



City of Colorado Springs

Regional Development
Center
2880 International Circle
Colorado Springs, CO
80910

Meeting Minutes - Draft Planning Commission

Friday, October 28, 2022

1:00 PM

Hearing Room - 2nd Floor

RetoolCOS - Unified Development Code

1. Call to Order and Roll Call

Rollcall

- Present:** 8 - Commissioner Almy, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery
- Excused:** 4 - Commissioner Briggs, Alternate Griggs, Alternate Cecil and Alternate Morgan

2. Communications

Peter Wysocki - Director of Planning and Community Development

3. UNFINISHED BUSINESS

- 3.A.** [CODE-22-0001](#) An ordinance repealing Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, and adopting the Unified Development Code of the City of Colorado Springs, incorporating various building codes, other primary and secondary codes, as included, and providing for the penalties and remedies for violation thereof

Presenter:

Morgan Hester, Planning Supervisor
Mike Tassi, Assistant Director of Planning and Community Development
Peter Wysocki, Director of Planning and Community Development
Don Elliott, Clarion Associates

Disclosures:

At the request of the City Attorney, Commissioner Rickett spoke on disclosing ex parte communications. He [Commissioner Rickett] shared that he sent two emails - one was in response to an email he received that went to all Commissioners asking how they should approach questions on items today and the second was a response. That item is no longer in the Retool draft [EVs] and was in relation to language that could be added for EV parking.

Communications:

RetoolCOS has been worked on for three years and it's a document we should

be proud of. It will replace the Code that has been in place since the early 2000s which has been piecemealed with amendments over the years. Once PlanCOS was adopted, we could see the City as very diverse with diverse neighborhoods. Thus, with RetoolCOS, staff wanted the structure of the Code to last and be flexible and adaptable over time.

We've worked with several stakeholders and have had a very robust process. RetoolCOS reflects several different concepts, positions, and opinions. It's built on consent and some compromise. We may not have everything we want in it; we've discussed all the topics we wanted at length, and we've done the best we could. We had a great consultant, Clarion and Associates, to help write Retool, plus staff who has worked thousands of hours over three years.

He [Peter Wysocki] hopes the discussion today leads to a formal vote to recommend adoption of RetoolCOS to the City Council.

Even though we may not have agreed with everything that is in the Code, we hope everyone knows their voices have been heard. A Zoning Code is not the solution to everything. It's not a solution to public safety, homelessness, nor the only solution to housing affordability or affordable housing - it's a component of it. It's a tool on how we develop and how we process applications and a document that provides stability and consistency on how we treat applications, landowners, and neighbors, those in favor or against certain projects. We need to keep that in mind for Retool.

Staff Presentation:

Morgan Hester, Planning Project Manager for RetoolCOS, gave a presentation for Retool.

The purpose of today's meeting is to go through the suggestions from the Commission and the changes based on them made since then. The goal is to have a recommendation that will go to City Council. They [Planning Commission] will vote on the document as well as any requested changes since October 12, 2022.

Commissioners were provided a spreadsheet attachment showing questions brought up, such as Commissioner Almy who had a few questions about when the new Code is implemented and how the transition from the old code to the new code would look, and any changes recommended by the Commissioners.

Staff included a statement requested by one of the participating groups about lot size and coverage and use limitation. Staff made a change based on that request.

A chart was provided with the permitted uses for the OR and OC to MX-N - Staff made changes to Conditional Use based on the request of participating groups and also from some of the Commissioners. Some of the permitted uses that were changed to Conditional Use in the MX-N district were -

- Multi-family dwellings,
- Small Adult or Child Daycare,
- Detox Center,
- Hospital,
- Library,
- Museum or Cultural Facility,
- Public Safety Services, and
- Schools - Elementary, Secondary and Higher Education,
- Bar,
- Micro-Brewery, Micro-Winery or Micro-Distillery. Micro-brewery, -winery, and -distillery have been changed to 'Alcohol Production Uses'.
- Small Personal or Business Service Retail Sales, Small
- The removal of Retail Sales, Medium, Auto and Light Vehicle Sales and Rental,
- The removal of Recycling Center Collection, Small, and
- Drive-Through accessory use.

These are all based on discussions from the October 12 meeting. The Conditional Use adds that extra layer of review by Planning Commission with the standard 1,000 foot notice distance and a poster on the site.

Staff included a comment about the separation between Fueling and Fuel Dispensing Stations [gas stations] and residential uses with an additional standard of 250 feet between those type of uses. Commissioner McMurray asked how staff came up with the 250 feet. Ms. Hester said staff looked at other jurisdictions in Colorado as well as nationwide and it ranged between 150 feet to 300 feet for those that had any type of separation, so staff took a middle number.

The next area for change was for Tiny Home Communities. The allowance is for an accessory structure, that staff is calling ancillary, that can be used as bike storage or a standard storage facility but based on a comment by Commissioner Rickett the size increased to 200 square feet. This was based on how adjustments for accessory structures were handled throughout the document which increased the size to 200 square feet, which is also consistent with obtaining a permit through the Pikes Peak Regional Building Department.

The height for cold frames was increased from two feet to three feet. A cold frame is used on residential property for something small, like urban agriculture.

Clarification for front setbacks for the R-1 and R-2 residential districts.

There is a change in coordination with Fire. The length of a cul-de-sac was adjusted from 600 feet to 750 feet. Fire also has additional requirements in their code when sprinkler systems are required.

Regarding Electric Vehicles, Ms. Hester spoke with Regional Building about the potential for EV capable or ready. They said they are looking to have that

included in their code for the future. The EV capable or ready would be regulated by the Building Code and not the Zoning Code.

There will be opportunities for refinement and amendments with our code after using it and determining what works and what does not and how both the Building and the Fire Code works with the Zoning Code.

Mr. Mike Tassi, Assistant Planning Director, shared how the appeal process was discussed at length at the last meeting and no changes were made to that section of code.

Don Elliott, Clarion Associates, said what they have found common in other communities is the 2,000 foot or 1,000 foot distances are very generous based on what most places do. Most appeal cases are limited to the applicant, and notification distance is sometimes 300 feet to 500 feet. There was a concern about the responsiveness of government and possibility that anyone in the City should be able to appeal. Mr. Elliott said he has not seen this in most cities. In certain circumstances, an appeal was allowed if someone had been participating, were an aggrieved party, had offered testimony, wrote in, or had written a letter into the discussion showing concern enough to participate and were in some way affected. Thus, most codes do not say the general public has a right to appeal just because they are members of the general public. It's the distance, the applicant, or a Neighborhood Association whose boundaries include the public property. There is a qualification you need to have shown you have an interest in the decision before you can appeal.

Public Comment:

Dianne Bridges, Chair of Historic Neighborhood Partnership (HNP)

- HNP had eight items of concern some remain unresolved
 - Some significant changes of the most recent modifications in Retool were not discussed sufficiently by stakeholders
 - Changes were not proofread
 - Understands corrections include changes from staff, from the Commission, and from us
 - Unrealistic to expect stakeholders to read and digest all the information, then share it with their members
 - How can we move forward with Retool if there's not a full understanding of the impacts
 - Their concerns are having a full understanding of what is in the current draft and two of the eight items they had addressed.
 - Six of their concerns are new with new wording since August
 - Constraining them to three minutes for their points is not constructive dialogue

Dutch Schulz, President of the Old North End and HNP Member

- The HNP wants more time to review the document before Planning Commission takes a formal vote on the recommended changes
- The most recent update was sent out only 48 hours ago

- They don't just read changes they analyze them, break them down, assign different members of different neighborhoods to review this, and then get back together
- Some changes are major
 - Example is in the R-2 district - it allows a subdivision
 - Major changes to the Area Design Standard Overlay (ADS-O)
 - Changes to the Office Residential zoning
 - You can't just change the zoning from OR to MX
 - Don't believe City Staff fully understand HNP's comments based on the replies
 - Ex. - development plans
 - Two of the areas had seven comments with recommendations
 - Only one was focused on during the discussion
 - Criteria that neighborhoods must have a neighborhood plan
 - Not enough time for neighborhoods to have a neighborhood plan
 - Within the comments section it shows a lack of understanding of what we're say or it's a matter of having more time for dialogue back and forth to clarify it
 - The document says - Not enough information to make a comment
 - Talk to us, tell us what information you need
- In Section 7.2.507 - staff comment was - wording not specific enough for the intent of the overlay.
 - There hasn't been any discussion of the overlay at all
- Seven completely new areas in August verses what existed one year ago
 - Seven are dimensional standard
 - OR to MX
 - Appeals
 - Preserving neighborhoods
 - Development Plan review
 - ADS-O
 - Historic Preservation

Mike Anderson, HNP

- Echoes all concerns already expressed
- Example is the change to R-2
 - Page 16 footnote - Seems to allow a major policy shift for R-2
 - Allows the conversion of any existing R-2 lot from allowing 2 units to allowing three- and four-plexes
 - Previous language was two family on two lots, effectively a duplex that's split up and has two separate ownerships
 - Page 16 footnote allows by right that the subdivision of a

- 50' wide or two lots into two 24' lots and allow each of the lots to have an accessory dwelling unit (ADU) as well
 - These are examples buried in the document thus the reason to have more time to review it
 - This specific change is a policy shift
- At last meeting HNP was asked if latest draft of Retool would increase density and we said no but with this specific change of the footnote changes all of that
- We believe this small footnote increases the potential for more scrape and builds and gentrification
- R-1 6 and R-2 front setbacks
 - Staff says it's either 10' in R-2 or the average of adjacent properties whichever is less
 - Last meeting it was whichever is more
- Originally okay with the reduced front setback but not now due to the change into the footnote
- Issues in accessory uses
 - Beehive accessories - we believe in error - page 116
 - Current code allows two hives per zero to 10,000-ft
 - Retool changes it to 20,000-ft
- 468 page document will have error
 - Found these few with just a cursory review
- Other concerns about Historic Preservation
 - Changes agreed to are not reflected in the current draft
- The ADS-O
 - This is big for historic neighborhoods
 - Significant changes that they believe are in the wrong direction and making it more restrictive
 - Issues will arise in the formation of who will pay for the public participation process

Tim Scanlon

- Current draft is an unfinished document that was nearly reflective of community needs
 - There was a pledge from City Staff that had restoring education as a function of the Historic Preservation Board
 - The elimination of staff responsibility of required approval of demolition permits when a historic overlay building is threatened
 - Include Council adopted design standards as the tool used to evaluate applications for reports of acceptability.
 - This was not done
 - Thinks this is an oversight
 - This shows the draft is not ready
 - At the September 22nd meeting referenced some of the Preservation Ordinance not addressed
 - These were initiated as part of the HP Overlay Zone at the request of the HP Board

- Regarding his comments he received a written reply stating, not enough information to comment
 - Seems odd since we've tried to have a conversation to address these matters
 - Issues are not insurmountable
 - Not enough conversation to deal with these issues
 - Would like Retool staff to make changes they said they'd promised and resolve these issues before recommending to City Council

Cheryl Brown, President of the Near North End Neighborhood

- Office Residential (OR) and the significant changes added
- Staff added conditional uses but they are still remaining commercial permitted uses
- The change is a Rezone of properties
 - Rezone introduces conflict
 - This burdens the residential homes with commercial uses right next door
- Remove OR from the MX-N
 - Only 105 properties

Monika May

- Lack of stakeholder engagement
- Retool is dangerous and threatens the public
- It protects private property from adjacent nuisances and incompatible uses and noise
- Retool has been designed to directly work against its stated goals of the UDC
- Retool equals ghettos in Colorado Springs
- Promotes a range war - these are people not from Colorado Springs
- A group of small people are making big decisions for Colorado Springs
- Our neighborhood watch has asked for a list of all the stakeholders and haven't received any
- Many other neighborhoods just like mine have not been engaged at all
- Retool doesn't say they will engage property owners, neighbors or the people of Colorado Springs
- Retool is in it for the money and will destroy our city
- It will allow event centers, bars, and shooting galleries
- This document is coming for your home to do a scrape and build
- She tried to talk to Retool, they wouldn't talk to her
- Retool needs to be scrapped
- Since they've not talked to the citizens how can they take it to City Council
- Wants a task force to figure out the urban problems with the big people in the room, not small city staff

Kyle Campbell, Classic Consulting Engineers and Surveyors on behalf of the Housing and Building Association of Colorado Springs

- Worked closely with Ms. Hester and Mr. Tassi on how this affects land development
- Their focus was to provide additional clarity
- Current code outdated in certain areas
- New code gives development industry a way to move forward with what they use daily and gives them more creativity for a variety of housing allowed in neighborhoods and new developments around the City
- New code consolidates other manuals, codes, and criteria into one document to use
- Document is large and can be taxing
- North area of town needed some clarification, and the document helps to do that
- Worked with the City and CSU to understand how to move forward with what needs to be done and how to do it right.
- Is it perfect? No. As things are implemented, we will work closely with staff since we'll be the ones saying we thought that meant this and so that's how it was applied
- Look forward to using the document and future discussion as it's used

Andrea Barlow, NES Consultant, representing a small work group and the Steering Committee with Retool

- Had multiple meetings with Ms. Hester and Mr. Tassi
- Document is not perfect
- They have gone through it page by page, word by word, to pick up inconsistencies between different parts of the code and some spelling errors
- Wanted to reiterate the purpose of Retool is to implement the vision of PlanCOS
- PlanCOS recommends vibrant neighborhoods and diversity of uses
- Disappointed to see steps are being taken to change some of the uses in the mixed-used neighborhood category.
 - Purpose of mixed use to create a more mixed, diverse and vibrant community and making some of those uses conditional or taking some of those uses out degrades the true purpose of that mixed-use neighborhood.
 - Understands City Staff is trying to balance different request for different parts of the community
- Retool will serve the community as a whole and the entire City as whole that will implement PlanCOS

Patty Berndt

- Grew up here close to an historic neighborhood
- Bought in an R-2 neighborhood and didn't know it was an R-2

neighborhood and she knows nothing about any of this type of stuff

- She looked at the document for hours and did not understand it - it's really difficult. What does this all mean? What is really happening?
- She didn't know until she read an article in the paper and she still doesn't know
- She discussed the information in the paper with her neighbors and they don't know either what is going to happen in R-2 historic neighborhoods
- If you don't let people know in these historic R-1 and R-2 neighborhoods this will be horrible
- You want to add something else to these neighborhoods that may not need to be there or that are not wanted there
- Is that fair to those established neighborhoods
- She does not want to live in some place like Denver
- General Palmer came here with a vision for Colorado Springs
- Where are those people with vision now for Colorado Springs; she does not see it
- She sees issues of concern of too much growth
- Not enough water because of not managing growth
- Making changes that will hurt our way of life
- Slow down the process, make sure people know what you are doing in the R-1 and R-2 neighborhoods
- She wants quality rather than quantity

Laura Nelson, Executive Director of the Apartment Association of Southern Colorado

- the last time the code was changed was 2000
- Society has changed along with communities
- People today want flexibility
- With prices of homes today people can't afford to buy a home
- People would rather rent since they can't buy a home
- City staff has heard from numerous people it's time to change how we think since our community is changing whether we like it or not
- People need a place to live, and we need to be able to offer that
- Some people don't want to have to do yard work or fix a roof or have all the work that goes into part of the care and upkeep of owning a home
- People want to come and go and just know their home is taking care of
 - These are our professionals, teachers, police officers, military people
- Where someone lives whether an apartment, an older home, an ADU, all of these people and where they live should be valued

On Phone:

Michelle Johnson

- Why was the Denver corporation decided to be used as a consultant?

Mr. Wysocki stated Clarion has offices throughout the country; they are well known. The City went through a competitive process and interviewed numerous firms, reviewed by a committee, and Clarion was selected as number one.

Walter Lawson

- Process needs more examination by citizens
- Not enough time for citizens to do this
- Three minutes is not enough time to deal with everyone's questions
- Hopes the Planning Commission extends the hearing process and the working process

Dorothy McNab

- City should use social media and not just postcards and a sign to have more public participation
- Wildlife corridors should be preserved
- Wildlife has been discarded in this draft
- There should be a reduction in development equal to or greater than the reduction in available water
- A reduction in density needs to be assured for neighborhoods in the WUI

Tim Boddington, President of The Historic Preservation Alliance of Colorado Springs

- Neighborhoods were not part of the Retool Advisory Committee
- Asked over a year ago and were declined
- Historic neighborhoods needed to be consulted
- Their unique characteristics and character are important to everybody that lives in that neighborhood
- This particular process did not properly embrace their presence and their uniqueness

Clay Taylor

- The 250 foot buffer zone between gas stations and residential is extremely important
- Having this buffer will cut down on noise, light pollution, headlights, and sound between residential and the gas stations for future development
- Thinks this edition is extremely key to separating the two types of uses right next to one another

Chair Hente asked if city staff would like to rebut any questions or comments that came up during public input.

Ms. Hester stated there were multiple participating groups throughout this project. In December of 2019, Clarion requested that staff put together a list of various entities and individuals for interviewing purposes. Clarion met with several and talked about a lot of different topics of things that we are working in

our code, things they hoped to see change and essentially it was a diagnosis of our current Chapter 7.

A Technical Committee and an Advisory Committee were established. The Technical Committee consisted of those who were part of the Development Review Group which included those who review applications submitted to the Planning Department. The Advisory Committee included those who are kind of like the super users of our code, and all of those members were vetted through City Administration. Ms. Hester had several meetings with various groups and anybody who asked for a meeting got one, and some more than once.

Mr. Tassi addressed comments related to the Historic Preservation Neighborhood (HNP). Mr. Tassi sent an e-mail to Dianne Bridges and others on September 7, 2022. HNP brought up five issues related to Historic Preservation (HP) - four of those staff indicated the change would be made but somehow it did not get in the draft. Staff will correct that by writing a memo that will accompany the final draft and reach out to the Historic Neighborhood Partnership to discuss that. While some changes were not made to the satisfaction of some, all comments were a balance between several different points of view, and even though something did not change, those comments were not ignored. It simply meant with the discussions of all the different groups and people staff did their best to see what made the most sense or provided the most balance.

Commissioner Raughton ask how were neighborhood groups engaged? Ms. Hester said staff worked with City Communications on the public open houses (seven of them) and sent press releases to local media for notification of the meetings 10 days prior. For those meetings, people would sign up if they wanted to get updates about the project or anyone who sent a comment during this overall process, staff included them in e-mail blasts to notify them about various things that changed. There is also a project website that includes the various drafts supplemental documents to assist in understanding what zoning is and what staff was looking to modify.

Commissioner Raughton ask if Ms. Hester was familiar with the article in the Gazette about this process. Ms. Hester said she was, and the information presented was incorrect. When asked to address them, she was only able to remember some editorials presented in the media regarding demolition the City would be initiating and rezonings would no longer go through City Council - all not factual.

Mr. Tassi explained that staff committed to making four amendments to the Historic Preservation section of Retool; however, those amendments did not make it into the draft currently being presented to the Planning Commission, which was an oversight. Mr. Tassi indicated he had his response email to the HNP indicating the commitment to amend but that he did not have the original email in front of him from HNP that requested the change. Nevertheless, Mr. Tassi read the email to the Planning Commission and suggested they make that part of their motion.

In response to the public comment suggesting the Minor Works Subcommittee be re-instated, Mr. Tassi explained that the committee was ineffective, and the proposals reflect how staff operates currently where all minor works go the HP Board. Mr. Tassi suggested deleting the subsection that implied staff would refer Minor items to the HP Board since Minor items automatically go the HP Board.

Listed are more details on the four amendments:

Historic Preservation

Subsection 7.5.205.C.10 - Add the phrase "To undertake educational programs and activities.";

Subsection 7.5.528.C.2.b(1) - Replace "prepared" with the phrase "acted upon";

Subsection 7.5.528.C.2.b.3.e - Add new subsection to state "Evaluation of the City Council approved design Standards.";

Subsection 7.5.528.C.2.c(2) - Replace "Manager" with "Historic Preservation Board"; and

Subsection 7.5.528.C.2.c(3) - Delete.

Commissioner McMurray had a couple of questions on ADS-O. He knew one of the primary concerns was for the requirement of a neighborhood plan being in place in order to execute an ADS-O. His recollection was the proposed solution that was suggested at the last meeting was that in lieu of a neighborhood plan a stakeholder engagement plan could be formulated to allow an ADS-O to proceed. Can you explain the new provision on the 11B-1 - for an ADS-O district?

Ms. Hester said the Stakeholder Engagement Plan could be a wordsmithing clarification because the intent is that it is either the Neighborhood Plan as done through Comprehensive Planning or it's the Stakeholder Engagement Plan. Commissioner McMurray thought that would be good because he felt like something got lost in translation.

Commissioner Slattery asked if the footnote in R-2 for ADUs was a big change from last time. She wanted to clarify this was not a major change. Is that something that exists in code now or is it new with Retool?

Ms. Hester stated this is currently allowed in R-2 zone, which the footnote is a carryover from what is in code now. We now have it clarified because the way the code is written today is confusing for staff as well as for applicants.

Commissioner Slattery asked if the change for beekeeper's beehives was intentionally increased to 20,000 square feet. Ms. Hester said that was correct and that suggestion came from situations that Code Enforcement has encountered, which clarifies the lot size in code from 10,000 to 20,000 square feet.

Commissioner Almy asked if this would be grandfathered in for someone who currently met the code standard, and Ms. Hester said it they would be grandfathered.

Commissioner Foos asked about setbacks and how the correction was made to include “whichever is less”. See Table 7.4.2-A: For example, the R-2’s setback is *10 feet or average of two adjacent or nearest developed properties facing the same street frontage, whichever is less*. Commissioner Foos said it seemed to him that it should be “whichever is greater” because if there is a 10 foot minimum, typically that is what it will be built to even if the adjacent homes setbacks are 20 feet. Ms. Hester said in some cases it may not always be 10-ft. For older neighborhoods things could be closer to the right-of-way. The intent was to have something that would get them into a more conforming situation and the reason for the reduction.

Commissioner Slattery asked how we landed on whichever was more restrictive. Commissioner Foos said he thought it was to always match the adjacent properties. Commissioner Rickett said he’d sent in a recommendation to make them 20’ and then of adjacent properties use the more restrictive.

Ms. Hester said they interpreted whichever was less would be the more restrictive and that was based on the conversation they’d had a couple of weeks ago.

Commissioner Rickett said his understanding was whichever had the further setback no matter who it was, was the setback that’d be the one that would preside. Chair Hente said he agreed he also thought it was whichever was the greater setback. Ms. Hester said they’d get that changed from whichever is less to whichever is greater.

Chair Hente said he would go down the line of Commissioners to state any concerns or questions.

Commissioner Hensler said she did not have any comments or questions at this time but said that she was very appreciative of the process. Being newer to the Commission, she said she saw the tremendous amount of work that went in by staff and by the Community, as well as the years of work that have been put into this. Even though on the Commission a short time, Commissioner Hensler said she has seen how the Commission has listened and made accommodations and changes that have been requested by our Community.

Commissioner Foos stated his concerns and questions were addressed through the process, and echoed Commissioner Hensler in that there has been a lot of hard work on both sides with citizens and city planning and was thankful for that. He said there were compromises made. It will not be right for everyone, but thought moving forward would be the right thing to do

Commissioner McMurray said he didn’t have anything on the technical nature

and when ready to go he'd have some closing thoughts.

Commissioner Almy said he agree with his fellow Commissioner about for a job well done. It's been a long journey and he hope there'd been education for both sides along the way. This is a visionary document. We're looking at a future and new thing that can happen and yet protect the old existing world in the City. New uses will go through public review. It's not just going to be a rubber stamp and put something in. It will be vetted with public input and using the new criteria. In the new Chapter 7, the criteria are very subjective and a lot of places the term suitability and compatibility show multiple times. If you don't like something that's going up in your neighborhood appeal it to the Planning Commission and to City Council. Make sure your Community interests are being protected. As each case develops and provides insight, other issues may show up and we will be able to adjust this document. He's in full support of the document. It can be better and will get better with more usage and more reviews. For citizen input, be assertive, make sure your concerns are adequately voiced to the appropriate staff to get changes done. He's in support.

Chair Hente said his only comments were about some amendments Commissioner Slattery would address at the end. He's in support of those amendments. He also echoes Commissioner Almy's remarks. This will be a living document and we'll learn things every time it will be used, and we will make changes just as we learned recently with a project about separation distances between residential and gas stations. Because of all the comments and discussions that were had on this, we now have a part in Code that has that recommended distance that had not been there before. We learn as we go. We learn from projects. He has faith in Planning Staff, his fellow Commissioners, and in Council that as instances come up we'll make changes as needed. He's good other than with the amendments at the end.

Commissioner Rickett stating staff had done a great job as the other Commissioners have said. It's been a long project. Staff and the public have both been involved through the process. He had some questions about 7.4.109B - non-conforming buildings and structures, lot sites, features and uses, in the Transitional Provisions. He reads it that we are NOT grandfathering in things that are legal today, was he reading that right.

Mr. Wysocki said there is a legal nonconforming, they were legally established under old regulations. Now new regulations are adopted and the use or the design do not meet current new regulations, so by that they become legal nonconforming, and they are grandfathered in until you start to modify and there's different levels of threshold as well.

Commissioner Rickett said his next one is 7.3.301(D11) small structure, tiny house, accessory dwelling we'd talk about that needs to go up to 200-ft. to meet current code, but he didn't have a question because they'd discussed it. Along with that and the height. The height restriction for accessory dwellings in 7.3.304(2) in the right-of-way being 8-ft. and he checked with Regional Building, and they do not have a height restriction, they call it one story. He'd adjust that

height restriction so they could have an 8-ft tall building then with a roof it could go to 10 or 12 feet which adds to the height.

Mr. Tassi said you're proposing is we change it to 10-ft. or 12. Commissioner Rickett said he'd got to 12 just to be safe or just call it single-story.

Commissioner Rickett said on 7.3.303(C2) - this is the stadium one - it's 250,000 sq. ft. If we end up wanting to get a AAA minor legal baseball team it would exceed that limit. What's the proposal how to make that work?

Ms.

Motion by Commissioner Slattery, seconded by Commissioner Raughton, to recommend to the City Council adoption of an ordinance repealing and replacing Chapter 7 (Planning, Development and Building) of City Code in its entirety with the Unified Development Code (UDC) also known as the "Zoning Code" with the following modifications:

1. Include the four items staff wanted to include from the Historic Neighborhood Partnership

A. Will add the phrase "undertake educational programs and activities" to 7.5.205.C "Powers and Duties." This will become a new #10 and is found on page 265 of the Amended Final Draft.

B. Will replace the word "prepared" with the phrase "acted upon" in section 7.5.528.C.2b(1) found on page 331 of the Amended Final Draft

C. Will replace "Manager" with the phrase "Historic Preservation Board" in Section 7.5.528.C.2c(2) and will delete subsection (3), which is found on page 332 of the Amended Final Draft

D. Will add the phrase " Evaluation of City Council approved Design Standards as a new (e) to section 7.5.528.C.2.b(3), which is found on page 331 of the Amended Final Draft.

2. Clarify the ASDO language to stakeholder engagement plan

3. Front yard setbacks of greater or less than, it will be clarified to be the more restrictive

4. 7.3.304.2 set the height to single story to be in sync with the Regional Building Department

5. 7.4.1008.i - put the red line back in with the modifications of EV capable or better

The motion passed by a vote of 8:0:1:0

Aye: 8 - Commissioner Almy, Commissioner Foes, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett and Commissioner Slattery

Absent: 1 - Commissioner Briggs

4. Adjourn