



City of Colorado Springs

Regional Development
Center
2880 International Circle
Colorado Springs, CO
80910

Meeting Minutes - Final Planning Commission

Wednesday, October 12, 2022

9:00 AM

Regional Development Center (Hearing Room)
2880 International Circle

1. Call to Order and Roll Call

Present: 11 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett, Commissioner Slattery, Alternate Griggs and Alternate Morgan

Excused: 1 - Alternate Cecil

2A. Approval of the Minutes

2A.A. [CPC 22-609](#) Minutes for the May 19, 2022, City Planning Commission meeting.

Presenter:

Chair of the City Planning Commission

Attachments: [CPC Minutes 05.19.22 draft](#)

Motion by Commissioner Rickett, seconded by Vice Chair McMurray, to approve the minutes for the May 19, 2022, City Planning Commission hearing. The motion passed by a vote of 6:0:0:3

Aye: 6 - Commissioner Almy, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

Recused: 3 - Commissioner Briggs, Commissioner Foos and Commissioner Hensler

2A.B. [CPC 22-666](#) Minutes for the September 14, 2022, City Planning Commission meeting.

Presenter:

Scott Hente, Chair of the City Planning Commission

Attachments: [CPC Minutes 09.14.22 draft](#)

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to approve the minutes for the September 14, 2022, City Planning Commission hearing. The motion passed by a vote of 9:0:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

2B. Changes to Agenda/Postponements

Amara Annexation

2B.A. [CPC A
21-00197](#)

An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 1 Annexation consisting of 1.193 acres located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road.
(Legislative)

The Amara Addition items, 12I through 12V, will be heard at 2:00 PM.

Presenter:

Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [Amara Staff Presentation CC 11.22.2022](#)

[CPC Staff Report Amara Annexation \(A.MP.ZC\) KAC](#)

[Amara Annexation Plat Add. No. 1](#)

[Amara Project Statement](#)

[Amara Annexation Vicinity Map](#)

[Public Notice Posters](#)

[Public Comments](#)

[Public Comment Response](#)

[3-Mile Buffer](#)

[Amara Annexation Plats Add. No. 1-11](#)

[Amara Additions](#)

[Surrounding Ownership and Future Roads](#)

[Draft Amara Annexation Agreement](#)

[Amara Master Plan](#)

[Amara Master Plan-Conceptual](#)

[Amara Park and Trails](#)

[School District Letters](#)

[Amara Roadway Exhibit](#)

[City Annexations by Decade](#)

[City of Fountain Coorespondence](#)

[CSFD Amara Response](#)

[CSPD Amara Response](#)

[Wastewater Service Information](#)

[7.6.203-Annexation Conditions](#)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to postpone Amara Addition Nos. 1-11 Annexations to the November 9, 2022, City Planning Commission hearing. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foons, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

Excused: 1 - Alternate Cecil

2B.B. [CPC A 21-00198](#)

An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 2 Annexation consisting of 4.160 acres located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road.
(Legislative)

The Amara Addition items, 12I through 12V, will be heard at 2:00 PM.

Presenter:

Katie Carleo, Land Use Planning Manager, Planning & Community Development

Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [Amara Annexation Plat Add. No. 2](#)
[7.6.203-Annexation Conditions](#)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to postpone Amara Addition Nos. 1-11 Annexations to the November 9, 2022, City Planning Commission hearing. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foons, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

2B.C. [CPC A 21-00199](#)

An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 3 Annexation consisting of 8.633 acres located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road.
(Legislative)

The Amara Addition items, 12I through 12V, will be heard at 2:00 PM.

Presenter:

Katie Carleo, Land Use Planning Manager, Planning & Community Development

Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [Amara Annexation Plats Add. No. 3](#)
[7.6.203-Annexation Conditions](#)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to postpone Amara Addition Nos. 1-11 Annexations to the November 9, 2022, City Planning Commission hearing. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foes, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

2B.D. [CPC A](#)
[21-00200](#)

An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 4 Annexation consisting of 24.430 acres located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road.
(Legislative)

The Amara Addition items, 12I through 12V, will be heard at 2:00 PM.

Presenter:
Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [Amara Annexation Plats Add. No. 4](#)
[7.6.203-Annexation Conditions](#)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to postpone Amara Addition Nos. 1-11 Annexations to the November 9, 2022, City Planning Commission hearing. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foes, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

2B.E. [CPC A](#)
[21-00201](#)

An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 5 Annexation consisting of 124.759 acres located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road.
(Legislative)

The Amara Addition items, 12I through 12V, will be heard at 2:00 PM.

Presenter:
Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [Amara Annexation Plats Add. No. 5](#)
[7.6.203-Annexation Conditions](#)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to postpone Amara Addition Nos. 1-11 Annexations to the November 9, 2022, City Planning Commission hearing. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

2B.F. [CPC A](#)
[21-00202](#)

An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 6 Annexation consisting of 218.046 acres located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road.
(Legislative)

The Amara Addition items, 12I through 12V, will be heard at 2:00 PM.

Presenter:

Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [Amara Annexation Plats Add. No. 6](#)
[7.6.203-Annexation Conditions](#)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to postpone Amara Addition Nos. 1-11 Annexations to the November 9, 2022, City Planning Commission hearing. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

2B.G. [CPC A](#)
[21-00203](#)

An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 7A Annexation consisting of 95.566 acres located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road.
(Legislative)

The Amara Addition items, 12I through 12V, will be heard at 2:00 PM.

Presenter:

Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [Amara Annexation Plats Add. No. 7A](#)
[7.6.203-Annexation Conditions](#)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to postpone Amara Addition Nos. 1-11 Annexations to the November 9, 2022, City Planning Commission hearing. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foons, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

2B.H. [CPC A](#)
[22-00108](#)

An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 7B Annexation consisting of 254.149 acres located near the northeast corner of Squirrel Creek Road and Link Road.
(Legislative)

The Amara Addition items, 12I through 12V, will be heard at 2:00 PM.

Presenter:

Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [Amara Annexation Plats Add. No. 7B](#)
[7.6.203-Annexation Conditions](#)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to postpone Amara Addition Nos. 1-11 Annexations to the November 9, 2022, City Planning Commission hearing. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foons, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

2B.I. [CPC A](#)
[21-00204](#)

An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 8 Annexation consisting of 400.348 acres located near the northeast corner of Squirrel Creek Road and Link Road.
(Legislative)

The Amara Addition items, 12I through 12V, will be heard at 2:00 PM.

Presenter:

Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [Amara Annexation Plats Add. No. 8](#)
[7.6.203-Annexation Conditions](#)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to postpone Amara Addition Nos. 1-11 Annexations to the November 9, 2022, City Planning Commission hearing. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foons, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

2B.J. [CPC A](#)
[21-00205](#)

An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 9 Annexation consisting of 515.841 acres located near the northeast corner of Squirrel Creek Road and Link Road.
(Legislative)

The Amara Addition items, 12I through 12V, will be heard at 2:00 PM.

Presenter:

Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [Amara Addition No. 9 Annexation Plat](#)
[7.6.203-Annexation Conditions](#)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to postpone Amara Addition Nos. 1-11 Annexations to the November 9, 2022, City Planning Commission hearing. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foons, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

2B.K. [CPC A](#)
[21-00206](#)

An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 10 Annexation consisting of 719.719 acres located near the northeast corner of Squirrel Creek Road and Link Road.
(Legislative)

The Amara Addition items, 12I through 12V, will be heard at 2:00 PM.

Presenter:

Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [Amara Annexation Plat Add. No. 10](#)
[7.6.203-Annexation Conditions](#)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to postpone Amara Addition Nos. 1-11 Annexations to the November 9, 2022, City Planning Commission hearing. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

2B.L. [CPC A](#)
[21-00207](#)

An ordinance annexing to the City of Colorado Springs that area known as Amara Addition No. 11 Annexation consisting of 858.642 acres located near the northeast corner of Squirrel Creek Road and Link Road.
(Legislative)

The Amara Addition items, 12I through 12V, will be heard at 2:00 PM.

Presenter:

Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [Amara Annexation Plat Add. No. 11](#)
[7.6.203-Annexation Conditions](#)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to postpone Amara Addition Nos. 1-11 Annexations to the November 9, 2022, City Planning Commission hearing. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

2B.M. [CPC MP](#)
[21-00208](#)

Establishment of the Amara Master Plan for proposed commercial, industrial, civic, single-family residential, multi-family residential, parks and open spaces within the City of Colorado Springs. The property is located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road, and consists of 3172.796 acres.
(Legislative)

The Amara Addition items, 12I through 12V, will be heard at 2:00 PM.

Presenter:

Katie Carleo, Planning Manager, Planning & Community Development
Peter Wysocki, Director of Planning and Community Development

Attachments: [Amara Master Plan](#)
[Amara Master Plan-Conceptual](#)
[7.5.408 Master Plan](#)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to postpone Amara Addition Nos. 1-11 Annexations to the November 9, 2022, City Planning Commission hearing. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

2B.N. [CPC ZC 21-00209](#)

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 3172.796 acres located near the northeast corner of Squirrel Creek Road and Link Road, south of Bradley Road establishing the A (Agricultural) zone (Legislative)

The Amara Addition items, 12I through 12V, will be heard at 2:00 PM.

Presenter:
 Katie Carleo, Land Use Planning Manager, Planning & Community Development
 Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [Amara Additions](#)
[Amara Annexation Vicinity Map](#)
[7.5.603.B Findings - ZC](#)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to postpone Amara Addition Nos. 1-11 Annexations to the November 9, 2022, City Planning Commission hearing. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

3. Communications

Peter Wysocki - Director of Planning and Community Development

Peter Wysocki, Planning & Community Development Director, stated that the Amara annexation was discussed at the City Council Work Session on Monday, October 10, 2022, and they set a public hearing date for the annexation for November 22, 2022. City Council will do another work session on October 24, 2022, that will be more specific to the fiscal impact analysis.

4. CONSENT CALENDAR

Items 4C and 4D pulled from the consent calendar to allow Commissioner McMurray to recuse himself.

These items will be acted upon as a whole, unless a specific item is called for discussion by a Commissioner/Board Member or a citizen wishing to address the Commission or Board. (Any items called up for separate consideration shall be acted upon following the Consent Vote.)

Burgerworks on East Fillmore

- 4.A. [ZONE-22-0007](#) A zone change for 1.273-acres located at the northeast corner of East Fillmore Street and North El Paso Street from M1/C5 (Light Industrial and Intermediate Business) to C5 (Intermediate Business).

(Quasi-Judicial)

Presenter:

Tamara Baxter, Senior Planner, Planning & Community Development

Attachments: [CPC Staff Report_Burgerworks E Fillmore_TPB](#)

[Project Statement](#)

[Zone Change Exhibit](#)

[CONTEXT MAP](#)

[Development Plan](#)

[Public Comment](#)

[Public Comment Response](#)

[Exhibit A_Legl Description](#)

[Exhibit B - Zone Change](#)

[7.5.603.B Findings - ZC](#)

This Ordinance was referred on the Consent Calendar to the City Council.

- 4.B. [DEPN-22-0074](#) Development plan for Burgerworks East Fillmore Street project to allow for a fast-food restaurant with ancillary site improvements located in the northeast corner of East Fillmore Street and North El Paso Street.

(Quasi-Judicial)

Presenter:

Tamara Baxter, Senior Planner, Planning & Community Development

Attachments: [Development Plan](#)
[7.5.502.E Development Plan Review](#)

This Planning Case was referred on the Consent Calendar to the City Council.

Approval of the Consent Agenda

Motion by Commissioner Briggs, seconded by Commissioner Rickett, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 9:0:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foes, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

5. ITEMS CALLED OFF CONSENT

Interquest Marketplace

- 4.C. [PUDZ-22-0003](#) Ordinance No. 22-87 amending the zoning map of the City of Colorado Springs relating to 1.642-acres located north of Federal Drive and Summit View Parkway from PUD (Planned Unit Development: Office/Commercial, 135 foot maximum building height) and A/cr (Agricultural with conditions of record) to PUD (Planned Unit Development: Commercial, 35,000 square feet of non-residential, 45-foot maximum building height).

(Quasi-Judicial)

Related File: PUDC-22-0001

Presenter:

Austin Cooper, Planner II, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

- Attachments:** [ORD_ZC_InterquestMarketplace](#)
[Interquest Marketplace STAFF](#)
[CPC Staff Report_Interquest Marketplace](#)
[Project Statement](#)
[Zone Change](#)
[PUD Concept Plan.rev10.25.22](#)
[USACE PMJM Determination](#)
[Aerial](#)
[7.3.603 Establishment & Development of a PUD Zone](#)
[7.5.603.B Findings - ZC](#)
[Signed Ordinance No. 22-87](#)

Motion by Commissioner Raughton, seconded by Commissioner Rickett, to recommend approval to City Council the zone change of 1.642 acres from A/CR (Agricultural with conditions of record) to PUD (Planned Unit Development: Commercial, 35,000 square feet of non-residential square footage, 45-foot maximum building height), based upon the findings that the request meets the review criteria for establishing a PUD zone, as set forth in City Code Section 7.3.603, and the review criteria for a zone change, as set forth in City Code Section 7.5.603. The motion passed by a vote of 8:0:0:1

Aye: 8 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

Recused: 1 - Vice Chair McMurray

- 4.D.** [PUDC-22-0001](#) A major amendment to the PUD concept plan for Interquest Marketplace to allow commercial use on 1.642 acres located north of Federal Drive and Summit View Parkway.

(Quasi-Judicial)

Related Files: PUDZ-22-0003

Presenter:

Austin Cooper, Planner II, Planning & Community Development
 Peter Wysocki, Director, Planning & Community Development

- Attachments:** [REV.PUD Concept Plan.rev10.25.22](#)
[7.3.605 PUD Concept Plan](#)
[7.5.501.E Concept Plans](#)

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to recommend approval to City Council the Interquest Marketplace major PUD concept plan amendment, based upon the findings that the request meets the review criteria for a PUD concept plan, as set forth in City Code Section 7.3.605, and the review criteria for establishing a concept plan, as set forth in City Code Section 7.5.501(E) pending the following technical modifications:

Technical Modifications:

1. Identify the 1.642-acre area associated with the concurrent PUD rezoning request
2. Add note to concept plan acknowledging a maximum building height of 45 feet for the associated 1.642-acre area

The motion passed by a vote of 8:0:0:1

Aye: 8 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

Recused: 1 - Vice Chair McMurray

6. UNFINISHED BUSINESS

RetoolCOS - Unified Development Code

- 6.A. [CODE-22-0001](#) An ordinance repealing and replacing Chapter 7 (Planning, Development and Building) of City Code (Legislative)

Presenter:
Morgan Hester, Planning Supervisor
Mike Tassi, Assistant Director

- Attachments:** [CPC Staff Report](#)
[COS UDC redline -- August to November 2022 draft](#)
[COS UDC Final Draft November 2022 \(Oct 26 22\)](#)
[RetoolCOS OR-OC to MX-N Uses - Post 10-12-22 CPC Mtg](#)
[RetoolCOS Final Draft Consolidated Comments Table - Post 10-12-22 CPC Mtg](#)

Staff Presentation:

Morgan Hester, Project Manager for RetoolCOS, gave a PowerPoint presentation based on topics raised from the Special Meeting held on September 22, 2022.

The focus today will be on the top six different issues based on comments that have been received. They will then go through the consolidated comments they were provided and offer some analysis for those comments. Similar comments on each issue have been combined in each section.

There has been a lot of refinement throughout the process that created the Consolidated Draft being presented today. Once this goes to City Council and, if they vote for adoption, the adoption date will be different than the effective date. We will have an implementation phase, which will allow for time to update the zoning map, applications, checklists, and training of staff, the Commission and other reviewing bodies to make sure everyone is familiar with the new Uniform Development Code.

Some of the topics did not have comments in opposition, but there was a lot of

discussion surrounding these six topics:

- ADS-O: Area Design Standards Overlay
- Appeals
- Electric Vehicles
- Lighting
- Lot coverage
- MX-N: Mixed-Use Neighborhood Uses

ADS-O: Area Design Standards Overlay

This is a new district. The purpose is that it can be used and requested by groups that have participated in the neighborhood planning process to create and establish an overlay for a specific area. This would have items like dimensional standards, and architectural design, or landscape standards. This would be a mechanism for neighborhoods without an actual suburban type of development. There are areas of the city that were developed to different standards other than what is codified. The neighborhood plan process allows for the preservation of that character. The neighborhood plan requirement ensures engagement with owners, residents, and business owners, so there is consensus and discussion along the way. This process allows participation and makes everyone aware of what is happening and what is at stake for their area. It allows citizens to voice their opinions for the architectural design, setbacks, and those types of things as their overlay is created.

Appeals

Appeals were discussed heavily with City Council. There were many comments regarding Appeals, proposing what we are defining "Affected Party" and establishment of a 2-mile "Standing". Right now, the code says anyone can request an appeal. The proposal is that someone could submit an appeal if they fall under the category of an Affected Party. That could be someone who received notification that is within 1,000 feet of the subject property or someone who has participated in the public process, is within two miles of the subject property and would have to establish Standing, which means they have reached to the planner stating they have participated in the process, they still have some concerns, and they are going to submit an appeal request.

Electric Vehicles

Electric vehicles are something that showed up in the consolidated draft released last November. There has been a lot of collaboration with internal departments, external stakeholders, and the public to figure out a balance of what make the most sense as a whole. Staff worked with the City Office of Innovation for Electric Vehicle standards that would be drafted in the code. The initial draft included a proposed parking incentive for a provision of charging stations of a 2:1 incentive. At the request of City Council, this was changed to a 1:1. The requirement for the EV charging stations would be for hotels/motels, fueling stations, Light and Heavy Industry, and multi-family and commercial developments over 200 parking spaces. City Council requested that this be removed.

Lighting

This section is new in the draft and we currently do not have lighting standards

for new development. Applicants will be required to submit photometric plans to show there is no spill over into other properties. The proposal now is a whole new section that is focused only on lighting. The requirements for new developments will include a photometric plan, as well as some light-shielding and specifications for height of light poles. The focus is on the impact on surrounding areas and ensuring that light is contained within the new development. There has been some frustration that we do not have the Dark Sky Association regulation within the code, but the City cannot impose that on applicants. However, a lot of the language that has been proposed is reflective of those concepts.

Commissioner Briggs asked for clarification on why we could not set a Dark Sky standard now. Ms. Hester stated when we are requiring something new, especially with no requirements currently in place, it is easier for applicants to accept something in the middle or a little lower. We can review this over time and put more requirements into place, if it is something we find is necessary. Commissioner Briggs clarified it is not that we cannot use their standards, it is more about the choice to not include those standards. Ms. Hester stated what has been proposed is reflective of the regulations they have in place. It was somewhat the inspiration, but we are not requiring 100% based of what the Dark Sky Standards are right now. Commissioner Briggs stated we want to say the standards are the Dark Sky Standards or is that something we can't say. Ms. Hester could not say yes or no and that is something that would have to be reviewed. Commissioner Briggs asked if there was no prohibition against this particular association. Ms. Hester stated there was not.

Lot Coverage

We have had lot coverage throughout, but the removal of it from all zone districts was part of the final draft. The thought behind this was setbacks are already in place for all zone districts would essentially be a de facto open space area. With the requests we have received, such as administrative relief and nonuse variances, we have three goals we wanted to accomplish with the proposed removal: to provide more flexibility for homeowners; to allow for properties currently not in compliance with dimensional standards in Chapter 7 due to the historic development patterns of residential areas; and reducing the need for property owners to request some type of administrative relief or variance. Analyzing data for the past several years, the amount of relief that's been requested has been from 0.6 % to 35%, so focusing on this as the reason to want to utilize setbacks. However, based on the feedback we received, we are proposing to include lot coverage requirements for existing residential districts today with an increase of 10. R-E (Single-Family Residential Estate) would go from 20% to 30%; R-1 9 (Single-Family Large) would go from 25% to 35%.; R1 6 (Single-Family Medium) and R2 (Two-Family) have a range of 30-45%, but we're going to remove the range and have it be 55%. R4 (Multi-Family Low) 35% up to 45% and R5 (Multi-Family High) 40% up to 50%.

Commissioner Rickett asked for clarification on the numbers. Ms. Hester said that the numbers they are proposing to change are currently in Chapter 7 and the proposed numbers are in ReTool.

MX-N: Mixed Use Neighborhood Uses

This proposal is a consolidation of existing Office Residential (OR), Office Complex (OC), and Mixed-Use Neighborhood Center (MU-NC) districts. MU-NC was codified in 2003, but it has not been utilized. Although it's on the books, we have to factor it into the proposal, but we focused more on OR and OC. There have been some concerns raised about uses that are currently permitted in OR or OC and these are being carried forward. Something we wanted to accomplish with Retool was no removal of any of the property rights of those that have a property zone in one of these districts today. If something is permitted outright or conditionally we're not proposing to remove that use since that would remove that property right. Carrying forward uses that are permitted or conditionally permitted today as we consolidate those districts. Some uses will be carried over but some will require a Conditional Use that will need to be approved by this body:

- Bars - Proposing a Conditional Use with a 200' separation to residential for this use
- Hospitals - OC (Permitted)
- Library/Museum - Conditional Use
- Hotel/Motel
- Brewery - Additional Standards (not to exceed 5,000 sf)
- Restaurant - Additional Standards
- Retail sales - OC (Conditional Use)
- Auto / light vehicles sales and rental - Additional Standards
- Mining Operations - Conditional Use
- Recycle - this is being removed

Commissioner Rickett asked if they'd thought about adding brewery with bar. Ms. Hester stated these were separate uses. Commissioner Rickett stated he didn't know of a brewery that doesn't serve, so maybe they should be the same as bars. Ms. Hester said they will take this under consideration.

Commissioner McMurray asked what the additional standards for auto/light vehicle sales were. Ms. Hester said the additional standards for how things are stored, repair activities within the setback requirement next to residential zone districts, landscaping, and about outdoor display and storage and separation to the residential zone.

Mr. Tassi stated there is more detail in the table provided to Commissioners in terms of recommendations and options. As an example, for Appeals we have what we are recommending, what recommendations the Commission could make about the proposed language based on public comments, as well as comments received from individual Commissioners and from stakeholders.

At the informal meeting on October 6, 2022, we heard some concerns about the ADS-Overlay and the requirement to go through the Neighborhood Plan process. We do not have any drafted language for this because the intent was to provide some stakeholder engagement around that topic prior to getting into standards that would affect property rights and setbacks.

Chair Hente opened the meeting to public comment with the same rules as the

last meeting. Speakers are limited to three minutes each and he asked for people to not repeat comments they have given in previous meetings.

Public Comment:

Diane Bridges - Historic Neighborhoods Partnership (HNP)

- Concern about the time limit of three minutes to discuss the UDC at a public hearing.
- Purpose statement in UDC
 - Concerned with the removal of the reference of preserving neighborhoods
 - That removal sends a message that neighborhoods are no longer important
 - The City's purpose statement is to emphasize what we care about
- ADS-Overlay
 - She respects the link to the Neighborhood Planning process, but thinks it's premature
 - The planning process takes about a year or longer and, with 12 areas in the City, this will not take place for 12-16 years
 - The end result of the ADS-O needs to go to Planning Commission and City Council to make sure there is stakeholder representation, which is why it's premature to put the requirement in the UDC and it should be removed
 - Certain aspects of the code are putting a unilateral change of zoning in the neighborhoods and seems very odd

James Ken - resident at 1530 Mesa Road, member of HNP

- Concerned the UDC doesn't address how to preserve neighborhoods
- We need to have compatibility of development with existing neighborhoods and the ADS-O
- Provisions suggested are not effective
- How can they protect their neighborhood with large lots, open space and somewhat rural nature.
- How can they protect those lots from being subdivided
 - Solution would be to have a compatibility provision
- No mention of lot size
 - Need to improve this language
 - Planning has stated what we've proposed is adequate
 - Need a discussion as to why this is important to us and why the concepts make sense to them and make the written corrections
- ADS-O - their neighborhood has one of the three neighborhood adopted master plans within Colorado Springs
 - Concerned about keeping the unique character of their rural type environment
 - They funded their own master plan process that was adopted by City Council
 - Key of their master plan
 - preserving the density
 - setbacks from Mesa Road

- separation of property
- low profile houses
- Under the proposal, their master plan that was adopted in 2015 would be ignored
 - They wouldn't be allowed to apply for the ADS-O
- Need to identify that neighborhoods must show they have consensus in order to apply
- Do not make us go through another process that is in it's infancy and development within their neighborhood for years
- They have a number of recommended improvements to be part of ADS-O
- Need a more open process of more than three minutes to give comments and express our concerns so you can assist us to address our concerns
- Council should be available to have more of those type of discussions to allow more of an exchange

Ms. May - Boulder Street Neighborhood Watch

- She has concerns about the stakeholder process
- If a Certified Project Management Professional had been on this project, there would have been proper stakeholder input
- We should not separate commercial and residential districts
- Colorado Springs has been identified as a "gang friendly" area
- Along Platte Ave they've been shot at, living in a war zone but their comments aren't included in the consolidated comments section
- UDC's number one goal has been stated as public safety, but public safety is not addressed in Retool
- They have millions of dollars in damage along this major tourist corridor in Colorado Springs due to loose codes (showed pictures of area)
- Need to address unregulated event centers

Chair Hente asked for the address of locations of the pictures. Ms. May said the one with the gang symbols on the doors is 2501 E. Platte Ave. and the other is the back of the DIY Event Center on 2300 E. Platte Ave.

Mike Anderson, member of HNP

- Glad that the lot coverage ratio is being put back in the code
- Percentages being proposed do not go far enough
- Building envelope under Retool increases exponentially for R1-9000, R1-6000 and R2
- Code today for a 2-story in R2 has lot coverage of 30%, with Retool it would be 55%
- Example of increase for the allowable sq. ft. of a structure in R2 would go from 4,200 per two units to 7,700 sq. ft. feels all the numbers are unacceptable
- New issue is the front yard setback for R16 and R2, currently it is 25 feet, but this has been reduced to 10 feet or the average set back of adjacent properties, this will have an impact on the character in R2 as redeveloped occurs over time

Doug Schultz, President of the Old North End and member of HNP

- After two years of review, it's egregious they're discussing basic community values
- Chapter 7's purpose has been to preserve residential neighborhoods and protect property values, they want those values to remain
- Parking is an important part of the neighborhood
- Older neighborhoods have problems, they were developed before vehicles were abundant, lots were narrower and not much frontage, space for parking was one or two vehicles
- Additional dwelling units must have two extra parking spaces
- Removing parking requirements and densification of older neighborhoods will not lower rent costs
- Mantra is affordable housing densification
- Cities heavily densified do not have affordable housing
- The way for affordable housing is with Greccio Housing all other attempts will not be successful

Barbara Novey, Mesa Springs Community Association and member of HNP

- Previous Retool drafts did not have the reserved standing for appeals
- Most appeals were for short-term rentals (STR)
 - Should there be a separate STR appeal process
- Having properties be STR's instead of something to purchase reduces affordable housing
- No matter the distance chosen for appeals, do not keep preserved standing or previous participation

Cheryl Brown, Near North End Neighborhood Association and member of HNP

- Office and residential zoning is her concern
- Changing the zone will unleash uses on unsuspecting neighborhoods
- They are unilaterally rezoning the Near North End Neighborhood
- This mixed zoned district will be unleashed on the entire city
- Commercial uses only bring in money
- Putting these types of uses against the below average income neighborhood via a conditional use where people can't take time off to fight the conditional uses
- It is unreasonable to change the zoning
- People can't park now; there will be even less place to park with the change
- It will increase traffic
- OR allows both office and residential
- Of the OR uses in their neighborhood half of them are both multi-family and single-family
- If their neighborhood is turned into commercial it will not stay residential it will become all commercial
- Putting commercial buildings adjacent to residential shows Planning is out of touch

- Definition of zoning according to Wikipedia is to segregate uses thought to be incompatible, to prevent new development from interfering with existing uses and to preserve the character of the community

On Phone:

Wendy Crawford

- Changes will affect the city for the rest of eternity
- Use the opportunity to preserve the beauty and safety of the city
- Reduction of lot sizes, increased building sizes and increased density reduces the aesthetics and beauty of a city. Once gone can't come back
- We do not have the water resources to use to increase the density in this capacity
- No reason why we cannot adopt the Dark Skies Standards
- Appeal process is extremely limited and very restrictive
- Everything is tilted toward the developer and without the concerns for existing citizens

Discussion and Questions of Planning Commissioners

Commissioner McMurray suggested going through the top six topics and reference the spreadsheet as we go, then come back to the public comment and our own issues.

Mr. Wysocki stated that staff has heard repeatedly that Retool is automatically densifying existing residential neighborhoods. They would like someone from the speakers to explain why they believe this. If the existing zone is residential, it will remain that. He didn't understand the perception of how Retool automatically adds residential unit to a R1 district.

Commissioner Almy - We need to affirm the point that Retool doesn't change anything to an existing zone. We need strong language to say current zoning will not be affected by this and any changes will come before the Planning Commission. Mr. Wysocki stated that was a correct statement.

Mr. Wysocki asked what is not being communicated well enough that existing residential zone neighborhoods will automatically densify with adoption of Retool. There could be changes in dimensional standards, and lot coverage, but that in itself does not automatically increase density.

Chair Hente stated when they get to that topic they could have those people come up and address those items. His thought is that staff wants us to recommend or not recommend to Council if we adopt this. Also, regarding Mr. Wysocki's comment about densification, the best time to discuss that would be under lot coverage and have Mr. Schultz and Mr. Anderson address that.

Ms. Hester stated it'd be best to have a consensus with the Commission on the six topics and if changes are needed then come back.

Commissioner Raughton stated he was pleased with how staff has attempted to respond to all of their suggestions. Staff will make sure concerns are addressed. Some items brought up do not relate to the zoning code and we

could respond to those.

ADS-O

Commissioner Slattery stated there was a comment about requiring the Neighborhood Plan as a condition to adopt the overlay. Given the timeline and where we are in the process of the 12 master plan areas, she would propose to remove that condition or modify it if there's an existing neighborhood plan. Intent of a broad Neighborhood Master Plan for ADS-O would be to get wider perspective from the neighborhood.

Ms. Hester stated the intent was to have consensus of the neighborhood. If there's a process that is equivalent and accomplished the same thing, we can discuss that. The goal is to have more than a majority of the neighborhood within the boundaries. There'd be an understanding with everyone, and overlay was being considered and they wanted their input and involvement. It needs to be a group process with involvement of all the stakeholders.

Commissioner Raughton agreed with the proposal. Neighborhood plans are guiding documents for the character of the neighborhood. Where processes that have been done, not formally adopted, we honor them to the extent possible.

Commissioner Rickett supported this proposal and added as they went through their process, if items come up in their area, they'd be represented. Commissioner McMurray clarified what was meant by neighborhoods since we're using neighborhood in a lot of ways and that could be confusing. So, The Neighborhood Plan being referred to is the 12 plans in the code. Commissioner Rickett agreed.

Commissioner Slattery suggested using wording like 'a majority of homeowners' or 'residents within the affected overlay area'. Mr. Tassi said that's where they started. Requiring a certain percentage or majority of the homeowners or residents was not something we could do legally based on what our consultant shared with us. If the goal is to achieve greater stakeholder engagement prior to an ADS-O, the Planning Commission could make that a standard when you apply for the ADS-O. There would need to be a stakeholder engagement plan submitted as part of the overlay that's vetted and approved by the Planning Department. We're managing the 12 neighborhood plans and there would be a robust stakeholder plan engagement over a series of months. If there's something that replicates that piece instead of requiring the Neighborhood Plan, we'd capture that engagement piece within the ADS-O. Commissioner Raughton said he'd endorse that as well.

Commissioner Almy stated the ADS-O is a streamlining item that if you're doing something big in the neighborhood, you don't need a neighborhood meeting to do it, you've already thought about it. Built into this, any changes to be made you still have public input through the normal process. If the neighborhood decides something isn't compatible, you don't need a plan to come in and voice your opinion. The design overlay allows you to do things ahead of time and get it through the administrative process a little quicker.

Commissioner McMurray asked if the stakeholder engagement process would be required in the event there is no neighborhood plan in place, or would it be something we want to include as a matter of course. An example would be if a neighborhood plan had been completed within the last five years, that's something that is checked and if it's not been completed at all or it's more than five years out of date then a stakeholder engagement plan would be required as part of the process to adopt the ADS-O. Mr. Tassi stated that was good for their clarification.

Commissioner McMurray thought it would be good to get HNP's sense of something like that.

Commissioner Slattery asked about the criteria for what to say, something like comprehensive input process, some type of wording to make sure there's a wide swath. When you write it, establish criteria for what the all-inclusive process is for the stakeholder engagement plan. Ms. Hester stated criteria for that, since there can be numerous different interests in the establishment of something like this, we want to capture all of those interests thus the reason we put in the neighborhood plan process because it does have a wide reach. But if we remove that and something about different alternatives we would ensure we're capturing all those interests. We do not want to run into a situation that requirements are being imposed on a larger area that are reflective of a smaller neighborhood.

Commissioner Briggs echoed the support the other Commissioners stated. We want to make sure we have as broad an input as possible since he believes the principle is that we're trying to achieve input from those directly affected.

Chair Hente stated he thought these items could potentially affect Mr. Wysocki's comments/questions on densification.

Appeals

Chair Hente stated the one thing he's heard the most comments on is the process of appeals. He doesn't know what the right answer is. Chair Hente asked City Attorney Ben Bolinger if there was a state law that discusses how or if we can or cannot quantify this as far as residency requirements.

Mr. Bollinger stated he didn't believe there is anything in state law for Colorado for a minimum or a maximum requirement. It's more about general notice of due process. In most states 1,000 feet is extraordinarily generous. It's usually restricted to adjacent properties or something within 250 feet unless you can provide special or extraordinary reason the project would affect your property. The question of standing is address by courts. They analyze in that subjective way on whether this actually affects a property or not. That's where most of the rules confine it to a very small geographic area. In very special circumstances these further properties could be included, but that's difficult to codify in a municipal code. It's a judicial analysis done by trained lawyers, and they do their briefs. We do not and he wouldn't ask this Board or City Council to go through that type of analysis. What we've done is let those self-identify who's interested in the projects, how is that and limit it to a two-mile radius. There could be a scenario, although very unlikely, that someone who lives outside the two miles

could prove they have a very specific interest. Someone would still have standing to file a 106 with the District Court.

Chair Hente stated a speaker said the wording has been changed as Retool's been worked on and there is language in there that wasn't there before. What could have happened was there was an appeal a couple of years ago from a group out of Boulder and it seemed their reason to appeal was to make a political point that could possibly affect state legislation. They were not impacted at all. What this body is concerned about is what happens in Colorado Springs. He's also heard that possibly it would only be residents of Colorado Springs could protest. Yet there are developments that go right to the edge of the county, and someone lives right next to the development, so they are affected, and they should have the right to appeal. So, he would not limit it just to the City of Colorado Springs. He doesn't object to the two-mile radius. If it went to a 106 you can prove you have standing even though you're outside that radius.

Commissioner Briggs asked for clarification on whether they were discussing appeals going to City Council or to Planning Commission. Chair Hente said all of them. Are we establishing or proposing to establish appeal criteria citizens would use at City Council. When we develop criteria, it should comport in some way to the law. Is there a law or precedent stating who's eligible to appeal regardless of what we have.

Mr. Bolinger stated the simple answer is yes, but there could be different criteria for standing. Courts use their own set of standards that have been established in case law. You would have to read multiple cases and then argue it in front of a judge just to know the answer. We recommend we avoid this at a municipal level by using a more black and white reasoning. The consequence of going the other way to have Planning Commission or City Council determine if a person has standing is that we end up doubling up our hearings. We'd have a hearing on standing before having a hearing on the issue and we would still not comply with the court since they will make their own decision no matter what we do.

Commissioner Briggs said then by what we do we could create a false sense of standing since the court could say they do not.

Ms. Hester said this would be for all public hearings.

Mr. Wysocki said standing for appeals is different than participating in the public process at a public hearing. Anyone can participate in a public hearing even if you don't receive a postcard. Standing for appeals is much narrower than standing for comments. Commissioner McMurray asked for clarification that people establish standing by speaking in a public hearing and Mr. Wysocki said that is correct.

Commissioner McMurray said despite that every other notification had been missed along the way, by commenting at the public hearing one can appeal ten days later. Mr. Bolinger added in most analysis of standing, a court would ask what one has done to help themselves before they got there and if they could have

appealed administratively. The court would ask if someone had an administrative remedy. If the answer is yes and yet they did not pursue it, the court will not take the appeal because they did not preserve their standing in that case.

Commissioner Almy asked for clarification that if someone from an outside agency who is trying to make a point, there is nothing stopping a person who does meet all the requirements to bring some technical assistance. Chair Hente said yes.

Commissioner Rickett asked if the same criteria apply for the administrative appeal. Is it 1,000 feet or is it within the two miles, because it's not clear. If someone really wants to appeal, they've got to be in the 1,000 feet on the administrative level unless this doesn't apply to that.

Mr. Wysocki said it applies to all appeals, administrative or Planning Commission. The criteria is the same for either.

Mr. Tassi referenced the section under appeals and said what it refers to is 1) you're an affected party; 2) if you're within the 1,000 feet; and 3) if you're outside of the 1,000 feet, participate in the public process by submitting written comments. Commissioner Rickett said you'd still have to submit comments on an administrative level. You would have to know what is going on by paying attention and keeping track even if you're not within that 1,000 feet. Mr. Tassi said you could also be notified by the homeowner's association. Commissioner Rickett said you could also see the posting. He wanted to make sure everyone understood it's very limited.

Commissioner Slattery said the two-mile radius seems limiting at face value, but it seems unfair to not participate at all and say I don't like your decision. She was trying to recall a case beside the Boulder one where an affected party was beyond two miles or even a mile. Commission Rickett said most say they live next door or down the block and some have not said where they live but he would agree most have identified to living nearby.

Commissioner McMurray said he would guess only on the 2424 Garden of the Gods project that some lived further than the two miles. Chair Hente said the actual appeal was within that. That's probably the only one that went beyond that radius. Initially he thought it should be broadened, as he considers it practicality and he's okay with how it's written but not opposed to broaden it.

Commissioner Briggs said the broader the guidelines we give we dilute the moral authority of those closest, those most affected by saying anyone in the county and they all can come and speak. Anyone can do that. We're not limiting someone from speaking, we're limiting it to those most affected.

Commissioner Hensler agrees with Commissioner Briggs. She said she's seen on chat groups people will say, why are you commenting on this you don't live in the neighborhood and won't affect you. Those living there are very fervent about what's proposed. If you're outside of the neighborhood but you feel it will affect you that could be adversarial. If we went much further, it may not be

advantageous to those within a certain radius. This is only about appeals and not participation and commenting. She agreed with the two miles.

Commissioner Rickett thought we were implementing this because of that Boulder situation but at the same time we're limiting the availability of appeals to citizens of Colorado Springs if we do this. So out of the appeals its over 100 typically in a year. Chair Hente said that had to do with short term rentals. Commissioner Rickett asked, outside of STR's, how many appeals in a year are there.

Ms. Hester said around ten. Commissioner Rickett said we're limiting the citizens because of 10 appeals a year. He thinks it should be anyone within Colorado Spr

Motion by Commissioner Raughton, seconded by Commissioner Slattery, that this Ordinance be postponed to a later date to be heard at a Special Hearing of the City Planning Commission. The motion passed by a vote of 9:0:0

Aye: 9 - Commissioner Almy, Commissioner Briggs, Commissioner Foes, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

Continued:

Ms. Hester said around ten. Commissioner Rickett said we're limiting the citizens because of 10 appeals a year. He thinks it should be anyone within Colorado Springs and out to two miles into the county.

Commissioner Slattery said a citizen of Colorado Springs who's a landowner or property owner may live in Texas or wherever, they could be an affected party. The radius already covers El Paso County. If we say just citizen of Colorado Springs that could be difficult, and we want to be careful of that language. Commissioner Rickett said he would only change the distance.

Commissioner Hensler ask if the ten appeals were by citizens or is it the applicant that's appealing and not an affected citizen. Chair Hente said it could be both and Ms. Hester confirmed. Mr. Wysocki said the majority of the appeals are from the neighbors. Mr. Wysocki said he didn't like using citizenship, as we would need proof. Then we would need to define what a citizen of the City means. It can be challenging when someone says I own property in the City, thus I'm a City citizen versus, I live in the City.

Commissioner Rickett thought it's defined well, as an owner or tenant of a lot or parcel located within 1,000 feet of the subject lot or within two miles to preserve standing. Mr. Wysocki said he wasn't advocating a certain distance. This has been discussed over the past 6-7 years. There's been several interested stakeholder groups that have asked City Planning and the City Attorney's office to address this. It wasn't a particular event that triggered it. It's somehow perceived as a barrier that anyone can just appeal an administrative decision. Through this discussion we could argue what having a stricter standing would be. Either notification was not received, they did not see the posters, or they didn't drive by the site, and they are not even near it, so how does the development impact them.

Commissioner Rickett said you live 1,005 feet, no postcard was received, you don't see the poster but you're still in the affected area. If you don't come to the meeting or send a letter, you don't have the opportunity to appeal, and he thought that was too restrictive.

Commissioner Slattery offered a compromise. Leave the code as is with an added provision that someone would be affected. Who would decide the proof of the aggrieved person? Mr. Bolinger said unless you specifically designate someone else, it would be this board and then establish they're aggrieved for some special reason and there would have to be a special hearing on that. Somewhat like a closed session so your attorney could brief you on the law of when a person has standing, is especially aggrieved, and then make a decision. We did something like this before and the commission didn't like. Commissioner Slattery said they would not do that.

Commissioner Hente said, hypothetically, if there was a huge apartment complex going in on Fillmore and a person drives Fillmore every day, but lives four miles away. They could say they will be affected by the increased traffic, so would they be considered an affected party. In all the appeals he had heard over the years he hasn't heard of one further than 1,000 or 2,000 feet.

Commissioner Slattery stated it seemed as if the majority of the commissioners are on the same page with this.

Commissioner Rickett stated they were talking about ten appeals a year this could affect, and we could limit the citizens of Colorado Springs, he didn't feel that was correct. He'd still open it up to the citizens and two miles into the county and it's based on so few. He wanted to be sure citizens of Colorado Springs have their opinions heard via a public forum and still be able to appeal

Mr. Tassi said based on what they had heard they'll leave it as it is. Chair Hente agreed.

Electric Vehicles (EV)

Commissioner Rickett didn't mind the credit being taken out but put back in the parking requirement since it's part of development. Ms. Hester clarified where he meant, hotels, motels, fueling stations and multi-family. Commissioner Rickett said probably not multi-family.

Commissioner Slattery agreed with Commissioner Rickett.

Commissioner Rickett said within ten years the public may only have electric vehicles. Smaller homes will need to be refitted with electric and a new panel to support the charging. So, we need to be thinking ahead on the parking and it's something we can affect.

Commissioner McMurray said he would be in favor of keeping provisions for EV charging requirements in the code. But there is a lot of room to discuss those details for the future but is this the right time to put forth the effort. Secondly, should there be discussions of a set minimum, or requiring it for multi-family

projects less than 200 units. Since it was Council's directive to take it out do we want to actually recommend to put it back in and sort through those details or say this is something we want to address in a couple of years.

Commissioner Foos said if we're saying to put it back in the code maybe it could be a capable situation. If there's an empty conduit and the right size panel to go ahead and put it in since it's at a less cost to do it at the beginning instead of later. So, keep it simple, make it a capable situation where it's not cost prohibitive.

Ms. Hester asked when you say 'it's ready and attainable', how would you define that? Commissioner Foos said that's part of the challenge with technology changing so greatly. You make it EV ready, and the next person says they don't use that or have that type of car. Everything is going to change. Capable just means defined size of conduit for the future use that's roughed in and the panel that will handle the load in the future. Things are moving toward saving electricity anyway so panel size may not be a big deal, it depends on the technology. We should do it sooner rather than later so you're not destroying things to put things in. Ms. Hester asked if that's defined in codes, building code, etc.

Commissioner Rickett said the EPA document Commissioner Foos provided shows there is code language, so you could use that and substitute capable versus ready. Ms. Hester said with the residential building code, is that something specific to building code because our area this is about parking. It seems what you're talking about is focused on the building have the capability. Commissioner Rickett said yes, it's infrastructure. Ms. Hester said that was helpful because if it's a building code we wouldn't be able to impact that through zoning.

Commissioner Slattery said it's not outside. An example would be when come into a build and there's a box to run the cable from and put your charging station on top versus coming in and completely doing reconstruction from the box into the building.

Commissioner Hensler said if there's not a specific number for parking spots that are EV ready at the front end it seems inconsistent. We're asking them to dedicate parking spots. We cannot request or require through zoning to have the electrical there because that is building code, but we can require parking as part of the development code.

Ms. Hester said parking is the quantifiable amount for how many parking spaces required for the use. That is zoning requirement. Anything specific to the building is building code and we could not impact that through zoning code.

Commissioner Slattery said we couldn't specify panel size, but we could have what the number of dedicated spaces that would need to be capable. Commissioner Rickett said that was correct.

Ms. Hester said we could have the number of parking spaces that are EV capable.

Commissioner McMurray said EV ready or EV capable is the direction we should go towards. We need to explore the EV ready/EV capable as the level we should push for but not necessarily have stalls, but we should explore the EV ready/EV capable first.

Commissioner Hensler thought 200 units was high, but we could say so many number of spots should be EV capable, whatever the higher designation is. Commissioner McMurray said before it was pulled the requirement was 5% needed to EV stalls. The threshold should be much lower.

Commissioner Hensler said she agreed but was trying to find the middle road with Council. If they pulled it as written and we make it stricter will they balk at this again. If we try to find a middle ground, we have that first step of success as Retool is updated and EV has come further we make the changes as needed. Chair Hente said he thought the Commission should give their best recommendation and Council will make their own decision.

Mr. Tassi said for parking spaces to be EV capable, with the understanding EV capable means electrical panels below ground or at building, which Planning doesn't look at, it would be a note on the development plan and could be something we can't enforce. All the infrastructure that is part of EV capable is not reviewed by Planning. He understood what's trying to be done but it may be more appropriate for the building code instead of the zoning code. As part of our review, we review a building permit set but do not get into the building and mechanical set.

Chair Hente said they may already be looking at something like this anyway based on how building codes change.

Commissioner Rickett said the building code doesn't require parking. To require it for parking starts here.

Commissioner Slattery agreed with Commissioner Rickett. Building code adoption of the panel size will be a future topic. To get where we need to be needs to start here and she thought it would be shortsighted to leave it out. She believes that City Council pulled EV installed.

Ms. Hester said the requirement for electric vehicle charging was pulled. After the effective date, it outlines the different use type that would be required to provide EV charging stations/parking spot.

Commissioner Slattery said it's about having the stations available, and she thought the market would drive that. We're saying we put in all these new parking lots that will be torn up. We should decide between capable and ready with the outlet. Maybe have a decision on the capable ready and not installed.

Commissioner Briggs said we may not have the correct percentages of what will be done. The market will drive what's going to be needed. Within ten years the infrastructure will need to be built out in a way that provides much more than what we think the percentages should be today. So, many may not mandate it,

but we could put it out there because it's something that is important.

Ms. Hester said the UDC has not been comprehensively updated in three decades and that will never happen again. We'll look at things yearly. As technology changes we can incorporate annually or when necessary.

Commissioner Rickett provided stats of other municipalities that have adopted this, Boulder 2020, Denver 2020, Lakewood 2019, Golden 2019, Fort Collins 2019, Aspen 2017 and Boulder County 2015. This isn't something new, it's been in existence for seven plus years.

Commissioner Briggs said it would be interesting to know how many Hiltons and Marriotts have been built that include this.

Mr. Wysocki thinks we're making a good first step in allowing for EV charging stalls to be counted towards required parking. However, many stalls are decided on it will be counted the same as ADA parking. One unique difference is that Colorado Springs has to work with Pikes Peak Regional Building and we need to have a discussion with them on how they do that. If we have something that affects their workflow and review process, we are cautious about putting it in the zoning code without a discussion with them. As things change in the future, we can modify the code as needed. One of City Council's concerns was about cost and the impact on the business community if they feel their use doesn't have a demand for this. If you have an abundance of EV charging stations, regular stalls are farther away. We're in a place where we can say you can count it and that's incentive enough and let the market dictate the rest.

Commissioner Rickett wasn't sure about the cost piece and asked Commissioner Foos to help with this but retrofitting a parking garage is much more expensive than doing it at initial installation. Both Chair Hente and Mr. Wysocki stated that was true. Mr. Wysocki added that adding more conduits can add up. This wouldn't apply to a retrofit

Commissioner Foos said City Council was basing the cost on a fully built out system.

Commissioner McMurray said the code imposes many costs on people. It can often be hard to understand how parking minimums and lot size minimums add costs to builders and consumers. Citing that the cost is an issue in this case is a basis to avoid the issue.

Commissioner Slattery said she would propose EV capable, and it would be short sighted to leave this out. Chair Hente agreed. Commissioner Hensler concurred as well

Lighting

Commissioner Briggs said if we have some standards that we propose those to City Council for inclusion for lighting. Ms. Hester asked if he wanted the Dark Skies Association standards to be added. Commissioner Briggs said he didn't know what those standards are because it's more about that there are some acceptable standards that exist. Ms. Hester said the language is reflective of

what they have as kind of their model. Commissioner Briggs asked what would be the advantage of doing it incrementally. There could be an advantage to doing this more slowly, but he didn't understand what that was.

Commissioner McMurray said our language is similar to their standards but not attached to them. So not being strictly attached to a standard by a third party we're able to control ourselves a little better locally. We should develop our own that are reflective of the Dark Skies Standards but not tied directly to them.

Commissioner Hensler said she sees this is similar to LEED (Leadership in Energy and Environmental Design). They're going to the extent of the third party and then what is current code. What we've seen in the built environment has almost caught up with LEED. She questioned whether Dark Skies or LEED are the only sustainable design criteria out there. Also, where is building code with lighting design and will building code catch us up to some of those standards.

Commissioner Slattery said she had a broader question. The City is already here, so how would we implement a new Dark Sky Ordinance on new buildings when the standards don't apply to existing buildings.

Mr. Tassi said that was an excellent point and we also don't think we know the depth of the requirements of a Dark Sky Ordinance and what it would look like. It's a concept that would take significant research and we're not at a point where we'd want to do that. It's not because we don't think it's important, it's because we've vetted this lighting section with our stakeholder group. We're at a point where we're comfortable with what's proposed and so is the development community.

Commissioner Slattery asked what the guiding principles of the Dark Sky Foundation were that we would include in the code. Ms. Hester said what they have is focused on containment within a property, shielding lights, if building mounted it should be covered. We also have lights that are exempt from the requirements. Mr. Wysocki stated from a physical light containment we are very consistent with night sky concepts. With other luminaries there are other ways things can be implemented. It's a more comprehensive review for not just how they're designed but how they function. It has a little bit more but is not all inclusive of the Dark Sky Ordinances. The City's Department of Innovation is looking at different ways the City can implement more light, more energy efficient and less impactful lighting systems throughout the City and in our own facilities. He felt they were in a good spot that was enforceable through their development review process.

Commissioner Foos said he agreed. It's a good starting point and we can change as we go.

Commissioner Rickett asked if this had been coordinated with Regional Building. Ms. Hester said Pikes Peak Regional Building Department is part of the Technical Committee who has reviewed the language and they have not raised any issues.

Lot Coverage

Mike Anderson, HNP

In terms of density and from a technical view we understand the definition is number of dwelling units per acre. Another way to look at density would be to look at the mass and scale of neighborhoods and the character of neighborhoods, thus the reason for all our comments about dimensional standards. We've spent 24 months reviewing earlier versions of Retool. There have been numerous changes regarding increasing density from a purely units per acre basis and changes regarding building heights. He thought most of these provisions have been removed. He would agree the current draft of Retool is not increasing the density in existing developed areas of the City. The changes to the dimensional standards and specifically the mass and scale that was referred to today and last time, these changes will prompt redevelopment of existing properties. We love our historic homes here and the last thing we'd want to see would be to move forward with the changes in the zoning code that would prompt massive redevelopment and removal of those historic structures to tear them down and put in luxury condos. So, when the members say density, they're referring to the massive scale in terms of what the changes in dimensional standards would do.

Mr. Anderson said as far as the ADS-O, they've been participating in the meetings for the neighborhood planning process, and they don't believe it will result in the preparation of any neighborhood plan. There will be area plans but not a neighborhood plan. We think the language presently in Retool as it relates to ADS and to have a neighborhood plan is a joke. It has no meaning because they have no confidence the neighborhood planning process will result in an actual neighborhood plan. This was their first point.

Mr. Anderson said their second point is many at the meeting today were involved in the implementation of the City's first and only Historic Preservation Overlay Zone in The Old North End. It's the only one, but most cities our size have 30-50. The process to complete that took three years, thousands of hours and participation to get that in place. To get an ADS-O in place will take thousands of hours just like we did. If the participation doesn't happen before it's prepared and brought before Planning Commission and City Council, we will be asked what public process was done. The other concern is to have it certified and approved by Planning. Something approved by Planning Commission would be perfectly fine to move forward with that. The number of ADS-O's will depend on how neighborhoods react to Retool and how they feel about the changes in character along with the mass and scale.

Chair Hente said within the City there are crosschecks and safeguards, which are the Planning Commission and the nine elected City Council members. Regarding densification, about 15 years ago some people wanted to do a scrape and build on two or three lot with two or three houses. It got through the Planning Department and kind of the Planning Commission, but when it came to City Council, they said no. Council said it was not the right thing for the neighborhood. With City Council saying no it preserved that neighborhood character. Chair Hente had confidence in the public process where the elected officials can step in and say no.

Mr. Anderson stated he did as well. But the situation Chair Hente was referring

to was a rezone, they're talking about dimensional standards that don't require a rezone. It's the building blocks of Retool we think will have the biggest impact. Mr. Anderson stated with a rezone there's a public process. None of those in the HNP has objected to the flex zoning for new and developing areas. When something like that is submitted there will be the ability to provide input to the Planning Commission and to City Council to help them make their decision. They're fine with that. But the changes in standards do not have that same type of public scrutiny.

Commissioner Raughton stated he was sympathetic to their concerns. It's both the density and the intensity of the use and how redevelopment happens. By significantly increasing the lot coverage and reducing setbacks, we would encourage scrape and builds and that is a problem.

Mr. Anderson said he was familiar with the Washington Park area in Denver. It's a historic neighborhood that's been tremendously gentrified as it does represent abuses in terms of lot coverage with 6,000 square foot houses with little or no turf. We're afraid that with the changes in dimensional standards, you'd be encouraging that. Homes would cost \$2-\$3 million dollars, when the previous homes were \$300,000.

Chair Hente said there was an article in the New York Times that mentioned this very thing. The article talked about the lack of started homes throughout the country. Nobody is building 1,500 square foot homes anymore. It's because no builder can afford to build them, because they'll lose money. This is a nationwide problem. Mr. Anderson said from their perspective it's not just the value of the home, it is the preserving of a piece of history. There are many houses that are affordable in certain areas but nowhere is affordable right now. Affordable housing is great for new construction, but a tenant of affordable housing is that you have to preserve what you have.

Commissioner Slattery asked about the chart he shared with them. When they did the percentages did they take into consideration the lot coverage and it only increasing by 10% for all of the residential zones. How did they come up with 75% and 114%. Mr. Anderson said that was the percentage of lot coverage in terms of the building envelope. It's the allowable building area when you subtract the setback then multiple it by the building height. Right now, in an R1 or R2 the lot coverage is 30% and staff is proposing 55% and where its 35% - 45% now. We asked several questions of staff and were told it's a flat 55% and that's what the calculations are based on.

Mr. Wysocki wanted to clarify lot coverage shouldn't be confused with cubic volume of a structure because that's more of a dimensional determination of how much space is in the building. But, yes, by increasing the potential perimeter of area of a three-dimensional structure, multiply it by the height, you will increase the bulk of the building. What is the current volume of the structure under the current lot coverage? Mr. Anderson said they provided that in their previous presentation.

Mr. Bolinger, City Attorney, recommended this not become a debate. Let's hold a legislative hearing and follow our typical process. Chair Hente said he got it

and made sure the information Mr. Anderson referenced was part of their last one. Mr. Anderson said it that was correct. Chair Hente said everyone got it and he agreed with Mr. Bolinger.

Doug Schultz, President of the Old North End and member of HNP

Mr. Schultz said when they saw that lot coverage was going to be dropped they were floored and said this will destroy the Old North End. It's not about the density, it's about the economics. A historical preservation overlay doesn't prevent an owner from tearing a structure completely down. But when you change the economics, it becomes economically feasible to do that. The Burns Mansion in the Old North End was compartmentalized into apartments. It fell into disrepair due to lack of care. They could have torn it down and built an 8-plex right in the middle of Wood Avenue and all they'd have to do is comply with the Architectural Review Committee and it wouldn't have looked like it at all. Another instance was when a person in the Planning Department decided the design standards no longer applied and the dimensional standards. The percent lot coverage wasn't in the review criteria and a house was built on Del Norte. It was 90% coverage and a three-story arts and craft building. That was because of economics. It did not destroy the whole North End, but it did right there. The last thing is huge sections of the Old North End are single-family but zoned R2. If you take away the percent lot coverage, you can change that house economically and build a duplex, you can make two big houses on that lot and that's what would be destructive. That's where you get into the mass and scale.

Commissioner Rickett agreed with the concern all over Colorado Springs for those who live in existing neighborhoods. To have just an accessory dwelling unit as we increase lot coverage, we can add all kinds of dwelling units that don't exist today and that's just because of lot coverage. With the cubic foot coverage, they can go up. He thinks we should do something differently.

Commissioner Almy said we want to protect the zoning of existing properties, but we increased the dimensional standards. He asked why we didn't preserve the dimensional standards of those existing properties.

Mr. Tassi said there are more than just residential lots within neighborhoods being represented by this discussion. The attempt was to replicate what's out there, so we'd see fewer non-conformities. We took a more holistic citywide approach. It wasn't to increase building volume, because that's not how it's measured, and we don't have a dimensional standard on building volume. We heard your concerns last time, so we added it back in with some increases to eliminate some of the 30-odd variances we see per year related to lot coverage. So that was the intent of the 10%.

Commissioner Almy said it answered his question.

Commissioner Slattery said the City heard concerns about lot coverage and added it back. She said she thinks public process worked in this case, maybe not to the level everyone wanted, but we listened and your voices were heard. For R-2 she didn't see it ruining neighborhoods. As more people live in the city, density will naturally increase. She did not think a duplex will ruin a

neighborhood.

Commissioner Hensler said she agreed. On the discussion of ADS-O, wouldn't that come into play and solve some of these concerns of reducing scrape and builds or appropriate reconstruction that is fitting with the neighborhood that would have to go through the process of area design standards and also go to Planning Commission. We don't want to see disparate uses or designs. There is change that occurs in our communities. Growth will not always be the way it was, but could it be more appropriate or as appropriate with these design standards.

Commissioner Rickett said he wanted to go with the Wash Park area, where you'll see one modern three-story right next to a couple of old ranch styles. When we change the code that won't come before us, it will be handled by staff. Commissioner Hensler said the code however will remain the same. It'll be R-2 with slight differences in lot coverage and there's the design standards or a design plan. Commissioner Rickett said the design standard is a huge area and he thinks it will be very broad and not specific to smaller neighborhoods. These smaller sections are in a single ADS-O. So, to maintain that neighborhood's eclecticism will not happen because in an ADS-O it's too broad. He didn't mind the lot coverage change for new builds because people can always ask for additional lot coverage, which is done administratively, but when you increase the lot coverage, we no longer have that voice. There's no control, no one sees what happens on the design side unless there's an appeal. Chair Hente said they can do that.

Commissioner McMurray said he shared HNP's concerns for lot coverage being removed. No neighborhood is exempt from change and no neighborhood should be subject to radical change. Having no lot coverage standard would have the potential to subject a neighborhood to radical change. Keeping it the same as it is prevents homeowners from changing what they may think is beneficial to their property. He thought the middle ground staff has come up with sort of satisfies both sides. We could quibble about the percentages all day but a slight expansion to what's in place is a reasonable approach.

Mr. Schultz wanted to clarify that an R-2 duplex won't destroy the neighborhood, as they already have many. The point is it becomes an investment property and it becomes a neighborhood of absentee owners. The Old North End has a higher percentage of renters than any other area in the city. We are not an elitist group; we just don't want to be converted to commercial property. He greatly appreciates the exchange and it's very valuable.

Commissioner Rickett asked for confirmation that we're only increasing 10% from today's code. Mr. Tassi said that is generally correct; however, in R-1 6 there's a current range of 30% to 45% and this would become 55%. That also is in the R-2 where there is a range that depends on lot size. Of all the single-family zoning categories, except for those two, there is a 10% increase.

MX-N (Mixed Use Neighborhoods)

Commissioner Hente said he had suggested changing some of the permitted uses to conditional uses, with the purpose of bringing those in front of this board

to ensure they make sense. It allows the board to have the discretion to say whether that it is the right fit for a neighborhood.

Commissioner McMurray said he was more comfortable with the fact that many of these types of uses are conditional. A walkable neighborhood with amenities and that quality of life has shown to have a positive impact on property values.

Commissioner Rickett asked to look at the list of conditional uses. They should all be conditional from the aspect of trying to save a neighborhood's prosperity and to make sure it fits

Commissioner Raughton asked about mining operations even though it's Conditional. Mr. Tassi said they'd confirm but he thought it was limited to site preparation. Commissioner Slattery said the chart stated it's a conditional use because it was that way already in both districts.

Mr. Tassi said mining and extraction is an existing use in code and it just carried over, but we will take a look at it. The other thing we will look at is to just have the OR zoning by itself and have only OC and MU-NC be the only zoning categories that convert over to MX-N. Our goal is to reduce the number of zoning categories but it's an option we're definitely willing to look at.

Mr. Tassi stated an analysis had been done of all the use types in the proposed code and what they are currently in OR and OC and what we are proposing them to be in MX-N. Uses currently permitted in OR and OC will be carried over to MX-N. Where there are differences, we have either made it conditional, at the suggestion of some of the commissioners, and added additional regulations.

Commissioner Rickett asked if it was already conditional in OR or OC would it be that way in MX-N. Mr. Tassi said that was their approach. However, if it was permitted in OR and Conditional in OC we'd make it permitted in MX-N. Mr. Tassi referenced the table. Commissioner Rickett said if they were conditional let's keep them that way

Commissioner Briggs said the descriptions are superficial. We don't know what a cultural facility would be so to have it be conditional would be appropriate. Mr. Tassi said library/museums/cultural facilities are defined in the code. All these use categories have specific definitions, but some could be more of a nuisance, so your concern is noted, and we'll check that.

Commissioner Hensler said the detoxification center jumped out to her. It seemed to her if it's Conditional in one maybe it should remain that way. Mr. Tassi said they will look at it. If the decision is to continue and combine OR and OC into MX-N we can look at changing it to Conditional. If we only change only OC to MX-N would it be appropriate to leaving permitted as just that.

Mr. Tassi said the two options up for discussion are what is currently proposed to combine the OR category with the OC category into the one MX-N. The conversation here is that we continue to do that, but if we separate out and leave OR alone and only convert OC to MX-N, right now detoxification is permitted i

Continued:

Mr. Tassi said the two options up for discussion are what is currently proposed to combine the OR category with the OC category into the one MX-N. The conversation here is that we continue to do that, but if we separate out and leave OR alone and only convert OC to MX-N, right now detoxification is permitted in MX-N and he thinks it would be appropriate to keep it that way. Chair Hente said he agrees with that.

Commissioner Slattery asked whether the group should provide more clear direction or have that as a topic to leave OR and should they talk about it line by line. Commissioner Hensler said it does seem to simplify to have one category as opposed to two. Commissioner Slattery agreed and thought that's what Mr. Tassi said. Mr. Tassi said that was correct. Either leave OR as is and convert OC to MX-N or use the spreadsheet going line by line and talk whether it's conditional or permitted and have them all be MX-N.

Commissioner Slattery asked if there is a benefit to leave it as is. Mr. Tassi said their recommendation is what they're proposing in code to combine them. The idea with this zoning code is to have fewer zoning categories to administer, so that is their preference; however, they are trying to respond to some of the concerns raised from the neighborhood.

Commissioner Slattery asked again whether they should go through them line by line. Commissioner Hente said he'd be fine with a blanket statement that says if it's currently conditional in either OR or OC, then it becomes conditional in MX-N, and if it is not permitted in either now it becomes conditional. Commissioner Hensler and Commissioner Slattery concurred.

Mr. Tassi said if it's not permitted in either zone district and not permitted in MX-N, that it remains the same.

Commissioner Almy asked about group living, since it shows nothing now but looks to be required to be permitted. Ms. Hester confirmed that was correct and we need to keep in mind some of those are protected classes with federal legislation. There are a few new uses throughout that will show up and we wanted to capture that.

Commissioner Hente said there are other areas that have not been discussed that we can have Commissioners comment on.

Cheryl Brown, Near North End Neighborhood Association and HNP

- She does not disagree with MX-N and making things conditional
- The concern is with merging and changing the current zone
- The rezoning of OR is her biggest concern
- Making it all conditional makes more work for everyone.
- Within her district, all the properties are in a National Registered Historic District
- Leave OR out of any changes

Commissioner Slattery said we began the conversation based on six topics.

She recommended the group address other topics that have been brought up as an agenda for the next part of the conversation. For example, the audience mentioned public safety.

Commissioner Raughton said he does want to speak regarding public safety. He doesn't feel that zoning is the place to approach it. He thinks there is an opportunity for an intervention at the neighborhood level from the Police Department, Code Enforcement and possibly from liquor licensing to create a message to the gangs that there will be zero tolerance for their behavior that threatens the neighborhood and businesses there.

Commissioner Briggs agreed and said with the Springs Rescue Mission they have found you get more of what you incentivize. That's why he brought up the idea of being more conditional for what they're looking at. We should understand what those enterprises are trying to incentivize.

Chair Hente asked for something specific. Commissioner Briggs gave the example of an "Event Center". It's a strange title for a facility because anything could go. He suggested changing the names of some to better define their intent and business model. Safety and security in the home and city is hospitality. We need to have that mindset when we look at those conditional things that come to this commission.

Chair Hente said we don't want to incentivize criminal activities or something that facilitates and makes it easier to do. He wasn't sure the zoning code is the end all be all to solve this problem. He has always known the CSPD to be receptive because they want to stamp out crime as much as anyone, but the zoning code may not be the place to do that.

Mr. Tassi said he has a meeting with Ms. May and her stakeholders. There is a public safety chapter in the code, but not the zoning code. Before that meeting, he will meet with CSPD and Code Enforcement to see what's been done in that neighborhood. He doesn't know what is meant by the term "Event Center". He wanted to have a better handle on what Ms. May is trying to address in terms of Retool and find a better way to give this to the appropriate department. Chair Hente asked Mr. Tassi to report back with the results.

Commissioner Slattery restated her proposal to finish up this conversation by addressing topics of concern from each commissioner that were not part of the initial six topics. We can go down the line and make list, then address each topic.

Commissioner Hensler - Parking and short-term rental appeals. Ms. Hester clarified that short term rental appeals are not part of Retool, so this item was removed.

Commissioner Almy - Purpose statement and wildland urban interface (WUI)

Commissioner McMurray - Tiny homes and housing affordability

Commissioner Raughton - Elimination of value statements

Commissioner Slattery - Value statements and public education and implementation

Commissioner Briggs - Confusion about setback

Commissioner Rickett - MX-T

Parking

Commissioner Hensler wanted to be sure she understood the neighbors' concerns about parking. She wants to confirm whether they asking for restoration of parking or not having enough parking and how does Retool address that.

Mr. Tassi said he thought one of the concerns was applicability of parking incentives and to not allow it in residential zones. One other comment was about making short term rental parking the same as bed and breakfasts. The comment from HNP was that reduction in the parking require would not apply to residential uses. Staff's concern with this is that it would eliminate current rights for many property owners which we would negate some of the goals of the project.

Ms. Hester said the parking requirements for short term rentals that is in code today is what is being carried forward. Some of the sections of code that are not within the scope because they were vetted and went through the public process before Retool or during it, therefore we are carrying forward what is already codified.

Commissioner Rickett asked if there is an opportunity to change anything related to short term rentals. Ms. Hester replied that the message has been we are not looking at any STR regulations with this project. Mr. Wysocki clarified that there are no additional parking requirements for STR.

Purpose Statement

Commissioner Almy asked for some answers from the consolidated draft that said the purpose section requirements are not really requirements, they are just introduction. Tracing projects done administratively or through Planning Commission or City Council, you get back to the general provisions of the UDC, in which case they can be upheld or denied. He thought all the criteria is pretty consistent with what they do today. Things that might have more negative impact is something like traffic analysis. The current requirement says you need to do one for the project. He would suggest they add a statement in the context of other projects that are in currently in process or in vision of the near term. This would apply primarily in the north area where there's one lot with vacant land around and you're doing only this one project and you can only assess the traffic based on what it will look like the next few years. They need to look at the current project plus other envisioned projects.

Mr. Tassi said he would follow up with Traffic Engineering. Commissioner Slattery said they need to be careful with forecasting too far ahead. Commissioner Briggs stated if we overbuild in the area, it wouldn't be able to be

handled. Commissioner Almy said that would be the point of this. The traffic analysis deals with what's there right now but may not incorporate other future projects and that what is there now would no longer be sufficient.

Wildland Urban Interface (WUI)

Commissioner Almy said it's about the safety aspects of the WUI. He's interested in looking beyond the fire aspects but also the beauty and attraction of our community to tourism. This area has been discussed mostly as it related to fire and he thought the overlay could be more than just being about safety but also talk about tourism and scenic value.

Chair Hente asked if some of what Commissioner Almy is saying is in the Hillside Overlay because what's in the WUI and what's in the Hillside is not a perfect correlation. The WUI is more to address fire issues because there are very significant implications for building codes, evacuation procedures, fire responses. The Hillside Overlay talks about the beauty. Ms. Hester said the WUI Overlay is in existence and is being memorialized within another overlay within the code. The Fire Marshal governs the WUI and they will complete those reviews. There are other sections of code that reference the WUI that may come into play. Hillside has additional standards for topography and what is currently imposed and it ensures if there is any disturbance of land that the applicant must adhere to those requirements. Most of what Commissioner Almy is referring to is captured in the Hillside Overlay.

Commissioner Rickett said his question about the WUI was it's basically on the west side, so he wondered if the WUI should be expanded, or is it more of a question for the fire department. Ms. Hester said, yes, this would be a question for the fire department. Ms. Hester stated if the WUI was expanded we'd capture that within the zoning map showing the change and within the City's mapping system. Anybody can go online and see zoning in SpringsView.

MX-T

Commissioner Rickett said the MX-T is a transition zone and the 60-foot height max doesn't work for a transition zone. Ms. Hester said the MX-T is the current SU Special Use District and the 60-foot height is in existence today. Based on feedback from property owners within the district, the request was to not change their district since we had originally thought we would include it in MX-I Mixed Use Institutional District. The MX-T is 100% is SU with no changes.

Value Statements

Commissioner McMurray there were some proposals to include language of preserving neighborhoods, protecting neighborhoods and preserving property values. He does not support this for several reasons. It's not that he is against the idea, but he thinks were doing that through the design overlay that's already been discussed. That type of language makes a sort of anti-growth NIMBY stance overall. The goal is not to protect or prevent change it is to ensure the change will inevitably come down to a way that works. Specific language about protecting property values within the code is potentially very problematic. To establish the impacts on property values with any proposal would be difficult at best, if not infeasible. If we're doing the right thing in the code, property values will follow.

Commissioner Raughton said he did not agree. There is language that the strengthens neighborhood's health, safety and welfare. but not necessarily property values. Commissioner McMurray said strengthening neighborhoods is a positively oriented statement. That's different than protect or prevent. Commissioner Raughton thought there was language from the Comprehensive Plan that could be used in the introduction to these ordinances. He would argue for the inclusion to the extent possible.

Commissioner Slattery said she agrees with talking about strengthening, enhancing the community welfare and compatibility. She thinks saying preserve and protect neighborhoods is shortsighted and detrimental to progress within the City. She agrees with Commissioner McMurray. She liked that the language was removed. The intent is to move forward in a positive way. Commissioner Rickett said he would be supportive of the language going back in. Commissioner Almy said this usually came up in the context of something being put in that would degrade property values. He agreed you don't necessarily want to protect property values but primarily you don't want to do something negative to property values, but he wouldn't put in the statement necessarily. Chair Hente said he also agreed with the language.

Mr. Tassi said they would take a look at the strengthening and enhanced language. In the purpose statement they do refer to the Comprehensive Plan, so it kind of captures the whole spirit.

Tiny Homes

Commissioner McMurray said his two concerns are about tiny homes and the element about how personal storage sheds could be done. He is contemplating if that two-acre cap makes sense or is necessary. Ms. Hester said the thought behind that was if, in an existing neighborhood or city block, having the size limitation imposed is something we can change. It was more about the neighborhood and where these would be incorporated. Commissioner McMurray said within a neighborhood a two acre max makes sense. Ms. Hester said this is a new use because we have had some requests come in. Commissioner Rickett concurs with Commissioner McMurray. The two acres popped out to him as well and he thought it was limiting. In a neighborhood it makes sense, but otherwise make the size conditional. Commissioner McMurray confirmed tiny homes were a conditional use in zones anyway. Ms. Hester said that was correct.

Commissioner McMurray said regarding the given 5-foot standard for primary walkway through the area would make sense. However, there could be several options to approach the unit that do not need the 5-foot width using breeze, grass, or other materials that can be made wide enough for wheelchairs when necessary. Regarding personal storage, they could be attached to units or one that is an actual storage trailer, such as a tiny home sized building.

Affordability

Commissioner McMurray thinks there is a way to improve affordability through the code. One way to provide affordable housing is to provide density bonuses. In our code, we already have incentives for sustainable projects and

transit-oriented development. The incentives that come with that are if the criteria is met for either increased building heights or reduced parking. This is already provided for in City Code 7.4.202. His proposal would be to have an opportunity for people to access those incentives by providing affordable housing in their project.

Commissioner Rickett and Commissioner Slattery agreed with this. Commissioner McMurray said his tendency would be to say a minimum percentage of units are affordable. Commissioner Almy also agreed. In Section 7.1.103 it mentions promote affordable housing.

Commissioner Slattery asked Commissioner McMurray what the incentive would be. Commissioner McMurray said we already have it and it says additional allowances for incentive development, 1) building height; and 2) parking. It's a 10% parking reduction. For building height, you can basically add a story. Commissioner Hensler agreed and would also like to have the language for affordable housing beefed up.

Mr. Wysocki said they could look at including affordable housing in the list of incentives. He clarified that the City already provides incentives for affordable housing based on the number of units dedicated for individuals or families making 80% or less of the AMI. There is a rating system to rebate development review fees. Colorado Springs Utilities has a similar program, so we married the two systems. There has been some discussion to expand that in Retool. We would need to see how that would look and how to manage the administration of that program to show documentation that units continue to be rented or leased to the appropriate individuals or families. Commissioner McMurray said this could go beyond the timeline of Retool so we could decouple it and address it as a standalone. Commissioner Rickett said he would be in support of that as well.

Commissioner McMurray said his other idea for affordable housing was the concept of gentle infill. That idea is trying to find ways for neighborhoods to grow and accommodate more housing, but not in a dramatic way. The City's ADU ordinance is a good example. His thought was to allow two family units in single-family residential areas, but on a limited basis. He thinks this could be a small step to bring more affordable housing into our neighborhoods without blowing up the whole system. He realizes this might not be politically feasible but wanted to bring it up. Commissioner McMurray proposed this could work by allowing duplexes in single-family zones by right within R-1 zones but subject to a minimum offset distance, similar to how we handle STRs. Using his own neighborhood as an example, he showed how under this type of approach, his neighborhood of about 142 acres of 658 units would increase by 15 units for a total of 673 units, or a 2.3% increase. If this was extended across all R-1 zones, it would allow for over 2,500 units across the city, many of which would be smaller and more affordable.

Commissioner Raughton really liked the idea. Commissioner Rickett ask if they would subdivide the lot. Commissioner McMurray said you usually don't subdivide a lot for a duplex, and you can have a duplex on a single lot. Ms. Hester and Mr. Tassi confirmed that was correct. Commissioner Slattery said

fundamentally she would go on the record as supporting the idea.

Public Education/Implementation

Commissioner Slattery asked how this will get rolled out and if there will be a public process. After being codified, what are the next steps. Ms. Hester said one they adopt the code there will be a time lag in between adoption and effective date. During that time, staff will be updating the zoning maps with the new districts and their names and updating applications and checklists. We will visit the City Budget Committee, since we have some new applications and the consolidation and removal of others. This will also include education of the applicants and the public. We do not yet have a plan outlined but we will reach out to those who have been part of this project the entire time and let them know it's been adopted and then educate the public. We think by next spring we will have various forms of outreach. Ms. Hester will reach out to the groups and lean on them for some assistance in meeting with different groups.

Commissioner Slattery asked about projects that are currently in the queue and whether they fall under the old code. Ms. Hester said if a project is submitted prior to the effective date, it is subject to Chapter 7 standards. If submitted after the effective date, it is subject to the new UDC. We also can meet with applicants when it is close to the UDC effective date and discuss whether it meets requirements better under the new UDC.

Setbacks

Commissioner Briggs asked for clarification from Mr. Tassi. It shows an average for R-1 6 and R-2 with a range. The wording gives two options and it references the more restrictive. Does more restrictive mean less space or more space? Ms. Hester said in this situation the two are not paired. If there is a conflicting use or a more intense use, that's where we would apply that. It would not be specific to these setbacks. The setback for R-1 6 and R-2 is either 10 feet or 15 feet or the average of the two. The intent is to be a contextual setback. Commissioner Briggs said it is not a comparison, he was talking about within R1-6, if it is 15 feet or the average of the adjacent two, it would be the more restrictive. Commissioner Briggs said somewhere it is interpreted as a choice by the developer to decide which of the two and not the most restrictive. Commissioner Foos said he had a similar concern to that because a developer will automatically go with the less restrictive. The language needs to be cleaned up to make that more clear.

Commissioner Rickett asked to quickly revisit the discussion regarding the OR, OC, MX-N. He asked for confirmation that there are only 100 OR zoned properties. Ms. Hester said she did not know, but she did know they are not all on the National Registry. Commissioner Rickett said if there are very few does it makes sense to separate out OR and he asked staff to look at this.

Ms. Hester concluded by saying the next steps would be to have a formal vote from this body to the City Council, thinking that may require a special meeting.

7. NEW BUSINESS CALENDAR - None

8. PRESENTATIONS/UPDATES - None

9. Adjourn