



# City of Colorado Springs

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

## Meeting Minutes - Final 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.*

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Monday, January 27, 2020

10:00 AM

Council Chambers

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8.C. [CPC CA  
20-00006](#)

Ordinances amending Chapter 7, Planning, Development and Building, of City Code defining and establishing standards for Accessory Dwelling Units, Accessory Family Suites, and an Accessory Dwelling Unit Overlay Zone.

(Legislative)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development Department  
Peter Wysocki, Planning & Community Development Director

Hannah Van Nimwegen, Senior Planner, presented the Ordinance amending Chapter 7 (Planning, Development and Building) of City Code defining and establishing standards for accessory dwelling units (ADU). She went over the various form of ADUs, options for single-family, and the town meetings. Ms. Van Nimwegen requested City Council's preference moving forward.

President Skorman stated they may want to revisit the option of detached ADUs. Councilmember Pico stated they should not start over and they need to stick with the decisions previously made.

Councilmember Gaebler gave a brief PowerPoint presentation of why the City needs ADUs.

Councilmember Williams stated he does not believe R1 zoning should be changed to R2 zoning as a matter of property rights, but there should be a process in place for someone to request that change. He said going forward there should be a separate or overlay zone to permit a landowner to develop a property which permits ADUs.

Councilmember Geislinger stated this is a conflict between the property rights of people who have invested a majority of their life in their home and

the property rights of the neighbors. He stated he also believes developers should be allowed to have overlay zones allowing ADUs with no restrictions in non-infill areas.

Councilmember Knight asked if the statistic from Councilmember Gaebler's PowerPoint presentation which states seventy percent of all residential area in the City is zoned single-family included Planned Unit Developments (PUD) which are zoned for single-family residences. Ms. Van Nimwegen stated she will research that information.

Councilmember Knight stated there are currently over 9,000 lots which currently allow ADUs and the City can tackle the housing situation without a mass zone change. He requested the number of ADU's located within those 9,000 lots.

Councilmember Knight stated the property rights are dependent upon how the property is currently zoned and if a property owner wants to change the zoning, there is a process for it. He stated there should only be one building/structure inside the building envelope and he is in support of an ADU zone for new development areas, but only if is requested by the developer.

Councilmember Knight stated he still supports Option 2B, which is integrated with single family occupancy, and a conditional use or variance to build an integrated unit if the neighbors do not object.

Councilmember Knight and Councilmember Gaebler requested additional details regarding the review criteria for a conditional use. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated the purchase price of the property, the desire for greater economic return on investment, or mere inconvenience do not constitute by themselves the evidence for no reasonable use.

Councilmember Pico stated Option 2B is a compromise, there will always be a collision of property rights, and zoning is a contract the City made with the people who bought property within those zones. He stated he supports an ADU overlay zone in new developments which have not already been zoned and there is currently the option available to rent out rooms as well as have live-in assistance for medical uses.

Councilmember Murray stated he supports Option 2B and requested modifications be made to the language of the use variance and the building codes pertaining to ADUs.

Councilmember Williams stated he does not support a mandatory requirement of detached ADUs for new zones, but does support a zoning code which will permit it in new zones. He recommended a review of water usage for ADUs to possibly reduce costs, stated there should be an easier process for the request of a use variance, and the building code needs to be changed.

Councilmember Geislinger stated there needs to be a discussion with the Regional Building Department (RBD) regarding ADU requirements, the use variance criteria needs to be reviewed, but he does have concerns regarding the current application of the zoning code can be used to restrict the property rights of other owners. He stated going forward, the City should not delegate to the developer the unilateral right to say that an undeveloped area cannot ever be rezoned to include ADUs in the future.

President Skorman stated the consensus of City Council is Option 2B, but figure out an easier way for a variance process to allow an exception. He states he supports it be owner occupied, possibly require certain design elements, and new development have the opportunity for ADU zones.

Councilmember Williams stated if the City is going to make a recommendation regarding a revision to the building code, there needs to be further discussion with the Fire Department and RBD to see if there are any concerns.

Councilmember Knight requested the language requiring covenant approval for an ADU permit to be explicitly spelled out in the proposed Ordinance.

Ms. Van Nimwegen asked if City Council preferred a timeline for the draft Ordinance. Councilmember Geislinger stated the sooner, the better and requested it be reviewed prior to a consultant's review of Chapter 7. Ms. Van Nimwegen stated they will work on a timeline.

City Council agreed this item should be considered by the Planning Commission and then back to a City Council Work Session.