

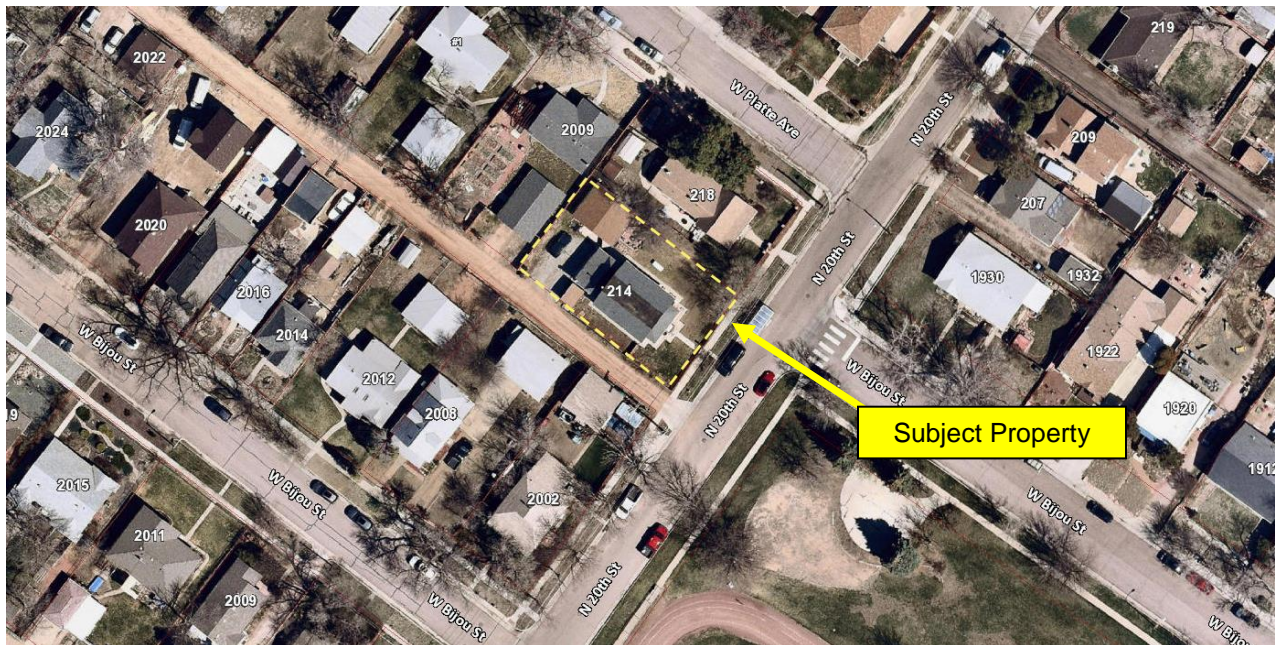
**CITY PLANNING COMMISSION AGENDA**

**STAFF: Carli Hiben, Program Coordinator**

**FILE NO(S):**  
**CPC AP 22-00045**

**PROJECT: APPEAL OF DENIAL OF A SHORT TERM RENTAL APPLICATION  
214 NORTH 20<sup>TH</sup> STREET  
COLORADO SPRINGS, CO 80904**

**APPLICANT/OWNER: JESSE GLENN  
255 EAST DELAWARE AVENUE, APT F  
SOUTHERN PINES, NC 28387**



**PROJECT SUMMARY:**

1. Project Description: This is a request to appeal the administrative Denial of the Short Term Rental application for 214 North 20<sup>th</sup> Street, Colorado Springs, CO, 80904, which were denied by Staff on March 17, 2022.

The property is zoned R2 (Two-Family) and is located northwest of North 20<sup>th</sup> Street, south of West Platte Avenue, and north of West Bijou Street.

2. Applicant's Appeal Statement: (see 'Appeal Statement' attachment)
3. Community Development Department's Recommendation: Staff recommends the City Planning Commission uphold the Denial of the Short Term Rental application and deny the appeal.

**BACKGROUND:**

1. Site Address: 214 N 20<sup>th</sup> Street – Tax Schedule Number 7411406016
2. Existing Zoning/Land Use: R2 (Two-Family)

3. Surrounding Zoning/Land Use: The surrounding properties to the north, south and west are zoned R2 (Two-Family) and the properties to the east are zoned R1-6000 (Single-Family) and R2 (Two-Family)
4. Annexation: The property was annexed in 1890 as part of the 280.93 acre West Colorado Springs annexation area.
5. Master Plan/Designated Master Plan Land Use: Westside Master Plan
6. Legal Description: Unplatted
7. Zoning Enforcement Action: None
8. Physical Characteristics: 214 North 20<sup>th</sup> Street is improved with a single-family residence, consisting of a total of 5,000 square feet in lot area.

#### **STAKEHOLDER PROCESS AND INVOLVEMENT:**

There is no stakeholder process in the denial of a Short Term Rental (herein referred to as "STR") renewal application. To notify the public of the appeal process, the site was both posted for 10 days prior to the City Planning Commission hearing and 283 postcards mailed to notify property owners located within 1,000 feet of the subject property.

#### **ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN:**

1. Timeline of the denial of the Short Term Rental application:
  - a. **September 26, 2019** –The original Short Term Rental permit was issued to Jesse Glenn (STR-1115).
  - b. **August 13, 2020** – STR permit was renewed.
  - c. **September 30, 2021** – STR-1115 was up for renewal. The renewal application was not received and the permit was deemed expired pursuant to City Code Section 7.5.1702.C.
  - d. **March 16, 2022** – The property owner submitted a new non-owner occupied short term rental permit application.
  - e. **March 15, 2022** – The applicant was notified that staff was unable to issue a new non-owner occupied STR permit pursuant to City Code Section 7.5.1704.C.
  - f. **March 21, 2022** – The property owner filed an appeal of the Denial of Short Term Rental application.

The STR permit for 214 North 20<sup>th</sup> Street was up for renewal on September 30, 2021. On August 10, 2021 and September 13, 2021, reminder emails were sent to those permit holders who had permits up for renewal in September. Pursuant to City Code Section 7.5.1702.C., the permit was deemed expired as a renewal application was not received.

#### **Section 7.5.1702**

*C. The short term rental unit permit is valid for one year from the date of issuance. The permit may be renewed for additional one year periods.*

A new non-owner occupied Short Term Rental permit application was submitted and denied pursuant to City Code Section 7.5.1704.C. 214 North 20<sup>th</sup> Street is located within 122 feet of 2018 West Bijou Street, an active non-owner occupied Short Term Rental which has been operating since January 2019.

#### **Section 7.5.1704**

*C. No non-owner occupied short term rental unit shall be located within five hundred feet (500') of another non-owner occupied short term rental unit. The five hundred feet (500') separation measurement shall be made in a straight line without regard to intervening structures or objects from the nearest property line of the proposed short term rental unit to the nearest property line of another short term rental unit. Where an owner occupied short term rental unit is owned by an active duty military service member whose permanent duty station is within El Paso County, the Manager shall waive this requirement for the owner for up to one (1) year if the service member receives orders to report to a temporary duty station outside of El Paso County.*

On March 21, 2022, the property owner provided the attached appeal statement, which states (in part),

*"...I have held a grandfathered permit through the previous years, received no complaints from the city or neighbors in the area, and have upheld all regulations. However, this year, I missed the renewal date for the STR non-owner occupied permit because the management company I was working with had some staffing changes and forgot/failed to submit the paperwork. I was attending some very intensive military training in preparation for a coming deployment and I did not have regular access to my cell phone or computer, and had no communication with the management company months before the expiration date of the permit to ensure the documents would be submitted. When I returned, I confirmed that the documents never were submitted which was an unfortunate event out of my personal control..."*

Because the renewal of the STR permit was several months overdue, staff was unable to move forward with renewing STR-1115 per City Code Section 7.5.1702.C. Staff views this as a private matter between the appellant and their STR hosting company.

Staff was unable to approve the application in 2022 as the property is not eligible for a non-owner occupied Short Term Rental permit pursuant to City Code Section 7.5.1704.C.

It should also be noted that City Staff is required to apply the City Code to the review of new STR application and renewal applications. Any adverse economic impacts to the property owner are not relevant when applying the Code.

### **Ordinance History**

The STR Program began in January 2019 (Ordinance No.18-122).

- *The STR renewal requirements were established: The Short Term Rental unit permit is valid for one (1) year from the date of issuance. The permit may be renewed for additional one) year periods.*

After the initial adoption of the STR program, City Council directed Staff to amend the existing Code to include the following –

- Sales tax (Ordinance No. 19-49)
  - Mandate that all STR permit holders be in full compliance of sales tax requirements with the City of Colorado Springs.
- Occupancy Limitations (Ordinance No. 19-82)
  - Limits the occupancy of an STR dwelling unit to two people per bedroom, plus two, with a maximum occupancy of 15 persons.
- Non-owner vs owner occupied requirements (Ordinance No. 19-101)
  - Defines "owner occupied" as residing on the property for a minimum of 185 days per year;
  - Establishes a 500' buffer between non-owner occupied STRs; and
  - Precludes new non-owner occupied STRs in single-family zoned districts (R, R-1 9000, R-1 6000, and single-family PUDs).

### **Previous Action Related to Other STRs**

The City has not received any other similar STR appeals.

\*\*\*

Staff finds that the denial of the Short Term Rental renewal application meets the criteria as set forth in City Code.

A. Conformance with the City Comprehensive Plan:

Staff has evaluated the proposed application and its consistency with the City's current comprehensive plan (herein referred to as "PlanCOS"). PlanCOS provides the guidance for the maintenance of vibrant neighborhoods, accomplished through the protection, enhancement, and/or revitalization of the character and functions within each area. PlanCOS generally supports STRs and the Code related to non-owner occupied STRs was established to implement the vision of PlanCOS.

B. Conformance with the Area's Master Plan:

The 1980 Westside Master Plan references this area as residential low density, 0-10 units per acre. As outlined in Chapter 3 'Objectives', Objective 3 encourages the development of a variety of housing types, include single family and higher density multi-family.

While the property is in conformance with the Master Plan, the appeal is not applicable.

**STAFF RECOMMENDATION:**

**CPC AP 22-00045- APPEAL OF DENIAL OF A SHORT TERM RENTAL APPLICATION**

Deny the appeal and uphold the denial of the Short Term Rental application, based on the City Code Sections 7.5.1704.C., and that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906.A.4.