



City of Colorado Springs

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

Meeting Minutes - Draft Planning Commission

Thursday, November 21, 2019

8:30 AM

Council Chambers

1. Call to Order

- Present:** 8 - Vice Chair Scott Hente, Commissioner Jim Raughton, Commissioner James McMurray, Chair Reggie Graham, Commissioner Rhonda McDonald, Commissioner Alison Eubanks, Commissioner John Almy and Commissioner Marty Rickett
- Excused:** 1 - Commissioner Natalie Wilson

2. Approval of the Minutes

2.A. [CPC 19-716](#) Minutes for the October 17, 2019 City Planning Commission Meeting

Presenter:

Reggie Graham, Vice Chair, City Planning Commission

Motion by Commissioner Rickett, seconded by Vice Chair Hente, to approve the October 17, 2019 City Planning Commission Minutes. The motion passed by a vote of 6:0:1:2

Aye: 6 - Vice Chair Hente, Commissioner Raughton, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy and Commissioner Rickett

Absent: 1 - Commissioner Wilson

Recused: 2 - Commissioner McMurray and Chair Graham

2.B. [CPC 19-717](#) Minutes for the September 13, 2019 City Planning Commission Special Hearing

Presenter:

Reggie Graham, Vice Chair, City Planning Commission

Motion by Commissioner Rickett, seconded by Vice Chair Hente, to approve the September 13, 2019 City Planning Commission Special Hearing Minutes. The motion passed by a vote of 8:0:1:0

Aye: 8 - Vice Chair Hente, Commissioner Raughton, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy and Commissioner Rickett

Absent: 1 - Commissioner Wilson

3. Communications

Peter Wysocki - Director of Planning and Community Development

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.)

CDOT Bijou

- A. CPC ZC 19-00104** An ordinance amending the zoning map of the City of Colorado Springs pertaining to 10.24 acres located at 5640 E Bijou Street from PIP-1 APZ1 AO (Planned Industrial Park 1 with Accident Potential Zone 1 and Airport Overlay) to M-1 APZ1 AO (Light Industrial with Accident Potential Zone 1 and Airport Overlay).

(Quasi-Judicial)

Related File: CPC PUZ 19-00104, CPC PUP 19-00105

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Development Department

Peter Wysocki, Director, Planning and Development Department

This Ordinance was referred to City Council on the Consent Calendar.

- B. CPC DP 19-00105** A development plan for construction of a CDOT maintenance and service facility located at 5640 East Bijou Street.

(Quasi-Judicial)

Related File: CPC PUZ 19-00104, CPC PUP 19-00105

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Development Department

Peter Wysocki, Director, Planning and Development Department

This Planning Case was referred to City Council on the Consent Calendar.

Cottages at North Carefree

- C. [CPC CU 19-00117](#)** A conditional use development plan for the Cottages at North Carefree project illustrating a 68-unit modular multi-family development and ancillary public and private site improvements, located southeast of the Van Teylingen Drive and North Carefree

Circle intersection and consists of 3.4 acres.

(QUASI-JUDICIAL)

Presenter:
Daniel Sexton, Principal Planner, Planning & Community
Development

This Planning Case was approved on the Consent Calendar.

New Life Commercial

- D. CPC ZC 18-00142** An ordinance amending the zoning map of the City of Colorado Springs pertaining to 3.89 acres of land from A/OC/cr (Agricultural and Office Complex with Conditions of Record) to PBC/cr (Planned Business Center with Conditions of Record), located at 11005 Voyager Parkway.

(QUASI-JUDICIAL)

Related Files: CPC ZC 18-00142, CPC ZC 18-00143, and CPC CP 18-00144

Presenter:
Daniel Sexton, Principal Planner, Planning and Community
Development
Peter Wysocki, Director Planning and Community Development

This Ordinance was referred on the Consent Calendar to the City Council

- E. CPC ZC 18-00143** An ordinance amending the zoning map of the City of Colorado Springs pertaining to 2.09 acres of land from OC/cr (Office Complex with Conditions of Record) to PBC/cr (Planned Business Center with Conditions of Record), located at 11005 Voyager Parkway.

(QUASI-JUDICIAL)

Related Files: CPC ZC 18-00142, CPC ZC 18-00143, and CPC CP 18-00144

Presenter:
Daniel Sexton, Principal Planner, Planning and Community
Development
Peter Wysocki, Director Planning and Community Development

This Ordinance was referred on the Consent Calendar to the City Council

- F. **CPC CP 18-00144** A concept plan for the New Life Commercial project illustrating a lot layout for a three-lot subdivision and establishing envisioned land uses, located at 11005 Voyager Parkway.

(QUASI-JUDICIAL)

Related Files: CPC ZC 18-00142, CPC ZC 18-00143, and CPC CP 18-00144

Presenter:
Daniel Sexton, Principal Planner, Planning and Community Development
Peter Wysocki, Director Planning and Community Development

This Planning Case was referred on the Consent Calendar to the City Council

Woodmen Ridge Apartments II

- G. [AR CP 05-00100-A5 MJ19](#) A Major Concept Plan Amendment for the Woodmen Powers Crossing development changing 12.2 acres from commercial to multi-family residential, located southeast of the Woodmen Road and Targa Drive intersection.

(QUASI-JUDICIAL)

Presenter:
Daniel Sexton, Principal Planner, Planning & Community Development

This Planning Case was approved on the Consent Calendar.

- H. [CPC CU 19-00093](#) A Conditional Use Development Plan for the Woodmen Ridge Apartments II project illustrating a 252-unit multi-family residential apartment complex with a clubhouse, and ancillary site improvements, located southeast of the Woodmen Road and Targa Drive intersection.

(QUASI-JUDICIAL)

Presenter:
Daniel Sexton, Principal Planner, Planning & Community Development

This Planning Case was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Vice Chair Hente, seconded by Commissioner Rickett, 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 8:0:1:0

Aye: 8 - Vice Chair Hente, Commissioner Raughton, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy and Commissioner Rickett

Absent: 1 - Commissioner Wilson

Items Called Off Consent

5. UNFINISHED BUSINESS - None

6. NEW BUSINESS CALENDAR

Mastin Dental

6.A. CPC PUZ 19-00056 An ordinance amending the zoning map of the City of Colorado Springs pertaining to 1.1 acres located on the east side of 21st Street, north of Little Bear Creek Point from R5 (Multi-Family Residential) to PUD (Planned Unit Development: medical office, veterinary clinic, general office, personal consumer services and personal improvement services with a maximum height of 30 feet).

(Quasi-Judicial)

Related File: CPC PUZ 19-00056, CPC PUP 19-00026

Presenter:

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

Commissioner Hente recused himself from this project because he was formerly a co-owner of the condominiums and also sold the property to the applicant.

Staff presentation:

Lonna Thelen, City Planner, presented a PowerPoint with the scope and intent of this project.

Applicant Presentation:

Chris Lieber, N.E.S., presented a PowerPoint with the scope and intent of this project.

Supporters:

John Drobica, President of the HOA Villas at Bear Creek

- When first moved in, there were large signs soliciting medical/dental office development so owners were aware something like that might be developed
- Residents have dual access to the property
- Board formally approved and endorsed this project

Opponents:**Lynne Downs**, current resident of the Villas at Bear Creek

Ms. Downs made a presentation on why she opposed the project

- Detrimental to the public interest, health, safety, convenience or general welfare
 - Concerned about pedestrian and vehicular safety
 - Concerned about the effects of allowing commercial traffic on a private road
 - The proposed access egress cuts right through the Villas on Little Bear Creek Point and travels within 26 inches of the eaves of building 1691
 - This was allowed through an easement agreement generated by Mastin and lawyers signed by the Villas' HOA president without the consent or knowledge of the Villas' homeowners
 - All residents use the private road Little Bear Creek Point to access their mailboxes, to walk to Bear Creek dog park and Bear Creek Park
 - No sidewalk so a safety concern
- The proposal is not consistent with the goals and policies of the comprehensive plan
 - Putting a commercial property in the middle of a beautiful green valley surrounded by well-developed suburban areas does not support the vision of PlanCOS
 - Proposal represents commercial creep into an entirely residential area
 - Keeping the current R-5 zoning would benefit homeowners in the Villas more so than a commercial building
 - Is it right to allow a developer to create a situation that could be detrimental to one of the most important and monumental financial decisions Ms. Downs has ever made in her lifetime?

Elaine Firestone, resident of Little Bear Creek Point

- Never given the opportunity by the HOA to voice concerns
- Having commercial building will diminish the value of the property
- A commercial sign of any kind with additional lights will be unattractive

and obtrusive

- The commercial proposition would be the only one in existence

Joyce Kauffman, resident of Little Bear Creek Point

- Resident for five years and would not have bought if business was there
- Majority of residents oppose this
- Increased noise level and safety level
- No sidewalks for pedestrians
- Road will be ruined from increased traffic
- Loss of nice residential feeling due to lighted signing for the dental clinic

Unknown speaker

- Safety concern with increased traffic
- Small property and dangerous now to back out of garages, will be worse if business is allowed

Rebuttal:

Chris Lieber, N.E.S.

- Spoke with City Traffic regarding access from 21st Street, but because of the road classification, City Traffic's goal was limited access along 21st Street, so that was not an option
- This facility will have a low volume of traffic
- There is an agreement whereby the private road would be shared by Mr. Mastin and Little Bear Creek residents
- For the upkeep of the road, Mr. Mastin would share the maintenance expense and the upkeep of that portion of the entrance
- As to the comment on having no opportunity to provide comments: since the process began 6 to 8 months ago, the neighborhood had been engaged and has gone through the typical process for comments
 - Sat down with individuals who had concerns and was able to alleviate a number of concerns by limiting the uses
- The shared entrance is not used solely by residential traffic, there is senior housing located directly to the south that utilizes the entrance with a fair amount of bus traffic and shuttle traffic
- Signage: the signage will be located immediately on the west side of the dental clinic so it would not be visible from any of the existing residences
- Benefit of a dental clinic is that hours are typically set and traffic would be generated only during those hours, so no access or traffic generated on weekends or after hours
- Green space or Open Space: this site does not function as an open space or green space

Questions:

Commissioner Rickett asked if any of the opponents who spoke today actually looked up the zoning before buying their property and knew about the two buildings that were going to be there. There was affirmation from the residents in the audience acknowledging that they had looked up the zoning.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Raughton commented that he believed this project would comply with the comprehensive plan because this was what was imagined with the mixed uses, creating communities and neighborhoods.

There were no other comments.

Motion by Commissioner Raughton, seconded by Commissioner McMurray, to recommend approval to City Council the rezone of 1.1 acres from R5 (Multi-Family Residential) PUD (Planned Unit Development: medical office, veterinary clinic, general office, personal consumer services and personal improvement services with a maximum height of 30 feet), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603.

The motion passed by a vote of 6:1:1:1

Aye: 6 - Commissioner Raughton, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks and Commissioner Almy

No: 1 - Commissioner Rickett

Absent: 1 - Commissioner Wilson

Recused: 1 - Vice Chair Hente

- 6.B. CPC PUD 19-00057** The Mastin Dental Building Development Plan for development of 1.1 acres as general and medical office located south of Lower Gold Camp Road and east of 21st Street.

(Quasi-Judicial)

Related File: CPC PUZ 19-00056, CPC PUP 19-00026

Presenter:

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

See Item 6.A. (CPC PUZ 19-00056)

Motion by Commissioner McMurray, seconded by Commissioner Raughton, to recommend approval to the City Council the development plan for general

and medical office, based upon the findings proposal meets the review criteria for development plans as set forth in City Code Section 7.5.502(E) and criteria for PUD concept plans set forth in City Code Section 7.3.606 subject to the following technical modifications:

- 1. Finalize the recording of the reciprocal easement agreement for parking under note number 15 on page 1 and on page 2.
- 2. Receive approval of the drainage report and address water quality treatment for the entire area to be disturbed.
- 3. Show the reception number on the plan for the utility and drainage easement, one on the west and east side of the lot.

The motion passed by a vote of 6:1:1:1

Aye: 6 - Commissioner Raughton, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks and Commissioner Almy

No: 1 - Commissioner Rickett

Absent: 1 - Commissioner Wilson

Recused: 1 - Vice Chair Hente

Chapel Heights

**6.C. CPC PUZ
19-00078**

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 42.04 acres from SU/AO (Special Use with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay) zone district located at 1111 Academy Park Loop.

(QUASI-JUDICIAL)

Related Files: CPC PUZ 19-00078, and CPC PUP 19-00079

Presenter:

Rachel Teixeira, Planner II, Planning & Community Development
Peter Wysocki, Director, Planning and Development Department

Staff presentation:

Rachel Teixeira, City Planning, presented a PowerPoint with the scope and intent of this project.

Applicant Presentation:

Jim Houk, Thomas & Thomas, presented a PowerPoint with the scope and intent of this project.

Jim Byers, Challenger Homes, discussed the project's vision and benefit to the community.

Supporters:

Steven De Luna, lives in the area

- Suggested a light on Fountain or Academy because it is difficult to get past that point
- Concerned about the homeless underneath the bridge on Fountain

Opponents:

None

Questions:

Commissioner Rickett asked if anyone had spoken to the school district about the development and how it could potentially add 1,000 new kids to the school district. Mr. Houk said they did not directly contact the school district, but there were no comments from the school district through the review process.

Peter Wysocki, Director of Planning and Community Development, explained that all applications get routed for the normal buck slip process to the review agencies, which includes the applicable school districts. Also, with new residential development, City Code requires dedication of land for a school or a payment of in lieu fees. In this case, the applicant would be paying a fee per unit.

Commissioner Raughton asked why the applicant chose not to use the opportunity zone. Mr. Byers said there was talk with City Staff on how the opportunity zone worked, which would require ownership of the property for a decade or more, and that is not something they were interested in. Mr. Byers said they build homes and sell them and what happens beyond that is up to the property owner.

Commissioner Graham asked if parks were considered in this development. Mr. Byers explained there would be a community center located in the existing chapel because it is a fabulous building and will offer the typical community center activities. Mr. Byers said there has been discussion with Pikes Peak Library District to try and utilize some of the other space. Mr. Byers shared that the area around the chapel will remain open space.

Commissioner Almy asked if this project furthers attainable housing goals in any way. Mr. Byers said that was actually one of Challenger Homes focus to provide development for entry level buyers.

Commissioner Rickett asked where the rental area was going to be set up. Mr. Byers explained they were providing a super pad for that product. It will be a different company that will be providing the rental. The thought process for the overall land plan was to have a smaller product to start out with and as you move through the site, there is an opportunity to move up.

Commissioner McMurray questioned the PUD review criteria and wanted clarification from the other commissioners on if the project meets g., h., i., m., and n. Commissioner McMurray said he was not sure that he could answer those based on everything he has seen or heard.

Commissioner Raughton said from his perspective this project was an infill development, it was in the Economic Development zone in the southeast area, which enhances the neighborhood, and that was why he would be supporting the project.

Commissioner McMurray said he would agree with that sentiment but again, he would not be able to answer questions from the review criteria and wanted to know if he was supposed to go by faith. Mr. Byers said those items would be addressed in the development plan that was submitted after the application that was currently before the commission.

Commissioner McMurray asked if the development plan would be approved administratively. Ms. Meggan Herington, Assistant Director of Planning and Community Development, said that was correct, it would be approved administratively. Commissioner McMurray said he would like this conversation to continue at a work session on how these things are approached in the future when the development plan is approved administratively.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Raughton commended the applicant and said this redevelopment will fit right in to some of the vision that was in the comprehensive plan for this area.

Commissioner Almy said he was encouraged by the use of the land because it was at risk of becoming a blighted area.

Commissioner Hente commended Challenger on their move to try and make improvements to the southeast part of town.

Motion by Vice Chair Hente, seconded by Commissioner Raughton, to recommend approval to City Council the zone change of 42.04-acres from SU/AO (Special Use with Airport Overlay) to PUD/AO (Planned Unit Development: single-family attached and detached, 8-11.99 dwelling units per acres with a maximum height of 35 feet; single-family attached, 12-24.99 dwelling units per acres with a maximum height of 35 feet; multi-family residential, 12-24.99 dwelling units per acres with a maximum height of 35 feet, and community center on 1.97 acres with a maximum height of 50 feet, and Airport Overlay), 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), as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603.

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

Aye: 8 - Vice Chair Hente, Commissioner Raughton, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy and Commissioner Rickett

Absent: 1 - Commissioner Wilson

- 6.D. CPC PUP 19-00079** The Chapel Heights concept plan for development of 42.04 acres for mixed residential use; single-family attached and detached along with multi-family duplexes located at 1111 Academy Park Loop.

(QUASI-JUDICIAL)

Related Files: CPC PUZ 19-00078, and CPC PUP 19-00079

Presenter:

Rachel Teixeira, Planner II, Planning & Community Development
Peter Wysocki, Director, Planning and Development Department

See Item 6.C. (CPC PUZ 19-00078)

Motion by Vice Chair Hente, seconded by Commissioner Raughton, to recommend approval to City Council the Chapel Heights Concept Plan for single-family attached and detached and multi-family residential, based upon the findings that the PUD concept plan complies with the review criteria for concept plans as set forth in City Code Section 7.5.501(E) and criteria for PUD concept plans set forth in City Code Section 7.3.605.

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

Aye: 8 - Vice Chair Hente, Commissioner Raughton, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy and Commissioner Rickett

Absent: 1 - Commissioner Wilson

Appeal of Marketplace at Interquest Filing No. 20

- 6.E. [AR PUD 19-00491](#)** An appeal of the administrative approval of the Marketplace at Interquest Filing No. 20 Development Plan for the construction of a hotel located northeast of I-25 and Interquest Parkway.

(Quasi-Judicial)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development

Motion by Vice Chair Hente, seconded by Commissioner Rickett, to withdraw the appeal per the appellant.

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

Aye: 8 - Vice Chair Hente, Commissioner Raughton, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy and Commissioner Rickett

Absent: 1 - Commissioner Wilson

6.F. [AR FP 19-00492](#) An appeal of the administrative approval of the Marketplace at Interquest Filing No. 20 Final Subdivision Plat for the construction of a hotel located northeast of I-25 and Interquest Parkway.

(Quasi-Judicial)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development

Motion by Vice Chair Hente, seconded by Commissioner Rickett, to withdraw the appeal per the appellant.

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

Aye: 8 - Vice Chair Hente, Commissioner Raughton, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy and Commissioner Rickett

Absent: 1 - Commissioner Wilson

6.G. [CPC PUD 05-00098-A2 MJ09-MM03](#) An appeal of the administrative approval of the Marketplace at Interquest Filing No. 20 Minor Modification for the construction of a hotel located northeast of I-25 and Interquest Parkway.

(Quasi-Judicial)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development

Motion by Vice Chair Hente, seconded by Commissioner Rickett, to withdraw the appeal per the appellant. The motion passed by a vote of 8:0:1:0

Aye: 8 - Vice Chair Hente, Commissioner Raughton, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy and Commissioner Rickett

Absent: 1 - Commissioner Wilson

Short Term Rental

6.H. [CPC CA 19-00137](#) Ordinance No. 19-101 amending Section 201 (Definitions Enumerated) of Part 2 (Definitions) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) and Section

1704 (Short Term Rental Unit) of Part 17 (Short Term Rental Unit) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Short Term Rental Units and Providing Penalties for the violation thereof

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

Staff presentation:

Morgan Hester, City Planning, presented a PowerPoint with the different options for the Short Term Rental (STR) density ordinance.

Questions:

Commissioner Hente asked about military non-owner occupied STRs and if there were a problem while they were deployed. Ms. Hester explained there are requirements on those applications that there be a primary emergency contact, and whomever that person is must live within an hour of the property.

Commissioner Eubanks asked about the conditional use permit or use variance under consideration. Ms. Hester explained these applications would have to come through the City Planning Commission for approval and surrounding property owners would be notified about the request. The conditional use permit would be specific to those non-owner occupied STRs in single-family residential zones.

Commissioner Raughton recommended a 500-foot perimeter instead of a 5 lot buffer.

Commissioner Almy asked about Home Owner's Associations (HOA) and if they were considered in this process. Ms. Hester explained that we do not enforce HOA covenants, that it would be up to the HOA to do enforcement. Ms. Hester said it would be a civil matter if an application came to us where there are HOA restrictions that precludes a short term rental.

Commissioner Almy mentioned that the IOC and Airbnb came to an agreement and wondered if the US Olympic Committee weighed in on this since we are the Olympic City. Ms. Hester said there had been no direction for that and there has been nothing that she knows of specific to the city's regulations. Commissioner Almy asked if that was something we should explore before getting too far along. Peter Wysocki, Director of Planning and Community Development, answered that we should do what is right for our community whatever that is.

Commissioner Almy expressed his concern about the density scheme and how the waivers would make a lot of business for both the Planning Commission and the Planners.

Commissioner McMurray recommended a combination of lot separation and a minimum or maximum distance as well to help with anything ambiguous.

Commissioner McDonald said to be consistent with other ordinances, the buffer should be 500 feet or 1000 feet and not a hybrid that will cause problems in the future.

Commissioner Rickett said he would like to see a better definition of a "large group" instead of the definition of a large group being a wedding. Commissioner Rickett would like a number defined with that.

Commissioner Rickett said Planning Commission would have seen 14 applications last month with the conditional use option.

Commissioner McDonald said a lot of work has gone into this ordinance but wanted to remind everyone that there is always the option that if the ordinance does not work as written, it can come back with a modification after a couple of years. Commissioner McDonald said something has to get in writing now, but cautioned that before pushing it forward, everyone needed to understand how the ordinance was going to work.

Commissioner Hente agreed with Commissioner Raughton and Commissioner McDonald in that they are right that the 500-foot would be consistent with other ordinances and it makes it simpler. Commissioner Hente also agreed with Commissioner Rickett regarding the conditional use for STRs and that Planning Commission would have to have 3 or 4 meetings a month just to review them. Commissioner Hente said he does not believe that should be the role of the Planning Commission.

Mr. Wysocki explained the difference between a quasi-judicial decision and a legislative decision and that the Planning Commission would be deciding of code was being followed. Commissioner Hente believed that it should be elected officials who make that decision.

Commissioner Rickett asked how many cities did not allow STRs in single-family residential zones. Ms. Hester said the ones she found were mostly in other states.

Commissioner McDonald said she disagreed with Commissioner Hente's comments about the elected body versus the appointed body in that elected

officials represent a group of people in our city, whereas the appointed body does not.

Commissioner Graham said making the buffer 500-feet or more is a lot easier determining where the next STR should be than the 5 lot buffer.

Public Comment:

Dutch Schultz, President of the Old North End Neighborhood Association

- Has concerns because there is no way for the public to search for STRs and this is a great difficulty for people purchasing homes, and asked for this to be changed
- Agreed with the 500-foot buffer is clearer and easier to do than the 5-lot count
- Recommended extending the number of days that define owner occupied from 180 to something higher so property owners can only have one owner-occupied STR
- For those who are grandfathered in, they should have to submit an application every year

Dan Neff

- Agreed that getting restrictions in R-1 areas is on track
- Believed grandfathering needs to be looked at more
- Agreed with the 500-foot radius and should not go lower than that
- Thought the conditional use was a great ideal because it requires community involvement and eliminates investors from outside of Colorado Springs
 - Even though would require more time for Planning Commission, it would show what the impact to the community is
- Would like owner-occupied to be defined as at least three quarters of a year
- How will enforcement work to ensure that people are occupying the residence

Liz Bevington, Old North End resident

- Believed it was devious, dishonest, and immoral to change or alter a zone retroactively
- Does not support any short term rentals in an R-1 zone because they are a commercial use
- If allowed in R-1, owner occupancy should be required
- At a minimum have the 500-foot buffer
- Before ordinance is passed, there must be a way to enforce it

Janice Hill

- No non-owner occupied should be allowed in R-1
- There should be a sunset clause on homes already used in this way
- Owner occupied should be defined as living in the home three quarters of the year

Linda Railey, Old North End resident

- Supports that owner needs to be on site
- Wanted a 1,000-foot separation

Ken Hill, Old North End resident

- Wanted a 1,000-foot separation for density
- Should be owner-occupied

Jim Keuning, Briargate resident

- STRs in residential areas are a blatant violation of the concept and application of the zoning
- Be clear on the separation of STRs
- Be specific on defining owner-occupied
- Told Commissioner Rickett that he read a document that said a definition of a hotel is that it accommodates at least 15 people

Mike Applegate, represents the Neighborhood Preservation Alliance of Colorado Springs

- Shared statistics on Airbnb, Expedia, Priceline, and TripAdvisor
- Provided home occupation definition from City Code
- Supports any kind of owner occupancy requirements
- Advocated for the 500-foot buffer which is simpler

Bill Medieros

- Currently resides next to an STR
- Not in favor of STRs at all
- If STRs are allowed in residential zones, then have a qualifying standard or conditional use
- All STRs should be owner-occupied
- Would you buy a home if you knew there was an STR next door?

Shari Casey, a non-owner occupied STR owner

- Long term renters were destroying the house
- Concerned about not being grandfathered in after making a \$20,000 investment to the home

- Maybe change some of the restrictions for non-owner occupied to not allow parties, etc...

Laura Walker, Neighborhood Preservation

- Advocated for no STRs in single-family residential areas

Ryan Spradlin, operates the Colorado Springs Short Term Alliance

- Explained that you could request from City Staff a list of STR's and the contact information
- Current STRs should be grandfathered

Daryl Counsell, has long term rentals and is starting a short term rental

- Shared that long term rentals are a problem

Ryan Decker

- Long term rentals seem more problematic
- Military exemption does not make sense
- Focus should be on how to operate short term rentals
- Many cities do not regulate short term rentals

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Raughton

- Supported owner occupied in single-family residential
- Supported 500-foot buffer as opposed to a 5 lot buffer

Commissioner McMurray

- Two principles Mr. McMurray wanted to share
 - No neighborhood should be exempt from change
 - No neighborhood should be subject to radical change
- Supported owner occupied STRs
- Should allow non-owner occupied in all zones for the reason it will help to increase the economic resiliency of the neighborhoods and our communities over time
- Non-owner occupied units should be limited
 - 5 lot separation is good
 - 500-foot buffer approach might be better
- Conditional use approach is the right idea

Commissioner Rickett

- Supported changing the definition of owner occupied from 180 days to 185 days so owners can't move back and forth from house to house so

they could have two rentals

- In favor of limiting non-owner occupied and not allowing those in the R-1 district
- Would like to get a good definition for a large group

Commissioner McDonald

- The 500-foot buffer should apply to all neighborhoods and keep it consistent with other ordinances
- Grandfathering should be allowed until there is a change of ownership or a change of use to protect people who did buy a home and who have a permit

Commissioner Hente

- Supported 185 days or more to define owner occupied, but would prefer to extend it to 240 days
- Supported 500 feet instead of 5 lots between to stay consistent with other ordinances
- Supported prohibiting non-owner occupied STRs in single-family residential

Commissioner Eubanks

- Supported the 500-foot buffer
- Supported prohibiting non-owner occupied STRs in single-family zoning
- Supported changing owner occupied to at least 185 days; would also support 240 days
- Wanted Ms. Hester to speak on enforcement from a 3rd party to address the concerns of the citizens
 - Ms. Hester explained a request for a quote for a third party company to assist in identifying properties that are not in compliance was advertised in the summer
 - Currently, the contract is being worked on to include other services the company will provide
 - The intent is to get property information for those who are not in compliance, so that Neighborhood Services/Code Enforcement can address those properties as they have been since the program was implemented

Commissioner Almy

- In favor of no buffer and allowing the marketplace to drive it, but ceded to that a 500-foot buffer would be a lot easier to take care of and wouldn't become overly bureaucratic
- In favor of the military exemption

Commissioner McMurray

- Supported the 185 or 240 days of occupancy for owner occupied makes sense

Commissioner Rickett

- Clarified that the only reason he wanted the owner-occupied defined at 185 days is so a person would not have two owner-occupied rentals and be in the single-family zone district

Motion by Vice Chair Hente, seconded by Commissioner Rickett, that this Ordinance be accepted Recommend to the City Council adoption of an ordinance amending Chapter 7 (Planning, Development and Building) of City Code establishing density standards for non-owner occupied short term rental units

With the recommendation:

1. No more than one short term rental within a 500-foot buffer

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

Aye: 8 - Vice Chair Hente, Commissioner Raughton, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy and Commissioner Rickett

Absent: 1 - Commissioner Wilson

Motion by Vice Chair Hente, seconded by Commissioner Raughton, that this Ordinance be accepted Recommend to the City Council adoption of an ordinance amending Chapter 7 (Planning, Development and Building) of City Code establishing density standards for non-owner occupied short term rental units

With the recommendation to amend the definition of Owner Occupied

From: occupied by the owner for not less than one hundred and eighty (180) days each year

To: occupied by the owner for not less than two hundred and ten (210) days each year

The motion passed by a vote of 6:2:1:0

Aye: 6 - Vice Chair Hente, Commissioner Raughton, Commissioner McMurray, Chair Graham, Commissioner McDonald and Commissioner Eubanks

No: 2 - Commissioner Almy and Commissioner Rickett

Absent: 1 - Commissioner Wilson

Motion by Vice Chair Hente, seconded by Commissioner Rickett, to recommend to the City Council adoption of an ordinance amending Chapter 7 (Planning, Development and Building) of City Code establishing density standards for non-owner occupied short term rental units

With the recommendation to prohibit short term rentals in single-family residential zoned districts with the exception of the military exemption.

The motion passed by a vote of 7:1:1:0

Aye: 7 - Vice Chair Hente, Commissioner Raughton, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy and Commissioner Rickett

No: 1 - Commissioner McMurray

Absent: 1 - Commissioner Wilson

Motion by Vice Chair Hente, seconded by Commissioner Raughton, to recommend to the City Council adoption of an ordinance amending Chapter 7 (Planning, Development and Building) of City Code establishing density standards for non-owner occupied short term rental units with the following conditions:

1. No more than one short term rental within a 500-foot buffer radius

2. Amend the definition of owner occupied

From: occupied by the owner for not less than one hundred and eighty (180) days each year

To: occupied by the owner for not less than two hundred and ten (210) days each year

3. Prohibit short term rentals in single-family residential zoned districts with the exception of the military exemption

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

Aye: 8 - Vice Chair Hente, Commissioner Raughton, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy and Commissioner Rickett

Absent: 1 - Commissioner Wilson

7. Presentations/Updates

Park Land Dedication Ordinance

**7.A. CPC CA
19-00135**

An ordinance repealing and reordaining Part 12 (Park and School Site Dedications) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to park land dedication

Presenter:

Chris Lieber, NES, Inc

Peter Wysocki, Director of Planning and Community Development

Karen Palus, Director of Parks, Recreation and Cultural Services

8. Adjourn