



Memo

To: Council President Tom Strand and Councilmembers

From: Morgan Hester, Planning Supervisor

cc: Peter Wysocki, Director

Mike Tassi, Assistant Director

ReTool file

Date: 12/14/22

Re: Approval Recommendation to the City Council for the RetoolCOS Project (call this exhibit whatever for the cover memo?)

On October 28, 2022, the Planning Commission voted 8-0 (Commission Briggs absent) to recommend approval of the Unified Development Code (UDC), otherwise known as the RetoolCOS project, to the City Council. In their motion, the Commission requested additional changes to the proposed language to be carried forward with their motion to the City Council. These changes are summarized below with supporting documents showing the redline changes attached to this memo.

Additionally, this memo summarizes changes made by Project Staff. While the UDC draft has been heavily vetted through the City Attorney's Office, further review since the Planning Commission recommendation has resulted in the identification of necessary changes to ensure the original intent has been met and proposed regulations are not contradictory to standards that are in place with other City, Colorado Springs Utilities, or Pikes Peak Regional Building Codes. It should be noted these will not change the intent of the drafted language but were found as errors. Where a scrivener's error occurred, that has been noted.

Redlines for each requested change has been included in the backup, referenced as 'AMENDMENT 1' and so on.

Planning Commission Requested Changes

1. Table 7.2.2-D and 7.2.2-E – Change front setback for 'House' to "15 ft or average of two adjacent or nearest developed properties facing the same street frontage, whichever is **greater**"
2. Subsection 7.4.1008.H 'Electric Vehicle Charging' – Re-insert the requirement for electric vehicles. (This section was removed at the request of City Council but added back by Planning Commission)
3. Historic Preservation
 - a. Subsection 7.5.205.C.10 – Add the phrase "To undertake educational programs and activities.";
 - b. Subsection 7.5.528.C.2.b(1) – Replace "prepared" with the phrase "acted upon";

- c. Subsection 7.5.528.C.2.b.3.e – Add new subsection to state “Evaluation of the City Council approved design Standards.”;
 - d. Subsection 7.5.528.C.2.c(2) – Replace “Manager” with “Historic Preservation Board”; and
 - e. Subsection 7.5.528.C.2.c(3) – Delete.
4. ADS-O Area Design Standards Overlay
 - a. Subsection 7.2.607.A – replace “completed plan” with “Stakeholder Engagement Plan” in (2); and
 - b. Subsection 7.2.607.B.1.b – revise to read “A Stakeholder Engagement Plan for an ADS-O district that was approved by the Planning Department.”
 - c. Subsection 7.6.607.C - add a new #6 to read “Requirements for lot size and lot coverage.”
 5. Subsection 7.3.303.B.5 – add new subsection for “Bars” to require a 200’ separation between residential zoning and uses for the MX-N zone district.
 6. Subsection 7.3.301.D.11 – change from 150’ to 200’
 7. Subsection 7.3.304.A.2.a – change from 8’ to 12’
 8. Data Center
 - a. Section 7.6.301 ‘Definitions’ –
 - i. Remove “data center” from “Office” definition;
 - ii. Add “data center” to “Light Industrial” definition;
 - iii. Move additional standards for data centers from Subsection 7.3.303.H ‘Office’ to new Subsection 7.3.303.D.6 ‘Light Industrial’; and
 - iv. Table 7.3.2-A – Remove additional standards note from ‘Office’ and add 7.3.303D.6 with ‘Light Industry’.

Project Staff Requested Changes

9. Subsection 7.3.304.A.4 – Add new subsection (c) to state “Unless specifically permitted in this Code, accessory structures are not allowed in front yards.” (Reflects current code)
10. Subsection 7.3.304.E.2 – Add a new subsection (g) titled ‘Limitation in the R-2 Zone District’ to read “In the R-2 zone district, a detached ADU may only be permitted when developed with a single-family detached unit on a minimum five thousand (5,000) square foot lot.” (Added for clarity at the request of HNP)
11. Subsection 7.4.1008.E.1.d – Based on new standards adopted by Colorado Springs Utilities and needing to prevent contradictions, revise to read “E.1.d – “No driveway within the R-E, R-1 9, R-1 6, R-2, R-4, R-5, R-Flex Low, R-Flex Medium, and R-Flex High zone districts shall be less than twenty (20) feet in length; however, if alley or access lane loaded, no driveway may be between twelve (12) and twenty (20) feet in length. An alley or access lane loaded driveway less than twenty (20) feet may not be included in any required parking.” (Reflects a change made necessary by a CSU standard)
12. Section 7.5.701 ‘Annexation of Land’ – Replace two references of “Subdivision Code” to “Zoning Code”.
13. Scrivener’s Error
 - a. Subsection 7.3.303.J.3 (new 7.3.303.I.3 with other incorporated changes) – Replace “feet” with “foot”
 - b. Subsection 7.5.515.E – Remove “at a public hearing”
14. General numbering
 - a. Updating Part 7.6.3 ‘Definitions’ to Section 7.6.301
 - b. Updating number in 7.5.12 to 7.5.1201 ‘Enforcement’
15. R-4 density
 - a. Table 7.2.2-F – Include note [3] that 8 du/acre is specific to multi-family residential to be reflective of current Code.
 - b. Table 7.4.2-A – Include note [6] that 8 du/acre is specific to multi-family residential to be reflective of current Code.

16. Community Development Impact fees, adopted by City Council in August 2022 and effective January 1, 2023, as established by Ordinance 22-40.