefree concept plan to allow General/Medical Office uses on a site consisting of 6.282 acres located at the southwest corner of North Carefree Circle and North Powers Boulevard.

(Quasi-Judicial)

Related Files: Related Files: CPC ZC 16-00064, CPC DP 16-00066

Presenter:

Conrad Olmedo, Planner II, Planning & Community Development  
Peter Wysocki, Director Planning and Community Development

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

- 4B.I.** [CPC DP 16-00066](#) A development plan for a new two (2)-tenant 5,946 square-foot medical/office building on a site consisting of 1.16 acres located at the southwest corner of North Carefree Circle and North Powers Boulevard.

(Quasi-Judicial)

Related Files: CPC ZC 16-00064, AR CP 11-00482-A2MJ16

Presenter:

Conrad Olmedo, Planner II, Planning & Community Development  
Peter Wysocki, Director Planning and Community Development

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

- 4B.J. [CPC MPA 05-00278-A3 MN15](#) A minor amendment to the Northgate Master Plan changing 2.3 acres along Voyager Parkway from Office Industrial to Neighborhood Commercial, located southeast of the Voyager Parkway and Ridgeline Drive intersection.

(Quasi-Judicial)

Related Files: CPC ZC 15-00040, CPC ZC 15-00095, CPC CP 07-00189-A1MJ15

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development  
Peter Wysocki, Director Planning and Community Development

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

- 4B.K. [CPC ZC 15-00040](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 1.21 acres located southeast of the Voyager Parkway and Ridgeline Drive from PIP-1 (Planned Industrial Park) to PBC (Planned Business Center).

(Quasi-Judicial)

Related Files: CPC MPA 05-00278-A3MN15, CPC ZC 15-00095, CPC CP 07-00189-A1MJ15

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development  
Peter Wysocki, Director Planning and Community Development

Res/Ord Number: 16-92

**The ordinance was approved on first reading on the Consent Calendar.**

- 4B.L. [CPC ZC 15-00095](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 1.13 acres located southeast of the Voyager Parkway and Ridgeline Drive from PIP-1 (Planned Industrial Park) to PBC (Planned Business Center).

(Quasi-Judicial)

Related Files: CPC MPA 05-00278-A3MN15, CPC ZC 15-00040, CPC CP 07-00189-A1MJ15

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development  
Peter Wysocki, Director Planning and Community Development

Res/Ord Number: 16-93

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

- 4B.M.** [CPC CP 07-00189-A1 MJ15](#) An amendment to the Voyager Business Park Concept Plan changing internal lot configuration, integrating 2.3 acres of commercial use and adding a right-in and right-out along Voyager Parkway, located southeast of the Voyager and Ridgeline Drive intersection.

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development  
Peter Wysocki, Director Planning and Community Development

This item was approved on the Consent Calendar.

### Approval of the Consent Agenda

**Motion by Councilmember Murray, seconded by Councilmember Strand, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 9-9-0**

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

## 5. Recognitions

- 5.A.** [16-514](#) A Resolution of Appreciation for Alma E Grandpre on the Occasion of her Retirement as Division of Public Works- Senior Analyst with the City of Colorado Springs

Res/Ord Number: 85-16

Councilmember Murray read the resolution. Ms. Grandpre thanked Council for their recognition of her service.

**Motion by Councilmember Murray, seconded by Councilmember Strand, that the Resolution of Appreciation for Alma E. Grandpre on the Occasion of her Retirement as Senior Analyst - Division of Public Works with the City of Colorado Springs be adopted. The motion passed by a vote of 9-0-0**

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

- 5.B.** [16-493](#) A Resolution to support September 2016 as National Preparedness Month in the City of Colorado Springs.

Presenter:

Bret Waters, Director, Office of Emergency Management

Res/Ord Number: 86-16

Councilmember King read the resolution. Bret Waters, Deputy Chief of Staff, spoke about the emergencies in our community in recent history and thanked Council for their support.

**Motion by Councilmember King, seconded by Councilmember Pico, that the resolution to support September 2016 as National Preparedness Month which creates an important opportunity for our community to prepare for hazardous events be adopted. The motion passed by a vote of 9-0-0**

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

## **6. Citizen Discussion**

Citizen Bruce Colzani requested the use of “vaporizers” being included in the public smoking ban.

Citizen Anna Waters and Alana Stevens invited everyone to participate in the Super Hero 5K Run, a fund raising event for the Blue Bus Organization which provides school supplies for the children on the Show Low Indian Reservation. The run will take place in Bear Creek Park Saturday September 17, 2016.

Citizen Bridget Seritt spoke about Medical Marijuana.

Citizen David Hopkins spoke about the value of human lives.

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

There was not any Mayor’s Business.

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

There were no items called off the Consent Calendar.

## **9. Utilities Business**

There was no Utilities Business.

## **10. Unfinished Business**

- 10.A.** [CPC CA 16-00079](#) An ordinance amending Part 5 (Geological Hazard Study and Mitigation) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to geological hazard study and mitigation.

(Legislative)

Presenter:  
Peter Wysocki, AICP, Director of Planning and Community Development

Councilmember Knight stated this item will not be forgotten, this action is



intended to allow Council enough time to adequately address this important issue.

**Motion by Councilmember Strand, seconded by Councilmember Knight, that the ordinance amending Part 5 (Geological Hazard Study and Mitigation) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to geological hazard study and mitigation be postponed indefinitely. The motion passed by a vote of 9-0-0**

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

- 10.B.** [CPC A 14-00131-1](#) Ordinance No. 16-85 annexing to the City of Colorado Springs that area known as Colorado Springs Airport Filing 1 located southwest of Space Village Drive and Marksheffel Road consisting of 31.158 acres.

(Legislative)

Related files: CPC A 14-00131-1, CPC A 14-00131-2, CPC A 14-00131-3, CPC ZC 14-00132-1, CPC ZC 14-00132-2, CPC ZC 14-00132-3

Presenter:

Mike Schultz, AICP, Principal Planner  
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Res/Ord Number: 16-85

There were no questions or comments on this agenda item.

**Motion by Councilmember Pico, seconded by Councilmember Bagley, that the ordinance annexing the Colorado Springs Airport Annexation Filing 1 based upon the findings that the annexation complies with the Conditions for Annexation as set forth in the Colorado Municipal Annexation Act of 1965 be finally passed. The motion passed by a vote of 9-0-0**

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

- 10.C.** [CPC ZC 14-00132-1](#) Ordinance No. 16-88 amending the Zoning Map of the City of Colorado Springs relating to 31.158 acres located southwest of Space Village Drive and Marksheffel Road establishing the APD/AO/APZ-1/APZ-2 (Airport Planned District with Airport Overlay and Accident Potential Subzones 1 and 2 Overlay) zone district.

(Legislative)

Related Files: CPC A 14-00131-1, CPC A 14-00131-2, CPC A 14-00131-3, CPC ZC 14-00132-1, CPC ZC 14-00132-2, CPC ZC 14-00132-3

Presenter:

Mike Schultz, AICP, Principal Planner  
Peter Wysocki, Planning and Development Director, Planning and  
Community Development Department

Res/Ord Number: 16-88

There were no questions or comments on this agenda item.

**Motion by Councilmember Murray, seconded by Councilmember King, that the ordinance amending the zoning map of the City of Colorado Springs relating to 31.158 acres located southwest of Space Village Drive and Marksheffel Road establishing the APD/AO/APZ-1/APZ-2 (Airport Planned District with Airport Overlay and Accident Potential Subzones 1 and 2 Overlay) zone district, based upon the findings that the zoning request complies with the three (3) criteria for establishment of a zone district as set forth in City Code Section 7.5.603 be finally passed. The motion passed by a vote of 7-2-0**

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

**No:** 2 - Collins, and Knight

- 10.D.** [CPC A  
14-00131-2](#) Ordinance No. 16-86 annexing to the City of Colorado Springs that area known as Colorado Springs Airport Filing 2 located between Highway 94 and Air Lane and consisting of 18.89 acres.

(Legislative)

Related Files: CPC A 14-00131-1, CPC A 14-00131-2, CPC A 14-00131-3, CPC ZC 14-00132-1, CPC ZC 14-00132-2, CPC ZC 14-00132-3

Presenter:

Mike Schultz, AICP, Principal Planner  
Peter Wysocki, Planning and Development Director, Planning and  
Community Development Department

Res/Ord Number: 16-86

There were no questions or comments on this agenda item.

**Motion by Councilmember King, seconded by Councilmember Bagley, that the ordinance annexing the Colorado Springs Airport Annexation Filing 2 based upon the findings that the annexation complies with all of the Conditions for Annexation as set forth in the Colorado Municipal Annexation Act of 1965 be finally passed. The motion passed by a vote of 9-0-0**

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

- 10.E.** [CPC ZC  
14-00132-2](#) Ordinance No. 16-89 amending the Zoning Map of the City of Colorado Springs relating to 18.89 acres located between State Highway 94 and Air Lane establishing the APD/AO/APZ-2 (Airport Planned District with Airport Overlay and Accident Potential Subzone 2 Overlay) zone district.

(Legislative)

Related Files: CPC A 14-00131-1, CPC A 14-00131-2, CPC A 14-00131-3, CPC ZC 14-00132-1, CPC ZC 14-00132-2, CPC ZC 14-00132-3

Presenter:

Mike Schultz, AICP, Principal Planner  
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Res/Ord Number: 16-89

There were no questions or comments on this agenda item.

**Motion by Councilmember King, seconded by Councilmember Pico, that the ordinance amending the zoning map of the City of Colorado Springs relating to 18.89 acres located between State Highway 94 and Air Lane establishing the APD/AO/APZ-2 (Airport Planned District with Airport Overlay and Accident Potential Subzone 2 Overlay) zone district, based upon the findings that the zoning request complies with the three (3) criteria for establishment of a zone district as set forth in City Code Section 7.5.603 be finally passed. The motion passed by a vote of 7-2-0**

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

**No:** 2 - Collins, and Knight

**10.F.** [CPC A 14-00131-3](#)

Ordinance No. 16-87 annexing to the City of Colorado Springs that area known as Colorado Springs Airport Filing 3 located southeast of Highway 24 and the Powers Boulevard intersection and consisting of 47.484 acres.

(Legislative)

Related Files: CPC A 14-00131-1, CPC A 14-00131-2, CPC A 14-00131-3, CPC ZC 14-00132-1, CPC ZC 14-00132-2, CPC ZC 14-00132-3

Presenter:

Mike Schultz, AICP, Principal Planner  
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Res/Ord Number: 16-87

There were no questions or comments on this agenda item.

**Motion by Councilmember King, seconded by Councilmember Murray, that the ordinance annexing the Colorado Springs Airport Annexation Filing 3 based upon the findings that the annexation complies with all of the Conditions for Annexation as set forth in the Colorado Municipal Annexation Act of 1965 be finally passed. The motion passed by a vote of 9-0-0**

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

- 10.G.** [CPC ZC 14-00132-3](#) Ordinance No. 16-90 amending the Zoning Map of the City of Colorado Springs relating to 47.484 acres located southeast of Highway 24 and the Powers Boulevard intersection establishing the APD/AO/APZ-1 (Airport Planned District with Airport Overlay and Accident Potential Subzone 1 Overlay) zone district..

(Legislative)

Related Files: CPC A 14-00131-1, CPC A 14-00131-2, CPC A 14-00131-3, CPC ZC 14-00132-1, CPC ZC 14-00132-2, CPC ZC 14-00132-3

Presenter:

Mike Schultz, AICP, Principal Planner  
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Res/Ord Number: 16-90

There were no questions or comments on this agenda item.

**Motion by Councilmember Strand, seconded by Councilmember Murray, that the ordinance amending the zoning map of the City of Colorado Springs relating to 47.484 acres located southeast of Highway 24 and the Powers Boulevard intersection establishing the APD/AO/APZ-1 (Airport Planned District with Airport Overlay and Accident Potential Subzone 1 Overlay) zone district, based upon the findings that the zoning request complies with the three (3) criteria for establishment of a zone district as set forth in City Code Section 7.5.603 be finally passed. The motion passed by a vote of 7-2-0**

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

**No:** 2 - Collins, and Knight

## **11. New Business**

- 11.A.** [16-527](#) A resolution encouraging cooperation with emergency management agencies to respond to landslide disasters in the City of Colorado Springs

Presenter:

Councilmember Keith King  
Mayor John Suthers

Res/Ord Number: 87-16

Councilmember King read the resolution.

Councilmember Collins stated she will not support this due to issues

with houses throughout the City experiencing structural and other problems that are not eligible for grant funds. She also expressed concern about houses being built next to creek banks. Ms. Collins stated the City needs to be fair about helping people across the board, not selectively.

Councilmember King spoke about the extenuating circumstances surrounding this situation.

**Motion by Councilmember Murray, seconded by Councilmember Bagley, that the resolution be adopted. The motion passed by a vote of 8-1-0**

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

**No:** 1 - Collins

**11.B. [CPC 080](#)** Resolution approving a service plan prior to the creation of a Tuscan Foothills Village Metropolitan District

Presenter:

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

Carl Schueler, Planning Manager - Comprehensive Planning, provided an overview of the plans for this development.

Councilmember Collins stated she does not support improvement districts.

Ray O'Sullivan, developer, provided additional details about the proposed development and the extraordinary costs for developing this property.

Councilmember King asked if Mr. O'Sullivan intends to use the money generated by the district to reimburse himself. Mr. O'Sullivan stated he does not intend to maximize the bond issue and he will not fully reimburse himself for the development costs with these funds.

Councilmember Strand asked if this is an infill project. Ms. Gaebler stated it is an infill project.

Councilmember Knight expressed concern about this district not providing unique services to the residents. Mr. O'Sullivan stated the reason he is requesting a district is to balance an economic equation based on the challenges presented by the development of the property

and the potential income of the development.

**Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Resolution Approving a Service Plan for the Tuscan Foothills Village Metropolitan District be adopted. The motion failed by a vote of 4-5-0**

**Aye:** 4 - Bagley, Bennett, Gaebler, and Strand

**No:** 5 - Collins, King, Knight, Murray, and Pico

## **12. Public Hearing**

### **12.A. [CPC AP 16-00071](#)**

An appeal of the City Planning Commission's decision to grant the appeal of the Notice of Violation & Order to Abate served on the property owner of 2215 North Farragut Avenue or violation of fence height.

(Quasi-Judicial)

Presenter:

Dennis Wolf, Land Use Inspector, Planning and Community  
Department

Peter Wysocki, Planning and Community Development Director

Dennis Wolf, Land Use Inspector, provided an overview of the history and appeal in this case.

Councilmember Knight asked if Mr. Wolf has visited the property. Mr. Wolf stated he has been to the property multiple times and physically measured the height of the fence himself.

Leland Pilger, the appellant, presented a summary of his objections to the fence which borders his property.

William Louis, representing the applicant, Mr. Bowen, presented a summary of the situation.

Councilmember Knight asked how the height of a fence is measured. Mr. Wolf stated, per City Code, the height of the fence is measured from both sides and the greater height is considered. Councilmember Knight asked if this has been consistently applied by all property inspectors. Peter Wysocki, Director of Planning and Community Development, explained the previous version of City Code was silent on how to measure fences on top of retaining walls. There was interpretation by the previous Planning Directors that fences on retaining walls had to be off-set by six feet. The latest Code revision requires a fence on a

retaining wall be at least three feet from the property line. This structure was approved by the Planning Department based on the previous version of code and interpretation of Planning Directors. Mr. Wysocki confirmed that uniform standards have been applied since 2007. Councilmember Knight asked about other fences on retaining walls in the vicinity of this property. Mr. Wysocki stated Code is enforced on a complaint basis.

**Motion by Councilmember King, seconded by Councilmember Bagley, to deny the appeal, upholding the City Planning Commission's decision to overturn the City's Zoning Enforcement Officer's Notice of Violation Order to Abate fence height, which was served on the property owner of 2215 North Farragut Avenue. The motion passed by a vote of 8-1-0**

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

**No:** 1 - Knight

### **13. Added Item Agenda**

There were no items added to the agenda.

### **14. Executive Session**

There was not an Executive Session.

### **15. Adjourn**