



# City of Colorado Springs

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

## Meeting Minutes - Draft Planning Commission

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Thursday, March 21, 2019

8:30 AM

Council Chambers

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### 1. Call to Order

**Present:** 6 - Scott Hente, Jim Raughton, Vice Chair Reggie Graham, Samantha Satchell-Smith, Alison Eubanks and John Almy

**Absent:** 3 - James McMurray, Chair Rhonda McDonald and Carl Smith

### 2. Approval of the Minutes

[19-171](#) February 21, 2019 Planning Commission Minutes

Presenter:

Rhonda McDonald, Chair, Planning Commission

**Motion by Satchell-Smith, seconded by Eubanks, to approve the February 21, 2019 City Planning Commission Minutes. The motion passed by a vote of 6:0:3**

**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Satchell-Smith, Eubanks and Almy

**Absent:** 3 - McMurray, Chair McDonald and Smith

### 3. Communications

Peter Wysocki - Director of Planning and Community Development

Mr. Wysocki greeted the commissioners and said in light of the lengthy agenda there were no immediate communications to be relayed.

### 4. CONSENT CALENDAR

**These items will be acted upon as a whole, unless a specific item is called for discussion by a Commissioner/Board Member or a citizen wishing to address the Commission or Board. (Any items called up for separate consideration shall be acted upon following the Consent Vote.)**

Academy Corner

- A. [CPC ZC 18-00109](#) Ordinance No. 19-29 amending the Zoning Map of the City of Colorado Springs relating to .638 acre located northwest of North Academy Boulevard and Palmer Park Boulevard from OR (Office Residential) to PBC/CR (Planned Business Center with Conditions of Record)

(QUASI-JUDICIAL)

Presenter:

Peter Wysocki, Director Planning and Community Development  
Michael Schultz, Principal Planner, Planning and Community Development

**A motion was made by Hente, seconded by Satchell-Smith, to recommend approval to City Council the zone change of .638 acres from OR (Office Residential) to PBC/CR (Planned Business Center with Conditions of Record), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603(B), subject to the Condition of Record:**

**The following uses are prohibited:**

- 1. All uses listed under Automotive and equipment service;**
- 2. Business Park;**
- 3. Construction Sales and Services;**
- 4. Funeral Services (and accessory crematory services);**
- 5. Sexually Oriented Business;**
- 6. All Medical marijuana facilities.**

**The motion passed on the Consent Calendar with a vote of: 6:0:3**

**B. [CPC CP 18-00110](#)**

The Academy Corner Concept Plan depicting future commercial development for the property located at the northwest corner of North Academy Boulevard and Palmer Park Boulevard consisting of .638 acre.

(QUASI-JUDICIAL)

Related File: CPC ZC 18-00109

Presenter:

Peter Wysocki, Director Planning and Community Development  
Michael Schultz, Principal Planner, Planning and Community Development

**Motion by Hente, seconded by Satchell-Smith, to recommend approval to the City Council the Academy Corner Concept Plan, based upon the findings that the concept plan meets the review criterial for concept plans as set forth in City Code Section 7.5.501.E.**

**The motion passed on the Consent Calendar with a vote 6:0:3**

**Your Storage at Briargate**

**C. [CPC ZC 18-00139](#)**

Ordinance No. 19-28 amending the zoning map for City of Colorado Springs from A (Agricultural) to PBC (Planned Business Center) for the property located southwest of Grand Cordera Parkway and

Prominent Point consisting of 6.72 acres.

(QUASI-JUDICIAL)

Presenter:

Catherine Carleo, Principal Planner, Planning and Development  
Peter Wysocki, Planning and Community Development Director

**Moved by Hente, seconded by Satchell-Smith, to recommend approval to City Council the zone change of 6.72 acres from A (Agricultural) to PBC (Planned Business Center), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603(B).**

**The motion passed on the Consent Calendar with a vote of 6:0:3**

**D.**     [CPC DP  
18-00140](#)

A development plan for Your Storage at Briargate indoor self-storage facility located southwest of Grand Cordera Parkway and Prominent Point.

(QUASI-JUDICIAL)

Related File: CPC ZC 18-00139

Presenter:

Catherine Carleo, Principal Planner, Planning and Development  
Peter Wysocki, Planning and Community Development Director

**A motion was made by Hente, seconded by Satchell-Smith, to recommend approval to City Council the establishment of the Your Storage at Briargate Development Plan, based upon the findings that the development plan complies with the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E) with the following technical modification:**

1. Label distance and ensure a minimum 10-feet between storm and water main.

**The motion passed on the Consent Calendar with a vote of 6:0:3**

### Approval of the Consent Agenda

**Motion by Hente, seconded by Satchell-Smith, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 6:0:3**

**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Satchell-Smith, Eubanks and Almy

**Absent:** 3 - McMurray, Chair McDonald and Smith

## **5. UNFINISHED BUSINESS**

**Larry Ochs**

- 5.A. [CPC MP 07-00061-A6 MJ17](#) Major amendment to the Briargate Master Plan changing the land use designation of 57.82 acres from Sports Complex (SC) to R-LM (Residential Low/Med; 3.5-7.99 dwelling units per acre), R-M (Residential Medium; 8-11.99 dwelling units per acre) and NP (Park) as part of City Resolution 13-17 authorizing a land exchange located near Powers Boulevard and Old Ranch Road.

(Legislative)

Presenter:

Catherine Carleo, Principal Planner, Planning and Community Development

**Motion by Hente, seconded by Satchell-Smith, that this item be postponed to a date certain: April 18, 2019 Planning Commission Meeting.**

**The motion passed by a vote of 6:0:3**

**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Satchell-Smith, Eubanks and Almy

**Absent:** 3 - McMurray, Chair McDonald and Smith

- 5.B. [CPC PUZ 17-00087](#) The Larry Ochs rezoning of 57.82 acres located near Powers Boulevard and Old Ranch Road changing the zoning from Park (PK) to PUD (Planned Unit Development; Residential, 3.5-11.99 dwelling units per acre, maximum height 45-feet and Park).

(Quasi-Judicial)

Presenter:

Catherine Carleo, Principal Planner, Planning and Community Development

**Motion by Hente, seconded by Satchell-Smith, that this item be postponed to a date certain: April 18, 2019 Planning Commission Meeting.**

**The motion passed by a vote of 6:0:3**

**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Satchell-Smith, Eubanks and Almy

**Absent:** 3 - McMurray, Chair McDonald and Smith

- 5.C. [CPC PUP 17-00089](#) Larry Ochs Concept Plan illustrating future development of 57.82 acres for residential (3.5-11.99 dwelling units per acre) and a park site located near Powers Boulevard and Old Ranch Road.

(Quasi-Judicial)

Presenter:

Catherine Carleo, Principal Planner, Planning and Community Development

**Motion by Hente, seconded by Satchell-Smith, that this item be postponed to a date certain: April 18, 2019 Planning Commission Meeting.**

**The motion passed by a vote of 6:0:3**

**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Satchell-Smith, Eubanks and Almy

**Absent:** 3 - McMurray, Chair McDonald and Smith

### Palomino Ranch Patio Homes

- 5.D. [CPC PUZ 18-00077](#) Ordinance No. 19-27 amending the zoning map of the City of Colorado Springs relating to 3-acres located at the southeast corner of Stetson Hills Boulevard and Tutt Boulevard from R-5/AO (Multi-Family Residential with Airport Overlay) to PUD/AO (Planned Unit Development: single-family attached and detached, 10.33 dwelling units per acre, and maximum building height of 45 feet with Airport Overlay).

(QUASI-JUDICIAL)

Presenter:

Peter Wysocki, Director Planning and Community Development  
Chris Staley, Planner II, Planning and Community Development

**Staff presentation:**

**Chris Staley** presented a PowerPoint and the scope and intent of the project.

**Applicant Presentation:**

**Tamara Baxter** with N.E.S. representing Trail Ridge Development presented a Powerpoint with the scope and intent of the project.

**Supporters:** None

**Opponents:** None

**Questions:** No questions.

**Rebuttal:** No rebuttal.

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

No Discussion.

Motion by Hente, seconded by Raughton, to recommend approval to City Council the zone change of 3.0 acres from R-5/AO (Multi-Family Residential with Airport Overlay) to a PUD/AO (Planned Unit Development: single-family attached and detached, 10.33 dwelling units per acre with a maximum building height of 45 feet with Airport Overlay), based on the finding that the zone change request complies with the three review criteria for granting a zone change in City Code Section 7.5.603(B) and the review criteria in City Code Section 7.3.603 for establishment of a PUD zone.

The motion passed by a vote of 6:0:3

Aye: 6 - Hente, Raughton, Vice Chair Graham, Satchell-Smith, Eubanks and Almy

Absent: 3 - McMurray, Chair McDonald and Smith

- 5.E. [CPC PUD 18-00078](#) The Palomino Ranch Patio Homes PUD Development Plan for construction of 30 attached single-family units and one (1) detached single-family unit on 3 acres located at the southeast corner of Stetson Hills Boulevard and Tutt Boulevard.

(QUASI-JUDICIAL)

Related File: CPC PUZ 18-00077

Presenter:

Peter Wysocki, Director Planning and Community Development  
Chris Staley, Planner II, Planning and Community Development

See Item 5.D. CPC PUZ 18-00077

Motion by Hente, seconded by Raughton, to recommend approval to City Council the Palomino Ranch Patio Homes Development Plan based upon the findings that the PUD development plan meets the review criteria for granting a PUD development plan as set forth in City Code Section 7.3.606 and meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E).

The motion passed by a vote of 6:0:3

Aye: 6 - Hente, Raughton, Vice Chair Graham, Satchell-Smith, Eubanks and Almy

Absent: 3 - McMurray, Chair McDonald and Smith

**6. NEW BUSINESS CALENDAR**

**Broadmoor Event Center Appeal**

- 6.A. [AR NV 19-00028](#) An appeal of City Planning Commission’s approval of a nonuse variance to allow a 16 foot tall retaining wall and fence adjacent to Mesa Avenue and Lake Circle where a 6’ accessory fence structure

is allowed for the Broadmoor Event Center located at 3 and 11-19 Lake Circle.

(Quasi-Judicial)

Related Files: AR NV 19-00028, AR R 19-00017, CPC DP 03-00259-A10MJ19

Presenter:

Peter Wysocki, Director Planning and Community Development  
Lonna Thelen, Principal Planner, Planning and Community Development

**Director Wysocki** addressed the Commissioners and explained there were two separate appeals with two separate appellants. Mr. Wysocki explained one appellant, Mr. **Walter Lawson**, had verbally requested a postponement of his appeal. Mr. Wysocki recommended to the Planning Commission to continue with the hearing as there was adequate time for the appellants and applicant to make their presentations. Mr. Wysocki said staff believed all the statutory requirements were met and recommended the hearing be heard.

**Vice Chair Reggie Graham** agreed the hearing should commence but asked if any commissioners had any objections.

**Commissioner Scott Hente** asked if procedurally the appellant had an automatic postponement.

**Director Wysocki** explained in City Code there is a provision that an appellant could seek on automatic postponement for City Council, but that is not the case for Planning Commission. Director Wysocki further stated the decision to approve or deny the postponement of the hearing is up to the commissioners.

**Vice Chair Reggie Graham** said with that information, he would like to proceed with hearing the appeal.

**Staff presentation:**

**Lonna Thelen** presented a PowerPoint with the scope and intent of the project.

During the presentation, Commissioner Hente asked Ms. Thelen to show on a map the location of the fence that was one of the basis of the appeal.

Ms. Thelen showed on the overhead where the fence was a said later in the presentation, she would provide more detail.

**Appellant One:**

**Walter Lawson** key points:

- Concerns for impacts and solutions that have not been treated fairly or fully
- Development Plan Criteria - Ensure most appropriate use of land
  - For the neighborhood: protect private property, preserve property values to preserve neighborhoods, protect private property from adjacent nuisances (such as noise, excessive traffic, incompatibility of users, inappropriate design of buildings and visual obstructions), which is the main focus:
    - Townhomes that were planned and promised as the most appropriate use went away
    - Large buildings with large occupancy counts lead to large impact that has not been dealt with
    - Broadmoor Hall location cannot provide the site assets necessary for the kind of growth taking place
    - Impacts expected between now at the plan setup and full operation year round

Mr. Lawson's concerns about the C-5 zone in compact area

- One lane of traffic down Lake Avenue
- Cresta Hill during the wintertime can be shut down anytime
- Backed into a Commercial cul-de-sac with no place to go
- 7.2.201 of the code: Standard for compatibility is defined in code as different land users or activities that permit them to be located near each other in harmony without conflict
- Townhomes were promised, which was appropriate use, but then went away
- Numbers were not discussed at the public meeting and could not be addressed by the public
- Three building total of 360,000 square feet with 19,000 attendees
- The numbers should have been more available when the application came in and not during the hearing
- When parking questions were asked, Mr. Lawson indicated the public was told there would be no answer until after the public hearing



## Traffic Concerns:

- Exhibit space with loading docks
- Trash going out and receiving food for a thousand people
- Bus drop in front and supplies
- Not full disclosure of numbers
- Misleading representation of only going to be 4000 people
- Mr. Lawson called traffic consultant and pointed out numbers and never received a phone call back
- Explained numbers are higher considering the building can be filled with multiple events during the day
- Mr. Lawson compares Austin, Texas with Broadmoor Event Center and how Broadmoor does not have the same attributes as Austin to accommodate the numbers
- More people mean more impact on transportation, more traffic, parking, air pollution, drop off zone, home values degraded, ugly walls, one lane of access, and building accessibility

Mr. Lawson wrapped up by asking for reconsideration and to bring in a major consultant in this field.

Co-Appellant One: **Cyndi Kulp** presented a PowerPoint and outlined the following:

- Walkability showing the numbers of people that are going to need vehicular transport and parking versus if you were in a better location that had good walkability, like it is proposed in PlanCOS
- How was the calculation made regarding parking spaces, which is Broadmoor residents biggest complaint with parking in front of their homes
- Proposed addition to the Broadmoor does not contain any new parking
  - 238 spots Broadmoor claim to be reducing is actually a reduction from the employee lot that was closed.
  - Since employee lot was not a formal lot, it wasn't counted in the parking
  - Actually a reduction of 362 spaces
- The proposed addition does not contain any new parking
- Less parking with 15,000 attendees
- Question: What were the standards that were used by the city to calculate the number of parking spaces
- If the city had done any independent analysis, they would have come

up with a need for much greater parking

- Broadmoor's parking operations plan was not available to us until just a week before the hearing
- Offsite parking for a large numbers of attendees, 15,000 as an example, allows 4,000 to park at Broadmoor and 11,000 need to be transported from a remote site.
  - If they rode together two per car that would require 505,500 parking spaces
  - World Arena which they're talking about using has only 2700 parking spaces
  - Quantity of buses works out to 290 bus trips one way for the 11,000 people needing to be transported.
  - Take 16 hours to get them there and not a practical solution to this problem to have remote parking
  - Penrose Events Center shown as a remote parking site and don't want to see it marred by being turned into a commercial parking lot
  - Deed restrictions for Historical Use
  - Says the property shall be owned and used in perpetuity is open space, recreational and equestrian activities only and for no other purpose
  - Violation of the deed with Norris Penrose if this is allowed

Vice Chair Reggie Graham clarified with City Attorney Ben Bollinger that procedurally, the next appellant should be heard and both acted on at the same time.

**Tammy Horner for Appellant Ms. Karen Raymond who was unable to make the hearing:**

- Appeal is directed to the traffic study and the shuttle routes
- Would like more detail on the traffic analysis report
  - Looking for Ordinance 91-30 and the code that references the shared parking arrangement must be memorialized in a written agreement that provides for shared parking and access (recorded in the County Clerk's office)
  - Looking for additional information to be recorded
  - Concerned because numbers indicate shuttles will have 440 daily trips, 180 shuttles an hour during peak AM and PM
- Ms. Raymond would like to see the traffic plan utilize the following routes:
  - 8th Street to I-25

- Nevada to I-25
- Not the Cresta Road and Cheyenne Boulevard routes that were described originally in the plan
  - Issue is this particular route has already been utilized and leveraged by the The Broadmoor, Seven Falls, which goes every six minutes and goes through multiple schools zones
- Cheyenne Boulevard and Cresta Road do not have established sidewalks, as well as off street parking there, no bike lanes and can't accommodate additional shuttle buses at that route
- 8th Street and Nevada should not impact the times of the shuttles
- Would like the most appropriate routes for the shuttles to be utilized and documented in the plan based on the fact that it doesn't impact the shuttle schedules or any more costs or risk to the plan
- Traffic Study issues:
  - The traffic study that was completed in January 2019 referenced a 134,000 square foot building versus the 169,000 square foot building in the plan and is not accurate
  - The 2018 space symposium does not account for the other Broadmoor amenities, including the Broadmoor, Seven Falls shuttles, and Strawberry Fields development
  - Other perfectly acceptable routes could be used to ensure pedestrian safety and children in school zones
  - Public comment stressed that shuttles were a concern and nothing was changed based on public comment
- Asking for more detail in the traffic plan and preventing the use of the neighborhood route for any more shuttles to include Cresta Road and Cheyenne Boulevard

**Applicant:**

**Chris Lieber with N.E.S.** presented a PowerPoint, **Lisa Bachman**, Public Engagement, discussed the public process, and Jack Damioli, Broadmoor C.E.O., spoke.

**Talking Points:**

- Project Overview
- Operational Model
- Size and scale of events and how it relates to the neighborhood
- Traffic, parking, and shuttles

- Team

- Jack Damioli, President/C.E.O of Broadmoor
- Public Engagement: Lisa Bachman, Bachman PR
- Landscape Architect: Chris Lieber, N.E.S., Inc.
- Traffic Engineer: Mike Rocha, SM Rocha, LLC
- Architect: Mark Nelson
- Architect: John Goodloe, Goodloe Architecture, Inc.
- Civil Engineer: Andy McCord, Kiowa Engineering

Lisa Bachman shared the different points of public outreach leading up to the public meetings.

**Jack Damioli**, President/C.E.O of the Broadmoor, shared the history of the Broadmoor, which turned 100 years old last June 29, 2018.

- Space Symposium was born at the Broadmoor in 1984.
- Started very modest at 200 rooms
- Today has grown into be the events for the space symposium, the cyber symposium and the defense industry and is known internationally
- Puts Colorado Springs on the map internationally for a solid week each year
- Space Symposium asked for a permanent solution to temporary structures that are subject to the elements and the Event Hall was the solution
- Commitment to Neighbors:
  - Exhibit Hall events will be focused during the offseason, October to April, and that is the main focus of this building.
  - Focus is on Tier I and Tier II Events
    - Tier 1
      - Broadmoor Hotel Guests
      - Shuttle from airport
      - On-site parking
    - Tier II
      - Broadmoor hotel guests and other local hotels
      - Shuttles from other hotels to The Broadmoor
      - Onsite parking
    - Tier III
      - Community Wide Event - Only occurs a few times per year
      - Total Space Symposium attendees over 4 days: 24,000

- Average attendance: 6,000/Max 1-day attendance: 9,000
- Event attendees shuttled from airport, other hotels, remote parking lots
- Limited on-site parking
- Employees and Volunteers park off-site
- Students shuttled via school busses
- The Broadmoor will obtain a Temporary Use Permit for Exhibit Hall events that necessitate remote employee parking at Penrose Event Center
- Shuttle routes for Exhibit Hall events are chosen based upon City Street Classifications - Minor Arterials
- No day-use exhibit hall events
- Will continue to work cooperatively with adjacent neighborhoods to prevent event parking on public streets
- No employee parking is permitted in the neighborhood per current hotel policies
- Amplified sound systems will not be permitted outside the Exhibit Hall
- Tier III events might occur once or twice a year (one being the Space Symposium)

Mr. Lieber emphasized in conclusion:

- Important to know the uses that are proposed for the exhibit hall are already taking place in the form of what takes place in the tent today and in the terms of the size of the event
- The traffic study was focused the peak day (worse case) with 9000 people, as it relates to the Space Symposium
  - 70% are flying into Colorado Springs and taking a shuttle directly to the Broadmoor or another hotel
  - The 784 Broadmoor Hotel rooms based on double occupancy calculates to about 1,100 people who would be walking to the various events on campus, which reduces the parking demand significantly
  - The Broadmoor has taken the day use exhibits hall types off the table which significantly changes the demand for parking
  - Those who attend events where parking is limited tend to have more than one person per vehicle
  - Important to model the type of event and event size instead of

the square footage that is at the event hall

- Project is consistent with PlanCOS
- Broadmoor is asking for two exceptions through a variance
  - Variance with the wall enabling to lower the building
  - Continuing the Broadmoor architecture by having extra height for the cupolas
- The use of Norris Penrose for employee parking will only be necessary for Tier III events
  - Only one exists currently (Space Symposium)
  - Tier I and Tier II events do not require employee parking at Norris Penrose
- Additional provision to neighborhood concerns
  - Existing 6-foot stucco wall
  - Added a 15-foot landscape buffer

**Supporters:**

**Doug Price**, President/CEO of Visit Colorado Springs

Mr. Price expressed his support saying we need a facility like the Broadmoor Exhibit Hall to help Colorado Springs continue to grow and help Colorado Springs to build business in the offseason as well as keep the Space Symposium here.

**Dirk Draper**, President and Chief Executive Officer of the Colorado Springs Chamber of Commerce and Economic Development Cooperation

Mr. Draper stated this project is good news for the city's aerospace industry:

- Small businesses receive guest passes to attend this symposium, and opportunities to network and pursue business development opportunities
- Local companies to meet with executives from other national companies
- More business gets done in four days than the other 361 combined in the space world
- Last year gave the opportunity to host several companies who are considering Colorado Springs as an operation site
- There's an estimated \$30 million economic impact to our region, in the form of to the hospitality industry to hotel rooms and restaurants and in tourists spending
- A significant portion project on the horizon to the City and our local contractors

- A good generator for tax revenues for our city
- Investment for the community
- Opportunities for economic growth
- Broadmoor has a strong track record of stewardship of their properties

**Bill Nelson**, Broadmoor neighborhood resident

Mr. Nelson expressed the Broadmoor has been a very good neighbor and he enjoys spending time there. Mr. Nelson also mentioned how the Senior Open was handled in a very professional way and that attracted over 130,000 people, whereas the Space Symposium will have a capacity of 9,000 spread over four days.

**John Patrick Murphy**, retired attorney and 70 year resident in this community

Mr. Murphy shared some older pictures of the Broadmoor, it's surroundings, and the landscape. Mr. Murphy stressed that in the early years there was very little residential development and pointed out the many changes the Broadmoor has made over the years.

**Steve Schuck**, resident on Mesa Avenue

Mr. Schuck expressed his support of the application and hopes the community will continue to support the space effort in the future, as well as the Broadmoor as one of the world's leading institutions.

**Jennifer Furda**, resident of the Broadmoor area

Ms. Furda said she has seen the Broadmoor host thousands of people through traffic shuttling and parking and they always do a good job. Ms. Furda stressed that the Broadmoor has always been a good neighbor to Colorado Springs and the local area residents and expressed her support of this project.

**Kelly Bain**

Ms. Bain said she owns two of the properties that border the land and that she is in support of this growth. Ms. Bain explained that she owns a business in the Springs that employs over 100 employees in the aerospace business. Ms. Bain said she has participated in the Space Symposium in the past and plans on participating again this year.

**Larry Yonker**, President and CEO of the Springs Rescue Mission

Mr. Yonker spoke on the value of the Broadmoor to our community and wanted to share that one of the Broadmoor's Tier II partners was familiar with a Food Donation Rescue Service in Washington D.C. Mr. Damioli met with his team and the Mayor and began the process of getting the rights to receive the prepared but uncooked food. Over 30,000 tons of

prepared food has been donated because of the Tier I and Tier II conferences.

One of the other contractors that have their conference every three years has selected the Springs Rescue Mission as a charity of choice. The last time, they replaced the entire HVAC system on the Springs Rescue Mission's fourth story antique building.

Mr. Yonkers also mentioned how the Broadmoor has donated towels and beds, which the Springs Rescue Mission distributes to the families in need. Mr. Yonkers explained it was hard for him not to see the value on the expansion and that the Broadmoor will only share with the rest of the community.

**Cindy Aubrey**, President and CEO of Pikes Peak United Way

Ms. Aubrey stated she believed the expansion would benefit the entire community in a number of ways. On behalf of Pikes Peak United Way, Ms. Aubrey is in support of the Broadmoor Exhibit Hall addition:

- Number one is keeping the Space Symposium here in Colorado Springs
- Jobs hat will be created when the Broadmoor ads this exhibit hall
- The exhibit hall is good for our community, for our economy for bringing new visitors to our City Year after year
- Confident that the Broadmoor will address any concerns
- Please accept this vote of support for the Broadmoor exhibit hall edition, by me personally, and by pike speak United Way. Thank you all very much.

**Michael Raedel**, local realtor in Colorado Springs and Colorado Springs native

Mr. Raedel spoke to the property value concern and stated property values are not affected in a negative way. Mr. Raedel also pointed out that the Broadmoor's historic neighborhood has stood the test of time as it relates to where people want to live and where people want to raise families.

**Linda Weise**, Founding CEO of the Colorado Springs Conservatory

Ms. Weise expressed her support of the Broadmoor Exhibit Hall. Ms. Weise shared that her father was a rocket engineer for NASA who helped put the first man on the moon and supports the continuation of the Space Symposium.

**Bob Lally**, Represents the Military Affairs Council and the Chamber

Mr. Lally expressed his support of the Broadmoor Exhibit Hall addition.

- Space Symposium is the premier gathering for the global space community



- Department of Defense and the space industries impact on the State is approximately \$36 billion annually
- Attendance has a positive direct economic impact on the City's local businesses, outdoor recreation activities, hotels, restaurants and a variety of other establishments
- Providing the facilities for the Space Symposium sends a strong message to Washington DC that Colorado Springs supports the national and global space industry
- Having a permanent exhibit hall that enables us to keep the space symposium in Colorado Springs also sends a strong message of support to leaders of our five local military installations
- Colorado Springs is the prime location to house future national security efforts to ensure continued U.S. technological superiority, global leadership and the capabilities in space.

**Steve Eisenhart**, Senior Vice President of the Space Foundation

- A permanent structure provides for expansion for capacity and quality improvement
- Internationally, people associate the Space Symposium with Colorado Springs
- As a Broadmoor resident, Mr. Eisenhart has seen the Broadmoor accommodate the community and lessened the impact on the community

**Barry Brown**, Vice President of Sales and Marketing at the Broadmoor, as well as Chair of the Board of Visit Colorado Springs, and resident of the Broadmoor neighborhood

Mr. Brown spoke about one of the focuses Visit Colorado Springs is trying to improve upon is offseason business and how having the addition to the Broadmoor Exhibit Hall will help with that. Mr. Brown mentioned a program that was created called Broadmoor Connection, which partners with other hotels up and down Lake Avenue to give a competitive advantage in the market to be able to bring those events here. Mr. Brown stated the program has not flourished as anticipated due to the lack of exhibit space. Having the addition to the Exhibit Hall is one way to really focus on that offseason business.

**Jeremy Wilson**, with The Broadmoor as Director of National Sales of the Front Range Rocky Mountain Region

- Recently presented at an event in Denver to the hospitality industry regarding the Broadmoor Hall Event Center and received

overwhelming enthusiasm from the local community

- Met with Colorado Society of Association Executives who are excited about the event hall
- Shared that every infrastructure at the Broadmoor that he was associated with has been amazing

**Gary Venable**, lives in Broadmoor neighborhood and was one of the 253 residents that received notice

- Mr. Venable said he had given the project a lot of thought and supports the project
- The structure will be more aesthetically pleasing than a wood fence and dirt parking lot
- Sidewalks are a plus as opposed to walking in bike lanes or gravel
- As a business man, Mr. Venable said he was in favor of the project because of the big impact of all business in Colorado Springs
- In favor also because Broadmoor is not asking for a tax incentive
- Said Broadmoor is a good neighbor
- Broadmoor participates in school safety program for St. Paul Catholic school and shuttles the kids to the Broadmoor for reunification

**Rick (last name inaudible)**, 39 year resident of the Broadmoor community

- Family supports the hotel and their stewardship in the community

**Rich Birchfield**, Executive Director at the Catalyst Campus for Technology and Innovation

- Mr. Birchfield spoke on behalf of the owner and founder of Catalyst Campus, Mr. Kevin O'Neill, and entire staff
- Thrilled about the opportunity for the Broadmoor and local community and was in full support
- Children in the community have an opportunity to attend the event and realize they can get a great education in Colorado and have an impact on national security
- Resident of lower Skyway neighborhood

**Chuck Murphy**, Native of Colorado, grew up in lower Skyway, went to Ivywild School

- Mr. Murphy expressed he was grateful for the hard work staff has done to approve this addition to the community
- Expressed that he is appreciative of the Planning Commissioners and their time

- Family owns Green Line Tours and is one of the many different companies that have the opportunity to shuttle guests to the Broadmoor
- Said the real question was whether to allow a 16-foot wall around the facility instead of a dirt parking lot

**Jeff Hanson**, Broadmoor neighborhood resident

- Expressed that the new building proposed is much more preferable to the dirt lot and wooden fence
- Said the residents who live in the neighborhood fully support this addition

**Opponents:**

**Kathy Meinig**, Broadmoor resident

- Legitimate concerns about the project that will have an impact on the residential neighborhood
- Said the project could be better located and the City would still benefit
- Location does not meet the industry standard of having hotel rooms in the neighborhood sufficient to fill the hall
  - Transportation concerns
  - Traffic concerns
  - Car concerns
  - Parking problems
  - Impact of putting a huge venue in the middle of a residential neighborhood
  - Already dealing with traffic and shuttles

**Emily Ulrich**, lives at the top of Cresta Hill

- Neighborhood already impacted by shuttle busses, cars, city buses, school buses, semi-trucks, Seven Falls busses
- Air and noise pollution have increased
  - Driver's honking
  - Acceleration
  - Gear shifting
  - Motorist throwing cigarette butts and garbage out of cars
  - Challenged to turn out of own driveway
- Broadmoor Exhibit Hall does not belong in the neighborhood but downtown
  - Safety issues for school children, pedestrians
  - Inadequate parking will clog side streets

- Broadmoor residents have expressed hopelessness with battling the Broadmoor

**Rebuttal:****Cyndi Kulp** - appellant

- Reiterated the residents have already been affected by the commercial activities of the Broadmoor, especially with the parking situation at Norris Penrose Equestrian Center
- Not the right location for a project this size
- Felt that there would be more events at the location than what the Broadmoor proposed
- Area is zoned C-5, which is a moderate business use and not for heavy commercial use like a C-6

**Tammy Horner**, appellant

- Questioned why the shuttles cannot run via 8th Street to I-25 and up Lake or via 8th Street to Nevada and up Lake instead of through Cheyenne Boulevard and Cresta as described in the plan
- Ms. Horner mentioned the Seven Falls shuttle during the Senior Open used 8th Street to Cheyenne Blvd every 6 minutes
- Plans said during the Space Symposium event, employee and volunteer parking will be at Norris Penrose Equestrian Center and shuttles will be taking 8th Street to Cheyenne Blvd to Cresta Road
- Ms. Horner mentioned that Google maps was used to map the other routes and that they were no longer than the one in the plans
- Ms. Horner pointed out that the code states the plan must be harmonious and in character with the neighborhood
- Ms. Horner also stated they were not in dispute of the event center or building but wanted a detailed documented traffic plan so it could be maintained and sustainable in the future

**Mr. Murphy** responded to Ms. Horner with the following key points:

- Consideration of logistics and amount of time it would take for each route with traffic
- A matter of which would be the best routes that impact the least amount of citizens on commercial roads
- Cheyenne Blvd is rarely used
- Main emphasis is always on Lake Avenue

**Applicant Rebuttal:**

**Chris Lieber, N.E.S.**

- Mr. Lieber addressed the concerns about the shuttles between the Broadmoor and Penrose Event Center
  - Mr. Lieber pointed out that the shuttles between the Broadmoor and Penrose Event Center are associated specifically to the Tier III events, which is only one at this time
  - The operational model had a lot to do with how the traffic was looked at and how the frequency of the need for shuttling employees from the Penrose lot
  - 90% of event will be Tier I and Tier II events, which have no need for shuttling between the Penrose Event Center and the Broadmoor
  - Tier I, all of the activity is within the Broadmoor campus and the rooms at the Broadmoor Hotel support approximately 1000 people
  - Tier II relies on the Broadmoor Hotel rooms as well as additional hotel space primarily along the Lake Avenue corridor (which does involve those hotels shuttling their guests to the Broadmoor)
  - In terms of the scope, opportunity for shuttles are very limited to the north
  - Road networks were reviewed to find City Plan Traffic corridors that will support shuttle use and activity (8th Street, the section of Cheyenne Blvd, and Cresta are considered minor arterials)
  - From an efficiency standpoint, it makes sense to be able to utilize those on that very limited basis of a Tier III event
- Mr. Lieber addressed parking concerns, possibly not enough parking, or the use of shuttles to supplement that need
  - Within city code, Section 7.4.203.A allows for a parking operations plan.
  - This particular project is a prime example of why a separate parking operations plan makes sense to be able to utilize infrastructure elsewhere in the community where the parking lots are sitting empty
  - Other option is to build a surface lot to accommodate 9,000 vehicles or a garage where the traffic would be concentrated, and both would have a negative and significant impact
- Mr. Lieber addressed the square footage of the building

- The people utilizing the campus will move between the four major pieces and quadrants of the event center
- One person throughout the course of a day might utilize all four spaces, their hotel room, and the restaurants, so to count all of that square footage, to come up with a large number is really disingenuous
- Parking at the Broadmoor is dispersed throughout the campus
  - There is a sizable parking garage adjacent to the new exhibit hall
  - Broadmoor Hall holds about 900 spaces immediately adjacent
  - There is the East parking lot
  - The new 240 space parking lot that's being built in that vicinity
  - The gravel lots that exist were not included in the count
  - Total parking spaces for the Broadmoor is almost 2000 spaces
- C-5 zone was mentioned and the Exhibit Hall is an appropriate use allowable within that C-5 zone
- Seven Falls and the Zoo shuttles are completely separate issues and should not be considered with the Exhibit Hall
- Shuttle service is a way to utilize the various hotels

**Planning Commission Discussion:**

**Commissioner Raughton**

- Mentioned the elevation of the building and there is about a 14-feet of fall from the street to the face of the building, thereby exceeding the height allowed by code by 7.5-feet. Does the ordinance require that the average elevation from the building grade to the street be the basis of the height of the building? In this case, the elevation might not require a variance but makes sense to deal with it this way.
  - **Lonna Thelen** answered that in the code, building height is defined as the average finished grade adjacent to the four corners of the building to the very top of the building and the variance was required
- Real concerns about the intensity of use that will be generated by the facility and hopes the Broadmoor keep its tradition to continue a conversation with the neighbors about bus routes, transportation,

and parking

**Commissioner Almy**

- For historical purposes, were the townhouses on the part of the property being talked about today ever presented or codified
  - **Lonna Thelen** said there was an application on that with an approval for the townhomes, however the plans were never implemented and the plans have since expired

**Commissioner Graham**

- Asked that the Broadmoor continue to have these conversations on the best route and how to minimize the impact to the neighborhood
- Commissioner Graham said he was in favor of this project and the Space Symposium brings a lot to our community
- The project meets all the review criteria and there is a plan to deal with the parking spaces

**Commissioner Hente**

Commissioner Hente mentioned the remarks and comments concerning the 2004 development plan approval. Commissioner Hente disclosed he was on City Council at the time the approval was granted. Commissioner Hente explained there is a process to go through to make any changes to the development plan, which is exactly what the Broadmoor did. Commissioner Hente said nothing nefarious was happening and all procedures were being followed. Commissioner Hente continued with the motions.

**Motion by Hente, seconded by Raughton, to deny the appeal and uphold the staff approval of the nonuse variance to allow a 16 foot tall retaining wall and fence adjacent to Mesa Avenue and Lake Circle where a 6' accessory fence structure is allowed for the Broadmoor Event Center, based upon the finding that the appellant did not meet the review criteria in City Code Section 7.5.906.A.4 and that the nonuse variance complies with the review criteria in City Code Section 7.5.802.B.**

**The motion passed by a vote of 6:0:3**

**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Satchell-Smith, Eubanks and Almy

**Absent:** 3 - McMurray, Chair McDonald and Smith

**6.B.** [AR R 19-00017](#)

An appeal of City Planning Commission’s approval of an administrative relief to allow a 57.25 foot building height where 50 feet is allowed for the Broadmoor Event Center located at 3 and 11-19 Lake Circle.

(Quasi-Judicial)

Related Files: AR NV 19-00028, AR R 19-00017, CPC DP 03-00259-A10MJ19

Presenter:

Peter Wysocki, Director Planning and Community Development  
 Lonna Thelen, Principal Planner, Planning and Community Development

See Item 6.A. File ID: AR NV 19-00028

**Motion by Hente, seconded by Raughton, to deny the appeal and uphold the staff approval of the administrative relief to allow a 57.25 foot tall building height where 50 feet is allowed (45 foot maximum building height plus five feet for ornamental structures) for the Broadmoor Event Center, based upon the finding that the appellant did not meet the review criteria in City Code Section 7.5.906.A.4 and that the administrative relief complies with the review criteria in City Code Section 7.5.1102.**

**The motion passed by a vote of 6:0:3**

**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Satchell-Smith, Eubanks and Almy

**Absent:** 3 - McMurray, Chair McDonald and Smith

- 6.C.**    [CPC DP 03-00259-A10MJ19](#)    An appeal of City Planning Commission’s approval of a development plan for the Broadmoor Event Center to allow a 169,988 square foot addition to the existing Broadmoor Event Center located a 3 and 11-19 Lake Circle.

(Quasi-Judicial)

Related Files: AR NV 19-00028, AR R 19-00017, CPC DP 03-00259-A10MJ19

Presenter:

Peter Wysocki, Director Planning and Community Development  
 Lonna Thelen, Principal Planner, Planning and Community Development

See Item 6.A. File ID: AR NV 19-00028

**Motion by Hente, seconded by Satchell-Smith, to deny the appeal and uphold the staff approval of the development plan for the Broadmoor Event Center, based upon the finding that the appellant did not meet the review criteria in City Code Section 7.5.906.A.4 and that the development plan complies with the review criteria in City Code Section 7.5.502.E.**

**The motion passed by a vote of 6:0:3**



**Aye:** 6 - Hente, Raughton, Vice Chair Graham, Satchell-Smith, Eubanks and Almy

**Absent:** 3 - McMurray, Chair McDonald and Smith

## North Academy Rezone

- 6.D.** [CPC ZC 18-00178](#) Ordinance No. 19-30 amending the zoning map for the City of Colorado Springs pertaining to 8.43 acres located at 7133, 7149, 7165, 7207, and 7239 North Academy Boulevard, changing the zoning from PBC/cr (Planned Business Center with Conditions of Record) to PBC/cr (Planned Business Center with Conditions of Record).

(QUASI-JUDICIAL)

Presenter:

Peter Wysocki, Director Planning and Community Development  
Daniel Sexton, Senior Planner, Planning and Community Development

**Staff presentation:**

**Daniel Sexton** presented a PowerPoint on the scope and intent of this project.

**Commissioner Scott Hente** asked Mr. Sexton if he could explain exactly what was changing with this project.

Mr. Sexton explained from the physical development itself, nothing was changing but the current owners of the property were looking for greater flexibility and versatility to sign leases for other tenants with other uses. Mr. Sexton explained there was a vacant space within the commercial buildings with whom the owners have a prospective tenant who would like to do liquor sales, which is not allowed with the current conditions of record.

**Applicant Presentation:**

**Andrea Barlow** with N.E.S. presented a PowerPoint with the scope and intent of project.

Mr. Barlow explained the reason for the major amendment to the development plan is to remove some of the prohibited uses. Specifically, the conditions of record that restrict:

- General food;
- Convenient food sales;
- Liquor sales;

as there is a vacant tenant space that the client wants to fill.

Ms. Barlow also said they are proposing to add restricted uses to clarify that the convenience food sales will not include fuel sales and prohibited use of methadone clinics. Ms. Barlow explained the client was willing to give up the marijuana sales that is now allowed in the PBC zone, but only if the zone change is approved to allow liquor sales.

**Megan Tollefson**, property owner, said since coming into owner of this in 2011, several improvements were made with the intent of being good neighbors.

Ms. Tollefson pointed out:

- The vacant space has been difficult to lease because many do not want a 6,000 square foot building, but something smaller or much larger
- The prospective tenants will be putting in an upscale liquor store as opposed to discounted liquor sales
- It should not increase crime which neighbors were concerned about
- A property manager will be overseeing the property and addressing homeless camps or other property issues

**Supporters:**

None

**Opponents:**

None

**Questions of Staff:**

Commissioner Jim Raughton asked Mr. Sexton if the methadone clinic could be deleted.

Mr. Sexton clarified that the proposal was to add a prohibition of the methadone clinic as a condition of record. Commissioner Raughton said he would let that stand.

**Rebuttal:**

None

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

No discussion.

Before the vote, Mr. Ben Bollinger wanted it on record that Commissioner Satchel-Smith did not return after the break and was excused, and that Commissioner Murray arrived for the beginning of this project and is eligible to vote.

**Motion by Hente, seconded by McMurray, to recommend approval to City Council the zone change of 8.43 acres from (PBC/cr) Planned Business Center with Conditions of Record to (PBC/cr) Planned Business Center with Conditions of Record, based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603(B).**

**The motion passed by a vote of 6:0:3**

**Aye:** 6 - Hente, Raughton, McMurray, Vice Chair Graham, Eubanks and Almy

**Absent:** 3 - Chair McDonald, Satchell-Smith and Smith

- 6.E.**    [CPC DP](#)            A Major Amendment of the BSK Subdivision Filing No. 1  
           [99-00215-A5](#)        Development Plan project illustrating updated site data and revisions  
           [MJ18](#)                to the development and operational stipulations applied to the  
                                  development located at 7133, 7149, 7165, 7207, and 7239 North  
                                  Academy Boulevard.

(QUASI-JUDICIAL)

Related File: CPC ZC 18-00178

Presenter:

Peter Wysocki, Director Planning and Community Development  
 Daniel Sexton, Senior Planner, Planning and Community  
 Development

See Item 6.D. CPC ZC 18-00178

**Motion by Hente, seconded by Almy, to recommend approval to City Council the major development plan amendment for the BSK Subdivision Filing No. 1 project, based upon the findings that the amended development plan meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E).**

**The motion passed by a vote of 6:0:3**

**Aye:** 6 - Hente, Raughton, McMurray, Vice Chair Graham, Eubanks and Almy

**Absent:** 3 - Chair McDonald, Satchell-Smith and Smith

**Accessory Dwelling Units**

- 6.F.**    [CPC CA](#)            An ordinance amending Chapter 7, Planning, Development and  
           [19-00027](#)        Building, of City Code defining and establishing standards for  
                                  Accessory Dwelling Units.

(Legislative)

Presenter:

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

## **NEW BUSINESS CALENDAR**

### **Accessory Dwelling Units**

#### **Comments from Commissioners:**

Commissioner Hente asked if the item could be delayed since he knew City Council was postponing this item until May so should Planning Commission delay as well. Several people felt the ordinance was rushed, the meetings that were held were done within a six day time frame not allowing for enough public input.

Mr. Wysocki stated he felt there'd been an extensive public process. It's a code amendment and normally there's not much public input but felt it was important to get public input so the reason for neighborhood meetings. Council Member Knight had a town hall meeting earlier this week, there was a steering committee that worked on this for months, and it was presented to the Planning Commission at the Informal Meeting on two different occasion so he wasn't sure how much more could be done. If there are opponents that disagree with the philosophy and concept of accessory dwelling units that's a continuing discussion. We could have additional public participation through neighborhood meetings. Mr. Schultz can go over some of the questions and issues City Council members had when presented to them at a Work Session. Your inputs and direction would be beneficial for Council and staff.

Commissioner Graham stated he concurred with Mr. Wysocki. There'd been extensive time spent on this. There'd been three neighborhood meetings, it was posted on the City's Website as well as other public venues for information and didn't see what delaying for this body would gain between now and a new hearing date therefore he was in favor of moving forward.

Commissioner Raughton stated additional comments could be done and still move forward and staff can continue the public input process.

#### **Staff Presentation:**

Mr. Schultz gave a presentation discussing the scope and intent of Accessory Dwelling Unit (ADU) ordinance. He included in his presentation some of concerns raised by City Council members at the Work Session and how staff is addressing those concerns. ADU's would be allowed in Single-Family zone districts (R1-6000, R1-9000) with the new ordinance however not in the PUD zone districts at this time. Mr. Schultz also included how ADUs, STRs and LTRs and how each one could have effect

on the other.

**Questions:**

Commission McMurray asked what would it take administratively to make this a reality in the PUD zone district? Mr. Schultz stated until a thorough evaluation of the code is completed to determine what components need to change, it would have to wait until that process was done before anything could happen. Some communities along the Front Range state an ADU is not a dwelling unit. This was you do not increasing the density within the PUD zone districts but more analysis would need to be done

**Supporters:**

Dutch Schultz stated he is the Vice-President of the Old North End and was representing them today. They are not opposed to the ordinance in total, but would like it to be altered. They do not feel it's ready to be approved because it doesn't specifically address historic overlays and historic districts. Those designations are there to control what the ordinance is enabling. Within the Old North End there is the Historic Master Plan and the historic district. The Historic District has a control on building that has to meet certain guideline and go through a separate planning process for approval. But the ordinance doesn't address this. The ordinance would greatly affect the Old North End. This area was specifically design by General Palmer's planner. Lots are long and narrow allowing for a carriage house at the back of the lot. The ADU ordinance would allow converting those carriage houses, which are now mostly garages, into living spaces which is not allowed in their R-1 zone district in the Old North End. It should also be delayed because we don't know how Short Term Rentals (STRs) will impact us. We need to know how many, where they are, and how many are located would greatly affect how this impacts the Old North End. They're concerned about ADUs being turned into STRs. They're not asking for an exemption for the Old North End but to look at this in terms of the other historic districts present within the city.

**Opponents**

Patricia Doyle lives in the Old North End and chairs the Historic Preservation Committee. The committee opposes the ordinance as it is written. The committee voted to oppose the ADU based on the Old North End Master Plan. The Master plan provides an official guide, for the conversation, preservation and enhancement of The Old North End Neighborhood, outlines objectives to be accomplished in order to achieve neighborhood preservation with specific recommendation, and it conveys vision for the future with respect for the past. Within the Old North End changes in established neighborhoods are to be compatible with the scale and physical character of the neighborhood along with maintaining visual quality and design in all aspects of the neighborhood's built environment.

Historic preservation as outlined in the Old North End Master Plan is to discourage incompatible architecture. Neighborhood is about families, quality of life, and community. The ADU ordinance is a way they feel to circumvent the original intent of the R-1 zoning law. People without genuine ties to the neighborhood will come and go. Infill as it has been described will compromise the landscape of the Old North End. Most of the neighborhood is not under the historic overlay zone and do not have to go through a design review if new structures are created. Thus the reason the committee does not support the ordinance as written and why they ask more time is taken for further study and more stakeholder involvement especially when it comes to the impact on historic properties.

Bob Levy stated he is strongly opposed to this ADU proposal because that it turns the R-1 single-family zones into a defacto R-2 zones. When on the Planning Commission many years ago he suggested the names R-1 for single-family R-2 for two-family and so forth. The R-1 has been the backbone of preserving our neighborhoods. He believed the ordinance will allow one property to divide into two properties cutting lots in half and then sell have of the lot. Which could be tempting but it would completely change the neighborhood. This a war on back yards placing housing in the back yard but back yards are what enhances neighborhoods for families. Regarding coordination on the architectural details there's no ability to enforce this like in the Old North End. The most unfair aspect of the legislation is it allows HOAs to use their powers to outlaw ADUs. However neighborhoods without HOA's are not protected. This is a violation of equal treatment of the laws. Sometimes there are exceptions to that equal treatment, but the Planning Department has not given one as to why people in HOAs can get out of having these rule to opt out and the rest of us are not able to. He strongly urges the Commission to let individual neighborhoods opt out of this system. Finally you'll have rename all of the zone districts because everything will be cut in have - R1 will be R-2, R1-6000 will be R1-3000 and so on. Please allow the older existing neighborhoods that has relied on single-family zoning to preserve their quality and livability in their single-family neighborhoods.

Sue Bigus stated she's a realtor in Colorado Springs and agrees with what Mr. Lavey stated. She's opposed to the ADU ordinance as written particularly the portion that allows detached units and integrated units for rentals. What is the real demand for ADU's when there is already the opportunity to add on to an existing home or renovate it to accommodate aged family members. There exists current zoning where ADU's can be built. Ms. Bigus further stated the ADU ordinance was created as a response to PlanCOS. She quoted of Page 25 of PlanCOS where it defined neighborhoods and page 28 where it defined a suburban neighborhood. She emphasized this point from PlanCOS, "neighborhoods

have a high value in maintaining the privacy of safe homes and safe streets for families.” Most neighborhoods with R-1 zoning have been here some 30-50+ years and these are the ones that would be affected by this ordinance and opposite of PlanCOS definition of single family neighborhoods and the uniqueness and quality of single-family neighborhoods. Planning should look to putting ADUs first in an opportunity zone or using the Urban Renewal Authority and could be used to rejuvenate those areas in need. Or create an ADU ordinance just for new construction. Fines for no owner occupancy have no teeth. We need to take a hard look at what’s precious to our residences and the ability to choose between diverse neighborhoods along with the reassurance the city will protect the attributes of those neighborhoods.

***(Commissioner Hente left the hearing at this time)***

Esther Muller stated she disagreed with the public process. The draft ordinance was not available at public meetings and the open house meeting style did not lend itself to hearing a positive and negative comments of others nor did getting comment card questions answered. The ordinance needs revisions before it can effectively be placed in the tool box as part of the solution to affordable housing that respects the needs of all the residents of Colorado Springs. Ms. Muller referenced PlanCOS several times of how the Plan stated ADU’s could possibly solve multiple issues. That cannot be done since the ordinance removes single-family zone districts and eliminates much of what PlanCOS wants to accomplish for having unique and vibrant neighborhoods. Ms. Mueller also stated how the ADU ordinance does not mention the following things: attainable housing for the workforce being located near hubs or employment and/or public transportation, nothing to address attainable housing in terms of 30% of income for rent, how there’s language for waivers if owners do not live there, how to subdivide, how the ADU can be used as a Short-Term Rental, it doesn’t consider a unique impact, it doesn’t give neighbors an opportunity to point out other factors that could be caused due to more impervious surfaces, it’s not mandatory for all neighborhoods because some have covenants that don’t allow an ADU, and it’s not allow for PUD single-family areas. The ADU ordinance changes single-family neighborhoods forever.

**Staff Rebuttal:**

Mr. Schultz stated the Historic Preservation District is legally required by code to go before the Historic Preservation Board. In the section of code that addresses other detached structures it does not state to refer back to the HP Board requirements. We did not feel we needed to include that with this ordinance because we believe the Historic Preservation section of the

ordinance supersedes that or forces that requirement for the HP Board for review.

Approximately 90% of parking in the Old North End has access to an alley. As part of the ADU process once the site plan is submitted we'd work with the property owner to ensure an additional off-street parking stall would be provided on the property, either in the garage, next to it, just somewhere on the property. There was a mention of paving in the front yard for parking. There are restriction within the code regarding the maximum amount of coverage for paving which is 40-45% depending on lot width. Most would probably take advantage of their existing driveway or garage. If they wanted to add some paving they'd still have to meet the provisions of the existing code.

Mr. Schultz had a conversation with Mr. Levy about subdivision of the ADU that there's a stipulation within the accessory dwelling unit code that an ADU cannot be subdivided off. What he told Mr. Levy was there could be a possibility that if that particular lot met all subdivision requirements that that ADU could then be subdivided off, i.e., lot frontage and minimum lot size along with all of any other requirements. However, any lot could be subdivided if it met minimum lot size and requirements.

Regarding HOAs and covenants if the Old North End wants to create covenants within their neighborhood they can and if that covenant restricts or prohibits accessory dwelling units within the Old North End that's okay. Mr. Schultz stated he didn't have a good grasp of how many accessory dwelling units are within The Old North End but he'd say a majority of our existing accessory dwelling units are probably located within the Old North End, the Patty Jewett Neighborhood or the Westside Neighborhood. So he doesn't think or feel it detracts from the fabric of the neighborhood. Many of these accessory dwelling units have been already been integrated to be part of that neighborhood.

There was a comment about suburbia and safe streets and PlanCOS. He didn't feel there would be any obstacle or issue of creating an unsafe environment. There could be the argument that an accessory dwelling unit could create additional eyes within the neighborhood. Would it increase traffic, it could. We believe or hope within the core of downtown that ADUs provide a better sense of walkability within a neighborhood.

There was also a comment about Hillside. If there was an accessory dwelling unit in the Hillside there are Hillside provisions that would require additional studies such as a geologic report, a grading and erosion control plan that have to be completed which follow the same process as any other addition.



The was mentioned several times that the quality of life and seems there's a question about that and what about those people who need this type of housing for their aging parents or disabled adult children or people they want to stay close to. Our intent is for the ordinance is used for the type of people that want to keep those family members close to home. At the same time we realize there is the potential these units could be rented out for Short-term Rentals. Right now we think there is 10% of the Short-term rentals are within the accessory dwelling units. As far as the quality of life there are two sides to that. There are those that need or want that accessory dwelling unit for family and those that surround that accessory dwelling unit.

Commission Raughton stated when we first started this conversation we didn't have the issue of the STR. We now have these two ordinances that when they converge we could have companies buying older structures to make it a STR and then adding an accessory dwelling unit. He was moved by Dr. Levy's arguments about compatibility and felt we do need to emphasize architectural compatibility with existing structures. So in our historic neighborhoods they should be architecturally integrated with the house they are near or the extension of the house they will be a part of.

Mr. Schultz stated the compatibility would be applied across the board not just in historic preservation overlay zones but in all single-family zone districts. No matter when the home was built it would still need to meet some of those architectural styles and parameters of the main house. If as part of the HP Board review if there were an accessory dwelling unit proposed to be constructed on a lot in The Old North End the HP Board would be responsible to ensure compatibility to the principle unit as part of their review. This would be an additional safeguard in HP properties in The Old North End. Regarding the point of buying up properties by corporate entities, a corporate entity isn't made up of one person and a corporate entity would not make up one person and meet the home owner occupancy requirements. An appropriate entity would be a person that would live within the home. Commissioner Raughton stated that was why he voted against the STR ordinance and we will easily find ourselves like other cities that whole neighborhoods have been flipped into motels because of the STRs and the single-family housing dwindled. This is an aside as the two ordinances converge.

Commission Almy stated he was sympathetic to some of the comments against the ordinance and it deals with the many neighborhoods within the City that all have entirely different characteristics and was the draw for the people that moved there. If you go into a neighborhood that is R-1 thinking there will be nothing but single-family dwellings that is a big change if you

see putting in multiple family per lot. Some neighborhoods have the benefit of a HOA and some do not so they do not have that automatic out to protect the neighborhood and it's something that needs addressed. The Old North End has a unique character and unless they can govern how their neighborhood is going there could be some dissatisfaction. There should be wording somewhere the ordinance that allows this diversity in neighborhoods for the idea to go forward. ADUs in the downtown area are ideal for it and many are for it in this area, but he's concerned we are applying the same standard for many different neighborhood environments. His other question was when the ordinance being developed and you look at the potential of where it's going have we done all the infrastructure reviews, schools, electricity, utilities, etc. just the whole gamut as well as traffic. So have all those been looked at if this goes forward and is implemented quickly.

Mr. Schultz stated he didn't know where staff would start regarding infrastructure needs. For the most part water and sewer availability especially around the downtown area would be available for all single-family homes. The property owners would have to ensure they could connect to sewer and water either directly from the house or the alley. As far as school capacity we haven't don't that level of analysis. Most of the growth is in the east and the north but in the downtown area there's been schools that have closed there would be that impact in the downtown area. Even if we use the best case scenario of PlanCOS a 190 of these ADUs being constructed over the entire city would be a drop in the bucket in many neighborhoods because they'd be scattered over the east, north, west or Hillside Neighborhood would not be a big impact to infrastructure, housing or utilities

One thing about the character of a neighborhood he'd want to clarify that part of the North End has two zone districts of about half R-1 and half R-2. They went through this analysis with the Steering Committee of an example of the Patty Jewett Neighborhood where the R-1 zone district ran down the middle of an alley so on the other side of an alley was the R-2 zone district. If you lived on the correct side of the alley you could have more an accessory dwelling unit and on the other you couldn't. The character of a neighborhood is not dependent on the zone district but actually on the built environment. You could drive through this neighborhood and not even know if you were in an R-1 or R-2 zone district. Character wise there is a lot in in the Old North End, the Westside and the Hillside neighborhoods to allow for an accessory dwelling unit. Once you're outside of these areas in suburban subdivision so this would not be as prevalent and would be against the character of those neighborhoods.

Commission McMurray stated he was strongly in favor of the ordinance.

He's been a member of the Urban Land Institute for a while and serves on the executive committee for ULI Colorado and the Housing Committee for ULI Colorado and he's been extensively looking at this issue for years. He was also involved in producing a report for overcoming barriers to affordable housing in Colorado. This is an area he's spent a lot of time in. As he looked at the issue it's become clear that ADUs alone can't solve the affordability issues but it's an important and necessary component to a total solution. But it goes beyond the affordability argument why it's a vital step for the city to take. One it will improve the economic resilience of our existing neighborhoods. It's a way to build wealth within our community for home owners in community without a great deal of fiscal impact to our community. It enables single-family neighborhoods to grow incrementally. It will limit the decline of these single-family neighborhoods over the long run and help them to have resiliency. The second reason is social cohesiveness. This will provide lifecycle housing. For every ADU that might be built as a STR there will be another built by a family that wants to provide housing for their children, parents or people within their social circles so people can live and exist with housing options within their neighborhoods and keep those social structures in place. The third reason is from an overall economic development standpoint. When discussing wanting to attract young professionals to live in our community they are looking for housing options. They may want to live in neighborhoods that are downtown adjacent but they priced out of those areas. So they drive until they qualify. So they reason where do I live, in a condo out in the boon docks, and contemplate the hassle and expense of car ownership or could I live for a short time in one of these desirable neighborhoods. It's not the total solution but it can all add up over time. His only criticism is it doesn't go far enough, but this is a great start. He wants to challenge the city to look at this beyond so they can be in other areas of our city. He will be casting a vote in favor and look forward to it passing.

Commissioner Eubank thought the concerns of the Old North End were valid and additionally about the STRs that need addressed. She looked at the existing map showing the changes and a lot of the parcels in the Old North End already allow an ADU. She lives in a neighborhood that is almost all R-2 but not every house has an ADU. It's not reasonable to think everyone that has the ability to have an ADU will. In her opinion she understands the concern but it's not something that should be expected to drastically change the character of the neighborhood.

Commission Graham stated as member of the steering committee. We had a diverse group from across different areas and although this not perfect it is an ordinance in the right direction. He felt we should include some language about architectural compatibility and likeness as the main unit. It doesn't solve afford housing issue but it takes a stab at it. He didn't

want to be one that stops what we have because it doesn't have the exact wording but he felt we needed to move forward with the ordinance. He agrees with Commission McMurray that there will be some times an ADU would be an option for them of that younger generation. He's in support of the item, we still have some work to do on it and possibly before it goes back to council we can flush out some of these things.

Commission Roughton stated he'd like to support the ordinance but has these two reservations but hoped staff can work on it. First is the architectural integration is essential. Overall the intent is good. Going back to Mr. Schultz's comment about the STRs and if we could eliminate those from building an extra guest house he'd feel more comfortable and hoped we'd continue to discuss this with the community.

Mr. Wysocki stated staff worked diligently with the committee and many others. We've really vetted this ordinance. He appreciated the comments regarding continuing the dialog longer but we're at a crossroads and we feel this is a good product. There was extensive discussions of how this affects the short-term rentals. Some of the concerns Commissioner Roughton raise will likely be discussed and evaluated later this summer. He wanted to reiterate in this ordinance there is the occupancy/residency requirement. There are exemptions for military families and certain circumstances but there is a residency requirement. Regarding the architectural compatibility with the principal dwelling we've discussed means to enforce that. Mr. Wysocki described the process for how the process would start with pictures of the main dwelling and then submit architectural renderings of the ADU and that's how he saw this being enforced. It's a use by right and it's envisioned to be evaluated at the building permit stage and we've thought of ways to enforce this.

There's been a lot of reference to PlanCOS being the impetuous for this but this had been discussed since 2014. In 2014 the City hired housing experts to complete an affordable housing needs assessment. ADU's in our current prevision of city code was identified as an opportunity for the City to add one more tool to our attainable housing solution. Not an income restricted affordable house product but at least attainable housing. When you get into the income restrictions it's a completely different administrative procedure and how that program would be administered. As a city we are at a crossroads where we talk about densification, changing neighborhoods and ULI and American Planning Association and communities our size and smaller along the Front Range struggle with housing attainability. All communities see the ADU as an option to revitalize aging neighborhoods, provide reinvestment opportunities and look at ways to make their neighborhoods more vital. Ultimately it's the people that make the neighborhood and vibrant neighborhoods need these

people. We as a city are maturing and we need to provide those enabling legislation to provide these opportunities. If you want to make some suggestions and include it as part of the motion and if you want to include the architectural compatibility we can fine tune the language and then we can present that to City Council. We envision restarting this in May when the new council is seated and continue the dialogue with them. Your input is very valuable to the council.

Commissioner McMurray ask Mr. Schultz about the items that came up in the Council Work Session. On the issue of detached units. He wouldn't council that that would be the best idea because it undercuts the intended effects of the ordinance. Regarding the architectural compatibility he didn't feel strongly they should include that as a component and didn't see they needed to impose this type of regulation architecturally when it's not done otherwise. Some neighborhoods architecture is not that exciting so let's let them architects get creative to make are neighborhoods more architecturally rich visually interesting. Lastly waiting to have STR data in June may not be a bad idea to see if we have big enough concerns but from his position as a Planning Commissioner he's ready to vote.

Commissioner Graham asked if they leave the motion as is or change it in any way.

Commissioner Raughton said he's offer a motion if they could have the staff continue to discuss the architectural compatibility integration and the impact of short-term rentals. He believed doing a bit more discussion and thought could help the ordinance as it moved forward to City Council.

**Motion by Raughton, seconded by McMurray, to recommend to the City Council adoption of an ordinance amending Chapter 7 (Planning, Development and Building) City Code defining and establishing standards for accessory dwelling units with the additional recommendation that the Planning Department   continues to work with the community on architectural integration and the impact of short term rentals.**

**The motion passed by a vote of 5:0:4**

**Aye:** 5 - Raughton, McMurray, Vice Chair Graham, Eubanks and Almy

**Absent:** 4 - Hente, Chair McDonald, Satchell-Smith and Smith

**7. Adjourn**