

CITY PLANNING COMMISSION AGENDA

STAFF: CARL SCHUELER

FILE NO:
CPC CA 16-00008 – LEGISLATIVE

PROJECT: SECOND RECONSIDERATION OF APPEALS CODE CHANGE
ORDINANCE REPEALING AND REORDAINING SECTION 906 (APPEALS) OF PART 9 (NOTICE, HEARINGS AND APPEALS) OF ARTICLE 5 (ADMINISTRATION AND PROCEDURES) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO APPEALS

APPLICANT: CITY OF COLORADO SPRINGS – PLANNING AND DEVELOPMENT DEPARTMENT

PROJECT SUMMARY:

1. Code Change Description: This is a reconsideration of a proposal to amend City Code Section 7.5.906 pertaining to zoning and other land use-related appeals and to make other limited conforming amendments in other areas of Chapter 7. The draft Ordinance for reconsideration is attached as **(FIGURE 1)**. The Ordinance proposed for reconsideration includes a number of changes provided subsequent to the original recommendation made by the Planning Commission at their March 17, 2016 hearing, and includes additional recommendations made to the version recommended by the Planning Commission in their first (May 19, 2016) reconsideration of this item. **FIGURE 2** provides a redline highlighting many of the changes from the May 19th version as last recommended by Planning Commission.
2. City Council discussed this item at work sessions on June 13, 2016 and July 11, 2016. They were presented with two versions: (“Version A” as recommended by Planning Commission on May 19th, and “Version B” which included additional recommended changes drafted in response to comments provided by Councilman Don Knight). For comparison, **FIGURE 3** is the “Version B” ordinance as proposed by Councilman Knight. On August 9, 2016, Council voted to indefinitely postpone action, with direction to obtain updated input on these latest versions of the ordinance from the Code Scrub Committee and then Planning Commission, preferably within sixty days.
3. On September 7, 2016, the Code Scrub Committee considered the most recent versions unanimously recommended approval of a further modified ordinance now attached as **FIGURE 1**. This Attendance at this meeting was fully representative of the Committee. This currently recommended version includes a few modifications from the July, 2016 version.
4. Highlights of recent changes to the recommended ordinance include the following:
 - a. Removal of the City Council meeting “automatic bump” for option for all parties including the applicant, appellant or applicant who is the applicant.

- i. This recent change treats all parties with standing consistently; noting that all parties can still request a continuance by City Council with justification.
 - ii. This version now clarifies that City Council has the discretion to postpone the hearing at its discretion
- b. Maintenance of the “10 calendar days” as the maximum period in which to file appeals under this section- no change from the current Code.
 - i. Twelve 12 calendar days were included in the original March 2016 PC recommendation to City Council, and this distinction widely discussed when the PC recommended a reconsidered version in May, 2016 with 10 days. It should be noted that all members of the Code Scrub Committee are comfortable with and recommend 10 days, provided the other provisions of the recommended ordinance are carried forward.
- c. Providing for a finding of standing of the appellant by the hearing body responsible for hearing the appeal.
 - i. This would occur at the beginning of the hearing, based on staff/City Attorney's Office analysis of the criteria for standing

BACKGROUND

Please refer to May 19, 2016 Planning Commission record of decision (**FIGURE 4**) for further background.

On September 7, 2016 the Code Scrub Committee considered systematically went through Council Knight's recommended changes, as well as recent staff and City Attorney's Office suggestions in response to this input and further consideration. The recommended ordinance reflects the Code Scrub Committee's consideration and response.

In addition to the above- highlighted changes, staff has suggested, the Code Scrub Committee concurred with changes to the wording regarding “protected legal interests”

STAKEHOLDER PROCESS AND INVOLVEMENT:

As documented the May 19th PC record of decision and in various Code Scrub Committee, Planning Commission and City Council agendas, the stakeholder input, meeting and hearing processes for this topic have been substantial and extensive. The Code Scrub Committee includes neighborhood, development, business, and architect representatives.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

These aspects were evaluated at length in the March 17, 2016 staff report and original considered at that hearing.

STAFF RECOMMENDATION: Approve the revised attached Ordinance as unanimously recommended by the Code Scrub Committee.

ITEM NO: -- CPC CA 16-00008 – Appeals Code Change-

Recommend adoption to City Council of a reconsidered ordinance repealing and reordaining Section 906 (Appeals) of Part 9 (Notice, Hearings and Appeals) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of Colorado Springs 2001, as amended, pertaining to appeals.