City of Colorado Springs

Regional Development Center (Hearing Room)
2880 International Circle

Meeting Minutes - Final
Planning Commission

Wednesday, December 11, 2024 **9:00 AM** **Regional Development Center (Hearing Room)**
2880 International Circle

1. Call to Order and Roll Call

Present: 8 - Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

Excused: 1 - Vice Chair Foos

2. Changes to Agenda/Postponements

3. Communications

Andrea Slattery - Planning Commission Chair

Kevin Walker - Planning Director

4. Approval of the Minutes

4.A. CPC 2360 Minutes for the November 13, 2024, Planning Commission Meeting

Presenter:
Andrea Slattery, City Planning Commission Chair

Attachments: CPC Minutes 11.13.24 Draft

Motion by Commissioner Rickett, seconded by Commissioner Casey, to approve the minutes for the November 13, 2024, Planning Commission Meeting. The motion passed by a vote of 8-0.

Aye: 8 - Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

Absent: 1 - Vice Chair Foos

5. Consent Calendar

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to approve the Consent Calendar. The motion passed by a vote of 8-0.

Aye: 8 - Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

Absent: 1 - Vice Chair Foos

Club Car Wash - North Gate

5.A. CUDP-24-0019 A Conditional Use to allow a car wash in the MX-M (Mixed-Use Medium Scale) zone district consisting of 1.17 acres located at 2651 North Gate Boulevard.
(Quasi-Judicial)

Presenter:
Kyle Fenner, Senior Planner, Planning Department

Attachments: Staff Report_CUDP-24-0009_Club Car Wash CPC_FINAL
Attachment_1 - Project Statement and Land Use Statement
Attachment_2 - Exhibit
7.5.601 CONDITIONAL USE

Club Car Wash - North Academy

5.B. CUDP-24-0018 A Conditional Use to allow an Automobile and Light Vehicle Wash use in the LI/CR (Light Industry with Conditions of Record) zone district consisting of 1.28 acres located at 1705 N Academy Blvd.
(Quasi-Judicial)

Presenter:
Molly O'Brien, Planner II, Planning Department

Attachments: Staff Report_Club Car Wash N Academy
Attachment 1 - Project Statement and Land Use Statement
Attachment 2 - Exhibit
7.5.601 CONDITIONAL USE

Dutch Bros Coffee - Non Use Variance

5.C. NVAR-24-0015 A Non-Use Variance to City Code Section 7.4.201.C (Table 7.4.2-C) to allow a 2-foot front yard parking setback off the west property line where 20-feet is required located at 1802 E Platte Avenue and 307 N Union Boulevard.
(Quasi-Judicial)

Presenter:
Chris Sullivan, Senior Planner, Planning Department

Attachments: Staff Report_Dutch Bros NVAR
Attachment 1_Project Summary
Attachment 2_Vicinity Map
Attachment 3_Dutch Bros Land Scape Plan
Attachment 4_Dutch Bros Site Plan
7.4.201 GENERAL DIMENSIONAL STANDARDS
7.5.526 NON-USE VARIANCE

Hancock/Chelton Conditional Use - SF Detached

5.D. CUDP-24-0020 A Conditional Use to allow single-family detached residential units in the MX-M (Mixed-Use Medium Scale) zone district consisting of 7.62 acres located at northwest of the Chelton Road and Hancock Expressway intersection.
(Quasi-Judicial)

Presenter:
Allison Stocker, Planner II, Planning and Neighborhood Services

Attachments: CUDP-24-0020_Staff_Report
Exhibit_1_Project_Statement
Exhibit_2_Land_Use_Statement
Exhibit_3_PublicComments
Exhibit_4_Vicinity_Map
7.5.601 CONDITIONAL USE

6. Items Called Off Consent Calendar

7. Unfinished Business

8. New Business

Trace Church - Conditional Use Permit

8.A. CUDP-24-0017 A Conditional Use to allow an Elementary or Secondary School use in the LI (Light Industrial) zone district consisting of 5.93 acres located at 4330 Mark Dabling Boulevard.
(Quasi-Judicial)

Presenter:
Chris Sullivan, Senior Planner, Planning Department

Attachments: Staff Report_Trace Church CUP
Attachment 1_Project Summary
Attachment 2_Land Use Statement
Attachment 3_Plat
Attachment 4_Site Plan
7.5.601 CONDITIONAL USE

Chris Sullivan, Senior Planner, presented the application for Trace Church located at 4330 Mark Dabling Boulevard. The current land use is religious institution and is being proposed for elementary or secondary school. There are no proposed changes to the site, access or landscaping. Standard public notice was given, and no comments were received. Agency review was done, and no comments were received. The project complies with Plan COS. Staff finds the application meets the review criteria.

Commissioner Comments

Commissioner Rickett asked if this was a public or charter school. Mr. Sullivan said he would like the applicant to explain.

Applicant Presentation

Jonathan Whitaker, YOW Architects presented the application for the proposed use. Trace Church is an approved use and is looking for ideas to utilize the space during the week. Mr. Whitaker said this application is for University School, a private Christian school, with approximately 200 hundred students planned for enrollment from pre-kindergarten through 12th grade. There are 300 hundred parking spaces for the church, which is enough to accommodate the school. The school intends to have on campus learning Tuesday through Thursday. Chair Slattery asked to see views of the outside space for the children. Mr. Whitaker showed an arial view and showed were fenced play area would be. Chair Slattery asked what the westside will be used for. Mr. Whitaker said there are some plans for a fenced playground or field area.

Jennifer Sutherland, University School, Head of School asked the Commissioners if they had any questions. Chair Slattery said she has reservations about the compatibility with existing uses and the railroad track right behind the school. Ms. Sutherland said there are schools that have to use urban use. And there's a lot of opportunities to create urban spaces into appropriate play spaces for students. Students will be on campus Tuesday, Wednesdays and Thursdays and they have about one hour of outside activity. Ms. Sutherland said there will be greenery, appropriate age and play structures. To the west, on the larger part of the back end will be one area for us to develop our adventure program.

Commissioner Robins asked how many classroom will be in the building. Ms.

Sutherland said the first floor has about 14 classes that are being utilized in shared space with the church and they are building a second floor for an additional 14 classes for the secondary program.

Commissioner Hensler said enrollment started at 200 students and asked if that currently enrolled students or is that your capacity in your building up to that. Ms. Sutherland said that is the current enrollment, with a capacity of up to 300 students.

Commissioner Hensler asked if those students are enrolled and when they are going to start. Ms. Suther land said they will start August 2025.

Chair Slattery asked if there is a current space that you're using now for your program. Ms. Sutherland said they are currently renting in old Colorado, in five separate buildings, so students are having to cross public access streets and park on public streets. We believe overall this is the best opportunity to have a safe and secure parking lot and a safe and secure playground space that is actually gated in, which is contrary to the current space.

Commissioner Casey asked if they would anticipate having after-school sports and activities that would be outside of his fields. Ms. Sutherland said that is not part of our goal. There is a robust adventure program and theater department.

Commissioner Robins said he has noticed a lot of homeless people coming and going to school and is concerned about the safety of the children in the building as well as outside and asked what they have planned for that. Ms. Sutherland said they currently have a contract with Vigilant Tiger, which is a private security company. There is an armed guard campus, and he will be moving to the new location. There is also one point of entry with a key fob entry for teachers. The fence line will be eight feet or over depending on the scope of that job. There will be a keypad entry only students and staff members can access with a security guard.

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to approve the Conditional Use based upon the finding that the request complies with the criteria as set forth in City Unified Development Code Section 7.5.601. The motion passed by a vote of 7-1.

Aye: 7 - Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

No: 1 - Chair Slattery

Absent: 1 - Vice Chair Foos

ADU Code Amendment

CODE-24-0006 An Ordinance amending Chapter 7 (Unified Development Code (UDC)) of the Code of the City of Colorado Springs 2001, as amended, as related to accessory dwelling units. (Legislative)

Related Files: CODE-24-0006
Located in All Council District

Presenter:
Daniel Sexton, DRE Planning Manager, Planning Department
Kevin Walker, Director, Planning Department

Attachments: Staff Report ADU Ordinance vf
1 - ADU Ordinance
2 - Ordinance No. 20-39
3 - Ordinance No. 20-37
4 - House Bill 24-1007
5 - House Bill 24-1152
6 - Senate Bill 24-174
7 - Public Comments
8 - ADU Ordinance - Table of Proposed Changes
7.5.702 AMENDMENT TO UDC TEXT
PublicComments_Combined_1262024
PublicComment_Combined_12102024
ADU Ordinance Preliminary Survey Results 1292024
UDC-Accessory Dwelling Units Ord_2024.12.30
ADU Ordinance_CC Work Session_Staff Presentation_Final

Daniel Sexton, Planning Manger presented the proposed ordinance. Mr. Sexton said he would like the commissioners and the public that are present today to bear in mind that the preparation of the ordinance that we're presenting to you as a collective effort. This is not one person with one person's agenda. This is a collective effort to look at what, statutorily is required, what issues or concerns we have experienced as practitioners implementing the current ADU Ordinance. Mr. Sexton said this sets the stage as a community for a greater degree of opportunity for the development of additional housing within our community.

Commissioner Rickett asked if City Council was involved in this as well. Mr. Sexton said City Council has been briefed. hat is before you today and they are one of the entities that have encouraged staff to pursue the

development of this draft ordinance.

Kevin Walker, Planning Director said there was a meeting, requested back in September by a couple of council members to take a look at this.

Commissioner Rickett said this really does not have a lot of council input as we have seen with the last couple things that have been directed by City Council. Mr. Walker said that would be an accurate statement.

Mr. Sexton continued the presentation stating an ADU is not considered a principle use. It as an accessory use to an established principle use on a lot or property that is already developed in the City. In this case, the framing of that principle use is a single-family detached dwelling unit. This can consist of an attached ADU, where you have an established home, and somebody chooses to build or has a portion of their house that they want to convert into that secondary unit. This can be an integrated ADU, where you have a second floor or a basement that can be converted into a secondary dwelling unit. Mr. Sexton said there are detached ADU's which are freestanding, stand-alone structures or this could be in addition or part of an existing detached garage. Staff have gone through all the building permit records since the last adopted ordinance in 2020. Since that ordinance, there have only been 68 ADU's built in the City. The Planning Department and practitioners that are tasked with applying these regulations and reviewing these applications truly sees accessory dwelling units as one piece of that larger puzzle that gets us to our attainable housing goals and achieving the citywide strategies for both housing for supporting our economic development. The ordinance was developed from a series of state mandated legislative bills. Those bills recommend that the City pursue the development or the modification of our ordinances to allow for use on any property that currently permits a single-family detached dwelling. Mr. Sexton outlined the legislative parameters from HB-24-1152 on the decision-making process. The dimensional and design standards must be structured so that they are not unduly prohibitive. However, if you have a neighborhood that was built with no design standards, there are no design standards that we would be factoring into our decision-making. They can use the established existing home or built environment as a as a reference point for compatibility. Mr. Sexton outlined the size, setback and lot size components for ADU's. Mr. Sexton spoke on the supportive jurisdiction implementation strategies which allow the jurisdiction and even property owners; if the decision is made by the

state that community has met the benchmarks under the legislation, that they have access to grants, technical financial assistance. With the state legislation, there were millions of dollars carved out of the state budget last cycle, to be able to support that functionality. Mr. Sexton said it is an important factor because as the city of Colorado Springs is a home-rule community, we want to be able to provide the best possible avenue for incentivizing attainable housing within our community and allowing our homeowners to age in place. The proposed ADU will strike out the entire section on accessory family suites. Mr. Sexton said they have heard through the public engagement efforts and from administration and council that there is a desire to revisit short-term rental regulations, but we have desired not to muddy the water in this conversation today about ADU's. Effectively, under the ordinance we have proposed to prohibit the use of an ADU on the property to be used as a short-term rental. Mr. Sexton said what has not changed is the limitation that the current code has set forth which prohibits an ADU from being separately sold or separately subdivided. We have built in some provisions to hopefully capture if a property owner seeks to condo the units. We have maintained it from a compatibility perspective, the desire to diminish the presence of the ADU forward of the home in the sense that from an access perspective, doors would not be able to be both, for the principal structure in the ADU, facing the primary street and the front yard. We have maintained that the decision-making process set forth under the ordinance is still at an administrative level with staff through a building permit review. An important aspect, which is somewhat nuanced, is that the legacy zone district standards remain in place. We have adjusted them in some instances to ensure that we do not create unnecessary conflict.

Mr. Sexton said this process was not absent public participation, we had a number of meetings with various stakeholder groups and organizations throughout the process. An open House meeting was held with an excess of 60 residents participating in the conversation. We have a community wide survey that is still open and will close on December 20th, 2025. As of Tuesday, We had 181 residents participate in that survey effort. Staff has received public comments both in favor and in opposition.

Public Comment

Devin Camacho ceded his time to Jill Gabler, Executive Director of Pikes Peak Housing Network spoke in support of the ordinance. Ms. Gabler said

she has spoken to almost all of Council, and they are very aware of this and several of them wanted us to move this forward. She said Council wanted to get this done before the new council is seated because then there would just be a huge education to get them engaged on this issue and this has to be done by the end of June. Ms. Gabler said over 65% of the land mass in Colorado Springs is zoned for single-family homes and household sizes continue to decrease most recently to 2.3 people per home and home prices increase. Colorado Springs has fewer people in many of our existing neighborhoods, evidenced by closing schools throughout our city. Allowing the development of ADU's use on any residential property that meets the city's land use criteria supports families who want to care for older parents or kids who cannot afford the high cost of housing. It also helps less affluent families to live in the neighborhoods of their choice near to good schools and be closer to their jobs. This draft ordinance also supports the goals of Plan COS to include reducing lane miles per dwelling unit and increasing development within the city's boundaries. These goals support using existing road and utility infrastructure to service. Ms. Gabler provided statistics on how many ADU's and lot coverage. Ms. Gable read a letter from Lynn Peterson in response to an article written in the Gazette.

Jeff Thorosgaard, Vice President of Colorado Springs Chamber and EDC spoken in support of the ordinance. Mr. Thorosgaard said the businesses that he represents urgently need housing options for their employees. The regulations of ADU's are not just a housing initiative, it is a critical step towards fostering economic growth to community development as we confront complexities and urban living housing. He said ADU's provide a strategic advantage by enhancing existing residential property to maximize both deficiencies unsustainability. By enabling property owners to constructive use, we can create diverse and accessible housing opportunities without the burden of extensive new construction, which often incur significant costs.

Michelle Betancourt spoke in support of the ordinance. Ms. Betancourt and her husband are residents of the Valley High neighborhood. She stated that they have a bit of a conundrum because their current zone only allows attached ADU's. Ms. Betancourt said they would be in support of this new ordinance because we would like to build a detached ADU, however, their concern is that they do support this, it would ban short-term rentals. She asked for someone to address the ban on short-term rentals. Chair Slattery said they will add that to the topic of discussion.

Lisa Bigelow ceded her time to Kat Gayle, Chief legal counsel for West Side Watch and Integrity Matters, who spoke in opposition to the Ordinance. Ms. Gayle said this ordinance would be enforceable citywide and there is no regard for fire evacuation safety, no pause to develop adequate infrastructure, for potentially three times the current residents of any parcel. Ms. Gayle said they are concerned on the west side with the wildfire evacuation safety. They have done modeling, and it can be up to 6 hours to get out. She said they are continuing to ignore the science of this evacuation modeling, and it is grossly irresponsible and amoral to pretend that development in density without evaluating impact an evacuation times will not cost lives and evacuation. Ms. Gayle noted the colleges in the area and density concerns.

Cheryl Brown ceded her time to Dianne Bridges, Chair of the Historic Neighborhoods Partnership, who spoke in opposition to the ordinance. Ms. Bridges said they are strong supporters of smart, equitable and diversified housing. Some of the volunteer work we've done as we were asked to join Mayor Yemi Strategic planning effort on the housing group. Prior to that, we actually supported the Affordable Housing Collaboration, which is the predecessor to the Pikes Peak Housing Network. They identified about 25 different ways the city could address affordable housing. Many of those initiatives actually got combined into presentation that was given to City Council two years ago, which had about 29 different ways to address affordable housing. Ms. Bridges said this would cause a massive density issue and this is being coupled with parking and the unlimited number of people in a house. Ms. Bridges outlined slides with recommendations on the proposed ordinance with statistics on lot sizes, structures, height and limiting bedrooms.

Charles Lucas ceded his time to Karrie Waite, a founding member of Westside Voices for Responsible Development and a 35-year resident of the northwest side of Colorado Springs who spoke in opposition of the ordinance. Ms. Waite said she is primarily concerned with wild-urban interface wildfire issues. She said when concerns were raised about the added density and pressure on the roads, she was not given a response from Mr. Walker or others. Ms. Waite presented data on 50 wildfire metro risks showing Colorado Springs being number 10. She said insures are dropping out of the wildland urban interface and are unable to get affordable insurance on their property. Ms. Waite said she does not

believe it right in any way for the Planning Department, Planning Commission or Council Members of Colorado Springs not to have their chins up and be aware of this.

Larry Syslo, spoke in opposition of the ordinance. Mr. Syslo said he considers the Colorado State Legislation to be an overreach in regard to HB 24-1152, and the City of Colorado Springs approach to their new zoning. Mr. Syslo said there are two bright spots, one is the requirement of one ADU per lot and the other is prohibiting ADU's from being used as STR's. Mr. Syslo said ADU's increase density. He said if the community complies, they get grants and funding and so you can follow the money.

Brian O'Donnell, a resident on the west side of town, spoke in opposition of the ordinance. Mr. O'Donnell said he had just learned about the ADU ordinance about a month ago and it has been an interesting journey learning precisely what they are and how they can help some of the pros and cons. He said that this is no longer a yes or no, the is about implementation and the planning department has gone beyond and specifically it's the number of houses per unit, height and size requirements. Mr. O'Donnell said they need to meet House Bill 1152, as it already mandates the to use for our state. Our job now is to balance the housing expansion with our existing infrastructure in neighborhoods.

Mary Talbot spoke in opposition to the ordinance. Ms. Talbot said she has four concerns about the proposed ordinance. First, please do not take a bad piece of state legislation and make it worse by allowing two ADU's on each single-family lot instead of one. She said this is not about granny flats or places for dependent children. If it was, homes would be required to be owner occupied. This is about profit for investors. Ms. Talbot said her second concern is the use of our scarce tax dollars, to waive costs of establishing ADU's. There is not enough tax money to pay for adequate police right now or fire or infrastructure. Ms. Talbot said her third concern is there is nowhere in the state bill about discreate addressing. She said emergency response vehicles will not know which unit to go to. Many neighborhoods have consolidated lock boxes. Ms. Talbot said her final concern is about open space and parks and it will change the density in the neighborhoods.

Dutch Schultz, President of the Old North End neighborhood spoke in opposition to the ordinance. Mr. Schultz said it is the details that they are

concerned about. Everybody thinks the old north end is just a lot of big mansions who don't want to change, and nothing could be further from the truth. He said the current zoning is 38% multifamily and R2 or higher and already know what the impacts will be because they are an example. Mr. Schultz said this is for the investors and if they buy a home and add an ADU to it. They will buy the least expensive home in a given area which has the highest rental rates. They will buy affordable homes because of the lowest price and remove them from the market. Mr. Schultz said the Old North End was an original member of the Affordable Housing Coalition and said this is all predicated on the fact that it is affordable housing. It is not, it is about developing. He said two things should help this, one the relationship that the City and the City staff has with the homeowner should not be in peril. There is going to be no notice, there is almost nobody here today to talk about this. Mr. Schultz said cards should be sent to all single-family homes and to communicate with the residents of the City. He said on a final note, if this legislation does not work out as proposed to promote affordable housing, put a sunset after five years, see what the impact is and mend or repeal it.

Tom Helger, a longtime resident of Old Colorado City for more than 25 years, spoke in opposition to the ordinance. Mr. Helger said his neighbor across the cul-de-sac moved in at least two years ago and almost immediately installed a large black shipping container style ADU in the front yard and began running as a short-term rental. The structure has negatively impacted our quality of life. The owner has also installed a hot tub along with chairs on top of it with a direct view of the second-story bedroom and bathroom area of our home. He said this creates the lowering of property values to the structures and is an eyesore. Mr. Helger contacted City Code Enforcement, and the ADU was found to be in violation for multiple reasons. This case has bounced between City Planning and Code Enforcement for a very long time. The structure has been in place going on for two years and Planning says they can do nothing more. Code says that City Zoning is supposed to schedule a meeting with this party to discuss the matter, however he has been told the same thing month after month with no resolution.

Mr. Helger said if this type of activity is allowed to proliferate, it will destroy the integrity of the wonderful neighborhoods of Colorado Springs, including the historic areas of old Colorado City, the Old North End and The Broadmoor.

Mike Anderson, member of The Historic Neighborhoods Partnership, spoke in opposition to the ordinance. Mr. Anderson said he has questions that the City Planning Commission should consider. The first is, does the proposed ordinance go too far. Is it too extreme and allowing two ADU's to be the same size and height of the primary structure. The City UDC states the proposed ordinance allows multiple ADU's that are the same size and height of the primary structure, the lot. Mr. Anderson asked how that makes logical sense when it is not consistent with the definition of an ADU. He asked if this makes it appear that the proposed new ordinance is simply a means of allowing duplexes and tri-plexus citywide to accomplish a greater objective to dramatically increase the density of existing neighborhoods. Mr. Anderson said allowing two ADU's per lot is effectively flipping single-family zoning to multi-family, tri-plex zoning. He asked if the City should have conducted a robust public participation process as there are nearly 138,000 residential lots in the city that will be impacted by this ADU ordinance, and this will essentially allow an additional 276,000 dwelling units on top of the 138,000 have right now. Mr. Anderson asked how is this gentle density and if the required setbacks the lot coverage, ratios and setbacks will be enough to thwart the construction of multiple to use a lot. He then asked if the ADU could actually be counterproductive and hurt low- and moderate-income folks by adding two ADU's making single family lot purchases and existing neighborhoods much more financially attractive to corporate investors.

Jeanette Caproon ceded her time to Dana Duggan, co-founder of West Side Watch spoke in opposition to the ordinance. Ms. Duggan said Council Member Donalson asked for Council and the City to wait until the next Council is in place. Ms. Duggan provided multiple definitions of accessories from the Oxford Dictionary. Ms. Duggan said accessory dwelling units are designed to expand or enhance the primary residence. She spoke on a documentary based on the Austin real estate market crash. She also provided a slide on data showing average vacancies in Colorado Springs provided by CoStar.

Ed Schoednheit, an 18-year resident of Colorado Springs and a senior member of a large HOA on the east side. The community is a multi-1000 mix of single-family home condos and apartments with various zoning and lot sizes and hundreds of lots suffer from inadequate parking. Mr. Schoednheit said it fails to adequately address issues related to storm

water drainage, impacts older neighborhood, water, sewage, electrical, traffic, D49 elementary school overcrowding and road maintenance. He said it increases density and fire risks along green spaces. Mr. Schoednheit expressed concerns with pushing the ordinance and not getting enough feedback from the public.

Commissioner Comments

Chair Slattery said there are key items that have been brought to their attention that will be addressed. These items are density, number of units, design compatibility, size, height and parking. Chair Slattery asked how the roads are built for the established neighborhoods, what are some of the family sizes and how that has shifted. Todd Frisby, City Traffic Engineering said the increased traffic with the with an ADU is not necessarily a one-to-one relationship. If you add another accessory dwelling unit to a property, it is not going to generate the same number of trips total. Mr. Frisby said that in the 1960's and 1970's when transportation planning was being done, they did not anticipate everyone in a household being a driver. The roads were under projected, which is an example of how demographics change over time. He said we may see fewer trips generated per household now. Mr. Frisby said the roads today have the capacity to handle additional traffic on a small scale.

Chair Slattery asked Mr. Frisby to clarify. Mr. Frisby said on average a single-family home generates ten trips per day, which is the standard they use for a single-family home. Which includes deliveries, mail, trash and visitors. He said an apartment by comparison can generate 6.44 trips per day.

Chair Slattery asked Mr. Frisby to talk about local roads versus collector roads and capacities of a suburban style plan versus an urban grid since some of the concerns are in historic neighborhoods which are our city grids. Mr. Frisby said a City grid system helps distribute traffic more evenly across an area. He said if you take a more suburban style development of where we have the classic classifications of local collector arterial, the local streets have less than 1500 vehicles a day which does not necessarily apply to a grid system.

Chair Slattery asked how off-street parking will play into our existing infrastructure with this proposed ordinance. With State law, we would be

allowed to require off-street parking, or does our existing infrastructure allow for more on street parking? Mr. Frisby said every public street. Unless otherwise restricted is available for parking.

Commissioner Hensler said a slide was shown earlier that had historical ADU additions overtime and asked if there are projections that could be for ADU's. Mr. Sexton said they do not see huge amount of ADU's proposed and cannot give an accurate forecast of how may ADU's would be permitted. Commissioner Hensler asked why 2023 has such an increase on ADU permits. Mr. Sexton said it may have been due to the changes in the building code and wanted to get it done prior to the changes.

Casey said he realizes that we do not have projections, but that it would really be helpful to see what the projections are for 2025 and beyond for two ADU's per residence. Commissioner Casey noted, as some of the public comments stated, that the ordinance is almost incentivizing corporations getting involved in building ADUs as investment properties, and he thinks we should consider the impact of that. Mr. Sexton said he would be reluctant as the city planning department to forecast that and there is not an anticipated benchmark.

Commissioner Hensler said this is a reaction to the State Ordinance which must be followed. Mr. Sexton said there are multiple aspects and absent the state legislation they may have been here to talk about this on that scope. He also said as the Planning Department practitioners have identified deficiencies or problems with the ordinance that have made it cumbersome.

Commissioner Rickett said Seattle swapped their ADU requirements in 2019 and prior to that, there were on average about 180 ADU's per year and after the change it increased to 1,000 ADU's per year. Commissioner Rickett said staff should dig into what other cities have done. He would also like to see a chart that shows the current, proposed, minimum requirements and what the increase is to receive additional funding from the State. Commissioner Rickett would like to see what the difference between one and two ADU's creates.

Chair Slattery said a residential estate, brought more to the 30% coverage, and asked if those are proposed to remain. Chair Slattery asked to have

clarification on lot coverage and people density. Commissioner Rickett said his concern is more about public safety.

Commissioner Robbins said there should only be one ADU per lot regardless of lot size. He said the issue is more people, more density, more crime. The streets are not set up for off-street parking and the ADU should not be bigger than the house.

Chair Slattery asked if there is a proposed way to write code amendments where one ADU is allowable, and the second could apply for a use variance and comply with state law.

Trevor Gloss, City Attorney said the difficulty is that the state statute states that the regulations need to be objective, and they may need to be administratively approved. Mr. Gloss said for example, because our variance process goes to the planning commission and then potentially city council which involves elected officials which the state statute says we cannot do. He said they are limited to the basic administrative adjustments per City code, which can be done through the planning manager. This limits the City's discretion of improving anything or increasing it in certain cases where could be allowed.

Commissioner Casey asked if they could allow one ADU attached and one ADU detached.

Mr. Gloss said that would be an option.

Commissioner Rickett asked if it is possible to split between residential zone districts?

Mr. Gloss said you cannot have restrictions that are stricter for an ADU than they would be for the principal, a single-family residence.

Commissioner Hensler asked if this was an administrative process only and not a commission process to do conditional use or a variance, meaning that would be an absolute no-go based on the state statute.

Mr. Gloss said yes. Mr. Gloss addressed Commissioner Rickett saying wherever single-family residences are allowed, the state statute says ADU’s have to be a lot as well.

Commissioner Rickett said it is still allowed, with one ADU in all cases and two ADU's in larger cases.

Mr. Walker said another way to look at it is as a land area distinction, just to say perhaps you can have two ADU's if you have a one-acre lot and a single-family home, as a size distinction.

Chair Slattery asked if a representative from CSU could come speak on the existing infrastructure. Todd Sturtevant, Connection Manager, Colorado Springs Utilities. Spoke on how ADU's are handled from a service line perspective. Mr. Sturtevant said the customer has that option of using the existing service line if it can handle the main house and the ADU. If tow ADU's are added, then the billing would become commercial, making the rate 50% higher than the residential rate. He said it would also require a backflow system. The customer has the option to use that existing service line and branch off or they can install a separate service, but then they would be required to pay development fees and water resource fees. Chair Slattery asked about gas and electric usage. Mr. Sturtevant said the gas currently we are allowed to use two service lines off a branch service. If there are three, then we have to install a mainline to serve the three meters for gas service. The mainline requires a minimum of a 20-foot gas easement on the property in order to service the main line. Forest Service.

Chair Slattery asked if these types of service lines would apply only to detached ADU's versus integrated ADU's. Mr. Sturtevant said an integrated would be a primary service line from the main house. Anything after three services would trigger the commercial rate.

Commissioner Hensler asked if adding just one additional service that could likely be managed by the main line in most cases. Mr. Sturtevant said yes and it usually at that point, the customer's choice if they want to run a separate service line to that separate ADU. Commissioner Hensler said the size of the primary home and ADU could trigger the need for additional services. Mr. Sturtevant said it is the responsibility of the owner, and the owner's engineer to do those calculations.

Chair Slattery asked if there was an integrated ADU that was not sub metered and then there was a second sub meter, if that would still be a residential rate. Mr. Sturtevant said after one resident and two ADU's then

it becomes a commercial rate.

Commissioner Hensler asked if the existing infrastructure robust enough to accommodate the addition of more ADU's and how does adding ADU's and utilizing existing infrastructure take pressure off of future growth and expansion of our utility systems. Mr. Sturtevant said yes, because the infrastructure was not designed at max capacity and ADU's are not adding strain.

Commissioner Cecil asked what utility increases could be seen from the increase of ADU's. Mr. Sturtevant said it is the responsibility of the homeowner. For annexations, the developers are paying for that infrastructure to put it in. However, there is some cost to the rate pairs at that point. From an ADU standpoint, it is specific to that parcel or that homeowner.

Commissioner Hensler asked if ADU's become more than a one-off item, is there an opportunity for utilities to create a conversation about whether a property is commercial and find ways to work with homeowners that are going to add ADU's. Mr. Sturtevant said they would re-evaluate their standards depending on how many are built.

Chair Slattery asked how different units will be distinguished or identified and if rates would be increased by 50% is that considered undue burden. Mr. Sturtevant said whoever sets up the account will provide a billing and mailing address to identify the separate bills. Chair Slattery asked if ADU's will have discreate addresses. Mr. Sexton said through the building permit process, enumerations assign addressing at the time of permitting and distinct addressing is assigned.

Commissioner Cecil asked if the process at regional integrated into the CAD dispatch for first responders or during addressing. Mr. Sexton said that is a question for the Fire Marshal, but his assumption is that there is a sharing of information at the time of permitting.

Chair Slattery asked Mr. Gloss if a 50% increase in utility costs is an undue burden and if that is something CSU should work on in terms of commercial versus residential designation. Mr. Gloss said no, that would not be considered an undue burden as it is part of the construction of the premises and making sure it is in accordance with the law. Mr. Gloss said

a requirement is included in this ordinance that says homeowners will need to be prequalified with CSU prior to building.

Chair Slattery asked to discuss emergency responses. Commissioner Cecil asked if there are occupancy standards that require additional fire suppression measures with additional dwelling units and how addressing is transmitted to dispatch. Kris Cooper, Deputy Fire Marshal Colorado Springs Fire Department said the Pikes Peak Regional Building code for the International Residential code has been amended to only require sprinklers for five or more attached units. Meaning they would not require fire sprinklers, however, they would have to comply with code for other building components, such as reconstruction and smoke alarms. He said addresses are added through enumerations and are transferred through GIS, then the addresses are added to the dispatch protocol.

Commissioner Hensler asked if there are three structures, all detached on the same parcel, are there distancing requirements through the permitting code. Deputy Fire Marshal Cooper said it is a building code related issue, but there are requirements based upon required separation distance between structures. If those requirements cannot be met, additional code requirements would go into effect such as increased rating of the exterior walls for construction.

Commissioner Cecil asked if there were any evacuation concerns by allowing this type of density increase. Deputy Fire Marshal Cooper said fire code does not specifically address evacuation protocols within the code. It addresses the response protocols and their ability to get to the structure to adequately fight that fire. He said from a response standpoint, they would be concerned about off-street parking and blocking of fire lanes which could impact their ability to respond to emergency situations within that structure. Commissioner Cecil asked if there are any other public safety concerns that they should be mindful of. Mary Rosen off, Deputy Chief, Colorado Springs Police Department said in regard to addressing, if there is more than one structure on the parcel, they will need to make sure the correct addressing is in the CAD.

Chair Slattery asked Mr. Sexton if specific addressing is already a part of the permitting system. Mr. Sexton said the simple answer is yes. Those procedures and protocols are already in place. The proposed new ordinance would not modify those in any way, shape or form. Mr. Sexton

said we would be looking for our agency partners through the building permit process to distinguish and identify front the addressing component. Mr. Sexton said they are not recommending changing any of the subsequent standards and it is only being changed from a zoning perspective.

Chair Slattery asked if the administrative adjustments of 15% is the limit. Commissioner Rickett asked if that would work with height as well. Mr. Sexton said yes, the 15% parameter under the administrative adjustment covers any numerical dimension. He said the inclusion of opportunity for an administrative adjustment is not a requirement of the state statute, from a land use perspective to allow some type of administrative variance of those standards was logical in our proposed ordinance.

Commissioner Cecil asked what increase we should be bracing ourselves for in requests for variances to allow for ADU's in the historic parts of town. Mr. Sexton said that with the state statute in the proposed ordinances the decisions regarding ADU's have to stay at the administrative level. There is a specific requirement that it does not afford the opportunity with the exception of a historic preservation board to be elevated to another appointed or elected body. Commissioner Cecil said with the 15% it is either a yes or no decision and asked if it is a no, what happens next. Mr. Sexton said they would be forced to modify their project.

Commissioner Cecil asked if structures cannot be sold separately, how that would impact the ability of a CLT to operate as a landowner. Mr. Gloss said if a community land trust did own the property or purchase the property, they would not be able to subdivide and sell off the ADU's.

Commissioner Rickett asked if they could condo those off or set up a 100-year lease for the structure. Mr. Gloss said they could not condo those, but if they wanted to do a 99-year lease with a tenant in the back they could, but that does not separate from the property.

Commissioner Cecil asked if there is anything in the current draft of the ordinance that would treat legal entities or yield juridical person differently that the actual person in terms of ownership and can a corporation do everything that a private homeowner person would be able to do in terms of building and managing ADU's on a property. Mr. Gloss said theoretically, yes, everything a personal owner, an LLC would be able to do as well.

Commissioner Sipilovic asked what would stop the primary residents from moving into an ADU and then do an STR on the primary residence. Mr. Gloss said assuming that they can get a license through the regular STR code, they could potentially get a STR license for the primary residence as the ordinance is drafted now. It could be changed to say that no STR's on the property, including the principal dwelling would be allowed, but then that some of conflicts with our current STR policies and rules.

Commissioner Hensler asked if the STR's limited to R1. Mr. Gloss said yes, they are limited and restrictive to where they can be right now and that would not change. Mr. Sexton said the intent was that the short-term rental of the ADU or the principal structure, would be prohibited from short-term rental unit.

Commissioner Rickett asked if there is an existing STR, and the owner of that STR wants to do an ADU do they lose their STR. Mr. Gloss said no, assuming they keep their STR in good stand they have a right to that STR per the provisions are code and we cannot unilaterally take that away based on the new provision of the code. It would be grandfather in or a legal nonconforming use.

Chair Slatter said if the STR was legally permitted there, and asked if the ADU is built on the same property, it would not be allowed to be STR because each of those licenses would be separate so they could do a long-term rental behind an STR. Mr. Gloss said yes, if they have an STR for the principal structure and build an ADU they would not be able to then get an additional STR for the ADU.

Chair Slattery asked how the design compatibility requirements differ from attached and integrated versus detached structures and are there design standards applied to detached ADU's. Mr. Sexton said any type of design, architectural building material, considerations would apply universally to detached, integrated and attached ADU's. He said the cannot impose a standard that is more restrictive than what is currently in place or exist for the single-family home. However, they do have the ability to look at whether that detached or new attachment is compatible with the existing house. It would be more of a policy or guidelines.

Chair Slattery asked if that happens at development plan. Mr. Sexton said

it would happen at the time of building permit review.

Commissioner Casey said the restricted design is more with the City's design standards and asked about the architectural standards for associations in planned communities. Mr. Sexton said they do not enforce or regulate those, and it would be a question for the association's legal counsel and how they are interpreting their regulatory authority to impose those on a proposed ADU.

Commissioner Cecil asked if there is a recourse for areas that might not qualify as historic districts to pursue an area design standards overlay to bring more uniformity. Mr. Sexton said this ordinance does not prohibit individual property owners or neighborhood from pursuing additional historic preservation overlay designation or some other type of design designation. He said the statute and the ordinance states if a property is identified as its historic property or part of a historic district, it could be subject to that additional oversight by the Historic Preservation Board.

Commissioner Hensler asked if it has been onerous to get people to adhere to a design standard. Mr. Sexton said under the current to the UDC, ADU's are not subject to a design standard and are not evaluated with respect to that compatibility company, with the exception of the ADU's that are being proposed in neighborhoods such as the old North End.

Commissioner Rickett said there are areas where a whole neighborhoods that are set back 100 feet off the road with no structures. This would allow a new primary structure out there and use the old structure is an ADU. Commissioner Rickett said he has a big problem with that and has been trying to keep neighborhoods consistent in their design and the front setbacks. Commissioner Rickett said he would caution that use being allowed to go forward beyond what is typical for the neighborhood.

Chair Slattery asked how they would ensure the new primary setbacks would be consistent with the neighborhood. Mr. Sexton said if the proposal is to construct a new primary unit, forward of that existing then converting the residential structure to an ADU, that new primary would be subject to all applicable dimensional standards of the zone.

Chair Slattery asked how they would be able to propose a fair size match with ADU's. Commissioner Rickett said they need to focus on what is in

the code today and what is proposed. He said his concern is that if they go to two ADU's there will be scrape and build a tri-plex and that is not the spirit of where they want to go. Commissioner Rickett said his recommendation is to keep what is in code today so that we do not get into the scrape and tri-plex investment mode and stick with the spirit of owner-occupied additional rental property.

Mr. Sexton said if you have a primary structure that is 1,500 square feet or less, you are allowed to have an ADU at 750 square feet.

Mr. Sexton said from the staff's perspective, they envision a 100% threshold as a starting point for a conversation because they are never going to be able to accommodate every eventuality.

Chair Slattery said the goal here today as a body is to come up with distinct modifications for Council to take into consideration.

Commissioner Casey said the state law allows one ADU, up to 100% of the main property, if they go with two ADU's, they should consider the combined total size of the two ADU's at 100%. Mr. Sexton said that does not come across as an unduly restrictive stance.

Commissioner Hensler asked how an ADU is given a designation. Mr. Sexton said the mechanism to regulate that would is through the building permit and the designation of the primary versus the ADU.

Commissioner Robbins said a standard could be set for a property if the primary house is 1,000 square feet or less and they want to build an ADU, it should be at the discretion of the planning department whether that should be allowed. Mr. Sexton said there are different ways that it could be looked at and regulated, but the challenge is making sure they comply with standards universally across all residential zone districts or properties that could be eligible for development and making sure the restrictions are not unnecessarily restrictive or prohibitive.

Commissioner Cecil asked what the needs of the city are and if this will address those needs. Mr. Walker said it would be the housing officers, they are updating that, and it will be available this time next year.

Commissioner Ricket said the state mandates an allowance of 100% of

the primary structures and asked if that was off the table to make it any smaller. Mr. Sexton asked to clarify is it must be 100% of the principal. Commissioner Rickett said yes. Mr. Sexton said no.

Commissioner Cecil asked if it requires a parking space if it is 100%. Mr. Sexton said the legislation is clear about not creating unnecessary size restrictions. Mr. Gloss said there is a certain definition of what they consider too restrictive.

Commissioner Casey said the staff report says a community may choose to set a maximum size which is 100% of the primary structure but may not set an unreasonably restrictive size constraint such is not to allow an ADU between the size of 500-700 hundred feet.

Commissioner Rickett asked if the current code meets that requirement. Mr. Sexton said yes.

Chair Slattery moved on to the height discussion and asked if the current height limits are of the zone. Mr. Sexton said ff the principal structure in the zone. Chair Slattery said the height limit of the ADU is limited to the height of the principal building. Mr. Sexton said as an example, if the zone district set the maximum building height at 35 feet, as proposed, the ADU would be allowed to be built to 35 feet. He said if an administrative adjustment is sought and they meet the justification under the parameters for administrative adjustment, staff would be able to consider that additional 15%, but it is not a guarantee. Chair Slattery asked if under the current code if ADU's have height restrictions. Mr. Sexton said yes, it depends on the pitch of the roof. Chair Slattery asked Mr. Sexton to articulate. Johnny Malpica, Planner II said if the ADU has a roof pitch of 6 -12 feet or less it is 25 feet, and if it is greater than it is 28 feet.

Commissioner Casey said the ADU can be taller than the principal structure as long as a principal structures less than the overall zone district and asked if it is the difference between zone district and the actual lot. Mr. Sexton said correct, if a single-family house was one story which is well under a typical residential zone districts of a 35-foot height cap, as proposed, an ADU could be taller than the one story primary residential structure and it would be limited to the zone district standard.

Chair Slattery asked if this 25-28 feet, depending on pitch, is a two-story

residential house. Mr. Sexton said yes.

Commissioner Rickett said PUDs could go taller as they allow 40 feet or 45 feet for a house. Mr. Sexton said PUD, as a contract zone, has set the maximum building height. He said depending on when the PUD was adopted, they are either subject to the max height with a built-in additional five-foot allowance per the code that was in effect at the time the PUD was established or under current to UDC, the max height is the max height. He said in reality, most PUDs in our community have a max building height of 30 feet with an additional five-foot allowance to the peak of the roof, meaning there is a 35-foot height building allowance. Mr. Sexton said under the current UDC, industry has adjusted to a max building height of 35 feet to the highest point.

Commissioner Casey said an alternative could be that the ADU cannot be taller than the principal building on the lot versus the zone. Chair Slattery said we need to think about a 600 square foot cottage that is one story. Commissioner Rickett said he agrees and said there are neighborhoods that have two story homes and next door is a one level rancher and thinks that the current code height restrictions are acceptable. Commissioner Rickett said he does not like the idea of going to the max plus 15% and feels that it can blow everything out of whack when it comes to the look in the neighborhood and that is his primary concern.

Chair Slattery asked what the state requires of parking. Mr. Sexton said there are various provisions within the state legislation that speak to parking. He said it allows for a jurisdiction to impose an off-street parking requirement if certain situations exist, however as a general guiding aspect of the legislation, it discourages imposing an off-street parking standard. Mr. Sexton said under the proposed ordinance they have taken more of a permissive approach embracing what was originally envisioned under the UDC to look at breaking down those various barriers to being able to develop and ADU and allow for greater flexibility to develop more housing options. He said they have put forth not to impose an off-street parking requirement for an ADU.

Chair Slattery asked if the ADU is equal to 100% of the primary structure, one off-street parking could be required by and still conform with the state legislation. Mr. Gloss said he does not recall that portion but agrees with Mr. Sexton that they generally cannot be required. He said two things must

be in place to require parking. They must already have space available and on-street parking has to be prohibited at that location, however it does not really make sense to do so because they already have that extra space. Chair Slattery asked what it means that they already have extra space. Mr. Gloss said they already have driveway space, extra garage space or already have off-street parking. He said if they already have off-street parking and they are on a road where you cannot park on the street, then we can require off-street parking, however it does not make sense for a practical standpoint and the state severely limits us on parking.

Chair Slattery asked if there are single-family homes in areas where you cannot park on the street. Mr. Gloss said there is similar language now where they encourage them to do an off-street parking space in those situations, but if we want to make it strictly in line with state statute and say that they are required for these circumstances, it would be very limited subset of the city.

Commissioner Hensler said she is fine with the proposal that it is not required and the vast majority of cases there is a driveway, third bay or a street spot.

Commissioner Rickett asked in neighborhoods or areas that do not allow overnight or street parking, can they do that based upon current state statute. Mr. Gloss said it is a legal determination for them to make. He said his understanding of the statute is things like that, that would prohibit ADU's, specifically targeted towards ADU's would be prohibited.

Commissioner Casey said for the HOA piece, state law changed about two years ago that prohibited HOA's from regulating parking on city owned streets and if there are privately owned streets in the community, the HOA can regulate it.

Commissioner Hensler asked to speak about access for front doors. Mr. Sexton said it is a design consideration and is a carryover from the current code and has not been deemed to be an unnecessarily restrictive stance to ask that the front door not face the front property line or the 36-inch access way.

Commissioner Rickett asked if the stoop end or walk considered a structure that would be included in the side or back setback. Mr. Sexton

said there are existing exemptions under the UDC that govern the size and placement of those stoops that would still be applicable.

Commissioner Robbins asked if there is a way to require people in an ADU with off street parking cannot park or block the driveways of the neighbors. Mr. Sexton said from a land use and zoning perspective that it is not something that we factor in and it would be a code enforcement issue.

Chair Slattery listed out the key topics of what has been discussed so far. Density, size, height, parking, number of ADU's, design compatibility. Chair Slattery asked to discuss design compatibly further and asked the commissioners in terms of the topic of design compatibility, do they think the proposed code changes adequately address criteria that if they make a motion to recommend the proposed code changes you are all comfortable with where they are standing currently.

Commissioner Gigiano Amanda said she does not see anything missing in that particular piece.

Commissioner Hensler said she is fine with the architectural as proposed.

Commissioner Casey said he is fine as well.

Commissioner Robbins said as long as it matches a neighborhood.

Commissioner Sipilovic said agreed.

Commissioner Rickett said he agrees.

Commissioner Cecil said she is good on the design topic.

Chair Slattery moved to height requirements and asked if the current ADU code with the height limitations of 25-28 feet, depending on the roof height, would be more appropriate to move forward with in the code.

Commissioner Gigiano said yes, the one that is currently there is what she would feel more comfortable with.

Commissioner Hensler said she likes the proposed code to limit max

height as a requirement for the principal buildings within that zone district because it provides a little bit greater diversity.

Commissioner Casey said he would be fine with the proposed code.

Commissioner Robbins said he is good with the proposed code.

Commissioner Sipilovic said he is good with the proposed code.

Commissioner Rickett said he is not good with the proposed code and would like to keep the existing code. Commissioner Rickett said the reason is that there are neighborhoods that could have an ADU at 35 or 40 feet behind a ranch style single story house that is 12 feet tall, and it is not compatible with the house or the neighborhood.

Commissioner Cecil said she concurs with Commissioner Rickett.

Chair Slattery said she also thinks that the current height limitations should be moved forward in ordinance. Chair Slattery said they are split and have this be an item for Council to review in more detail.

Commissioner Casey said he is in favor of the proposed code and does not necessarily have a problem with the current code. Chair Slattery said this is something that they can come back to.

Chair Slattery asked about parking requirements.

Commissioner Cecil said she is good with what is being proposed and says that makes sense.

Commissioner Rickett said he believes that the state requirement states unless it matches the existing house it does not require additional parking or does not allow us to require additional parking. Chair Slattery said she believes that our proposed legislation is less stringent than the state mandate in that they are not requiring it when you cannot park in the street. Commissioner Rickett said then we should match state mandate.

Commissioner Sipilovic said he is okay with how it is proposed.

Commissioner Robbins said he has issues with parking because the

average family now does not have one vehicle and if there is an ADU with a renter and they have three vehicles on top of the primary has two or more, there is no additional parking on property on the lot there is an issue. Commissioner Robbins said there needs to be some kind of requirement for the person renting the ADU needs to have off-street parking and can only have so many vehicles parking outside on the streets. Chair Slattery said legally they are not allowed to impose that.

Chair Slattery let Ms. Duggan know that they have received the link to her video.

Commissioner Casey said he agrees there will be parking problems, but thinks their hands are tied by the Colorado statute and is in favor of the proposed code.

Commissioner Hensler said she is in favor of the proposed code.

Commissioner Gigiano said yes.

Chair Slattery said they will speak on density, number of units and proposed size.

Commissioner Rickett said he thinks that ADU's, whether they are attached or detached, while keeping perspective on the lots, is all residential are allowed to have one that is required by the state. Commissioner Rickett said to have two, he would recommend either an RE or a R19 lot.
Chair is asked to make sure she understands what Commissioner Rickett is suggesting in that one unit is allowed on all residential as required by state law with the option for a second ADU within an R19 or an RE or lots 9,000 square feet and above. Commissioner Rickett said he would be ok with 9,000 square feet lots. Chair Slatter asked Commissioner Rickett his opinion on square-footage size and percentage of primary dwelling units in relation to one and two units. Commissioner Rickett said he is proposing to stick with the current code and is not worried about percentages.

Commissioner Hensler said agrees, but with that would be more in favor of the proposed code not the current code.

Commissioner Casey said one of the things that they are supposed to be

looking at is promotion of responsible development and growth and if they do not know the impacts of what is going to happen with two ADU's, he cannot conceivably recommend to City Council that they allow two ADU's when they do not know the impact of one. Commissioner Casey said the better approach would be to allow one ADU per lot now and the ordinance can be revisited in the future after they have a chance to see the impact of the different neighborhoods. Commissioner Casey said he is in favor of one ADU across the board and the size should be 100% of the main property.

Commissioner Gigiano said she agrees with sticking with the current code with having one ADU at 50%

Commissioner Rickett says he also agrees with that.

Commissioner Cecil asked if there is a minimum size that is allowable for very small primary structures where the ADU, as it relates to someone with a 580 square foot home, can still build something that is larger than the 580 square foot home.

Mr. Sexton said there is no minimum size for a primary structure under the current UDC code, there is for those properties that would have a primary structure that is less than 1,500 square feet, the ability to develop an ADU with a maximum size of 750 square feet. Commissioner Cecil said by increasing to 100% they are not negating that. Chair Slattery said they would need to fold that into the baseline.

Commissioner Hensler asked if that was a part of the state statute and if it is automatically going to be part of the language. Mr. Sexton said the state statute does not have that and it is in the current UDC.

Commissioner Robbins said he agrees with one unit per lot.

Commissioner Sipilovic said he agrees with Commissioner Casey and said the only difference would be 100% of the existing size.

Commissioner Cecil said she is comfortable with the single ADU and up to 100% of the size.

Chair Slattery said if they are going to recommend she is fine with 100%,

however two may be an overreach and does not feel that is the pulse of this body. Chair Slattery said she feels comfortable with a motion recommending no more than one ADU with a maximum of 100% with the caveat of maintaining the current code, that primary structures under 1,500 square feet may build an ADU up to either 750 square feet or 1,500 square feet and asked the dais how they should revisit the square footage.

Commissioner Cecil asked if it would be necessary to propose in the amendment that they consider that if the primary structure is less than 1,500 square feet that an ADU be allowed to be at least 750 square feet. Chair Slattery said currently it states up to 750 square feet and said they either keep it to 750 or propose a new threshold.

Chair Slattery said they are proposing that the number of ADU's per lot is one, it would be limited in size to 100% of the primary structure, with the exception of primary structures, less than 1,500 square feet may build an ADU up to 1,500 square feet and the architectural standards as written are adopted.

Mr. Sexton said it is appropriate, but the question is that with the caveat on the scenario where you have a primary structure, that is 1,500 square feet or less, is it whichever is less, or whichever is greater. Mr. Sexton said in theory, a single-family home that is 500 square feet. Chair Slattery said 500 square feet with 1,500 square foot ADU and asked the dais if they are comfortable with that proposal.

Commissioner Casey asked where 1,500 square feet comes from.

Commissioner Rickett said there are brand new homes being built by multiple builders in Colorado Springs that start at 300 Square Feet as single family detached homes for $300,000 run somewhere between $400-$700 per square-foot. Commissioner Sipilovic asked if they are big enough to put in an ADU. Commissioner Rickett said probably not and said that it is the current market where a small ADU is not an issue.

Commissioner Cecil asked if there is anyone who is not in favor of the 1,500 square feet in favor of or accepting of a primary dwelling unit that is less than 750 square feet to have something that is up to 750 square feet. Chair Slattery said anything less than 1,500 square feet so they could propose anything less than 1,500 square feet could go up to 1,500 square

feet. Commissioner Cecil asked what about the very tiny older homes or maybe even some that are being built now on larger lots, allowing the primary dwelling unit is less than 750 square feet, allowing the ADU to be up to 750 square feet.

Chair Slattery asked if there is a height compatibility. Mr. Sexton said that is an undefined dimensional standard on state legislature while not creating a restrictive or too overly restrictive environment.

Mr. Gloss said he would like to propose a process on how to handle this. He said they could have one general motion making the recommendation to approve with the agreed upon conditions which at this point sounds like it is changing into one ADU you per property and then we can have separate motions to amend that motion. The separate motions to amend would be whether or not we use the current UDC for the floor area, whether we use the current height of the UDC for these.

Chair Slattery asked if this was the benefit of Council to see how are split on these issues. Mr. Gloss said exactly that way you vote on each one and have the determination and if the amendment passes is part of it and if it does not you have the base motion.

Commissioner Cecil asked about STR's and said if the language seemed ambiguous to make a recommendation relative to that. Commissioner Rickett said STR's are in the base code, that it will not be an STR, and it will be handled later. Chair Slattery agreed and said the idea is to get through this ordinance, see how it is implemented and then potentially revisit STR's at a future date.

Chair Slattery said to confirm the base motion will include a number of units. Then they will vote on the size of the ADU as an independent modification will vote on height, size limitation.

Katie Carleo, Acting Assistant Director, Planning Department said to clarify, they only have one item to vote on in Legistar and no amendments will be shown on the screen. These will need to be roll call votes. Mr. Gloss said verbal confirmation on the amendments and then that will be put together into the final motion and then vote on that.

Mr. Gloss asked if the language for the proposed motion is to include the

recommended change that the proposed maximum floor area equal to up 100% of the primary structure, where the primary structure is 1,500 square feet or less, they can build up to 1500 square feet. Chair Slattery said correct.

A roll call vote was taken for the floor area.

Commissioner Hensler - Yes, Commissioner Gigiano - No, Commissioner Casey - Yes,
Vice Chair Foos - Absent, Chair Slattery - Yes, Commissioner Robbins - Yes,
Commissioner Sipilovic -Yes, Commissioner Rickett-No, Commissioner Cecil-Yes. The motion passed on a 6-2-1 vote.

Mr. Gloss said the motion would be to amend the motion to include a recommended change that integrated or attached ADU's remain and still have the zone height maximum available, while detached ADU's are based off roof pitch in accordance with the current UDC.

A roll call vote was taken for the height amendments.

Commissioner Hensler - No, Commissioner Gigiano - Yes, Commissioner Casey - No
Vice Chair Foos - Absent, Chair Slattery - Yes, Commissioner Robbins - Yes
Commissioner Sipilovic - No, Commissioner Rickett - Yes, Commissioner Cecil-Yes. The motion passed on a 5-3-1 vote.

Recommend approval to City Council the adoption of an Ordinance amending Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, as related to accessory dwelling units, based upon the findings that the ordinance complies with the considerations as set forth in City Code Section 7.5.702, with the following modifications:
A. Limit to one ADU for every single-family residence.

B. Related to gross floor area, primary units under 1,500 square feet may

have an ADU up to 1,500 square feet.

C. The proposed height for integrated or attached ADUs will remain in the ordinance while the height for detached ADUs should be based on roof pitch as calculated in the current UDC.

After the vote Commissioner Rickett asked if more research can be done with other cities similar to ours like Seattle, that have addressed this and see what they did and how it has worked out in the last 5 years. It may help define even further what makes sense to do with this.

Commissioner Cecil said she appreciates the survey data, but thinks they know it is not a statistically significant sample size for a population the size Colorado Springs at this point. Commissioner Cecil said she would like to dissuade anybody around selection bias and voluntary bias in the participation of the survey and would like to make sure that it does not get interpreted by Council as if it were a vote of the people if it is not wholly representative.

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to recommend approval to City Council the adoption of an Ordinance amending Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, as related to accessory dwelling units, based upon the findings that the ordinance complies with the considerations as set forth in City Code Section 7.5.702, with the following modifications:

A. Limit to 1 ADU for every single family residence;

B. Related to gross floor area, primary units under 1,500 square feet may have an ADU up to 1,500 square feet; and

C. The proposed height for integrated or attached ADUs will remain in the ordinance while the height for detached ADUs should be based on roof pitch as calculated in the current UDC.

The motion passed by a vote of 8-0.

Aye: 8 - Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

Absent: 1 - Vice Chair Foos

Karman Line

ANEX-23-0009 An Ordinance annexing the area known as Karman Line Addition No. 1 located along existing Bradley Road consisting of 0.73 acres. (Legislative)

Related Files: ANEX-23-0009RF, ANEX-23-0009, ANEX-23-0010RF, ANEX-23-0010, ANEX-23-0011RF, ANEX-23-0011, ANEX-23-0012RF, ANEX-23-0012, ANEX-23-0013RF, ANEX-23-0013, ANEX-23-0014RF, ANEX-23-0014, ZONE-23-0009, MAPN-23-0002

Not currently located within a Council District, however, if approved it would be anticipated to be within Council District 4.

Presenter:
Gabe Sevigny, Planning Supervisor, Planning Department
Kevin Walker, Planning Director

Attachments:
Staff Report_Karman Line_RGS
Attachment 1 - Project Statement - Annexation
Attachment 2 - Project Statement - Zone Establishment
Attachment 3 - Project Statement - Land Use Plan
Attachment 4 - City Annexations by Decade
Attachment 5 - County Zoning
Attachment 6 - Public Comments
Attachment 7 - School District Letter of Support
Attachment 8 - 3 Mile Buffer
Attachment 9 - Karman Line Additions - Annexation Plats
Attachment 10 - Fiscal Impact Analysis
Attachment 11 - Exhibit A and B - Zone Establishment
Attachment 12 - Draft Annexation Agreement
Attachment 13 - Karman Line Land Use Plan
Attachment 14 - Vicinity Map
Attachment 15 - CSPD Communication Letter
7.5.701 ANNEXATION OF LAND
Ordinance - Annexation Karman Line Addition 1 - ANEX-23-0009
Exhibit A - Karman Line Addition 1 - ANEX-23-0009

Commissioner Sipilovic recused himself due to a potential conflict of interest as his family's business has the potential to financially gain from this.

Gabe Sevigny, Planning Supervisor, presented the application for the Karman

line annexation. Mr. Sevigny showed current and proposed boundary lines. The site area is 1,912.62 acres to be used for future mix of single-family, multi-use development, commercial, institutional and civic uses. The proposed zone establishment will be for agricultural. The application went through Agency Review and all agencies had comments or requirements. Staff finds the proposed annexation does meet the eligibility requirements, however determination of compliance with Conditions of Annexation as set in City Code is at the discretion of City Council. Staff finds the zone change and land use plan meets the review criteria.

Applicant Presentation

Doug Quimby, President of La Plata Communities, presented the application. Mr. Quimby said the plot was recently engaged by Kevin O'Neill of the O'Neill Group, the primary owner of Norris Ranch Joint Venture LLC, which is the applicant to do the development and is helping with the annexation agreement. Mr. Quimby said La Plata was not involved in the land use plan, that was done by Vertex Consulting Services and asked Cody Humphrey, Director of Planning for La Plata and Nina Ruiz with Vertex Consulting who have been involved in the creation of the plan to make the main presentation for the applicant.

Mr. Humphrey presented the annexation of the property and surrounding property lines. The next slides showed the limitations of future annexations around the city. Ms. Ruiz pointed out additional items on the slide to show the land to the north that is owned by the City of Colorado Springs that will be utilized for reservoir construction and trails. She pointed out on the slide where it says Planned Landhuis Development that is urban level development that is being planned in El Paso County, which would preclude any annexations in that specific area.

Commissioner Hensler asked if the 593 acres is currently owned by the City. Ms. Ruiz said yes.

Mr. Humphrey continued the presentation showing the limitations of the south of Colorado Springs toward the City of Fountain and Fort Carson. Mr. Humphrey presented slides of the land use plan. He said there is also regional trail that we will be responsible for building in a portion of our property to actually connects to the south as part of our larger regional trail system which circulates throughout Colorado Springs and El Paso County.

Ms. Ruiz said they have planned for a fire station and a substation, so land has been set aside for CSU for a substation. Mr. Humphrey said there will be a school site that is located next to the community park. Ms. Ruiz presented the El Paso County Master Plan for long term planning and potential areas for

annexation. She said the place type is suburban residential which recommends single-family detached, residential, lots with up to 5 dwelling units per acre as the primary land use which is consistent with what they are proposing. The land use plan and then supporting land uses include single-family attached, multi-family residential park, open space, commercial retail, commercial services and institutional. Ms. Ruiz said the master plan specifically calls out Schriever Air Force Base as being one of those prioritized to help increase density in this area with smaller lot sizes attached housing and multifamily apartments and to utilize efficient use of land to help preserve open space and reduce impacts the critical missions being performed by Schriever. Mr. Humphry presented the housing supply and diversity slides. He said they anticipate for-rent, single-family and multifamily housing and single family for-rent homes are a very popular product that the market has seen an influx of lately. He spoke on housing supply in the City and said due to the elevated housing prices and rising interest rates, affordability clearly is a challenge. Mr. Humphrey presented slides on parks and open space. Mr. Humphrey said the area is currently in the Ellicott Fire Protection District and if it does get annexed, the Colorado Springs Fire Department would take over that region. Mr. Humphrey said within the initial development early first phase of the project they would provide a temporary site or a fire station until there is a permanent for station location. He said this has been reviewed by the Colorado Springs Fire Department and the Colorado Springs Police Department and both confirmed that they can serve the development.

Mr. Humphrey spoke on Utilities and said CSU will provide all four utilities, water, wastewater, electric and gas. Mr. Humphrey said there will be planned roadway infrastructures and improvements. No current bus routes are planned in the area.

Mike Rubinson, Chief Operating Officer with La Platta Communities spoke on the benefits to the City, Military and School Districts. The homes would support military housing in the area. He said they want to build a community that people want to come to. Mr. Rubinson said the fiscal impact analysis indicates a positive cumulative cashflow for the City. Mr. Rubinson said the fire station site is being donated by the developer to the to the City. He said there is a 30-acre site planned for a school.

Chair Slattery asked to hear from CSU.

Brian English, Development Projects Manager, Colorado Springs Utilities provided a brief overview of how Colorado Springs Utilities would potentially serve the property if it is ultimately annexed into the city. Mr. English highlighted the City Code requirements for providing water outside City limits and the current usage. He said applying the code, Karman Line's water projected water

demand based on their land use plan 1,672-acre feet a year adding that to the adjusted 128% buffer of our existing usage. He said that it is 90,980-acre feet per year, which is less than the 95,000-acre feet per year likely meet demand, meaning it does meet this section of code. Mr. English said he wants to focus on chapter 7 of City code specifically concerning requirements and conditions of annexation that are within this commission's purview requirements of annexation, ground water rights in surface water rights. He said the owner is required to deed those over to the city of Colorado Springs upon annexation. Currently the applicant has informed them that there are two existing wells permitted for agricultural use. CSU would support re-permitting those wells for appropriate Non-potable uses if the annexation were to be approved. Mr. English said Karman Line is partially located within CSU gas service territory. The remaining property is located in uncertificated territory, which means that there are no existing natural gas service providers who have a legal ability to serve that particular area. He said Karman Line is currently located entirely within Mountain View. Electric Associations, service territory, meaning if the property were annexed and incorporated in Colorado Springs Utility service area, that would constitute a service territory invasion and as such the incumbent service provider, MVEA would be entitled to just compensation under Colorado, revised statutes. Any depreciated value of any existing facilities are costs would all be the responsibility of the applicant per the annexation agreement. Mr. English presented slides on the water, gas, electric and fiber infrastructure and facility boundaries and requirements if the property is annexed. Mr. English highlighted the utilities capital cost estimate.

Commissioner Questions

Commissioner Rickett said Cimarron Hills bought up water rights out east and in this case we are taking city water out to this particular annexation. Mr. English said he is not familiar with Cherokee Metro's acquisition, but said at that time most of their wells were situated north and south of Ellicott, in different well fields but they have been working over the years to fortify their available supply and bring it to their customers.

Commissioner Hensler asked Mr. English how much this shortens the timeline of some of the service lines that CSU would be running with the planned reservoir that the fact that the city owns a lot of the adjacent property and does this shorten utilities timeline to get services out there or covering some of the cost for lines that CSU might eventually be building for the reservoir. Mr. English said there are two parts to the question and said the first as it relates to Bostrum Reservoir and the proximity, there may be some opportunity for cost participation with the applicant, but many of the extension costs are developer responsibility. Mr. English said any extensions there would be contingent upon annexation and they would be market driven based on the owner developer looking to develop that area, which means that developer would then take on the

responsibility of extending those lines.

Commissioner Casey asked if the extension would support Schreiver as well. Mr. English said CSU is very supportive of the military installations in the community, being a service provider to Air Force Academy and Fort Carson and thinks CSU would be open to that concept.

Commissioner Robbins asked if the elevated storage tanks that going to be similar to the ones that are in Security. Mr. English said yes, as the topography flattens out onto the planes, they lose that gravity component to established pressure zones and provide the necessary levels of service.

Chair Slattery asked what the timeline is on the Bostrum Reservoir from CSU's perspective. Mr. English said is a part of phase two for southern delivery system which is about 15 years away. If Karman line were annexed showing the proposed alignment here, unless they find a more direct route coming off of Drennan Road, he thinks it is in everybody's best interest to work with all of the different agencies to establish that right away, get the profile and the alignment accurate and put those utilities in the right place the first time so that there is not future costs to relocate them.

Chair Slattery said with CSU and Council proposing and moving forward with major infrastructure changes, which will result in rate changes for folks here over the next many years. Chair Slattery asked how the cost will be formed by this development effect rate payers and were any of those proposed updates already included in current infrastructure upgrades. Mr. English said the five-year rate plan that was recently approved in the associated capital projects may have some regional improvements that would directly benefit Karman Line if it were annexed, but by and large, these are separate costs. Chair Slattery asked if the estimated cost of construction are CSU or developer costs. Mr. English said those are CSU costs exclusively and they do have estimated developer costs that does include develop payment of development charges and fees that includes the water resource fee extension of gas and electric. Mr. English said it does not include the lift station for wastewater, forest main, the interceptor or any of the water transmission or distribution lines. CSU would not provide those cost estimates because the applicant would hire an independent contractor and civil engineer to design those facilities. Chair Slattery asked if CSU would be responsible for the construction. Mr. English said not water and wastewater, that is designed and constructed by the by the applicant and their utility contractor. CSU does inspect it, and it eventually becomes a utility asset once it goes through preliminary acceptance and then final acceptance after a two-year warranty period.

Chair Slattery asked the dais if they would like to hear from police and fire.

Commissioner Robbins asked how the City will service the area. Mary Rosenoff, Deputy Chief, Colorado Springs Police Department provided a map showing the different patrol divisions. She said the two that would be the closest are Stetson Hills, and Sand Creek. Deputy Chief Rosenoff said the closest is Bradley Road and Marksheffel Road. She said there are a lot of different traffic calls for service in that area and provided reports from traffic accidents with the response times. One call took 42 minutes another took 53 minutes and the third took 17 minutes. Deputy Chief Rosenoff said this would be ongoing and it is not just because of this annexation, with the City growing, they will have to have other divisions.

Commissioner Robbins asked if there could be a substation with the Fire Department or are there plans to have the County help out. Deputy Chief Rosenoff said they already receive help from the County. She saif the costs for a substation is a huge expense. The first ask would be for an academy.

Commissioner Rickett said since there will be a fire station site within the development that handles fire concerns for him.

Public Comment

Don Shelstad ceded time to Ann Rush who spoke in opposition. Ms. Rush provided a document with questions and signatures for the Commissioners. Ms. Rush is a is a resident of Hammer Ranch Road and spoke for the concerned citizens of Mustang Meadow and Hammer Ranch. She said an article from the Gazette expresses concern and says emergency responders cannot support that area with appropriate response times. There are other concerns about critical response teams such as fire, ambulance, snowplowing, code enforcement, park, maintenance, etcetera. Ms. Rush said the annexation would put a big strain on those resources and we confidently say that because we experienced delays where we live from those resources that are dedicated to the county. She asked if endangered breeding grounds and migratory animal studies been completed not only for the area being annexed, but for all the areas surrounding that supports these fragile ecosystems. What considerations are being taken for the golden and bald eagle nests just west of the area to be developed. What are the costs involved for the infrastructure. She asked who is responsible for the infrastructure for sewer, water, electrical gas, and utilities. Ms. Rush asked what the wastewater plan is and how this will affect the water quality, and how the aquifers will be protected and monitored because we are all on wells out there. Why are people who are directly affected by this annex saying they never received a postcard. Ms. Rush said Craig Dawsey, President of Vertex Consulting Services on behalf of the Norris Ranch Joint Venture, who is named in the annex was recently Executive Director of Planning and Community Development Department for El Paso County, Colorado. Ms. Rush

said this brings up a concern that there may be a conflict of interest and if so, how is this being mitigated. Ms. Rush presented population in El Paso from the United States Census Bureau as of July 2023, the population of El Paso County, is 744,215, and the population growth since 2020 is 1.97%. She said there is a total number of housing units of 312,348 and there is a surplus of 35,977 housing units. Ms. Rush gave a breakdown of homes available through Realtor.com and new apartments listed in the local newspaper saying there is a 50% occupancy rate. Ms. Rush said they have spoken with developers and several developments are on hold until the market picks up and said it took the springs over 10 years to come back from the 2008 housing crisis. She said Space Force will likely be relocated to Alabama and with that, nobody wanted to live on base because it is so far away from resources. Ms. Rush said what is driving the need for this development and questioned the need for the annexation.

Dawn Shelstad a resident of Mustang Meadows spoke in opposition. Ms. Shelstand spoke to 110 families and said. Not one of them is in support of this annexation. She said there are Bald and Gold Eagle nesting areas and a migratory area for antelopes and asked if there were considerations for the animals that live in a very fragile ecosystem.

Gerald Goodrich is a resident of the area who spoke in opposition. Mr. Goodrich said the development surrounds him on three sides and he borders the Cities reservoir. He said only 6 to 10 people received public notice cards and he received his on November 20th which does not give a person a whole lot of time to respond. Mr. Goodrich said they have Bald Eagles and Golden Eagles and Big Horn deer that run through the canyons. He said Bradley and Curtis Road cannot tolerate any more traffic. He said the people coming from Schriever drive 100 miles an hour and no one wants to live out there. He said it has been a great place to live and, but this is not going to do anything for the neighborhood by bringing in a bunch of houses selling for $400,000.

Brad Edwards, a resident of the area spoke in opposition. Mr. Edwards said he had just heard about the development yesterday. He said his concern is the Police Department cannot get to call out there. He said there is a lot of traffic out there ad they do not have the infrastructure to handle the development and density. Mr. Edwards said he works in real estate and there is not a housing shortage in Colorado Springs.

Charles Holliday, a resident of the area spoke in opposition. Mr. Holliday said there are five houses that access our driveway and there are two easements to go out to Curtis Road from his place. He said the development shows two accesses from Karman Line up to their driveway. He said right now there is no traffic on his driveway, but if the devolvement is approved, Curtis Road is going

to be ridiculous. He said they are going to put about 8,000 residents, which could bring another 4,000 cars to Curtis Road in Bradley Road, and it cannot handle it. Mr. Holliday said the light pollution and water towers will turn it into exactly what we moved out here to get away from. He said he has lived there for 23 years, and they have deer, elk, bears and antelopes that come to eat from their leach field. He said it is a 7-million-dollar fiscal windfall for the city, but the taxes will go up.

Sarah Shipley, a resident of Mustang Meadows spoke in opposition. Ms. Shipley said Golden and Bald Eagles that they are blessed to see teach their young to fly and hunt. The antelope and deer are seen daily. She said the coyotes keep the rabbits down to a minimum. She said water is always an issue they have seen a decrease in their water pressure. Ms. Shipley said they moved out there for a reason and did not want to live in the city limits of Colorado Springs. She said she was raised here and has been here her entire life. She said there is not a single neighbor who is in favor of this development for all of the reasons that were addressed. Between traffic, increased crime, and theft and is concerned that they will see more. Ms. Shipley said no one thinks about a Police officer until they need one. She said there has not been an updated Wildlife study since 2016. She said they were not notified in a timely fashion and that this has been kept quiet.

E.P. Henderson spoke in opposition. Mr. Henderson said Chair Slattery spoke on the pulse of the dais and the community. The community is angry about being left out of the process. He said it costs $0.56 to mail out the notice and as far as they can tell 21 were shipped out, which means the investment was $12 on letting over 100 families know about what could negatively impact the greatest investment they have. Mr. Henderson said he worked at Schreiver and there are 7,000 people there and said their kids go to Ellicott for school because they are a part of the Ellicott Community. He snowstorms to not help with readiness times or national security. Mr. Henderson said there is a statement of cooperation from the school district out in Ellicott. He said he called base houses right now and they have vacancies. He said there will be more density, more people, more crime and that is why they are opposed to this. He said county planners said they were not going to annex them. Mr. Henderson said as long as it matches the community as long as it matches the neighborhood.

Brenna Godlevsky, a resident of Mustang Meadows spoke in opposition. Ms. Godlevsky said she is a mother of multiple children and is highly concerned about what the police officer had to say about response times. She said her husband is active-duty military and is often gone. Her daughter passed out and hit her head on the ground. She said she did not call the police and had to take her to the hospital to get her help in a timely manner. She also said this is not the fault of the Police force. Ms. Godlevsky said police times need to be

addressed first. She said she loves where she lives and does not want to live in the City. She said there was recently a hit and run on an active-duty military officer and he was killed. He had 3 children. She said people fly down the road and add that they should not add that many houses without a proper infrastructure.

Applicant Rebuttal

Mike Rubinson, La Plata Communities said he appreciates all the comments that were made and hopefully we can address and answer some of the questions. He said this brings utilities to the area at the developers' cost. He said the costs from the 100 million dollars will be included in base rates, growth has always historically been. Mr. Rubinson said it will be spread out over 20 years during the development. He addressed the concern for public safety. He said there is not a substation that had that is included currently in Karman Line and one was offered and they were told that they were able to serve it out of the existing substations. He said there is a planned substation in the future here on the south side of Banning Lewis Ranch, which ultimately will be the location to house the police that are that are responding out to a Karman Line. He said if in the future, the City requires substation, they will work with the City to make sure that that is accomplished. Mr. Rubinson said they are on tune the concerns about wildlife. He said Ecos, who is the consultant, did a full environmental even though the City did not require that. There is a full study that addresses and looks at those items and they will be in compliance with any requirements in that study. He said funds do go into the city coffers and developers have to pay for all required extensions and the pay back for utilities. It is anticipated that the payback for those assets and investments at CSU will be very similar to other areas of the city. Mr. Rubinson said it is pretty clear that there is a housing crisis in Colorado Springs. He said they do not have an answer whether the Space Force will be relocated, but one of the concerns that they had was the cost of housing and the availability of affordable and attainable housing. He said traffic and comments about not wanting to live out in Schriever will be addressed because the community will deliver those type of amenities and retail opportunities that people demand. He said it will reduce congestion because people will not have to drive as far to go to work or shopping. He said they have provided a temporary, then permanent site for the Fire Department which will help with response times, not only within Karman Line but in the surrounding area. He said they are required to make road improvements to the adjacent roads and off-site roads that our community impacts. He said he recognizes change can be difficult, but they are responding to the market and responding to the demand that Colorado Springs is desirable area. The area was identified, and it should be annexed. Mr. Rubinson said the Ellicott School District specifically requested a site.

Additional public comments were requested and Chair Slattery allowed it. While

those people and trying to join in, Chair Slattery said to move forward questions in the meantime.

Commissioner Cecil said given their decision the last time they looked at an annexation that La Platta was involved in, and asked to explain how this is substantially different in a way that they think the outcome will be better for the City and for them in front of City Council. Mr. Rubinson said the main item is because utilities will be able to extend to where they need to go. He said the second reason is with the timing and the and the writer. Under Amara there were concerns and that is now piggybacked on the five-year increase that went out. He said it is smaller than Amara and use of the resources is lower. He said Amara was surrounded by the City of Fountain and they do not have that situation here. Commissioner Cecil said there was concern about water downstream pollution, runoff and impacts to agricultural lands with Amara, and asked if that was any different with Karman Line. Mr. Rubinson said there was concern from the Arkansas Valley folks about the use of water but just like Amara, CSU currently has enough water and inventory to be able to serve this.

Commissioner Hensler asked when they would see homes being built and up for sale and then what is the overall timeline of build-out for the entire development. Mr. Rubinson said the overall time for a time frame is 18 to 20 years. Houses will not be out until 2029 or 2030, because of the eastern wastewater project.

Commissioner Hensler asked how they envision rolling out the neighborhood. Mr. Rubison said it is too early to know, but utility access will be a driver for that. Commissioner Hensler said they mentioned a substation potentially planned near Banning Lewis Ranch and asked if they have sense of that timeline. Mr. Rubinson said it will be based on funding, and it will be needed.

Mr. Rubinson said Amara was located closer and could serve Fort Carson better where this obviously would serve Schriever. He said both of them will serve both areas and will also serve the rail project. Commissioner Cecil asked if he was referring to the front range passenger rail or something else. Mr. Rubinson said the proposed railyard that is down there.

Commissioner Casey said in the public written public comment, there are some homeowner statements about being within the annexed area and asked if there are any homeowners currently in the area for the proposed annexation. Mr. Rubinson said no.

Commissioner Rickett said he understands the timing of this and has seen the City grow. He said Banning Lewis Ranch was annexed in the 80’s and there is virtually no new development in that part. Commissioner Rickett said they need

opportunities for other developers and unfortunately, this is the way we have to go about it. He said he understands the people that live out east and he actually worked in Schriever for 7 years when it was Falcon Air Force Station. He said they have to look at these opportunities and it is not like the development is going to start tomorrow. It is five years before this really gets started at best and if everything works out right, it is a 20 year build out.

Mr. Rubison said that is a good point and growth is difficult, but we should have to have a master-planned community to have that growth in where people desire to live is very, very important.

Commissioner Robbins asked Mr. English when the city absorbs the two wells, what aquafer will they be in. Mr. English said he does not have that information but will find out. Craig Dawsey, Vertex Consulting said it will be Laramie-Fox Hills aquafer. Commissioner Robbins asked what happens to the water and will the City use it or will it be shut down. Mr. English said they we would support the applicant re-permit those and they are currently permitted for agricultural use. If Council approved it, although they would deed the groundwater rights to the City of Colorado Springs, they would have to re-permit and also develop an augmentation plan because that property is not located within the boundary of the augmentation plan boundary. Commissioner Robbins asked how that is going to affect the local farmers and ranchers in the area. Mr. English said that would not be within the purview of CSU it would be the purview of the Colorado Division of Water Resources to evaluate that based on the well permit application and the type of use, location, annual yield and pumping rate. He said in terms of CSU serving the property, no new wells would be drilled, they primarily derived their water resources from surface sources from the Colorado River, the Arkansas River, some limited supply from the South Platte and it is delivered through four Trans Mountain Pipeline.

Public Comment

Lisa Eastep spoke in opposition. Ms. Eastep said they live next door to where this development will be. She said their property was purchased by the city of Colorado Springs through the Utility Department for the reservoir, but prior to that they lived there for 25 years. She said the EPA studies were done for the reservoir, and it is a very fragile habitat. There are Bald and Golden eagles, and they were told that the reservoir would bring in more. She said the other problem is the Bradley Road relocation and said The Department of Defense paid for part of that road as a high-speed evacuation route. She said CSU contacted them about moving the road and they were denied. Ms. Eastep said response times are atrocious and they do not count for the amount of time that is spent waiting for that first hello. They should consider the fact that it is probably another 10-minute wait when calling 9-1-1.

Mike George Clever, a resident of the area spoke in opposition. He says they enjoy solitude and did not want to be a part of Colorado Springs. He said they have the 1-6 boundary contiguity law and if they are annexing the road it is not in the spirit of the law. He said if Banning Lewis Ranch is already apart of Colorado Springs, why are the skipping over that.

Tyler Godlevsky a resident of Mustang Meadows spoke in opposition. He said he is the husband of Mrs. Godlevsky sitting in the room. He said the biggest thing is the fact that this has been very, very quietly pushed through and they just learned about this two weeks ago and this affects them directly. Mr. Godlevsky said Mr. Dawsey, who has moved his private sector, is one of the project managers on this sat our the board for seven years and is now annexing a large part of the El Paso County. He said there are a lot of concerns as to where that money is going and where it is getting paid out. He said they have not had time to prepare or time to conduct surveys that would advise this board that this is not a good idea for this area. He said he would like to speak to Mr. Henderson's comments as he is still active-duty military. He said he is leaving and will be gone for six months. He said there is housing available and does not believe that housing or the annexation is necessary. He said the community has not been addressed in this matter.

Chair Slattery said to clarify, Mr. Dawsey is not involved as this is the City of Colorado Springs, so he is not involved in any way with the hearing today.

Commissioner Comments

Commissioner Hensler said however things end up, public participation is important. Commissioner Hensler said that this is going to happen, and the reality is that our City is continuing to grow, and it may seem like there is a lot of housing but there are about 3,000 or a three-month supply of homes that are available. That amount of homes does not sustain our community for growth. Commissioner Hensler said that change and growth is hard but necessary.

Commissioner Rickett said he concurs and appreciates everyone providing comments. He said it is not easy for us to make this decision, but it meets the code criteria and that is what we have to go by and therefor he has to support it.

Commissioner Robbins said they have seen the city grow considerable and he appreciates everyone's effort. He said he likes the timeline and that it is down the road and is in favor of the project.

Commissioner Cecil said in looking at all of the criteria for annexation, she the vast majority of them are definitely met. Commissioner Cecil said she understands that the annexation of a part of the city but worries about creating enclaves in the process. Commissioner Cecil said she is leaning towards

voting in favor.

Commissioner Casey said he likes the timeline but might be overly optimistic. He is concerned about the notification process and asked that City staff and Planning Department take a look at that to whether they can improve on notification or make a wider circle of where the notifications are sent. Commissioner Casey said the area is a logical extension of the City's boundary and also thinks this is a logical extension to support the residential, commercial and retail development to support Schreiver Space Force Base. Commissioner Casey said he is in support of the annexation.

Commissioner Gigiano said she appreciates the robust conversation from the community. She said it matters that no one there wants this but knows that there is not much that can be done. Commissioner Gigiano said she is leaning towards voting in favor.

Chair Slattery said looking at the criteria and agrees that they need housing and LaPlatta is a great developer who has supported the urban fabric of Colorado Springs. Chair Slattery said the difference is compatibility with the surrounding neighborhood. It is a beautifully designed and articulated plan, but it is plopped in the middle of nothing else. She said if they are in a housing crisis, then they need to find opportunities to meet those needs short term. Chair Slattery said she has concerns about response times and being prepared or equipped for emergencies. Chair Slattery said for those reasons she cannot support this.

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to recommend approval to City Council the annexation of 0.73 acres known as the Karman Line Addition No. 1 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in City Code Section 7.5.701.
The motion passed by a vote of 4-3-1.

Aye: 4 - Commissioner Hensler, Commissioner Rickett, Commissioner Robbins and Commissioner Casey

No: 3 - Commissioner Cecil, Chair Slattery and Commissioner Gigiano

Absent: 1 - Vice Chair Foos

Recused: 1 - Commissioner Sipilovic, Alternate Benenati and Alternate Case

8.D. ANEX-23-0010 An Ordinance annexing the area known as Karman Line Addition No. 2 located along existing Bradley Road consisting of 1.57 acres. (Legislative)

Related Files: ANEX-23-0009RF, ANEX-23-0009, ANEX-23-0010RF, ANEX-23-0010, ANEX-23-0011RF, ANEX-23-0011, ANEX-23-0012RF, ANEX-23-0012, ANEX-23-0013RF, ANEX-23-0013, ANEX-23-0014RF, ANEX-23-0014, ZONE-23-0009, MAPN-23-0002

Not currently located within a Council District, however, if approved it would be anticipated to be within Council District 4.

Presenter:
Gabe Sevigny, Planning Supervisor, Planning Department
Kevin Walker, Planning Director

Attachments: 7.5.701 ANNEXATION OF LAND

Ordinance - Annexation Karman Line Addition 2 - ANEX-23-0010

Exhibit A - Karman Line Addition 2 - ANEX-23-0010

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to recommend approval to City Council the annexation of 1.57 acres known as the Karman Line Addition No. 2 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in City Code Section 7.5.701.
The motion passed by a vote of 4-3-1.

Aye: 4 - Commissioner Hensler, Commissioner Rickett, Commissioner Robbins and Commissioner Casey

No: 3 - Commissioner Cecil, Chair Slattery and Commissioner Gigiano

Absent: 1 - Vice Chair Foos

Recused: 1 - Commissioner Sipilovic, Alternate Benenati and Alternate Case

8.E. ANEX-23-0011 An ordinance annexing the area known as Karman Line Addition No. 3 located along existing Bradley Road consisting of 4.65 acres. (Legislative)

Related Files: ANEX-23-0009RF, ANEX-23-0009, ANEX-23-0010RF, ANEX-23-0010, ANEX-23-0011RF, ANEX-23-0011, ANEX-23-0012RF, ANEX-23-0012, ANEX-23-0013RF, ANEX-23-0013, ANEX-23-0014RF, ANEX-23-0014, ZONE-23-0009, MAPN-23-0002

Not currently located within a Council District, however, if approved it would be anticipated to be within Council District 4.

Presenter:
Gabe Sevigny, Planning Supervisor, Planning Department
Kevin Walker, Planning Director

Attachments: 7.5.701 ANNEXATION OF LAND

Ordinance - Annexation Karman Line Addition 3 - ANEX-23-0011

Exhibit A - Karman Line Addition 3 - ANEX-23-0011

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to recommend approval to City Council the annexation of 4.65 acres known as the Karman Line Addition No. 3 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in City Code Section 7.5.701.
The motion passed by a vote of 4-3-1.

Aye: 4 - Commissioner Hensler, Commissioner Rickett, Commissioner Robbins and Commissioner Casey

No: 3 - Commissioner Cecil, Chair Slattery and Commissioner Gigiano

Absent: 1 - Vice Chair Foos

Recused: 1 - Commissioner Sipilovic, Alternate Benenati and Alternate Case

8.F. ANEX-23-0012 An ordinance annexing the area known as Karman Line Addition No. 4 located along existing Bradley Road consisting of 11.60 acres. (Legislative)

Related Files: ANEX-23-0009RF, ANEX-23-0009, ANEX-23-0010RF, ANEX-23-0010, ANEX-23-0011RF, ANEX-23-0011, ANEX-23-0012RF, ANEX-23-0012, ANEX-23-0013RF, ANEX-23-0013, ANEX-23-0014RF, ANEX-23-0014, ZONE-23-0009, MAPN-23-0002

Not currently located within a Council District, however, if approved it would be anticipated to be within Council District 4.

Presenter:
Gabe Sevigny, Planning Supervisor, Planning Department
Kevin Walker, Planning Director

Attachments: 7.5.701 ANNEXATION OF LAND

Ordinance - Annexation Karman Line Addition 4 - ANEX-23-0012

Exhibit A - Karman Line Addition 4 - ANEX-23-0012

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to recommend approval to City Council the annexation of 11.60 acres known as the Karman Line Addition No. 4 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in City Code Section 7.5.701.
The motion passed by a vote of 4-3-1.

Aye: 4 - Commissioner Hensler, Commissioner Rickett, Commissioner Robbins and Commissioner Casey

No: 3 - Commissioner Cecil, Chair Slattery and Commissioner Gigiano

Absent: 1 - Vice Chair Foos

Recused: 1 - Commissioner Sipilovic, Alternate Benenati and Alternate Case

8.G. ANEX-23-0013 An ordinance annexing the area known as Karman Line Addition No. 5 located along existing Bradley Road consisting of 17.83 acres. (Legislative)

Related Files: ANEX-23-0009RF, ANEX-23-0009, ANEX-23-0010RF, ANEX-23-0010, ANEX-23-0011RF, ANEX-23-0011, ANEX-23-0012RF, ANEX-23-0012, ANEX-23-0013RF, ANEX-23-0013, ANEX-23-0014RF, ANEX-23-0014, ZONE-23-0009, MAPN-23-0002

Not currently located within a Council District, however, if approved it would be anticipated to be within Council District 4.

Presenter:
Gabe Sevigny, Planning Supervisor, Planning Department
Kevin Walker, Planning Director

Attachments: 7.5.701 ANNEXATION OF LAND

Ordinance - Annexation Karman Line Addition 5 - ANEX-23-0013

Exhibit A - Karman Line Addition 5 - ANEX-23-0013

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to recommend approval to City Council the annexation of 17.83 acres known as the Karman Line Addition No. 5 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in City Code Section 7.5.701.
The motion passed by a vote of 4-3-1.

Aye: 4 - Commissioner Hensler, Commissioner Rickett, Commissioner Robbins and Commissioner Casey

No: 3 - Commissioner Cecil, Chair Slattery and Commissioner Gigiano

Absent: 1 - Vice Chair Foos

Recused: 1 - Commissioner Sipilovic, Alternate Benenati and Alternate Case

8.H. ANEX-23-0014 An ordinance annexing the area known as Karman Line Addition No. 6 located northwest of the Bradley Road and Curtis Road intersection consisting of 1,760.74 acres. (Legislative)

Related Files: ANEX-23-0009RF, ANEX-23-0009, ANEX-23-0010RF, ANEX-23-0010, ANEX-23-0011RF, ANEX-23-0011, ANEX-23-0012RF, ANEX-23-0012, ANEX-23-0013RF, ANEX-23-0013, ANEX-23-0014RF, ANEX-23-0014, ZONE-23-0009, MAPN-23-0002

Not currently located within a Council District, however, if approved it would be anticipated to be within Council District 4.

Presenter:
Gabe Sevigny, Planning Supervisor, Planning Department
Kevin Walker, Planning Director

Attachments: 7.5.701 ANNEXATION OF LAND

Ordinance - Annexation Karman Line Addition 6 - ANEX-23-0014

Exhibit A - Karman Line Addition 6 - ANEX-23-0014

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to recommend approval to City Council the annexation of 1,876.24 acres known as the Karman Line Addition No. 6 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in City Code Section 7.5.701.
The motion passed by a vote of 4-3-1.

Aye: 4 - Commissioner Hensler, Commissioner Rickett, Commissioner Robbins and Commissioner Casey

No: 3 - Commissioner Cecil, Chair Slattery and Commissioner Gigiano

Absent: 1 - Vice Chair Foos

Recused: 1 - Commissioner Sipilovic, Alternate Benenati and Alternate Case

8.I. ZONE-23-0009 An ordinance establishing a A/SS-O (Agriculture with Streamside Overlay) zone district for 1,760.74 acres located northwest of the Bradley Road and Curtis Road intersection.
(Legislative)

Related Files: ANEX-23-0009RF, ANEX-23-0009, ANEX-23-0010RF, ANEX-23-0010, ANEX-23-0011RF, ANEX-23-0011, ANEX-23-0012RF, ANEX-23-0012, ANEX-23-0013RF, ANEX-23-0013, ANEX-23-0014RF, ANEX-23-0014, ZONE-23-0009, MAPN-23-0002

Not currently located within a Council District, however, if approved it would be anticipated to be within Council District 4.

Presenter:
Gabe Sevigny, Planning Supervisor, Planning Department
Kevin Walker, Planning Director

Attachments: 7.5.704 ZONING MAP AMENDMENT (REZONING)

Zoning Ordinance-Karman Line.docx

Exhibit A and B - Zone Establishment

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to recommend approval to City Council the zone establishment of 1,760.74 acres as A/SS-O (Agriculture with Streamside Overlay) zone district based upon the findings that the request complies with the criteria for zoning establishment as set forth in City Code Section 7.5.704.
The motion passed by a vote of 5-2-1.

Aye: 5 - Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Commissioner Robbins and Commissioner Casey

No: 2 - Chair Slattery and Commissioner Gigiano

Absent: 1 - Vice Chair Foos

Recused: 1 - Commissioner Sipilovic, Alternate Benenati and Alternate Case

8.J. MAPN-23-0002 Establishment of the Karman Line Land Use Plan for proposed Residential Very Low Density, Residential Low Density, Residential Medium Density, Residential High Density, Mixed-Use, Commercial, Light Industrial, Civic, Open Space, Parks, Public Safety, and Streets/Utility Rights-of-Way consisting of 1,912.62 acres located northwest of the Bradley Road and Curtis Road intersection. (Legislative)

Related Files: ANEX-23-0009RF, ANEX-23-0009, ANEX-23-0010RF, ANEX-23-0010, ANEX-23-0011RF, ANEX-23-0011, ANEX-23-0012RF, ANEX-23-0012, ANEX-23-0013RF, ANEX-23-0013, ANEX-23-0014RF, ANEX-23-0014, ZONE-23-0009, MAPN-23-0002

Not currently located within a Council District, however, if approved it would be anticipated to be within Council District 4.

Presenter:
Gabe Sevigny, Planning Supervisor, Planning Department
Kevin Walker, Planning Director

Attachments: 7.5.514 LAND USE PLAN

Fiscal Impact Analysis

Karman Line Land Use Plan

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to recommend approval to City Council the Karman Line Land Use Plan based upon the findings that the proposal complies with the review criteria for Land Use Plans as set forth in City Code Section 7.5.514.

The motion passed by a vote of 4-3-1.

Aye: 4 - Commissioner Hensler, Commissioner Rickett, Commissioner Robbins and Commissioner Casey

No: 3 - Commissioner Cecil, Chair Slattery and Commissioner Gigiano

Absent: 1 - Vice Chair Foos

Recused: 1 - Commissioner Sipilovic, Alternate Benenati and Alternate Case

9. Presentations

10. Adjourn