



**PLANNING COMMISSION
WORK SESSION
MARCH 03, 2021
6:00 PM**

- ❖ Code changes
- ❖ Activities update

REMOTE MEETING PUBLIC ATTENDANCE INSTRUCTIONS
The Public will be able to view and hear this meeting remotely at the following address:
<https://www.colorado.gov/pacific/idahosprings/city-council-live>



CITY OF IDAHO SPRINGS
1711 Miner Street
P.O. Box 907
Idaho Springs, CO 80452-0907
Telephone (303) 567-4421
FAX (303) 567-4955

Planner Communication

Date: February 24, 2021

To: Planning Commission Members

CC: Andrew Marsh, City Administrator

From: Barb Cole, Community Development Planner c/o Community Matters Institute

RE: February Activities of the Community Development Planners

The Community Development (CD) Planners are working on the following recent, current, and upcoming projects. Community Matters Institute (CMI) serves as the Community Development Planner for the City of Idaho Springs. The level of Community Development activities is stable.

Development applications and pre-applications:

The following list summarizes active applications.

- **Habitat for Humanity ("Habitat") Project at 1628 Virginia Street.** Habitat for Humanity and its architect are working towards submitting an application for an April hearing by Planning Commission. The proposed 8-unit affordable housing project consists of 4 duplexes at 1628 Virginia Street.
- **1800 Colorado Blvd.** The project received administrative approval for both their administrative plan and FDP. Projects receive an administrative review of an FDP rather than public hearings when a proposed addition is less than a 50% increase in the floor area of the building. The project completes the east wing of the building to match the existing west wing. The project updates the existing commercial space and adds 10 apartment units. In addition, the building owners are making improvements to the exterior of the existing building.
- **Annexation of City-owned Cemetery.** Work has resumed on the planned annexation of the City's cemetery. State law allows an expedited schedule when a city annexes city-owned property.
- **Carlson Elementary School.** The proposed administrative plat amendment involves the vacation of a portion of the alley and the creation of a legal lot. Staff is still awaiting the revised survey of both the vacation and administrative plat.
- **Lodge at 1601 Colorado.** A prospective buyer has met with City staff regarding the restoration of the hotel. This property is within the Historic Downtown district. Any proposed changes to the exterior go the Historic Preservation Review Commission (HPRC) for review. This initial review is scheduled for the 3rd week in March.
- **RV Park.** The City continues to receive inquiries regarding development of the RV park which was approved as a conditional use a number of years ago at 958 East Idaho Springs Road (County Road 314).

- **Xcel easement.** Staff reviewed and City Council approved an agreement with Xcel Energy for an easement on City-owned property along Van Eden Road in unincorporated Clear Creek County, about two miles south of Interstate 70. The easement will serve several property owners.
- **Redevelopment of Gold Digger Field and the School Bus Maintenance Facility.** The Clear Creek School District's Gold Digger Field is under contract with Four Points Funding. The developer's due diligence period ends on April 16th, 2021. The City has had an introductory meeting with the developer and was informed that the proposed plan includes affordable housing. The project will most likely involve a rezoning, a major subdivision, dedication of streets, a potential land swap in return for vacation of existing right-of-way (ROW).

Other activities:

- **Planning Commission Work Program.** At its January meeting, Planning Commission held a work session to identify items to work on during 2021.
- **Code Diagnosis.** As directed by the Planning Commission, staff prepared a diagnosis of items within the Land Use Code that need updating to remove inconsistencies and further clarify sections of the code. There are also a few new sections that are missing. This will be the subject of the Planning Commission Work Session on March 3, 2021.
- **Census boundary.** The City's boundary map is being updated to include recent annexations to the City. Boundary changes are submitted annually to the US Census Bureau.
- **Inquiries.** Staff responded to several inquiries by developers and real estate appraisers.
- **Email.** Staff continues to monitor and respond to emails on a daily basis.

/bc

Filename: C:\... \ 2021-02-24 Memo to PC re current activities



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1711 Miner Street
P.O. Box 907
Idaho Springs, CO 80452-0907
Telephone (303) 567-4421
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Date: Thursday, February 25, 2021

To: Planning Commission

Thru: Andrew Marsh, City Administrator

From: Barb Cole, Community Development Planner c/o Community Matters Institute

RE: 2021 Work Program- Code Changes

As requested by the Planning Commission, staff has provided a list of the recommended code changes along with a short description of why the change is needed. This attached list is organized by category. Staff met to discuss and recommend how to move forward. This will be a joint effort of Barb and Carmen.

The items on the list that are not highlighted in yellow, will be drafted by staff for Planning Commission review. These items include the priority items identified by Alan as well as a review of interpretation e-mails from Carmen over the last 5-7 years.

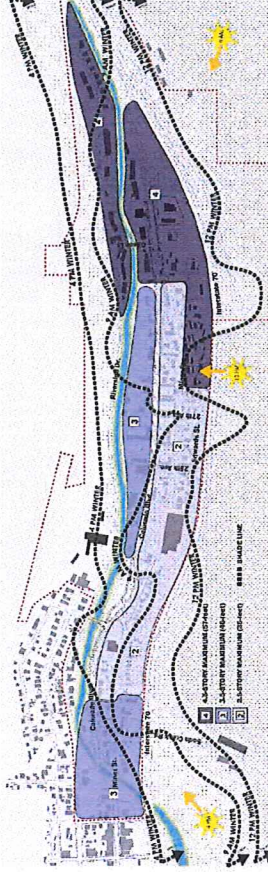
For those items that are highlighted in yellow, staff is seeking policy direction from the Commissioners.

Code Sections Requiring Policy Direction

Building Design Standards- Several of the standards are actually guidelines and therefore hard to enforce. Where possible, these will be updated to performance criteria. For example, each building shall meet at least three of the following design criteria __, __. Staff will provide recommended text for Planning Commission review. Based on feedback at the last work session, staff needs further policy direction on the following items:

Height requirements in the East End: 35' - 57' (2 to 4 stories) in accordance with Sun Access and Building Height diagram.⁶ *Should the height and shadow requirements be revisited?*

☐ Are there any other East End building design standards that staff should evaluate?



Manufactured housing – *This is a required change.* State Statute requires that manufactured homes must be allowed in all residential zone districts. Manufactured homes (different from mobile homes) are defined in Statute as:

- “(A) Is partially or entirely manufactured in a factory;
- (B) Is not less than twenty-four feet in width and thirty-six feet in length;
- (C) Is installed on an engineered permanent foundation;
- (D) Has brick, wood, or cosmetically equivalent exterior siding and a pitched roof; and
- (E) Is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 et seq., as amended.”

The key words are- engineered permanent foundation, pitched roof and exterior siding. The intent of these requirements is to ensure that the manufactured home looks like a stick-built home. In addition to the statutory requirement, municipalities can add further development standards to control the look of manufactured homes so long as these standards are applied to all residential units. Here is an example we drafted for another statutory community. These were enacted to ensure that manufactured homes looked as similar as possible to a stick-built home. State statute provides for the following:

“Nothing shall prevent a municipality from enacting any zoning, developmental, use, aesthetic, or historical standard, including, but not limited to, requirements relating to permanent foundations, minimum floor space, unit size or sectional requirements, and improvement location, side yard, and setback standards to the extent that such standards or requirements are applicable to existing or new housing within the specific use district of the municipality.” (31-23-301. Grant of power; (5) (II).

☐ Does the Commission wish to add additional design standards for Manufactured Homes?

Example of Residential Design Standards:

1. Change in plane: Every dwelling unit/structure must have a change in plane on two (2) sides of the dwelling unit/structure through the use of one (1) or more of the following: porches, bay windows, offset garages or additions.
2. Articulation of exterior walls: Every dwelling unit/structure shall be comprised of two (2) or more sections or modules so that the size, shape, and degree of articulation of the exterior wall form is similar to and compatible with that of nearby dwelling units/ structures or, if none, similar to those elsewhere within the subdivision or neighborhood.
3. Permanent ground set foundation: Every dwelling unit/structure shall be set on a permanent ground set foundation which shall include an exterior wall of stone, concrete, brick, or masonry product. Every dwelling unit/structure must be fixed to its permanent ground set foundation within sixty (60) days from the date of foundation inspection and approval. Treated wood foundation systems are not permitted for principal structures. Pile, caisson, and pier foundations may be used only when a qualified professional engineer registered in the State certifies in writing that because of soil or other physical conditions at the site, a perimeter type wall will not function properly and a pile, caisson or pier foundation is necessary to support the unit. Use of a pile, caisson or pier foundation shall not relieve the owner of the obligation to construct the exterior wall around the entire visible perimeter of

the foundation structure as required above.

4. Porches: Open, unenclosed porches at ground level may extend into a required setback not more than six (6) feet.
5. Storage on site: Every dwelling unit/ structure must have adequate storage on site in the form of one (1) or more of the following storage facilities: basement, carport with storage shed or garage.
6. Roof form: The size, shape and type of roof form shall be similar to and compatible with that of nearby dwelling units/ structures or, if none, similar to those elsewhere within the subdivision or neighborhood. Consideration of environmental and climatic determinants such as snow shedding, drainage and solar exposure shall be integral to the roof design.
7. Ratio of open surfaces to enclosed surfaces: The ratio of open surfaces (windows, doors) to enclosed surfaces (walls, roofs) of the building exterior shall be similar to and compatible with that of nearby dwelling units/structures or, if none, similar to those elsewhere within the neighborhood.

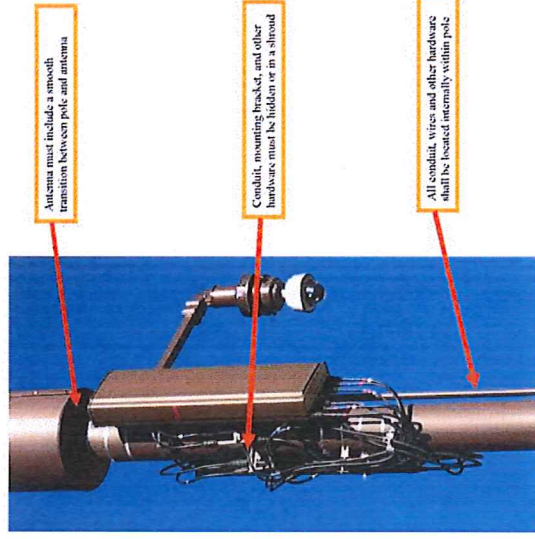
New Sections

Small Cell Wireless Facilities: *This is a required change.* Changes to the Federal Communications Act of 1996; and changing CMRS technology resulted how local governments can regulate these facilities. It also imposed a the 90-day review time period to approve. The Institute as well as City Attorney's office have examples from other communities. Morrison has dealt with historic district implications since small cell facilities are permitted in Town rights-of-way, upon facilities in these rights-of-way and on public easements owned by the Town. While allowing these facilities, they have prioritized where they should locate, added a few simple design criteria and limited the co-location of multiple facilities. The new law requires a local government to process an application for a small cell facility or a small cell network within 90 days after receiving the completed application. The co-location rule is confusing- *if the "telecommunications provider or broadband provider complies with applicable law, it has the right to locate or collocate small cell facilities and small cell networks on a local government entity's light poles, light standards, traffic signals, or utility poles in the rights-of-way owned by the local government entity, but prohibits small cell facilities and small cell networks from being placed on structures with tolling collection or enforcement equipment attached."* Carmen and I will work together on drafting the new required section- she will draft the section and we will augment with design specifications.

We also recommend illustrations for this new section.

- ☐ Does the Commission wish to have additional graphics in the Code?

Good design



Not this

Traffic and Parking Analysis and Studies

There currently is no differentiation between a required Traffic Impact Analysis (TIA) and a Traffic Impact Study (TIS). In addition, the code also refers to a Traffic impact/trip generation study. Consistent terms and definitions will be added. There is also a provision for a parking study for all PUDs and for other applications, but it is unclear when this can be requested.

A traffic impact analysis (TIA) or Traffic Impact Study (TIS) evaluates the availability and adequacy of the transportation system serving the site plan and is often required for development or redevelopment projects. They are often considered one in the same. This new section will establish a threshold for when you need a TIA and when you need a TIS. This will establish minimum requirements for a smaller project (TIA) and a more in-depth study for larger projects that are likely to have system wide impacts. An addition to 1800 Colorado Boulevard that has minimum change in the traffic generated (Only 29 parking spaces required total) would be required to submit a simple TIA while a project like the Argo Gondola (157 parking spaces) would require a more in-depth study. This new section will also include the ability for the City to have an independent Traffic Engineer review the submitted study.

Some projects have been required to submit a parking study while others have not. Riverbend submitted a parking study, but the Argo Gondola included a parking analysis within their traffic study. In the last year, we have not received any parking studies.

- ☐ What size project should require a more in-depth Traffic Impact Study (TIS)?
- ☐ Should all developments except additions of less than 50%; single family home and duplexes require a TIA?
- ☐ In addition to PUD's, should other new developments or redevelopments require a parking

study?

Recommended Changes that Staff will prepare for Commission Review

(these are the non-highlighted sections)

The focus of these minor changes is to strengthen, remove, make consistent, and/or otherwise revise language that is not internally consistent nor in line with stated development objectives embraced by the Planning Commission or reflected in the adopted Comprehensive Plan. It also provides needed clarity for the applicant and for those that implement the code.

Definitions- Staff will update and provide you with the new language.

Site and Building Design Standards-There are some inconsistencies between sections, need for cross references and simplification that will minimize the need for legal interpretation.

Procedures- Existing review and approval procedures require minor modifications and further clarity especially between different approval processes.

Submittal Requirements- These three items are simple clean-up and clarification.

Uses-A section of the code is missing- a short paragraph is needed to outline how to address uses that are not listed and we will also add a few uses that are not listed but where applicants have sought approval.

Staff intends to have new code sections for your review for the April Planning Commission Work session.

/bc

Filename: C:\...\ PC Work Session – 2021 Code Changes Staff Memo – March 3. 2021

Suggested Code Changes and New Section from City Staff

Category	Issue	Description
The following list of recommended code updates are a result of: 1) the Institute's work on over 40+ land use codes in Colorado; 2) gaps and inconsistencies found during our review of applications over the last year; and 3) Alan Tiefenbach's code notes that were categorized as: a) code issues; b) interpretations made where the Code was not clear and c) legal advise and interpretation provided by Carmen in her role as City Attorney. We estimate that these changes will take about 1 weeks time.		
DEFINITIONS	<i>We suggest a general review for other missing definitions. We just finished updating definitions under a DOLA funded project</i>	<i>Any other missing definitions</i>
Definition	Definition – porch	definition is incorrect
Definition	Accessory structure	need to define subordinate- not taller or bigger than principal structure
Definition	Encroachments into setbacks	Clarify what can be placed in setbacks- not complete; also add to standards
Definition	Use – caretaker dwelling	Add definition
STANDARDS	<i>Gaps in both building and design standards; relook at East End</i>	<i>Relatively easy fix except for East End which will require a more comprehensive look at how the standards impact development</i>
Site and building design standards	Sustainability – section is a mixture of policy and regulation	See Section 21-202 and Article VI- design standards generally- too many shoulds; unclear what is actually required; reference to LEED-ND - this document is 44 pages long! Need clear standards- too much jargon- simplify and update reference
Site design	Driveway slope/grade	Found in Design and Construction standards; need cross reference
Site design standards	Parking requirements- conflicts see Division 1 Parking and Loading	Grandfathered parking in this section conflicts with requirements- simple clarification in Sec 21-125 b
Site design standards	Application – for a site plan or improvements that does not include	Outline what is required for a fence; Major retaining walls other structures that also require a building permit
Site design standards	Easement requirements	Found in Subdivision regs, but need reference if no subdivision
Site design standards	Undergrounding utilities	Cross reference with Subdivision requirements; only required when platting but not FDP; ensure its consistent
Building design standards	Design standards	Standards missing or too vague; issue with East End Standards- remove all guidelines- this is a code-height and shadows- Andy recommends critical changes this year followed by update to the Comprehensive Plan in 2022.
PROCEDURES	<i>Lack of clarity- simple clean up</i>	<i>Recognized gaps in procedures based on applications over the past year</i>
Procedure	Building over lot lines and boundaries of unplatted parcels	For legal lot must do at minimum Adm. Plat or after vacation; beef up minor subdivision requirements- 2800 Miner had some lots, some mining claims- structures proposed were over lot lines- Address buildings built over lot lines
Procedure	Vested Rights- dictated by Statute	hidden in Subdivision- clarify what can vest as a site specific development plan

Suggested Code Changes and New Section from City Staff

Procedure	Criteria for approval – for each type of application	Table needs to match text; clarify different between Traffic Analysis and Traffic Study; make text more user friendly
Procedure	Nonconformities – fill in gaps related to uses, lots, buildings, and other nonconformities	Need standards for use, lot, building, and parking
Procedure	Notice – provide additional information on what is required	Mike has developed worksheet for applicants; clarify requirements in Code; standardize noticing requirements to make it easier for staff and the applicant
Procedure	Signs	Need cross reference to Chapter 20- Signs and to 26- East End Overlay
Procedure	Site plan approval	Need simpler requirements for residential and accessory structures when an FDP is not needed
Procedure	Notice requirements: Annexation procedures and regulations vs.	Need to clarify notification requirements given ordinance; and notice to Special Districts and School District
SUBMITTAL REQUIREMENTS	<i>This category deals primarily with clarification of what is required and what you might wish to require.</i>	
Submittal requirements	Fence requirements	Someone wanted to do a rusted corrugated metal fence- there are no standards for materials for fencing- add materials.
Submittal requirements	Final development plan – community meeting for an addition les	Clarify when a community meeting is required- no meeting for 1800 Colorado Blvd since it was administrative- less than 50% addition.
Submittal requirements	Landscaping requirements	This section states how the landscaping should perform but there are no actual standards; Also need to add a definition for unobstructed open space
USES	<i>Use – uses not listed in the table</i>	
Use table	Planners have discovered many missing uses that exist in the City- we strongly recommend adding uses that have come up in the last 5 years;	Add Parking and parking garages as a stand alone use, tattoo parlors, massage parlor, and storage units.
Use table	No direction in Code if a use is not listed	Add a section that addresses the procedure when a use is not listed.
Uses	Manufactured housing – must be allowed in all residential zone d	Per statute must allow in all residential zone districts
SECTIONS	Use Regulations	We can provide examples if that would be useful.
New Section	Small cell wireless facilities	The three biggest issue in regulating CMRS facilities are: 1)Changes to the Federal Communications Act of 1996; 2)Changing CMRS technology; and 3)State laws governing how local governments can regulated these facilities as well as the 90-day review time period to approve.

Suggested Code Changes and New Section from City Staff

New Section	Traffic and parking analysis and studies	Add section-When is it required and clarify what is required. Riverbend had no traffic study but had a parking study; See Manitou Springs new section by Institute- minimum standards for the study; clarify Traffic Impact Analysis vs. Study; reconcile with Construction Manual and reference ITE Traffic Generation Manual
New Section	Lighting	Commissioners have asked for examples from like communities- will provide before next Work Session