City of Colorado Springs

Meeting Minutes - Final
Planning Commission

Plaza of the Rockies
South Tower, 5th Floor
Blue River Board Room
121 S Tejon St, Colorado
Springs, CO 80901

Thursday, October 21, 2021 **8:30 AM** **Hybrid Meeting - Open to Public**
Call 720-617-3426 Conf ID: 815 137 01#

1. Call to Order

Rollcall

Present: 7 - Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Eubanks and Alternate Griggs

Absent: 1 - Commissioner Raughton

Excused: 2 - Commissioner Wilson and Commissioner Graham

2. Approval of the Minutes

2.A. CPC 21-632 Minutes for the August 19, 2021 City Planning Commission

Presenter:
Scott Hente, Chair

Motion by Commissioner Almy, seconded by Commissioner McMurray, to approve the minutes for the August 19, 2021 City Planning Commission meeting. The motion passed by a vote of 5:0:3:1

Aye: 5 - Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

Abstain: 1 - Commissioner Rickett

3. Communications

Peter Wysocki - Director of Planning & Community Development

4. CONSENT CALENDAR

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

Kissing Camels - Red Rock Point

Chair Hente recused himself from this item as he lives across the street from the proposed development.

4.A. CPC PUZ 21-00008

Ordinance No. 21-107 amending the zoning map of the City of Colorado Springs relating to 12.89 acres located at the northeast corner of Hills Circle and West Fillmore Street, from R (Estate Single-Family Residential) to PUD (Planned Unit Development: Single-Family Residential, 30-foot Maximum Building Height, and 3.87 Dwelling Units per Acre).

(Quasi-Judicial)

Related Files: CPC PUP 21-00104

Presenter:
Daniel Sexton, Planning Supervisor, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

This Ordinance was recommended for approval on the Consent Calendar to the City Council.

4.B. CPC PUP 21-00104

A concept plan for the Kissing Camels - Red Rock Point 4 single-family residential project on 12.89 acres, located at the northeast corner of Hills Circle and West Fillmore Street.

(Quasi-Judicial)

Related File: CPC PUZ 21-00008

Presenter:
Daniel Sexton, Planning Supervisor, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

This Planning Case was recommended for approval on the Consent Calendar to the City Council.

Approval of the Consent Agenda

Motion that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 5:0:3:1

Aye: 5 - Vice Chair McMurray, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Eubanks and Alternate Griggs

Absent: 1 - Commissioner Raughton

Recused: 1 - Chair Hente

Excused: 2 - Commissioner Wilson and Commissioner Graham

ITEMS CALLED OFF CONSENT

5. UNFINISHED BUSINESS

Postponements

5.A. CPC PUD 20-00109

A PUD development plan for the Creekside at Rockrimmon project illustrating a 43-lot single-family residential development on 17.47 acres with ancillary public and private improvements. Located at 252 Heavy Stone View Boulevard.

(Quasi-judicial)

Presenter:
Kerri Schott, Planner II, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner Eubanks, to postpone the Creekside at Rockrimmon PUD development plan to the November 18, 2021 City Planning Commission Hearing in order to gather information from Army Corp of Engineers regarding jurisdictional wetland assessment. The motion passed by a vote of 6:0:3:0

Aye: 6 - Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

5.B. CPC AP 21-00064

Postpone an appeal of a Notice and Order to Abate Zoning Violation for the property located at 1830 Palmer Park Boulevard for failure to maintain off street park and maneuvering areas to the January 20, 2022, Planning Commission hearing.
(Quasi-Judicial)

Presenter:
Kurt Arnoldussen, Senior Code Enforcement Officer, Planning and Community Development

Motion by Commissioner Rickett, seconded by Commissioner Almy, to postpone the appeal to the November 18, 2021 City Planning Commission Hearing. The motion passed by a vote of 6:0:3:0

Aye: 6 - Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

1823 N Wahsatch ADU

5.C. CPC CU 21-00078

A conditional use development plan for an integrated accessory dwelling unit in an R1-6000 (Single-Family Residential) zone district

located at 1823 North Wahsatch Avenue.

(Quasi-Judicial)

Presenter:
Ann Odom, Planner II, Planning and Community Development.

Staff presentation:
Ann Odom, City Planning, presented a PowerPoint with the scope and intent of this project.

Applications:
CPC CU 21-00078
A Conditional Use Development Plan for an integrated accessory dwelling unit in an R1-6000 (Single-Family Residential) zone district located at 1823 North Wahsatch Avenue. (Quasi-Judicial)
CPC NV 21-00079
A non-use variance for the 1823 North Wahsatch integrated accessory dwelling unit allowing a 2.8-feet setback where 5-feet is required per City Code Section 7.3.104(A). (Quasi-Judicial)
CPC NV 21-00145
A non-use variance for the 1823 North Wahsatch integrated accessory dwelling unit allowing a 4.1-feet setback where 5-feet is required per City Code Section 7.3.104(A). (Quasi-Judicial)
CPC NV 21-00146
A non-use variance for the 1823 North Wahsatch integrated accessory dwelling unit allowing a 15.5-feet setback where 25-feet is required per City Code Section 7.3.104(A). (Quasi-Judicial)

Applicant Presentation:
Robbie Austin, Architect, presented a PowerPoint with the scope and intent of this project.

Questions:
Commissioner Rickett asked if there were any fire rating requirements in the connection. Mr. Austin said there would be a one hour fire separation between the ADU and the primary structure.

Commissioner Slattery asked if the only entrance for the ADU was off the deck in the rear and if the primary structure already has a second floor. Mr. Austin said that would be the only entrance for the ADU, and currently the primary residence was 1 ½ stories with a small room above, and this would be added on to.

Supporters:
Jill Gaebler, Community member who lives within 1000 feet of the property

- Voiced support of this project
- The property conforms to PlanCOS and the desire as a City for more vibrant neighborhoods that have more mixed types of housing and mixed use

- Property is the exact type of accessory dwelling unit that the City Council envisioned when it was passed a couple of years ago by increasing density in existing neighborhoods without a lot of impact to the neighborhood

Opponents:
N/A

Questions of Staff:
N/A

Rebuttal:
N/A

DISCUSSION AND DECISION OF PLANNING COMMISSION:
Commissioner Rickett said he thought this was a very nice use of the ADU and agreed with Ms. Gaebler that it was a great use and was in support of this project.

Chair Hente echoed Commissioner Ricket and Ms. Gaebler saying this seems to fit in very well with what the council passed the ADU ordinance.

Motion by Commissioner Rickett, seconded by Commissioner Almy, to approve the conditional use development plan for an integrated accessory dwelling unit in an R1-6000 (Single-Family Residential) zone district located at 1823 North Wahsatch, based upon the findings that the request meets the review criteria for establishing a conditional use, as set forth in City Code Section 7.5.704 and the development plan review criteria, as set forth in City Code Section 7.5.502(E). The motion passed by a vote of 6:0:3:0

Aye: 6 - Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

5.D. CPC NV 21-00079 A non-use variance for the 1823 North Wahsatch integrated accessory dwelling unit allowing a 2.8-foot setback where 5-feet is required per City Code Section 7.3.104(A).

(Quasi-Judicial)

Presenter:
Ann Odom, Planner II, Planning and Community Development.

See Item 5.C. (CPC CU 21-00078)

Motion by Commissioner Slattery, seconded by Commissioner Almy, to approve a non-use variance for the 1823 North Wahsatch integrated accessory dwelling unit allowing a 2.8-foot setback where 5-feet is required per City Code Section 7.3.104(A), based upon the findings that the request meets the nonuse variance review criteria as set forth in City Code Section

7.5.802(B) and 7.5.802.(E). The motion passed by a vote of 6:0:3:0

Aye: 6 - Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

5.E. CPC NV 21-00145 A non-use variance for the 1823 North Wahsatch integrated accessory dwelling unit allowing a 4.1-foot setback where 5-feet is required per City Code Section 7.3.104(A).

(Quasi-Judicial)

Presenter:
Ann Odom, Planner II, Planning and Community Development.

See Item 5.C. (CPC CU 21-00078)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to approve a non-use variance for the 1823 North Wahsatch integrated accessory dwelling unit allowing a 4.1-foot setback where 5-feet is required per City Code Section 7.3.104(A), based upon the findings that the request meets the nonuse variance review criteria as set forth in City Code Section 7.5.802(B) and 7.5.802.(E). The motion passed by a vote of 6:0:3:0

Aye: 6 - Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

5.F. CPC NV 21-00146 A non-use variance for the 1823 North Wahsatch integrated accessory dwelling unit allowing a 15.5-foot setback where 25-feet is required per City Code Section 7.3.104(A).

(Quasi-Judicial)

Presenter:
Ann Odom, Planner II, Planning and Community Development.

See Item 5.C. (CPC CU 21-00078)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to approve a non-use variance for the 1823 North Wahsatch integrated accessory dwelling unit allowing a 15.5-foot setback where 25-feet is required per City Code Section 7.3.104(A), based upon the findings that the request meets the nonuse variance review criteria as set forth in City Code Section 7.5.802(B) and 7.5.802.(E). The motion passed by a vote of 6:0:3:0

Aye: 6 - Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

6. NEW BUSINESS CALENDAR

Parks Annexations

Corral Bluffs

6.A. CPC A 21-00086 Ordinance No. 21-98 annexing to the City of Colorado Springs that area known as Corral Bluffs Addition No. 1 consisting 926.103 acres located north of Highway 94 and east of Corral Valley Road. (Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Staff presentation:
Carl Schueler, City Planning, presented a PowerPoint with the scope and intent of this project in place of Katie Carleo. Mr. Schueler was accompanied by Britt Haley of the Parks Department and manager of the Trails, Open Space, and Parks program (TOPS).

Questions:
Commissioner Slattery asked if all the land was owned by the City or purchased through the TOPS program, and then we are annexing it in? Mr. Carl Schuler deferred to Ms. Haley on how the land was acquired but said yes, that they are all city owned and controlled by the Parks Department. They were purchased through different funding sources. Ms. Britt Haley said the North Gate property was the only property that was not purchased by TOPS, and that was received through Park Land Dedication. All those properties are in our portfolio wholly owned by the City, and the Parks Department is the controlling department.

Commissioner Slattery asked when Bear Creek was acquired and said she thought it was a county owned asset or was that adjacent to the county property? Ms. Haley said it was adjacent to the county property and the City has had it for quite some time. Included in that is Section 16 and White Acres of Red Rock Canyon open space, which was acquired over a course of years, starting in about 2003.

Commissioner Almy said we've had several discussions before this commission previously about funding of open space and requirements for parks with new development, along with current issues that are going on in the city related to this. He said he was curious as to whether the funding streams for these projects are on the budget and continue on the budget? Ms. Haley said they do have ongoing funding identified through the TOPS program for open space purchases specifically. It is a designation of the open space category, which is set aside about $3.5 to $3.7 million per year. For open space acquisitions, those are unbudgeted so that it can move forward with a supplemental appropriation request upon the opportunity to purchase a property. Every year since the initiation of TOPS, the city has had slightly more for those kinds of purchases.

Supporters:
N/A

Opponents:
N/A

DISCUSSION AND DECISION OF PLANNING COMMISSION:
None. Went straight to a vote.

Motion by Commissioner Eubanks, seconded by Commissioner Slattery, to recommend approval to City Council the Corral Bluffs Addition No. 1 Annexation located north of Highway 94 and east of Corral Valley Road consisting 926.10 acres, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203. The motion passed by a vote of 6:0:3:0

Aye: 6 - Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

6.B. CPC ZC 21-00087 Ordinance No. 21-99 amending the zoning map of the City of Colorado Springs pertaining to 926.103 acres located north of Highway 94 and east of Corral Valley Road establishing the PK (Park) zone district
(Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

See Item 6.A. (CPC A 21-00086)

A motion was made by Commissioner Eubanks, seconded by Commissioner Slattery, Recommend approval to City Council the Corral Bluffs zone change establishing the PK (Park) zone district located north of Highway 94 and east of Corral Valley Road consisting 926.10 acres, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). The motion passed by a vote of 6:0:3:0

Aye: 6 - Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

Jimmy Camp Creek

6.C. CPC A 21-00088 Ordinance No. 21-102 annexing to the City of Colorado Springs that area known as the Jimmy Camp Creek Addition No. 1 annexation

consisting of 378.416 acres located east of Highway 24 and southwest of South Blaney Road.
(Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Staff presentation:
Carl Schueler, City Planning, presented a PowerPoint with the scope and intent of this project in place of Katie Carleo. Mr. Schueler was accompanied by Britt Haley of the Parks Department and manager of the Trails, Open Space, and Parks program (TOPS).

Questions:
Commissioner Slattery asked if all the land was owned by the City or purchased through the TOPS program, and then we are annexing it in? Mr. Carl Schuler deferred to Ms. Haley on how the land was acquired but said yes, that they are all city owned and controlled by the Parks Department. They were purchased through different funding sources. Ms. Britt Haley said the North Gate property was the only property that was not purchased by TOPS, and that was received through Park Land Dedication. All those properties are in our portfolio wholly owned by the City, and the Parks Department is the controlling department.

Commissioner Slattery asked when Bear Creek was acquired and said she thought it was a county owned asset or was that adjacent to the county property? Ms. Haley said it was adjacent to the county property and the City has had it for quite some time. Included in that is Section 16 and White Acres of Red Rock Canyon open space, which was acquired over a course of years, starting in about 2003.

Commissioner Almy said we've had several discussions before this commission previously about funding of open space and requirements for parks with new development, along with current issues that are going on in the city related to this. He said he was curious as to whether the funding streams for these projects are on the budget and continue on the budget? Ms. Haley said they do have ongoing funding identified through the TOPS program for open space purchases specifically. It is a designation of the open space category, which is set aside about $3.5 to $3.7 million per year. For open space acquisitions, those are unbudgeted so that it can move forward with a supplemental appropriation request upon the opportunity to purchase a property. Every year since the initiation of TOPS, the city has had slightly more for those kinds of purchases.

Supporters:
N/A

Opponents:
N/A

DISCUSSION AND DECISION OF PLANNING COMMISSION:
None. Went straight to a vote.

Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend approval to City Council the Jimmy Camp Creek Addition No. 1 Annexation located east of Highway 24 and southwest of S. Blaney Road consisting of 413.76 acres, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203. The motion passed by a vote of 6:0:3:0

Aye: 6 - Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

6.D. CPC ZC 21-00089 Ordinance No. 21-103 amending the zoning map of the City of Colorado Springs pertaining to 378.416 acres located east of Highway 24 and southwest of South Blaney Road establishing the PK (Park) zone
(Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

See Item 6.C. (CPC A 21-00088)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend approval to City Council the Jimmy Camp Creek zone change establishing the PK (Park) zone district located east of Highway 24 and southwest of S. Blaney Road consisting of 413.76 acres, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). The motion passed by a vote of 6:0:3:0

Aye: 6 - Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

North Gate Open Space

6.E. CPC A 21-00090 Ordinance No. 21-100 annexing to the City of Colorado Springs that area known as the North Gate Open Space Addition No. 1 annexation consisting of 9.436 acres located north of North Gate Boulevard and Southwest of the Terminus of Walsen Road.
(Legislative)

Staff presentation:
Carl Schueler, City Planning, presented a PowerPoint with the scope and intent of this project in place of Katie Carleo. Mr. Schueler was accompanied by Britt

Haley of the Parks Department and manager of the Trails, Open Space, and Parks program (TOPS).

Questions:
Commissioner Slattery asked if all the land was owned by the City or purchased through the TOPS program, and then we are annexing it in? Mr. Carl Schuler deferred to Ms. Haley on how the land was acquired but said yes, that they are all city owned and controlled by the Parks Department. They were purchased through different funding sources. Ms. Britt Haley said the North Gate property was the only property that was not purchased by TOPS, and that was received through Park Land Dedication. All those properties are in our portfolio wholly owned by the City, and the Parks Department is the controlling department.

Commissioner Slattery asked when Bear Creek was acquired and said she thought it was a county owned asset or was that adjacent to the county property? Ms. Haley said it was adjacent to the county property and the City has had it for quite some time. Included in that is Section 16 and White Acres of Red Rock Canyon open space, which was acquired over a course of years, starting in about 2003.

Commissioner Almy said we've had several discussions before this commission previously about funding of open space and requirements for parks with new development, along with current issues that are going on in the city related to this. He said he was curious as to whether the funding streams for these projects are on the budget and continue on the budget? Ms. Haley said they do have ongoing funding identified through the TOPS program for open space purchases specifically. It is a designation of the open space category, which is set aside about $3.5 to $3.7 million per year. For open space acquisitions, those are unbudgeted so that it can move forward with a supplemental appropriation request upon the opportunity to purchase a property. Every year since the initiation of TOPS, the city has had slightly more for those kinds of purchases.

Supporters:
N/A

Opponents:
N/A

DISCUSSION AND DECISION OF PLANNING COMMISSION:
None. Went straight to a vote.

Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend approval to City Council the North Gate Open Space Addition No. 1 Annexation located north of North Gate Boulevard and southwest of the terminus of Walsen Road consisting of 9.43 acres, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203. The motion passed by a vote of 6:0:3:0

Aye: 6 - Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

6.F. CPC ZC 21-00091 Ordinance No. 21-101 amending the zoning map of the City of Colorado Springs pertaining to 9.436 acres located north of North Gate Boulevard and southwest of the terminus of Walsen Road establishing the PK (Park) zone district.
(Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

See Item 6.E. (CPC A 21-00090)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend approval to City Council the North Gate Open Space zone change establishing the PK (Park) zone district located north of North Gate Boulevard and southwest of the terminus of Walsen Road consisting of 9.43 acres, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). The motion passed by a vote of 6:0:3:0

Aye: 6 - Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

Black Canyon Quarry

6.G. CPC A 21-00092 Ordinance No. 21-96 annexing to the City of Colorado Springs that area known as the Black Canyon Quarry Addition No. 1 Annexation consisting of 91.118 acres located northwest of Black Canyon Road and Garden Drive.
(Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Staff presentation:
Carl Schueler, City Planning, presented a PowerPoint with the scope and intent of this project in place of Katie Carleo. Mr. Schueler was accompanied by Britt Haley of the Parks Department and manager of the Trails, Open Space, and Parks program (TOPS).

Questions:
Commissioner Slattery asked if all the land was owned by the City or purchased through the TOPS program, and then we are annexing it in? Mr. Carl Schuler

deferred to Ms. Haley on how the land was acquired but said yes, that they are all city owned and controlled by the Parks Department. They were purchased through different funding sources. Ms. Britt Haley said the North Gate property was the only property that was not purchased by TOPS, and that was received through Park Land Dedication. All those properties are in our portfolio wholly owned by the City, and the Parks Department is the controlling department.

Commissioner Slattery asked when Bear Creek was acquired and said she thought it was a county owned asset or was that adjacent to the county property? Ms. Haley said it was adjacent to the county property and the City has had it for quite some time. Included in that is Section 16 and White Acres of Red Rock Canyon open space, which was acquired over a course of years, starting in about 2003.

Commissioner Almy said we've had several discussions before this commission previously about funding of open space and requirements for parks with new development, along with current issues that are going on in the city related to this. He said he was curious as to whether the funding streams for these projects are on the budget and continue on the budget? Ms. Haley said they do have ongoing funding identified through the TOPS program for open space purchases specifically. It is a designation of the open space category, which is set aside about $3.5 to $3.7 million per year. For open space acquisitions, those are unbudgeted so that it can move forward with a supplemental appropriation request upon the opportunity to purchase a property. Every year since the initiation of TOPS, the city has had slightly more for those kinds of purchases.

Supporters:
N/A

Opponents:
N/A

DISCUSSION AND DECISION OF PLANNING COMMISSION:
None. Went straight to a vote.

Motion by Commissioner Rickett, seconded by Commissioner Almy, tto recommend approval to City Council the Black Canyon Quarry Addition No. 1 Annexation located northwest of Black Canyon Road and Garden Drive consisting of 91.11 acres, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203. The motion passed by a vote of 6:0:3:0

Aye: 6 - Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

6.H. CPC ZC 21-00093 Ordinance No. 21-97 amending the zoning map of the City of Colorado Springs pertaining to 91.118 acres located northwest of Black Canyon Road and Garden Drive establishing the PK (Park)

zone district.
(Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

See Item 6.G. (CPC A 21-00092)

Motion by Commissioner Eubanks, seconded by Commissioner Almy, to recommend approval to City Council the Black Canyon Quarry zone change establishing the PK (Park) zone district located northwest of Black Canyon Road and Garden Drive consisting of 91.11 acres, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). The motion passed by a vote of

Aye: 6 - Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

Bear Creek Canyon

6.I. CPC A 21-00094 Ordinance No. 21-94 annexing to the City of Colorado Springs that area known as Bear Creek Canyon Addition No. 1 consisting of 1,369.653 acres located southwest of Highway 24 and 21st Street (Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Staff presentation:
Carl Schueler, City Planning, presented a PowerPoint with the scope and intent of this project in place of Katie Carleo. Mr. Schueler was accompanied by Britt Haley of the Parks Department and manager of the Trails, Open Space, and Parks program (TOPS).

Questions:
Commissioner Slattery asked if all the land was owned by the City or purchased through the TOPS program, and then we are annexing it in? Mr. Carl Schuler deferred to Ms. Haley on how the land was acquired but said yes, that they are all city owned and controlled by the Parks Department. They were purchased through different funding sources. Ms. Britt Haley said the North Gate property was the only property that was not purchased by TOPS, and that was received through Park Land Dedication. All those properties are in our portfolio wholly owned by the City, and the Parks Department is the controlling department.

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Commissioner Almy said we've had several discussions before this commission previously about funding of open space and requirements for parks with new development, along with current issues that are going on in the city related to this. He said he was curious as to whether the funding streams for these projects are on the budget and continue on the budget? Ms. Haley said they do have ongoing funding identified through the TOPS program for open space purchases specifically. It is a designation of the open space category, which is set aside about $3.5 to $3.7 million per year. For open space acquisitions, those are unbudgeted so that it can move forward with a supplemental appropriation request upon the opportunity to purchase a property. Every year since the initiation of TOPS, the city has had slightly more for those kinds of purchases.

Supporters:
N/A

Opponents:
N/A

DISCUSSION AND DECISION OF PLANNING COMMISSION:
None. Went straight to a vote.

Motion by Commissioner Eubanks, seconded by Commissioner Almy, to recommend approval to City Council the Bear Creek Canyon Addition No. 1 Annexation located southwest of Highway 24 and 21st Street consisting of 1,369.65 acres, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203. The motion passed by a vote of 6:0:3:0

Aye: 6 - Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

6.J. CPC ZC 21-00095 Ordinance No. 21-95 amending the zoning map of the City of Colorado Springs pertaining to 1,369.653 acres located southwest of Highway 24 and 21st Street establishing the PK (Park) zone (Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

See Item 6.J. (CPC A 21-00094)

Motion by Commissioner Eubanks, seconded by Commissioner Almy, to recommend approval to City Council the Bear Creek Canyon zone change establishing the PK (Park) zone district located southwest of Highway 24 and 21st Street consisting of 1,369.65 acres, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). The motion passed by a vote of 6:0:3:0

Aye: 6 - Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

116 S Fourteenth St - Short Term Rental Appeal

6.K. CPC AP 21-00157

Request to postpone an appeal of the Planning Commission's decision to uphold the administrative denial of the Short Term Rental permit for 116 South Fourteenth Street for an ownership change to the January 11, 2022 City Council Meeting. The intent of the postponement is to refine the internal STR policy regarding ownership based on Planning Commission discussion.

(Quasi-Judicial)

Presenter:
Carli Hiben, Program Coordinator
Peter Wysocki, Director of Planning and Community Development

Staff presentation:
Carli Hiben, City Planning, presented a PowerPoint with the scope and intent of this project.

- 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.
- Permit Issued
  - September 2019 to Chyenne Ueland (STR-1003)
  - October 2019 to Chyenne Ueland (STR-1246)
- Ownership Transfer
  - July 9, 2020, to 14th Street Ltd
- Denial (September 20, 2021)
  - Ownership transfer
  - Within 500' buffer of several other established non-owner occupied STRs

Applicant Presentation:
Charlie Ruprecht, attorney for the appellant, presented a PowerPoint with the scope and intent of this appeal, along with the appellant, Ms. Chyenne Ueland.

- Ms. Ueland requested her appeal be granted because the reason for the

denial of her renewal permit for the short term rental was contrary to the intent of the law and unreasonable, pursuant to 7.5.906(4)(b)(1-5).

- **2019:** Ms. Ueland applied for a STR permit and listed herself as the "Owner" and STR permit issued
- **Late 2019:** Ms. Ueland and her husband learn that their child is legally disabled and will require 24/7 care for the rest of his life.
- **2020:** Ms. Ueland consults with an estate planning attorney to ensure that the needs of her child will be provided for upon her death. Ms. Ueland and husband execute estate planning documents to create "THE JON AND CHYENNE UELAND TRUST" a Special Needs Trust for their son, upon their death.
- **July 2020**: Ms. Ueland retitles property from Jon and Chyenne Ueland to "14th Street Ltd."
- **October 2020**: Ms. Ueland applies for and is granted a renewal of her STR permit.
- **November 2021:** An "Assignment of Beneficiary" is executed transferring Ms. Ueland's interest in the LLC to the Special Needs Trust upon her death.
- 14th Street Ltd. is single-member LLC under the exclusive control of Ms. Ueland at all relevant times
- At all relevant times, Ms. Ueland remained the owner-in-fact of the property exercising exclusive control
- Should the appeal be denied, the subject property is no longer eligible for a new non-owner occupied STR permit

Questions:

Commissioner Almy asked if Single Member LLC was a legal definition or was that a qualifier based on this situation? Mr. Ben Bolinger, City Attorney, explained an LLC is just an LLC; it can have one member, or it can have several members, but there is no specific legal difference between them.

Commissioner Almy asked if the October 2020 renewal listed the LLC. Mr. Ruprecht said it did not and there was no place on the application that allowed for it. Ms. Hiben said in October of 2020 when the renewal was granted, the assessor's office was behind in updating changes and that the LLC would not have shown on the website.

Commissioner Almy said it seemed like the financial and/or estate planning communities are offering advice on the Short Term Rentals that turns out to be inconsistent with the ordinance. The advice given is to give the client the best possible position for further life events; however, it is the client's choice to do that, but it was important to know what all the downsides were. Commissioner Almy suggested that City Planning might want to communicate to the financial groups letting them know their advice might be a problem for their clients.

Mr. Ruprecht said Ms. Ueland was trying to set herself up for future life events and asked if it was the intent of the ordinance to create a pitfall for people who are simply trying to advantage themselves legally for future life events? Ms. Ueland's position of the ordinance is to ensure that control over the property does not transfer away from the person that made a commitment with the City

to maintain that property throughout the short term rental permit.

Supporters:
N/A

Opponents:
N/A

Questions of Staff:
Commissioner Almy asked if the City monitored all quick claims for Short Term Rentals. Ms. Hiben said no, it is only reviewed during the renewal process.

Rebuttal:
Mr. Ruprecht said there seems to be substantial agreement that the way the ordinance was written was overbroad, may not be precise, and may be applied in manners that are inconsistent with the intention. A denial in Ms. Ueland's appeal will result in a permanent loss for her to use the property as a short term rental property.

Commissioner Hente informed Mr. Ruprecht that regardless of how the vote occurs, there was an opportunity to appeal this to City Council.

DISCUSSION AND DECISION OF PLANNING COMMISSION:
Commissioner Almy said he understood the quandary and was sympathetic, but the Commission needed to be consistent going forward with their decisions on the appeals. Commissioner Almy said there are unintended consequences, not necessarily improper, but unintended consequences of the ordinance that need to be reflected by the community that is trying to address them, which is the financial planners and estate planners. If there is some general thing that overtime we see as an inconsistency that needs to be addressed, then the City Planning Department should look at that and see if there is some way to clarify the ordinance. But in the meantime, there is an ordinance to follow.

Commissioner Slattery said her understanding of the intent from the City on ownership changes in the ordinance was to keep housing intact for citizens. Changing from a human to an LLC is a change of ownership because whether it is now or upon a death or another time, there is nothing stopping that entity from selling the LLC. It protects your legal status and your liability, but it is a change of ownership. Commissioner Slattery said she will continue to interpret it as a change of ownership and will be voting to deny the appeal.

Commissioner Hente referred to the renewal permit that was granted in 2020 and said the property had changed ownership, and part of his experience of working in real estate was that the County records sometimes are slow to catch up. When the City granted the renewal and checked the county website, it was still in the appellant's name and not the LLC, so the City renewed the permit based on that.

Commissioner Hente said this was a tough situation and that the commissioners are sympathetic to the issue. He said the ordinance cannot be changed by the Planning Commissioners and said the right people to talk to

would be City Council. With that, Commissioner Hente said he would have to agree with Commissioner Slattery in that the ordinance was the ordinance and he would be consistent with his past votes.

Commissioner Rickett said the fact the application did not indicate the LLC ownership change in 2020 invalidates the appellant's argument. He said he agreed that the commissioners cannot change the ordinance, and he would be in support of a denial of the appeal.

Commissioner McMurray restated his own position on this issue. He said he was in concurrence with the appellant on this as it relates to the intent and the reasonableness of the ordinance. As a commissioner who was involved at the time the ordinance was passed and if this type of edge case had been considered at that point, it would have substantially influenced his own approach to the ordinance. Commissioner McMurray said he would argue that the commission was not being tasked with changing the ordinance, but the commission's task was to interpret the ordinance per criteria, and the commission does have the ability to apply that interpretive standard.

Commissioner McMurray said he recognized the intent of the ordinance to prohibit transfer to an entity is good in general as the purpose was to prevent the distant disinvestment in our neighborhoods. But, when a single owner changing to an LLC who lives within our community, it is well within the commission's parameters to acknowledge that, and this was not part of the intent of the ordinance making it an unreasonable situation. Commissioner McMurray said he would be voting in favor of the appeal.

Commissioner Eubanks said in the past with the short term rental permit appeals, she voted similarly to Commissioner McMurray and would continue to do so in this instance.

Commissioner Rickett said there were great comments all around, and he did not necessarily disagree with those who are in support of the appeal. He said for the sake of City Council, this needs to be addressed more clearly by Council or the Planning Commission and suggested a formal process with every application to show the ownership of the LLC.

Motion by Commissioner Almy, seconded by Commissioner Rickett, to deny the appeal and uphold the denial of the Short Term Rental renewal application, based on the City Code Sections 7.5.1704.C and 7.5.1702.B, and that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906.A.4. The motion passed by a vote of- 4:2:3:0

Aye: 4 - Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

No: 2 - Vice Chair McMurray and Commissioner Eubanks

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

Carport Code Amendment

6.L. CPC CA 21-00130

Ordinance No. 21-110 amending Section 201 (Definitions Enumerated) of Part 2 (Definitions) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications), Section 105 (Additional Standards for Specific Uses Allowed in Residential Zones) of Part 1 (Residential Districts) of Article 3 (Land Use Zoning Districts), Section 105 (Threshold of Review) of Part 1 (Purpose; Review Authorities) of Article 5 (Administration and Procedures), and creating a new Part 18 (Front Yard Carports) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to front yard carports

Presenter:
Mitch Hammes, Manager, Neighborhood Services
Peter Wysocki, Director of Planning and Community Development
Mike Tassi, Assistant Director of Planning and Community Development

Staff presentation:
Peter Wysocki, Director of Planning & Community Development, presented a PowerPoint with the scope and intent of the code amendment allowing carports in the front yard setback.

Current City Code prohibits accessory structures, including carports, in the required front yard setback. City Council enacted an enforcement moratorium in January 2021 and has extended the moratorium twice while staff and stakeholders work to refine an ordinance permitting carports to be erected in required front yard setbacks.

Through email correspondence and discussions with the newly formed “Historic Neighborhood Partnership”, City staff has included architectural elements to this draft of the ordinance, to the extent possible in keeping with City Council’s original direction to provide an economical way for residents of our community to maintain a carport for purposes of hail and weather protection for vehicles parked on driveways.

The most current proposed ordinance draft presented now for discussion defines a carport as: *“a permanent structure consisting of a roof and supported on posts with three or four open sides used as a minimal shelter for an automobile. It may be freestanding or attached to another structure on one side.”*

The ordinance draft now being presented for approval requires the issuance of a front yard carport permit by the Planning and Community Development Department, subject to specific standards - please see the attached ordinance.

Changes from the previous version of the ordinance presented include:

- Included architectural compatibility requirements in an

attempt to ensure that carports erected in required front yard setback are aesthetically pleasing have been added to this iteration of the ordinance.

- Reinstated a prohibition on carports in the required front yard setback unless side and/or rear yards are inaccessible due to insufficient size or width to accommodate a carport or if the terrain is too steep to allow access to the side or rear yard.

Questions:
Commissioner Rickett asked if these standards apply to the existing structures because he was fearful that several more carport appeals will come before the Planning Commission? Mr. Wysocki explained front yard carports are currently not permitted in city code, so the existing structures are non-conforming uses. If the carport ordinance is adopted, then those non-conforming carports will need to come into compliance or be removed.

Commissioner Rickett said his concern was for those who don't meet the code standard who already have carports erected. Commissioner Rickett would like to figure out how to incorporate the majority of the existing carports because that is what this is really about. New carports moving forward will be easy because the ordinance is cut and dry. Mr. Wysocki said staff brainstormed how to address grandfathering all the carports prior to the adoption of any carport ordinance. Because there were no requirements for a permit or requirements for anything, they are all illegal. The City does not have an inventory of all the carports that are out there. The City knows of the carports that there have been complaints on, but there is no inventory of all the carports out there in the front yard setbacks.

Mr. Wysocki went on to explain that Planning Commission recommended a carport ordinance to council at the June meeting. That ordinance was less prescriptive on architectural standards and design standards than the ordinance being considered today. When City Council considered that ordinance, there were several questions and a healthy dialogue with the council members. Ultimately, that ordinance was not approved by City Council. In turn, City Council requested Staff to come up with a better definition of architectural compatibility, while not increasing the cost of a carport to the point where it would not be cost effective for homeowners to construct them. So, Staff came up with these standards being considered today to make the ordinance sufficiently different from the one that was already denied by City Council. Mr. Wysocki asked the Planning Commissioners to keep in mind as they consider this ordinance that an ordinance had already been proposed to Council that was a little more ambiguous with lesser prescriptive standards than the one proposed today.

Commissioner Rickett asked if existing two-car carports have to go back through the Regional Building Department (RBD) if they are over the 200 square feet? Mr. Wysocki said that was correct, but that he could not speak on behalf of the RBD on whether they would want to re-review them, but if a non-conforming carport would have to be removed and then a new one would

have to be installed or over 200 square foot carport would need to be modified, RBD would need to be contacted.

Commissioner Rickett said any carport over the 200 square feet would have to go back through the entire system, including RDB, which is what brought this all along was the hardship to owners of carports like either having to tear it down or to modify setbacks. Commissioner Rickett said he was trying to figure out how to handle the hundreds if not thousands of existing carports without having to go through hundreds or thousands of appeals.

Commissioner Slattery said this ordinance is not going to satisfy the citizens that were seen several months ago, and it would still be a hardship for those folks. However, Commissioner Slattery said she wanted to remain consistent in that she believed there is front yard setbacks for a reason. Commissioner Slattery said the department was tasked to create a carport ordinance by Council because of the plight of those folks, who she thought that this is neither satisfying those folks nor benefitting the city. Commissioner Slattery said she was against any carport ordinance no matter how it was going to be written and that she would not be supporting this ordinance. She said there are codes for a reason, and it is to maintain sense of neighborhoods.

Commissioner Almy said we got here because enforcement did surveys and that we probably have a better feel for the numbers that are out there. Commissioner Almy asked could there be any waiver capability going forward? Mr. Wysocki said 50 to 60 complaints were received on carports throughout the community with the majority of them coming from the southeast and south central part of the city. About a third of the homeowners have complied by removing their carports. There are several homeowners pending until there is a final resolution on this topic. As far as a waiver, there is always a potential for a variance or filing an appeal. However, we would not allow a nylon tarp type carport. Because of the Planning Commissions prior split vote and the council's healthy discussion and split vote, it illustrates there is not a majority support.

City attorney Ben Bolinger added in other situations where people have a disability that might require them to have a carport so that they have safe access in and out of their home, they could be eligible for a modification and accommodation under the Americans with Disabilities Act or the Federal Fair Housing Act.

Commissioner McMurray said the ordinance written and moving forward is fine, but it doesn't solve the original problem that led to this point. Is it possible to articulate the intent of this ordinance in such a way that for those that have the existing problem can cite that, and we would be able to identify the fact that this was one of those preexisting cases and not a new one? Mr. Wysocki answered that something could be done from an enforcement perspective by having some sort of registration or acknowledgment. There would have to be an inventory. Then, if carports were allowed and we were just changing standards for permissible uses, that is one thing, but the carports are not permitted. Basically, we would be grandfathering an illegal, non-conforming accessory structure. That would be a policy decision. How many people would come in

and actually register or acknowledge that they had and prior to the effective date? Or do we do a media release that the City Council is considering adoption as is, if you have a carport that exists that you erected prior to this hearing or adoption hearing, you're grandfathered in. Maybe carports are not a big issue, but of other things or uses that we don't want.

Commissioner Rickett asked if there was a way to write into this ordinance that there is a period of time that you have to register your non-conforming carport and make it quasi-conforming? Commissioner Rickett said he believed the majority of the carports today would not meet the criteria that is in the current proposed code. This would prevent a lot of appeals coming in. Mr. Wysocki said he didn't know what their justification for filing an appeal would be since they installed a carport when no carports were permitted. Mr. Wysocki added that there was a reason why the City historically and over the decades has not allowed carports because it does come down to community character and safety issues. Commissioner Rickett said if City Council didn't want carports, they would have said no to all carport appeals.

Supporters:
N/A

Opponents:
Dutch Schultz, president of the Old North End Homeowners Association

- Thanked staff for what has been a very long and difficult process
- This City would be the only city in the front range that allows carports in the front setback of the home
- The added compliance with the historic part of the city is necessary because you can see that in the older historic areas, the garages, the automobile parts are not in front of the house and that is very important to creating the feel of the whole neighborhood
- Would need the smaller carports to go before the Historic Preservation Board since they would not need to pull a permit
- Carports are not compatible in front yard setbacks of the older neighborhoods

Dianne Bridges, chair of the Historic Neighborhoods Partnership

- How will the surrounding impacted neighbor or property owners know whether or not a manager and City Planning has approved or disapproved a request
- Is there an online tracking system?
- Recommended that the language in RetoolCOS under accessory uses regarding when carports will be permitted in the front yard setback ensuring the carports have the same architectural style and use similar exterior materials as the primary structure be included in the ordinance

Questions of Staff:
N/A

Rebuttal:
Mr. Wysocki clarified the enforcement issue and said if this ordinance was to be

adopted, what would typically happen is a letter would be sent to those homeowners who we are aware of showing the new ordinance. Time would be given to them, probably several months, to remove, update or replace the carport. It would not be immediately.

DISCUSSION AND DECISION OF PLANNING COMMISSION:
Commissioner Slattery commented to City Council that there doesn't need to necessarily still be a carport ordinance. Commissioner Slattery said she reflected on who this is helping and if it meets the original intents of all the appeals.

Commissioner Hente said he was all over the place on this one and said part of him agrees on what Commissioner Slattery said and part of him doesn't. Commissioner Hente said he is sympathetic to those who want to protect a vehicle that is out front, as well as being sympathetic to members of the community who don't want to do that. He was not crazy about all the aspects of what was presented today. There are nuances that he did not know if we needed to go into that kind of detail. Commissioner Hente said he would probably end up supporting this, but he liked the one that was approved by the Planning Commission last June better.

Commissioner Almy said he was split on this as well. He said he believed it would eventually be self-limiting and wind up sort of fading as it gets established. He said the key thing here is the safety and setback issues. The design in size should be some sort of a community standard wherever they are being put up. Having this go forward to the Council for approval is a good thing. We will get a better sense as to where the city wants to go on this. If we want to have a carport ordinance that allows these, then it should be fairly rigorous.

Commissioner Rickett agreed that the ordinance moving forward is fantastic. It is. He commended staff for what they've done. His concern is for the ones that are out there and the appeals that have been heard in the past. He does not think this ordinance addresses those issues. Most of those carports would ultimately go away because they do not meet this ordinance or this part of the code. If Council's thought process was to allow the majority of the existing carports to remain and be utilized, this does not achieve that objective. If it is to clarify moving forward, then this gets it done. He loved the public comments and would even take those a step further to all neighborhood associations. Commissioner Rickett asked Mr. Bolinger if the ordinance would supersede the homeowner's associations, and Mr. Bolinger said it was the exact opposite in that the code does not superseded homeowners' association covenants. So, if the covenants prohibited, the code would not change that.

Commissioner Ricket said he is asking questions of council on really what their intents is, if it is to try to allow the majority of the existing carports to be used, this does not achieve that objective. If it is to establish a new code moving forward, it does. Commissioner Rickett said he was not sure where he was going to go with it yet.

Commissioner McMurray said if we are not addressing the original thing that put this in motion then the current proposed ordinance, even as great a job as staff

has done, that we have created a solution in search of a problem. He said he felt relatively agnostic about the ordinance at this point. It is good that we are working through this and that it will be great for Council to take this discussion and take consideration as they move forward. Commissioner McMurray added if we are not soling the hardship question through the appeals that came to the Planning Commission, and as Peter noted, maybe there is a reason that this hasn't been allowed for a long time. Therefore, what are we accomplishing. He believed it was being done as well as it could being given the parameters that were set. Commissioner McMurray reiterated that he was not sure that we've addressed the problem that put this into motion.

Commissioner Slattery followed up saying based on Mr. Bolinger's comment about the ADA accommodations, and that perhaps that is the thing, there are carports in violation of City Code and that was the original problem before circling back there. All the heartstrings were pulled by folds with disabilities who needed them for certain extenuating circumstances. If we are circling back to those appeals, then we can accommodate those and we can inform on those and inform on that process to satisfy those special needs in those special circumstances. Commissioner Slattery said she did not agree that every existing carport whether there are 40 or 400 should just be grandfathered in when they were put up in violation of the code. Commissioner Slattery said she was throwing that idea out there as a possible solution and that she still did not think we needed an ordinance. We went off on a tangent and it is time to reel it back in before it gets adopted because that is a detriment and does not benefit the City.

The motion:
Motion by Commissioner Almy, seconded by Commissioner Eubanks, to recommend this ordinance to the City Council as written with the additional statement of: Carports requiring a front yard carport permit shall comply with historic preservation or neighborhood character standards adopted by the City. The motion failed by a vote of 3:3:3:0

Commissioner Rickett suggested City Council review the questions posed and whether this was to really address exiting or just to address new carports. If it was to address existing carports, this ordinance does not do that. If it if for new carports, it does address that, but why is it actually needed for new carports.

Motion by Commissioner Almy, seconded by Commissioner Eubanks, to recommend this ordinance to the City Council as written with the additional statement of: Carports requiring a front yard carport permit shall comply with historic preservation or neighborhood character standards adopted by the City. The motion failed by a vote of 3:3:3:0

Aye: 3 - Chair Hente, Commissioner Almy and Commissioner Eubanks

No: 3 - Vice Chair McMurray, Commissioner Slattery and Commissioner Rickett

Absent: 3 - Commissioner Raughton, Commissioner Wilson and Commissioner Graham

7. PRESENTATIONS/UPDATES - None

8. Adjourn