



# City of Colorado Springs

Regional Development  
Center  
2880 International Circle  
Colorado Springs, CO  
80910

## Meeting Minutes - Final Planning Commission

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Thursday, September 22, 2022

9:00 AM

Regional Development Center (Hearing Room)  
2880 International Circle

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### Special Hearing - RetoolCOS (UDC)

#### 1. Call to Order and Roll Call

**Present:** 10 - Commissioner Almy, Commissioner Briggs, Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Raughton, Commissioner Rickett, Commissioner Slattery and Alternate Griggs

**Excused:** 2 - Alternate Cecil and Alternate Morgan

#### 2. Communications

Peter Wysocki - Director of Planning & Community Development

Mr. Peter Wysocki stated the purpose of meeting is to take comments on the Unified Development Code (UDC) draft.

Mr. Wysocki praised Morgan Hester who's worked on this for approximately three years, along with Mike Tassi the Assistant Planning Director, and Meggan Herrington the previous Assistant Planning Director.

Project had a steering committee and couldn't name all on the group but wanted to especially thank Kyle Campbell, Tim Seibert, Andrea Barlow, Clarissa Thomas, and Mr. Scott Hente who participated in scrubbing the draft reading with a fresh set of eyes and asking tough questions about what the intent was of the written language. Mr. Wysocki also thanked HNP (Historic Neighborhood Partnership) as they've been helpful by providing comments and keeping us honest about certain things. We had affordable housing proponents and advocates CHAT and the Affordable Housing Alliance. We couldn't have done this without the City Attorney's office, including Ben Bolinger and Lisa O'Boyle. We also want to thank Don Elliott with Clarion. Clarion is the consultant the City hired to help us with this process, a Nationally-renowned Urban Planning firm that specializes in code writing.

This is a once in a lifetime opportunity to rewrite a subdivision code. This is the citizens' opportunity to ask whether we considered some of the suggestion made by the speakers and what are the reasons why we we've included some of those comments or why we did not.

**3. INFORMATIONAL UPDATE**

- 3.A. [CPC CA 20-00005](#) Chapter 7 Rewrite - CPC CA 20-00005 documents all the work sessions that took place with City Council and City Planning Commission. Going forward from September 20, 2022, please refer to the new File ID of CODE-22-0001, which will document all the public hearing and actions of the City Planning Commission and the City Council.

An ordinance update to amend City Code Chapter 7 (Zoning and Subdivision Regulations). Please reference File ID CODE-22-0001, which is a continuation of CPC 20-00005.

(Legislative)

Presenter:

Morgan Hester, Planning Supervisor  
Mike Tassi, Assistant Director  
Peter Wysocki, Director  
Don Elliott, Clarion Associates

NOTE: The File ID for this item changed from CPC CA 20-00005 to CODE-22-0001.

**4. NEW BUSINESS CALENDAR**

- 4.A. [CODE-22-0001](#) An ordinance repealing Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, and adopting the Unified Development Code of the City of Colorado Springs, incorporating various building codes, other primary and secondary codes, as included, and providing for the penalties and remedies for violation thereof

Presenter:

Morgan Hester, Planning Supervisor  
Mike Tassi, Assistant Director of Planning and Community Development  
Peter Wysocki, Director of Planning and Community Development  
Don Elliott, Clarion Associates

**Attachments:** [HNP Comments](#)  
[ReToolCOS-AdoptingORD-2022-12-29](#)  
[Pages A-BB PENALTY PROVISIONS UNDER UDC - 2022-12-05](#)  
[EXHIBIT 1 Proposed Zone District Conversions](#)  
[EXHIBIT 2 CPC Recommendation Memo](#)  
[AMENDMENT 1](#)  
[AMENDMENT 2](#)  
[AMENDMENT 3a](#)  
[AMENDMENT 3b-e](#)  
[AMENDMENT 4a-b](#)  
[AMENDMENT 4c](#)  
[AMENDMENT 5](#)  
[AMENDMENT 6](#)  
[AMENDMENT 7](#)  
[AMENDMENT 8ai](#)  
[AMENDMENT 8aii](#)  
[AMENDMENT 8aiii](#)  
[AMENDMENT 8aiv](#)  
[AMENDMENT 9](#)  
[AMENDMENT 10](#)  
[AMENDMENT 11](#)  
[AMENDMENT 12](#)  
[AMENDMENT 13a](#)  
[AMENDMENT 13b](#)  
[AMENDMENT 14a](#)  
[AMENDMENT 14b](#)  
[AMENDMENT 15a](#)  
[AMENDMENT 15b](#)  
[1-10-23 - CC PPT](#)  
[HNP repsonses for 1-10-23 Council Meeting](#)  
[CPC Staff Report](#)  
[RetoolCOS OR-OC to MX-N Uses - Post 10-12-22 CPC Mtg](#)  
[RetoolCOS Final Draft Consolidated Comments](#)  
[Appeal Process Comment](#)  
[Lot Size & Setbacks Comments](#)  
[Safety-Bars-Murals BoulderStreetNeighborhoodWatch](#)  
[Kin Memo](#)  
[CPC SpecialHearingMinutes 09.22.22 draft](#)

[CPC Minutes 10.12.22 Final](#)

[CPC Minutes SpecialHearing 10.28.22 draft](#)

Morgan Hester, Planning Supervisor gave a presentation with the history, scope, and intent for the RetoolCOS project, specifically the Unified Development Code (UDC) draft.

**Public Comments:**

Judith Rice-Jones ceded her time to the HNP.

Candace Hall ceded her time to HNP.

Louise Conner ceded her time to HNP.

Dianne Bridges, Chair of Historic Neighborhood Partnership (HNP):

- Opening comments about HNP's purpose -
  - Value Neighborhoods
  - Neighbors are the building blocks of a great city
  - Do not believe the value of these neighborhoods are sufficiently addressed in the current draft of Retool
  - Impact of the change of the Code are significant
  - New language in current draft they've not see before
  - Nine focus areas
    1. Preserving Neighborhoods
    2. Focus on Development Plan reviews
    3. Specifics in the new overlay: Area Design Standards
    4. Changes in Development Standards
    5. Merging Office Residential (OR) into MC-N
    6. Changes to Historic Preservation Overlay Zone and Processes
    7. New appeals process
    8. Regulation murals
    9. Parking/TOD eliminations and incentives
  - Concerns raised about fuel stations so close to neighborhood and recommend a safety separation distance be in the code

Jim Kin, HNP Presenter - lives at 1530 Mesa Rd lives in the Mesa Corridor

- Neighborhoods have developed over decades
- To realize the goals for PlanCOS for vibrant neighborhoods these must be clear and effective tools in the UDC
  - Two critical tools
  - Find compatibility with surrounding properties
- Overlay zone changes concerns
  - Allow neighborhoods to establish development standards to protect their character in the ADS-O
  - Different types of neighborhoods throughout the city unique to them. from large lots somewhat rural lots to smaller more dense areas but all are based on setbacks, heights, density,

and maximum lot coverage

- These differences need to be kept
- The code needs to ensure all development in all neighborhoods are compatible and harmonious with the surround properties of the neighborhood.

Mike Anderson, HNP Presenter on Development Standards

- Dimensional standards for residential zoning districts have been adjusted for setbacks and maximum building heights
- Lot coverage ratios have been removed for residential been there for 50 years
- Like covert ratios have a significant substantial impact on the mass and scale of homes within residential neighborhoods.
- Scraps and build will happen on postage stamp lots
- No public vetting of the changes
- Recommend keeping original setbacks, building heights and lot coverage ratios

Cheryl Brown, HNP Presenter - President of Near North End Association and on the Board of the Historic Neighborhood Partnership

- Retool is recommending the merge of Office Residential, Office Complex into the MX-N a mixed use neighborhood
- Near North End has approximately 80% of the Office Residential Zone in the City
  - Properties in their neighborhood are 70% residential and 30% commercial
  - Our Neighborhood is what Retool is trying to accomplish
- Now OR is a transitional zone
- Office Commercial is a higher intensity
- Adding the MU-NC doesn't exist in the city so why add it
- The MX-N would completely change our neighborhood
- MX-N is commercial zone due to high intensity use
- Adding these types of uses doesn't make sense in their neighborhoods
- They want Office Residential to be removed from the MX-N and have own code of MX-OR it doesn't need to be in this higher intensity district
- Most of these offices are within historical registered areas
- Will bring full forces of Near North End, HNP, Historic Alliance to stop this change and not come into this neighborhood and destroy it.

Tim Scanlon, HNP Presenter - 1716 N. Corona

- Work for City Planning from 1985 - 2009 and HPB was part his area
- UDC is an important step

- Unresolved issues involved process unique to the HP zone
- UDC to standardize the treatment of zones
- Elimination of several provisions established by the Historic Preservation ordinance was adopted
- In support of integration and clarity
- HP Board is able to issue overlay zoning
- Retain principles of current HP Overlay zone process and owner consent

Barb Novey, HNP Presenter - President of the Mesa Springs Community Association

- Work with HNP
- Speaking regarding Appeals
- Today anyone can appeal
- Retool is removing the ability and defining it for owner and tenant instead of outside forces
- They want some language removed that discussed preserved standing
  - Affected parties should be within 2 miles of a project can appeal
  - Remove the participation requirements

Monica May, HNP Presenter - Knob Hill

- No current murals are regulated
- Need to be regulated for safety issues, property management issue, and property values
- Affects major corridors
- Can change character of a historic neighborhood
- Graffiti mostly
- Make murals regulated by permits

Doug Schulz, HNP Presenter - President of the Old North End

- Parking and clean up for the old historic neighborhood partnership
- Old North End has parking issues
- Nothing in Retool increases the demand for parking it reduces it
- Parking is mostly only available on street hopefully in front of your house
- No definition of affordable housing in current code, they want to have it in the code
- Transit Oriented Development (TOD).
  - This is a powerful tool and in favor of this
  - It allows reduction requirement for parking if you're near transit
  - Where would it be in the code.
    - It should be an overlay zone

**Debbie White - Middle Shooks Run Neighborhood**

- Live 840 E. High Street a native of COS
- Lives in an 1878 Victorian home
- No parking in their neighborhood
- Most homes don't have a garage
- Only on-street parking
- Noticed in the plan parking will be restricted
- She'd like the code to be rewritten to require a minimum for coverage on each lot

**Laura Nelson, Affordable Housing Task Force representing the Apartment Association of Southern Colorado and Rental Housing**

- In support of some of the changes
- Need all types of housing

**Daniel Smith, Faith Table**

- Several people are yielding their time
  - Iah Pillsbury
  - Judith Barthel
  - Mallory Everhart
- Pastor of Ascension Lutheran Church and Co-chair of the Colorado Springs Faith Table
- Faith Table is an interfaith coalition of faith leaders in Colorado Springs
- Cost of housing is increasing
- Housing is unaffordable
- Cost of housing and rent is at a crisis
- People can't afford to live here and have left because of it
- There have been some increases in affordable housing
- The zoning policy will determine the diversity and affordability of housing in our city for years to come

**Susan Bolduc, Faith Table**

- Should keep R-1
- Colorado ranks 42nd for affordable housing for low income
- Cities with restrictive land use policies like ours have dramatically higher costs
- In Colorado Springs a worker must earn more than \$25 an hour to afford a two-bedroom apartment
- Average wages in Colorado Springs are \$19.29 an hour
- We need missing middle housing
- Zone for current demographics
- 37% of kids have to change zip codes to get into good schools
- In July Colorado Springs had job about 27,000 openings

- Unable to fill these job openings due to the cost of housing here
- What does affordable housing look like
- All of Colorado Springs residents deserve a safe place to call home

Joel Schott

- Exterior lighting is a problem and could be considered light pollution
- Lights do not deter crime
- Light on Pikes Peak House had a light and was removed to comply with the International Dark Sky Association
- Cut off lights should be considered for porch lights
- It would be good recommendation to allow something like this

Wendy Crawford

- Retool has some alarming parts
  - Setback reduction
- Setting up to be a high rise City
- Opposed to lot size reduction
- Thinks appeal distance of 1000' is restrictive and shuts out citizens from making their voices heard

Lynn Peterson

- We need to support private market initiative, strategic public investment, and innovation
- Attract and retain all residents of all generations
- Colorado Springs has a serious housing affordability situation
- We need to be a place where a diverse population can thrive
- Young people are being priced out of the housing market
- Homes are the largest asset someone can have
- The more zoning restrictions the higher cost of housing
- The higher the cost the more homeless there are
- Some regulation can have costs that greatly exceed the benefits

Bill Wysong, Mountain Shadow Community Association and West Side Watch

- Code states the purpose of the UDC is to protect or provide health safety in the general welfare of the public
- The UDC does not provide what the purpose statement says
- You have encroachment on your personal space, your private property
- You bought property for a purpose
- We passed the PLDO to add more parkland in different areas of Colorado Springs, it has failed miserably
  - Increasing density, but where are the parks
- Appeal radius is not proper
  - No citizens should be eliminated from being able to appeal



- Evacuation safety in wildfire
- Notification of 1000 feet is not enough
  - Other ways to notify through many social media
- Deny and send back to planning department to have more public hearings

Jack Keaton, lives in Middle Shooks Run

- He can't make a connection with what he heard in this plan and the desire for affordable housing
- Building bigger houses is not going to fix this housing market
- Reducing easements isn't going to do anything to solve anything
- Scrapes and builds don't build another small house
- He can't find anything in the plan that shows that anyone who was affiliated with affordable housing in the plan
- He didn't understand what the plan had behind it
- What he heard by sitting in the audience and listening the only thing the plan does is increase opportunity for scrape & builds, building bigger places, build businesses where businesses are already there today
- There hasn't been enough involvement with just ordinary citizens

**On Phone:**

Dorothy Macnak

- Housing in wildland urban interface has unique needs
  - Less traffic congestion to aid fire evacuations
  - Greater space between buildings for firefighters to keep wildfires becoming urban fires
  - Conservation of wildlife corridors and habitat neighborhoods
- This area should be exempt for new development
- Plan needs to go back to the drawing board

BJ Scott, 30 yr. resident - Cofounder of the Affordable Housing Collaborative

- 2018 they've been educating the public about housing affordability in our region
- Housing affordability is an economic development issue
- Colorado Springs is competing with other communities
- Companies not coming here due to inability to find affordable housing for their employees
- Have to attack issue from all sides
- We have the opportunity to make some changes to make a difference
- We need to consider the community of today and not the past
- We need different types of housing and the flexibility to build them

Genevieve Gustafson

- Long time west side resident
- Her neighborhood has very small lot sizes
- Her neighborhood was affected by the Waldo Canyon fire
- Most of the houses in her neighborhood burned
- Echoes the comments about the fragility within the Wildlife Urban Interface (WUI)
- Concerned about safety and evacuation within the WUI
- 1000' not enough for notification and allow for citizen input, recommend use zip code instead for major changes
- Concerned about density the 5.5 acre per 1000 people
  - National standard for quality of life is 10 acres per 1000 people withing walking distance
- For PLDO she thought money should come from each cell of a home whether it's new or resale

Lisa Bigelow, speaking for herself and Tim Hoiles

- We agree with saving maximum lot coverage and setbacks
- They do not agree with that would have meant that aims to curb single family zoning
- Encourage will of citizens first before changing and adopting codes that encourage higher density
- Even though the electric vehicles were removed she didn't understand the incentive you still have to have room to park a car whether it's electric or gas
- City should not mandate electric vehicles for residential and commercial development
- Green space infrastructure is not defined
- Don't agree the mandate for off street bicycles parking required
- Agrees with much about what's been said about the appeals
- The entire premise to eliminate community engagement or groups to appeal developmental proposal is not acceptable
- we oppose residential flex districts

**Commissioner's questions:**

Commission Rickett thanks the citizens for their comments and based on what he heard there are 16 groups that came today. Asked if the document is done and will it change based on public opinion that was provided today since this is a draft form? Ms. Hester stated will take the information and work them and incorporate it in a final draft. We'll come back in October with an amended draft. Commissioner Rickett asked if there would be an opportunity for the public to look and see what items were incorporated and were not incorporated. Ms. Hester stated some of the items brought up have already been addressed with some of the groups and will also do a summary that shows the changes from the final

draft to the amended final draft.

Mr. Wysocki stated we still needed a decision from the Commission about comments that were raised. One in particular is the two-mile radius for filing an appeal. If you think that's good and it should be the standard for the UDC then tell us that and we won't change it; however, if you want to change it tell us what the change should be. The Administration supports the appeal language as it is presented. It's more defined than what we currently have today in Chapter 7, we've proposed several different options to Council during their briefings at work session, and we've vetted with several stakeholders and citizens.

Mr. Wysocki also stated that there's this perception that we're eliminating R-1 zoning and we're not. The new residential zonings will be called R-Flex low, medium, and high. There has not been a preponderance of zone changes for residential subdivisions they're mostly for PUDs. PUDs allow you to be a little bit more creative with smaller lots. The R-Flex zones were intended to eliminate the need to do a PUD. There is no standard as PUDs are very site specific - the developer can ask for whatever setbacks they want and so forth. R-Flex low is essentially a single family residential; it's just called something different, and you don't have to go through a PUD. The R-1 districts are being retired and called something different but it will still be retained for existing neighborhoods moving forward. You'll be able to have a variety of different housing. That exists already in the City like at The Farm, Cordera, Wolf Ranch and others.

Mr. Wysocki stated they should go over the appeals because it's the 1,000 foot notification that's the issue. That 1,000 foot distance is the notification but it's not the same as the two-mile distance we have mentioned. We could have Mr. Tassi or Ms. Hester come up and talk a little bit about appeals.

Chair Hente clarified they needed to make sure the best way to move to what the Commission needs done. He's not a big fan of redesigning and rewriting things from the dais.

Mr. Tassi stated they'd received some of the questions from the Commissioners which are still being processed. Chair Hente said the best thing would get the information from us and then compile them. Mr. Tassi state we will be populating a table with questions/comments that are presented.

Commissioner Rickett said he's talking about the 16 comments made by the public today, most came of HNP and a few from others.

Mr. Wysocki said at the next meeting they can present their comments about what was done, but we wouldn't be able to have a vote at that meeting we may need a third meeting.

Commissioner Rickett said he'd help compile that list just from today's meeting. Chair Hente said that would be good if he'd do that. Commission Rickett said he thought they had two different things going - their [Commissioner] own comments and comments from the public.

Commissioner McMurray had nine things but four he could get staff's perspective that way he understands it more thoroughly and provide constructive comments if any.

Mr. Tassi discussed the appeal section

- Notification that's sent out at all times for property owners within 1,000' of the subject property.
  - We send a postcard out numerous times throughout the process
    - Submittal
    - Neighborhood Meeting
    - For Public Hearings
- Appeal section says if you're within that 1,000' radius you have automatic rights to appeal.
- If outside of that 1,000' up to a two-mile radius, you can appeal as long as you preserve your standing by participation in the process.

Commissioner McMurray asked if that was all the way to the public hearing. At what point does that preserved standing need to be established? Mr. Tassi stated if you participated in the meeting, then standing has been established, and that participant has ten days to appeal.

Chair Hente stated they had an appeal from group out of Boulder. They had no vested interest in this particular project in Colorado Springs at all and wanted to make a political statement to try to impact future legislation. We're not here to add politics or legislation. We're here to address planning items that affect Colorado Springs. There has to be some fine point where we can draw a line. He's commented the most about the appeal process. He wants to make this relevant to the citizens of Colorado Springs not of Boulder.

Commissioner Slattery confirmed the 1,000' notification radius isn't changing. Mr. Tassi said that was correct and that something we've discussed before is interested parties like HOA, Neighborhood Associations, HNB, interested parties within the area participating in the process.

Commissioner Briggs said we're encouraging active citizenship - that's what's important for the City of Colorado Springs. We want citizens to be active in things that are happening in our City as shown today by all even though not everyone agrees. Hearing from specific people who are directly affected by something he thought should weigh more heavily than someone living two miles and a few feet away.

Mr. Tassi stated the mailers that is sent to those within the 1,000' distance will continue to include HOAs. We will work with CONO to develop a database to make sure we're mailing it to all HOA [that have registered]. Anyone within the 1,000' distance can appeal, if outside and within the two mile you can still participate in the process - it doesn't say that citizens from all over can't participate. That two-mile distance is a fairly significant area.

Commissioner Rickett asked if part of the posting, is there poster too. Mr. Tassi said yes. Commissioner Rickett said anyone who drives by a site can see it and show up; however, he still felt the two miles is limiting. We're here to protect the voice of the people of Colorado Springs personally he would open to any project could be appealed to anyone within Colorado Springs city proper.

Commissioner Raughton endorses what's been said. Opening the door to allow citizens of Colorado Springs to participate is positive.

Commissioner McMurray stated he agrees generally what others have said and opening up to have further comment is wise. It should only with within City boundaries. Another reasonable cutoff point to establish that preserved standing be within the two-mile radius or within the boundaries of the neighborhood. The reason he's not saying City-wide is you'd have to include landowners and that could be out-of-town landowners.

Chair Hente stated when on Council a couple of projects he remembers were annexations. There were county residents who boarded that annexation who had legitimate concerns and they appealed which he felt it was appropriate to do.

Commissioner Rickett thought that was a good point so maybe open it up to the County.

Mr. Wysocki wanted to make sure we're clear. No one is prevented from speaking at a public hearing. All can participate during the public hearing and the two miles only relates to appeals. If there's a project on South Powers and person lives in Northgate should they have the right to appeal on a project 20 miles away? We've had County residents come and participate and provide comments for items that are legislative they already

go to City Council and there's no need to appeal those. Public participation is not being curtailed.

Mr. Tassi stated the notices we send out are to residents within that 1,000' is to tenants or owners and the owners could still be out-of-state.

Commissioner Rickett stated he still stand with the two miles and one foot he didn't feel that is correct for the citizens of Colorado Springs.

Mr. Tassi showed a map of a what a two-mile radius from a hypothetical project site looked like.

Commissioner Slattery confirmed postcards went to business as well within that 1,000' radius. Mr. Tassi confirmed that was correct.

Commissioner Rickett stated they need to discuss the appeal - the postcards don't matter.

Commissioner Almy stated public participation has been great. He lives in a R1-6000 property that zone will never change ever, correct? Ms. Hester stated unless there's a request to change it, no. Commissioner Almy stated then everything associated with that R1-6000 remains the same unless there's a request to change it. So, the zone is memorialized and stay the same regardless of what our new document says. Ms. Hester stated they are proposing to change dimensional standards for existing residential districts. Commissioner Almy said if you strip the property and build something new it will come before the Planning staff; that being said, the people that are worried about striping their neighborhood, split another parcel and put new buildings on it is unfounded. Ms. Hester stated that was correct. Commissioner Almy stated probably the hardest part is the change with terminology but if you could clarify this in the public process and say, "Your zoning today doesn't change unless you or your neighbor wants to change it."

Chair Hente wanted to expand on Commissioner Almy's thoughts and he remembered the lady who said she didn't want a bar next to her house. He's sympathetic to that because if he moved into an area that is strictly single-family homes and that environment, he would not be supportive. After hearing Commissioner Almy's comment he's hearing that could change - they could scape the site and put a bar there. He wouldn't be happy if it was his house either so could Ms. Hester address that.

Ms. Hester stated the MX-N district is mixed use neighborhood is proposing the consolidation of 3 existing zone districts - OR (Office Residential) and OC (Office Commercial) and a mixed-use district that

hasn't been used so we don't see it on the ground today. The uses within that district are remaining as they currently are today. There has been some change to various uses going from a conditional use to a permitted use. We've heard those comments and there are some we agree with. Maybe that type of use isn't the most appropriate and there could be additional requirements. For uses that are already permitted and are in existence, looking how those are engrained in the neighborhood is what we're hoping to mimic in the draft.

Commissioner Hensler stated if someone scrapped the house next to me and I moved to an R-Flex medium or high is that allowable? Ms. Hester clarified "scraped the property and ask for it to be rezoned?"

Commissioner Hensler said if it's R-1 now and if parcel is large enough to go a medium or high. Ms. Hester said when projects come into Planning Staff for review, we have review criteria and throughout the process we work with the applicant to make sure what is asked for makes sense for the setting. If not, that's not something we'd recommend for approval.

Commissioner Rickett asked if the R-Flex low could still have two or three houses on that property isn't that correct? Ms. Hester stated it would have to meet the density and with the zoning request, it would still have to go through the public hearing process.

Commissioner McMurray stated there is what is called spot zoning a different zoning in the middle of a R-1 isn't a thing that will probably work out.

Mr. Wysocki stated it's no different than someone scraping a R-1 and asking for an R-2.

Commissioner Slattery stated she didn't think based on her calculations you wouldn't be able to fit more than one house in a low density. The only thing that could possibly be done would be to make the house bigger and that is a potential pitfall. We could be imagining the worse. Ms. Hester say her thinking was correct. If you're in a single-family district and looking at higher density it could the project just doesn't fit, but that could be done today - it's just creating those R-Flex districts.

Mr. Wysocki said the comments they heard on R-Flex we need to understand there are properties that are larger it is plausible to do one of the R-Flex zones. Today they could submit for a PUD, but that possibility still exists today because of the PUD zone district. This is a change in how Cities look at residential zoning and shouldn't be compared to what other cities are doing. This is residential zoning based on density not lot size.

Commissioner Briggs stated OR and OC properties should have some way to involve this Commission in the type of projects are going into those mixed neighborhood. He wants to make sure we know what falls into a mixed neighborhood definition. We'll still get people who'll say, it not a bar, but I still don't want it there. Ms. Hester stated there is a use table and the OR and OC used have been outlined.

Commissioner McMurray said he'd like staff perspective of fuel stations and compatibility with single-family neighborhoods. Ms. Hester stated we were directed by City Council to do some research on what other jurisdictions have in place as far as separation. She reaches out to different jurisdictions in Colorado and the largest cities in the nation for their standards. The responding jurisdictions that have separation requirements between residential uses and/or zone districts and gas stations have been noted and the majority of what she found is that there are separations from other gas stations or the same types of uses.

Commissioner McMurray said he needed to study the Historic Preservation area, so he would ask about how a City would regulate that. He understands if it's unsanctioned graffiti but if the owner is willing to let an artist do that what would that regulation look like. Ms. Hester said the RetoolCOS project scope does not include looking at the sign code.

Commissioner McMurray confirmed the EV requirement were being taken out of the code. Ms. Hester said the incentive is there but it's been changed from 1:1 to 2:1 per Council direction.

Commissioner McMurray said he appreciated the comments on Dark Skies and generally supports the concept he didn't know how to make recommendations. Ms. Hester stated we currently do not have lighting requirements in the Code. The thought with introducing lighting standards or architectural requirements for buildings is that we are starting from ground zero since we have nothing now. We are incorporating some requirements and taking it little by little by making sure light do not spill over into other properties, establishing what that measure is, down lighting on a building façade. We'll continue to look at other avenues for information to make a good compromise and good decisions.

Commissioner McMurray said there was comments to define affordable housing. Ms. Hester stated we don't have any definition for that type of housing. The only reference they'd be able to define in the parking potential reduction and that section has been set at 80% AMI.

Commissioner McMurray said he appreciated the community's involvement and their thoughtful comments. He'll keep track of those



comments. Throughout his career from the standpoint of community growth we should look at the principle to make sure no neighborhood is exempted from change and no neighborhood should be subject to radical change. He especially appreciated the comments by Faith Table and their input on affordable housing. There's a lot of room for us to address affordable housing in a more meaningful way in the way. He thought we moved the needle in a positive direction but if we're committed to the direction of bringing affordable housing to our community there is a lot of area to do that.

Commissioner Raughton asked for clarification about the references to the McMansions where only a percentage of the lot is defined by setback as we don't have limits for lot coverage in some residential areas. Ms. Hester said lot coverage will be removed but there would still be setback requirements. Commissioner Raughton said he took exception to that because in his experience this can be an abused and he's concerned about that. The other thing he's concerned about is there being no-off street parking requirements in these residential zones? Ms. Hester said she didn't want to confuse with what's in the Downtown area vs the rest of the city. There is no parking for Downtown but there are in residential areas. We have this requirement in Code now and made some tweaks. Commissioner Raughton commended Ms. Hester on this. Three years takes a lot of time and commitment.

Commissioner Hensler asked about the lot coverage ratios and the data for coverage and setbacks provided by citizens and was it accurate. Ms. Hester stated she completed an analysis of an R-2 lot, 5,000 sf, with side setbacks of 5-ft., the rear is 15-ft, 10-ft at the front. The area not being built on is about 45%. She understands what the concern is but the new requirements still allow for that open area.

Commissioner Hensler asked consistency within a neighborhood design and if that is something that can or would be addressed. Ms. Hester asked if it was about character of a neighborhood. Commissioner Hensler stated possibly and thought the concern is building something that doesn't fit but the Code now allows it.

Ms. Hester said right now we have no residential design standards. The proposal for the Area Design Standard Overlay has a requirement for someone who wants that Overlay, they have to go through the Neighborhood Planning process.

Chair Hente asked for the comments to be submitted soon. Commissioner McMurray wanted to know if they get them in time could they be compiled and discussed at their informal meeting. Mr. Wysocki stated would be

based on their availability. The October Planning Commission meeting seems to be very short. We'd have the regular meeting and then do a time certain Retool hearing again with possible action if you wanted to vote.

Chair Hente said he didn't think based on what he's heard they may not get to a vote but have the conversation to see where everything goes.

Mr. Wysocki said that 100% consensus on a 400-plus page document will not happen. As we use this over the next couple years will come back for some Code scrubs. We're going to try and build consent and what he meant by that is topics have been vetted, you may not agree with them, but you could support the entire document. Look at this document holistically. It's designed to stand the test of development. When you vote on this is will be your vote on the document.

Mr. Tassi said moving forward, we'll take the comments heard here and had several conversations with HNP and already made some changes. We've done additional analyses and as we get your comments, we'll combine them and make them part of the public record.

Diane Bridges thanked everyone. She asked if once they send back their comment to City Planning that the public may see them at that point. Chair Hente asked Ms. Bridges to allow the City to compile them because there could be some really strange ideas.

Commissioner Rickett stated several Commissioners asked Staff walk through their responses and he'd ask that at the Informal they have that opportunity to let them explain what we didn't get to today on different questions since it is open to the public. Then officially release and review those questions and answered.

Ms. O'Boyle said since this is a legislative item, they could have a substantive discussion at informal.

## **5. Adjourn**