

1950 & 1952 Woodburn Street STR Permit Denial Appeal

CPC AP 21-00119

September 28, 2021

Carli Hiben

Program Coordinator



Subject Property 1950 & 1952 Woodburn Street



STR Ordinance



City Code Section 7.5.1702(B) –

*The Short Term Rental unit permit does not run with the property, but is issued to the specific owner of the property. The permit shall expire upon sale or transfer of the property. The permit shall not be transferred or assigned to another individual, person, **entity**, or address but may be managed by a third party on behalf of the owner.*

City Code Section 7.5.1704(C) –

No non-owner occupied Short Term Rental unit shall be located within five hundred feet (500') of another non-owner occupied Short Term Rental unit. The five hundred feet (500') separation measurement shall be made in a straight line without regard to intervening structures or objects from the nearest property line of the proposed short term rental unit to the nearest property line of another Short Term Rental unit.

City Code Section 7.5.1702 B



PERMIT REQUIREMENTS

- The permit does not run with the property but is issued to the specific owner. The permit shall not be transferred or assigned to another individual, person, entity, or address. The permit does not authorize any person, other than the person named therein, to operate a short-term rental home on the property.

PUBLIC NOTIFICATION

- Staff recommends notifying adjacent neighbors if you are operating a short term rental to provide them with the Good Neighbor Guidelines and emergency contact information. Sample notification template is available on the Colorado Springs website.

OWNER / APPLICANT ACKNOWLEDGEMENT OF RESPONSIBILITIES:

The signature(s) below certifies that the information provided on this form is in all respects true and accurate to the best of my (our) knowledge and belief. I agree that I have read a copy of the Zoning Ordinance requirements concerning Short Term Rentals, understand the described regulations and agree to abide by them. I also understand that should the Short Term Rental become a nuisance, hazard or unreasonably interfere with the quiet enjoyment of other people's premises, in accordance with 7.5.1707, that this Short Term Rental Permit will be revoked by the City of Colorado Springs. I (we) understand that providing false information in this application shall be a violation of the City of Colorado Springs Municipal Code, and shall be grounds to deny the application, void the approval, and revoke a Short Term Rental unit permit issued for the property. I hereby certify under penalty of perjury pursuant to the laws of the State of Colorado that the above items have been checked and were found to be in good working order.

Signature of Property Owner

Date

Signature of Applicant (if applicable)

Date

City Code Section 7.5.1702 B



I am looking at buying a property, does the approved permit transfer with the sale of the property?

No. Pursuant to City Code Section, 7.5.1702; the permit shall expire upon the sale or transfer of the property.

City Code Section 7.5.1702 B



7.5.1702: SHORT TERM RENTAL UNIT PERMIT REQUIRED:

A. It shall be unlawful for any person to operate any short term rental unit without a valid short term rental unit permit, as approved by the Manager.

B. The short term rental unit permit does not run with the property, but is issued to the specific owner of the property. The permit shall expire upon sale or transfer of the property. The permit shall not be transferred or assigned to another individual, person, entity, or address but may be managed by a third party on behalf of the owner.

C. The short term rental unit permit is valid for one year from the date of issuance. The permit may be renewed for additional one year periods. (Ord. 18-112)

City Code Section 7.5.1702 B



Sent: Friday, December 06, 2019 12:49 PM

Subject: RE: STR Ordinance Amendments

Good morning,

I have received many emails from permit holders regarding yesterday's Council meeting and want to address the questions that have come up.

What happened yesterday?

The Council voted 5-4 to support CPC's recommendation (also referred to as Option D) for the following changes to the STR ordinance –

- Define 'owner occupied' as 210 days or more
- Preclude **any new** non-owner occupied STRs in single family zoning districts (R, R1-9000, R1-6000) and single-family PUDs
- 500' buffer between **any new** non-owner occupied STRs in all other zoning districts where STRs are permitted

For those that want to watch the discussion, all meetings are available for viewing at

<http://www.coloradosprings.gov/springastv>.

When will the new regulations go into effect?

The ordinance has to first go to 2nd reading (December 19th) for final City Council approval/denial before it goes into effect. I do not know when the date certain is but there is the potential that it may be mentioned at the meeting on the 19th. Regardless, I will send a follow-up email to everyone once that has been established.

How will the new regulations impact me?

As mentioned in previous emails, the changes that were discussed yesterday will not impact current permit holders as long as the permit is renewed prior to expiration, assuming no changes to ownership occur. For those that are owner occupied now and change to non-owner occupied, the density restrictions WOULD apply after the regulations go into effect.

How do I renew my existing STR permit?

An email will be sent out with further direction. As an example, for those permits that expire next month, an email will be sent next week.

500' Non-Owner Occupied Buffer



1950 & 1952 Woodburn STR Permit History



- Ordinance 18-122 – established STR Program
 - Permit transfer not permitted
- Ordinance 19-101 (went into effect December 26, 2019)
 - Established the 500' non-owner occupied buffer.
- Permits Issued
 - July 2019 to Highland Properties 2919 LLC
- Ownership Transfer
 - August 8, 2019 to Tara L. Sorenson
 - February 7, 2020 to 1952 Woodburn LLC
 - December 23, 2020 to Tara L. Sorenson
- Denial (July 16, 2021)
 - Ownership transfer
 - Within 500' buffer of 2 established non-owner occupied STRs

1950 & 1952 Woodburn STR Denial Appeal



- City Code Section 7.5.906(A)(4) –
 - Criteria For Review Of An Appeal Of An Administrative Decision: In the written notice, the appellant must substantiate the following
 - Identify the explicit ordinance provisions which are in dispute.
 - Show that the administrative decision is incorrect because of one or more of the following:
 - It was against the express language of this zoning ordinance, or
 - It was against the express intent of this zoning ordinance, or
 - It is unreasonable, or
 - It is erroneous, or
 - It is clearly contrary to law.

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- Appellant appeal statement (in part) –

“Ms. Sorenson submits that the intended purpose of City Code Section 7.5.1702.B is to ensure that legal control over the properties being benefited by a STR permit does not transfer away from the individual or entity to whom the permit was initially granted, Such circumstances would have the effect of serving the relationship between the applicant/permit holder and the City of Colorado Springs in a manner that would make it more difficult to ensure compliance with applicable STR regulations. Ms. Sorenson’s actions do not contravene the intended purpose. Instead, Ms. Sorenson simply engaged in financial and legal maneuvering for the purpose of (1) ensuring proper management of the property, (2) limiting her personal liability and (3) ensuring the continued affordability of the property.”

Staff Recommendation



CPC AP 21-00119 APPEAL OF DENIAL OF SHORT TERM RENTAL RENEWAL APPLICATIONS

Uphold the action, thus affirming the City Planning Commission's decision to uphold the administrative denial of the Short Term Rental renewal applications, pursuant to City Code Section 7.5.1702.B and 7.5.1704.D, and that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906.A.4.