



City of Colorado Springs

Regional Development
Center
2880 International Circle
Colorado Springs, CO
80910

Meeting Minutes - Draft Planning Commission

Friday, November 17, 2023

9:00 AM

Regional Development Center (Hearing Room)
2880 International Circle

Humble Paws

- 7.I. [UVAR-23-0005](#) A Use Variance to allow the Humble Paws Animal Care Facility use within the MX-L/cr (Mixed-Use Large with prior conditions of record) zone district consisting of 7,500 square feet located at 925 W. Cucharras St.

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning + Neighborhood Services

Peter Wysocki, Director, Planning + Neighborhood Services

Attachments: [Humble Paws CPC Staff Report RBT](#)

[Humble Paws Aerial Photo 1](#)

[Humble Paws Aerial Photo 2](#)

[Humble Paws Lower Floor of building site plan](#)

[Humble Paws Main Floor of building site plan](#)

[Humble Paws Project Statement and Justification](#)

[Humble Paws Legal Description](#)

[All Stakeholder Communications as of 10/24/23](#)

[Consolidated PACFA Documents](#)

[7.5.527 USE VARIANCE](#)

Ryan Tefertiller, Urban Planning Manager, presented the scope of project to the Committee. The applicant also presented to the Committee.

Public comments

David Seeley, a citizen, spoke in opposition of the project.

Wade Harper, a citizen, spoke in opposition of the project. He spoke on the increased noise and traffic since Humble Paws has moved in nearby.

Bill Tibbit, a citizen, owns the building next door and spoke in opposition of the project. He spoke how this operation was not allowed in this zone.

Shelby Marcus, a citizen, spoke in opposition of the project. She mentioned her concern on this variance as Humble Paws does not fit the current criteria.

Joanna Bean, a citizen and wife of Wade Harper, spoke on her appreciation on what Humble Paws was trying to accomplish, but not appropriate in this neighborhood.

Applicant rebuttal

The applicant asked Ryan if we do not get approved, where can we move? And he explained on June 1 of 2023, the zoning was changed and did not add dog facilities the zoning criteria.

Ryan Tefertiller, Urban Planning Manager, explained that the old zoning code, predating the UDC adoption, had a definition for an indoor-only kennel, which included outdoor uses. However, the UDC did not incorporate those defined uses; instead, it introduced the term "animal care facilities." Under the old code, the kennel correlated with the c6 zone, now MX-L. While it was not a permitted or prohibited use on the property, it did require a conditional use, a major application necessitating a public hearing in front of the commission.

This use wasn't initiated until late June, after the UDC became effective. At that point, it became a prohibited use, requiring a use variance in the MX-L zone. An animal care facility is permitted in the A zone, which is scarce in the city. In LI or GI industrial zones, an animal care facility can be established via a conditional use permit. While these zones don't permit such uses outright, they can be legally established with a conditional use permit.

The UDC is undergoing review, and the plan is to propose code updates to the commission and city council within the next four to six months. The proposal aims to reintroduce the definitions of an indoor-only kennel and a kennel with outdoor use in the UDC, correlating these uses with appropriate zones. However, there is no guarantee that these uses will be reinstated as they were under the old code, as the proposal will undergo a public process through the commission and city council.

Questions from commissioners

Commissioner Almy stated commissioners were there to look at the variances, not the business. He added the Committee had heard plenty of public comments on the disruption this community had had on their lives, and that swayed him quite a bit.

Commissioner Rickett echoed Commissioner Almy's statements regarding the code perspective. Unfortunately, the Commission had to look at the code with the six criteria that were required. Furthermore, he added small animal clinics were permitted in this zone area, so that may be an option in the future.

Commissioner Hensler concurred with others on the panel and appreciated the applicant for telling the backstory of the business. She also appreciated the presentation having a lot of information on what to do to amend complaints, but it felt like with all the work one would have to do to amend the complaints, maybe it

would be more successful in another area where one didn't have to make all of those adjustments.

Commissioner Slattery stated it came down to a code issue. She loved the business and what they were doing but stated it was in the wrong location. She inquired if there was a grace period to assist with finding a new location.

Ryan Tefertiller, Urban Planning Manager, clarified this project would be going to City Council next, and there is a grace period given to businesses. It is usually around 30 - 90 days. He also clarified the business had been given plenty of notice to look at other locations just in case.

Vice Chair echoed with others on the panel and said he believed this was a straightforward case as it pertained to the code, but he recognized the good faith of the applicant and the good service they were providing. He hoped he would see the applicant with a new application in an appropriate zone.

Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend to City Council denial of UVAR-23-0005 based on the findings that the required Use Variance Criteria found in Section 7.5.527 are not met. The motion passed by a vote of 5:0:4:0

Aye: 5 - Commissioner Almy, Commissioner Hensler, Vice Chair McMurray, Commissioner Rickett and Commissioner Slattery

Absent: 4 - Commissioner Briggs, Commissioner Foos, Chair Hente and Commissioner Cecil