



City of Colorado Springs

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

Meeting Minutes Council Work Session

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

Monday, June 10, 2019

1:00 PM

Council Chambers

1. Call to Order

Present 8 - Councilmember Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, President Pro Tem Tom Strand, and Councilmember Wayne Williams

Excused 1 - Councilmember Yolanda Avila

Councilmember Geislinger was excused at approximately 3:30 PM.

2. Changes to Agenda

There were no Changes to Agenda.

3. Regular Meeting Comments

Councilmember Pico requested item 4B.F. pertaining to the Scheels property exclusion from the Interquest North Business Improvement District be removed from the June 11, 2019 City Council meeting Consent Calendar. Sarah B. Johnson, City Clerk, stated the applicant may request a postponement of this item.

Consensus of City Council agreed to this change.

4. Review of Previous Meeting Minutes

4.A. [19-303](#) City Council Work Session Meeting Minutes May 28, 2019

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [5-28-19 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the May 28, 2019 Work Session meeting were approved by Consensus of City Council.

5. Executive Session

5A. Open

There was no Open Executive Session.

5B. Closed

There was no Closed Executive Session.

6. Staff and Appointee Reports**6.A. [19-302](#) Agenda Planner Review**

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 6-10-19.pdf](#)

Sarah B. Johnson, City Clerk, gave an overview of several items which will be coming before City Council within the next month.

There were no comments on this item.

7. Presentations for General Information**7.A. [19-260](#) Girls of the West, Pikes Peak Range Riders and Pikes Peak or Bust Rodeo**

Presenter:

Corliss Palmer, Director of the Girls of the West

Kayla Summers, Girl of the West

Makayla Carrico, Aide to Girl of the West

Allen Gasper, Vice-President of the Pikes Peak Range Riders, and Grant Atkinson, President of the Pikes Peak or Bust Rodeo, gave a brief history of the event. Corliss Palmer, volunteer with the Pikes Peak or Bust Rodeo, introduced Kayla Summers 2019 Girl of the West, and Makayla Carrico, 2019 Aide to Girl of the West, who provided detailed information on the upcoming events associated with the 2019 Pikes Peak or Bust Rodeo.

There were no comments on this item.

7.B. [19-282](#) Geologic Hazard Study (Informational)

Presenter:

Bret Waters, Deputy Chief of Staff

Bret Waters, Deputy Chief of Staff, gave an overview of the geological hazard study completed in coordination with Colorado Springs Utilities. He stated the Colorado Geological Survey conducted the study which included

geotechnical borings and specific instrumentation to provide updated technical information to be used and interpreted by engineering professionals for future development and existing property decisions. Mr. Waters said the study is publicly available.

There were no comments on this item.

8. Items for Introduction

- 8.A.** [19-316](#) An Ordinance Submitting a Charter Amendment to the Registered Qualified Electors of the City of Colorado Springs, Colorado at the Special Municipal Election to be Held at the Coordinated Election Conducted by Mail Ballot to be Held on November 5, 2019, Relating to Selection of the President of City Council and Amending Section 3-20 of the City Charter

Presenter:

David Geislinger, City Councilmember

Attachments: [Charter-Amendment-Elect President - Draft 5-30-2019.docx](#)
[Council-Officer-Elections 05-30-19.docx](#)

Councilmember Geislinger presented an Ordinance for a Charter amendment relating to the selection of the President of City Council. He stated this amendment would change the election of City Council officers to a later time rather than immediately after the new Councilmembers are sworn into office.

Councilmember Knight stated he is in support of putting the item on the ballot for voters to decide, but the rules of succession need to be reviewed because the At-Large Councilmembers take precedent and therefore could be newly elected and serving as President of City Council for sixty days.

Councilmember Murray stated he would prefer a date certain for the selection rather than the first regular City Council meeting in June.

Councilmember Pico and Councilmember Gaebler stated they have reservations putting a Councilmember in temporarily as President because it may cause confusion and complications.

- 8.B.** [18-0230](#) A Resolution approving the City Council's 2020 strategic plan pursuant to City Charter §3-10(C) to provide for the future of the City and for the Mayor's consideration in the development of the 2020 municipal administrative budget

Presenter:

Council President Jill Gaebler, Chair, City Council Strategic Planning Committee

Attachments: [061019 Resolution Council 2020 Strategic Plan](#)
[Final Exhibit A_Council Strategic Plan Draft 6-19-19](#)

Councilmember Gaebler gave a summary of the planning process involved in the City Council's 2020 strategic plan to provide for the future of the City.

Carly Hoff, Legislative Analyst, City Council, gave an overview of the City Council's 2020 strategic plan's vision, mission, end goals, results, members, timeline, and initiatives.

Councilmember Murray stated City Council needs a more strategic plan for communication with the Executive Office in order to make more informed decisions.

President Pro Tem Strand asked how some of the strategic plan results, such as increased coordination with Colorado Springs Utilities, will be measured. Ms. Hoff stated they will look into that.

Councilmember Pico stated Accessory Dwelling Units and Short Term Rental Units which are current items need to be removed from next year's plan and asked if there is already a requirement for Boards and Commissions to submit an annual report. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated there is a requirement already in City Code for the annual report.

9. Items Under Study

- 9.A. [19-317](#) Update on the short term vacation home rental program and permitting

Presenter:

Morgan Hester, Program Coordinator

Peter Wysocki, Director of Planning and Community Development

Attachments: [CC Work Session Presentation - STR Update](#)[FIGURE 1 - Ordinance 18-112](#)[FIGURE 2 - Code Enforcement Cases](#)[FIGURE 3 - Zoning Concentration](#)[FIGURE 4 - Zip Code Concentration](#)[FIGURE 5 - Hamari Proposal](#)[FIGURE 6 - STR Helper Proposal](#)

Peter Wysocki, Director of Planning and Community Development, gave a brief history of the short term vacation home rental program.

Morgan Hester, Program Coordinator, presented an update on the short term vacation home rental (STR) program and permitting. She gave an overview of the 340 compliance letters sent to vacation home rentals, code enforcement cases, the number of issued permits, and the short term rental website. Ms. Hester presented a map of the active permits and identified the zoning and zip code concentration of permits. She provided information on the ownership and rental data, and third party enforcement through STR Helper and Hamari.

Councilmember Pico asked if there was any recourse the City could take for Homeowners Association (HOA) covenant violations. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated there is not, the HOA would have to take it up with the homeowner.

Councilmember Knight asked if there could be a combination of related and non-related occupants allowed in short term rental units. Ms. Hester stated there is not an allowance for that combination at this time, but they will look into adding it to the Ordinance.

Councilmember Geislinger requested additional details on the neighborhoods with a high concentration of short term rentals.

Councilmember Knight requested the SpringsView website be modified for easier access for citizens.

Councilmember Williams asked if the heat map represents percentages based on the number of units or reflects each permit. Ms. Hester stated every permit is represented on the heat map. Councilmember Williams requested a heat map which reflects the density of STRs in relation to the

density of the residential area.

Councilmember Murray stated there needs to be a discussion with the El Paso County Assessor's Office in regards to short term properties being assessed at a commercial property tax rates.

Councilmember Geislinger asked if the third party enforcement companies could monitor actual rental activity for units that have not obtained a permit. Ms. Hester stated they will research that.

Councilmember Strand requested additional details on the City initiated code enforcement cases. Ms. Hester stated these cases are STRs operating without a permit. Mitch Hammes, Neighborhood Services Manager, stated if they receive a complaint, Code Enforcement Officers ask follow up questions to make sure it is truly a short term rental unit rather than just a family event.

President Skorman stated City Council needs to decide whether or not a third-party consultant company should be hired to find the short term rental units operating without a permit and what the solution for enforcement should be. He stated the permit fee and sales tax collection may cover the third party company cost. Councilmember Geislinger and Councilmember Williams requested other municipalities using these third party companies be contacted to see what their experience has been. Ms. Hester agreed to provide that information.

Councilmember Knight stated sales tax should be collected retroactively to January 1, 2019 from the short term rental units operating without a permit. He stated the higher density areas also need to be addressed and requested a list of permit holders that own multiple STRs.

Councilmember Gaebler stated the fine for non-compliance should be higher. Councilmember Williams stated the penalty for sales tax and permit evasion should be higher than the cost for the permit and sales tax. Mr. Smith stated he will look into current City Code to see what authority the City already has in place in regards to tax collection.

Councilmember Geislinger recommended another presentation at a Work Session within thirty days to address density limitations, a potential increase in the permit fee to cover the cost of a third-party company to

enforce non-compliance, and fines for non-compliance. Mr. Wysocki agreed to provide a presentation in approximately a month.

Councilmember Knight stated since the permit application period was from January through May, the penalty for not obtaining a permit should not take effect until after June 1, 2019.

- 9.B. [CPC CA 19-00027](#) An ordinance amending Chapter 7 (Planning, Development and Building) of City Code defining and establishing standards for accessory dwelling units.

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development
Hannah Van Nimwegen, Senior Planner, Land Use Review Division

Attachments: [Work Session ADU Presentation - 6.10.19](#)

[Attachment 1 - Draft 10 ADU Ord - Option A - 5-28-19](#)

[Attachment 2 - Draft 10 ADU Ord - Option B - 5-28-19](#)

[Attachment 3 - Draft 3 - Affidavit - 5.28.19 - Notification, HOA Covenant](#)

[Attachment 4 - Draft 3 - Restrictive Covenant - 5.28.19 - Subdivision, Owner Occupancy](#)

[CPC Staff Report - Accessory Dwelling Unit](#)

[Figure 1 - ADU Draft Ordinance](#)

[Figure 2 - Zone Districts Map](#)

[Figure 3 - Comparable Cities](#)

[Figure 4 - ADU Citizen Forum Materials](#)

[Figure 5 - Citizen Comment](#)

[Figure 6 - ADU Existing Vs Proposed Table](#)

[Figure 7 - Integrated ADU Illustration](#)

[Figure 8 - Detached ADU Illustration](#)

[Figure 9 - PlanCOS Resource Sheet](#)

[Figure 10 - Mill Street Plan Summary](#)

Peter Wysocki, Director of Planning and Community Development, stated staff is seeking direction from City Council regarding any modifications to the proposed Ordinance defining and establishing standards for accessory dwelling units (ADUs).

Councilmember Knight requested staff refrain from making any additional changes to the proposed Ordinance until City Council becomes more

familiar with the proposal. Mr. Wysocki agreed to refrain from making any further changes at this time.

Councilmember Geislinger stated the future demographics of the City need to be considered. He stated he generally supports option B which eliminates the permissible use of ADUs in single-family residential zoning if the ADUs are not detached.

Councilmember Pico stated the current single-family zoning that people bought their houses on should not be changed. Councilmember Gaebler stated zoning is not a contract with home owners. Mr. Wysocki stated zoning districts may be modified by municipalities and the size and square footage of accessory dwelling units may also be regulated to create less of an impact on neighborhoods.

Hannah Van Nimwegen, Senior Planner, Land Use Review Division, gave a brief overview of the various forms of ADUs, the process to date, previous City Councilmember questions, decision points to be addressed, and the structure types that may be used as an ADU.

Councilmember Pico asked what the consequence would be if an ADU fails a building permit inspection. Ms. Van Nimwegen stated she will research that information.

Councilmember Williams explained his consent to some of the decision points to be made may be based on other protections that need to be put into place.

President Skorman polled City Council on should detached ADUs be allowed in single-family districts? Councilmember Knight, Councilmember Pico, Councilmember Strand, and Councilmember Murray indicated no.

Councilmember Knight asked if a second kitchen could be permissible in City Code to allow for a family member to have independence in the same dwelling unit and stay within the current family definition. Mr. Wysocki stated it would be difficult to determine whether or not it the tenant is a family member.

President Skorman and Councilmember Knight recommended postponing the item for discussion when there is a full City Council.

Councilmember Pico stated he is not against other family members living in the same dwelling unit, he is against ADU's being built and then rented out.

Councilmember Gaebler stated she does not believe there should be a delineation between renting to a family member or a renter and supports a postponement to allow the citizens more time to review the positive aspect of ADUs.

Councilmember Williams stated six Councilmembers have stated ADUs need to be integrated and a majority of City Council have stated one of the two units needs to be owner-occupied.

Councilmember Knight stated there are other ramifications to consider in regards to two separate dwelling units on the property in regards to short term rentals.

Ms. Van Nimwegen asked what should be the maximum square footage of an integrated ADU. Councilmember Knight asked how the 750 square feet floor area maximum of a 1,500 square feet or less ADU was determined. Ms. Van Nimwegen stated it is what is currently allowed for ADUs in R-2 and above zoning. Councilmember Knight recommended 500 square feet floor area maximum of a 1,000 square feet or less ADU

Councilmember Knight requested additional information regarding ADU's in municipalities similar in size to Colorado Springs.

10. Councilmember Reports and Open Discussion

Councilmember Murray requested permission to attend the National League of Cities committee meeting June 25-27, 2019 in Indianapolis, IN and the National League of Cities City Summit Conference, November 20-23, 2019 in San Antonio, TX. Consensus of City Council agreed.

Councilmember Williams requested permission to attend the Colorado Municipal League conference. Consensus of City Council agreed.

Councilmember Knight stated there will be concerns from citizens regarding the Garden of the Gods detention pond and the size of the berm. Bret Waters, Deputy Chief of Staff, stated they will provide City Council an

update.

Councilmember Strand stated on Wednesday, June 19, 2019, there will be a Mental Health Crisis in Colorado community conversation at the Pikes Peak Center.

11. Adjourn

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

Sarah B. Johnson, City Clerk