

**CITY PLANNING COMMISSION AGENDA**

**ITEM NOS C.1 –C.2:**

**STAFF: MICHAEL SCHULTZ**

**FILE NOS:**

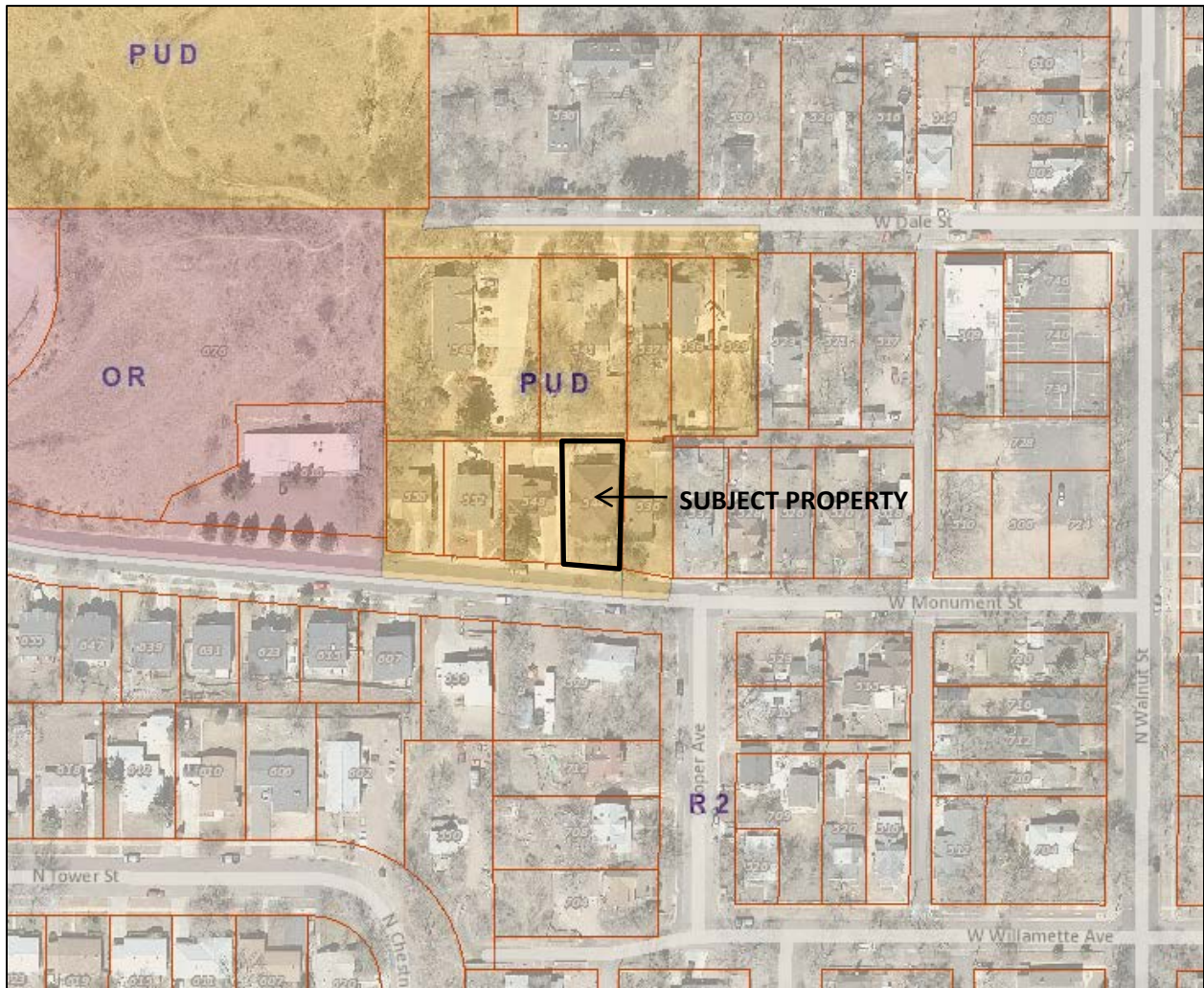
**CPC ZC 14-00139 – QUASI-JUDICIAL**

**CPC NV 14-00140 – QUASI-JUDICIAL**

**PROJECT: 544 W. MONUMENT STREET**

**APPLICANT: ROCKY MOUNTAIN COMMUNITY LAND TRUST**

**OWNER: ROCKY MOUNTAIN COMMUNITY LAND TRUST**



### **PROJECT SUMMARY:**

1. Project Description: This project includes concurrent applications for a change of zone and two non-use variance requests for the property located at 544 W. Monument Street.

The proposed change of zone is from the existing PUD/cr (Planned Unit Development with condition of record) to R-2 (Two-family Residential). The two non-use variance requests are for: 1) allow a duplex on a 6,239 square foot lot where a minimum of 7,000 square feet is required, and 2) allow one (1) off-street parking stall where a minimum of two (2) are required.

2. Applicant's Project Statement: **(FIGURE 1)**.
3. Planning and Development Department's Recommendation: Approve the change of zone **(FIGURE 2)** from PUD to R-2 and the two non-use variance requests regarding minimum lot size and required off-street parking **(FIGURE 3)**.

### **BACKGROUND:**

1. Site Address: 544 W. Monument Street
2. Existing Zoning/Land Use: PUD (Planned Unit Development) / Single-family residential
3. Surrounding Zoning/Land Use: North: PUD/cr / Single-family and townhomes  
South: R-2 / Single-family  
East: PUD / Single-family  
West: PUD / Single-family
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: Town of Colorado Springs, 1872
6. Master Plan/Designated Master Plan Land Use: Westside Master Plan / Low Density Residential
7. Subdivision/Legal: Lot 6, 550 Monument Subdivision (1998)
8. Zoning Enforcement Action: None
9. Physical Characteristics: Property is developed with a single-family home with a shared driveway with the property to the west that allows one parking stall in the back of the home.

### **STAKEHOLDER PROCESS AND INVOLVEMENT:**

The public process included posting the site and sending postcards to 73 property owners within 500 feet. No comments were received by staff in objection to the requests. Due to the simplicity of this request staff did not forward the requests onto any other reviewing department. The site will be posted and postcards sent to surrounding property owners prior to the Planning Commission hearing.

### **ANALYSIS OF REVIEW CRITERIA / MAJOR ISSUES / COMPREHENSIVE PLAN AND MASTER PLAN CONFORMANCE:**

1. Review Criteria / Design and Development Issues:

#### Zone Change

In 1986 the subject lot and property located to the north and west, containing approximately 1.8 acres, were rezoned from R-2 to PUD to allow 36 multi-family dwelling units (2 buildings). Although the site was cleared of structures, the development never came to

fruition. In 1998 the same property from the 1986 zoning (excluding the lot at 536 W. Monument which had been sold to a third party) was rezoned from PUD to a new PUD to allow six (6) townhome units and nine (9) single-family homes, including the subject property (**FIGURE 4**). The applicant later salvaged and relocated several homes near Colorado College when student housing was proposed near the college.

The applicant is citing the need to allow the property to be utilized as a duplex due to the relatively large size of the home, 2,300 square feet, and the limited demand for that size of home by its clients. The applicant is also concerned over high utility costs when the units are intended to serve as affordable housing. The applicant, Rocky Mountain Community Land Trust, also owns two additional homes immediately west of the subject property and owned the property at 556 W. Monument Street but sold it to the homeowner as part of its housing program.

#### Non-use Variances

The two non-use variance requests relate to the use of the property as a duplex. The first request is to allow a duplex on a 6,290 square foot lot where 7,000 square feet is required. The second variance is to allow one (1) parking stall where two (2) are required. Most of the surrounding neighborhood is zoned R-2, however a large number of the properties are under the 7,000 square foot minimum lot area and would therefore not be allowed to add a second dwelling unit.

Staff encourages infill development and adding density where and when it is appropriate. Two projects, the Gabion Apartments and the former Bristol School property, that are in close proximity of the subject property have been part of recent surge of infill development within this neighborhood. Staff cites the existing townhomes to the north of the property and the (soon to be completed) apartments to the west as examples of higher density projects that have been integrated into the neighborhood. Also, on street parking within the area appears to be common and accepted for residents.

## 2. Conformance with the City Comprehensive Plan:

### *Objective LU 4: Encourage Infill and Redevelopment*

Encourage infill and redevelopment projects that are in character and context with existing, surrounding development. Infill and redevelopment projects in existing neighborhoods make good use of the City's infrastructure. If properly designed, these projects can serve an important role in achieving quality, mixed-use neighborhoods. In some instances, sensitively designed, high quality infill and redevelopment projects can help stabilize and revitalize existing older neighborhoods.

### *Objective LU 6: Meet the Housing Needs of All Segments of the Community*

Planning and development activities, both in the public and private sector, shall include measures intended to ensure the sufficient provision of housing to meet the needs of the entire community, including housing affordable to lower-income households.

### *Strategy LU 601d: Integrate Affordable Housing into Neighborhoods*

Integrate housing that is affordable to a broad range of incomes and households within neighborhoods, whether by location or design. Ensure that affordable housing will complement the formation of a neighborhood. Avoid the segregation of affordable housing.

### *Objective N 3: Vary Neighborhood Patterns*

Integrate a variety of housing types and densities with amenities, services, and retail uses to

generate opportunities and choices for households. When the character, context and scale of the surrounding neighborhood are taken into account, mixed-use developments can provide unique opportunities for employment, shopping, housing choice, and public gathering space, while having a positive impact on the neighborhood.

Staff finds that the zone change and non-use variances substantially comply with the Objectives, Policies and Strategies outlined in the Comprehensive Plan.

3. Conformance with the Area's Master Plan:

This property is part of the Westside Master Plan; the area is identified as Low Density Residential (0 to 10 DU's per acre). The request is in conformance with the master plan.

**STAFF RECOMMENDATION:**

**ITEM: C.1                   CPC ZC 14-00139 – QUASI-JUDICIAL**

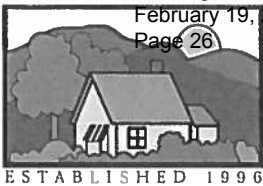
**Approve** the zone change for from PUD (Planned Unit Development) to R-2 (Two-family Residential) consisting of 0.14 acres, based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B.

**ITEM: C.2                   CPC NV 14-00140 - QUASI-JUDICIAL**

**Approve** the following two non-use variance requests:

- 1) To allow a duplex on a 6,290 square foot lot where 7,000 square feet is required;  
and,
- 2) To allow one (1) off-street parking stall where two (2) off-street parking stalls are required;

based upon the finding that the variances comply with the review criteria for granting a variance as set forth in City Code Section 7.5.802.B.



**ROCKY MOUNTAIN COMMUNITY LAND TRUST**  
1212 West Colorado Avenue, Colorado Springs, Colorado 80904  
Phone (719) 447-9300 Fax (719) 329-0900 Website: www.rmclt.org

#### BOARD OF DIRECTORS

D.J. Blunt —President  
FirstBank  
(member since 2012)

Audrey Jaramillo Higgins—Vice President  
Retired  
(founding member)

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U. S. Bank  
(member since 2013)

Caitlin Bond—Secretary  
Homeowner  
(member since 2008)

H. William Mahaffey  
Lewis Roca Rothgerber  
(founding member)

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El Paso County  
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Homeowner  
(member since 2000)

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Belco Credit Union  
(member since 2006)

Ralph Cruz  
Colorado Springs Utilities  
(member since 2009)

Dee Klager  
Homeowner  
(member since 2009)

Jennifer Kretzer  
Homeowner  
(member since 2009)

Angie Hackett  
Homeowner  
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Paul M. Johnson  
Pikes Peak Habitat for Humanity  
(member since 2012)

Lynn Pisani  
Empire Title  
(member since 2013)

Carol Solomon-Smith  
Community Volunteer  
(member since 2013)

#### STAFF

Nathan P. Clyncke  
Executive Director  
(since 2012)

Randi Davis  
Resource Development/  
Community Outreach Coordinator  
(since 2009)

Vicky Albert  
Home Ownership Coordinator  
(since 2010)

David Irmo  
Support Services Coordinator  
(since 2010)

John Ballweber  
Housing Development Coordinator  
(2001-2005, since 2012)

#### 544 W. Monument Duplex Project

#### Mission Statement for the project:

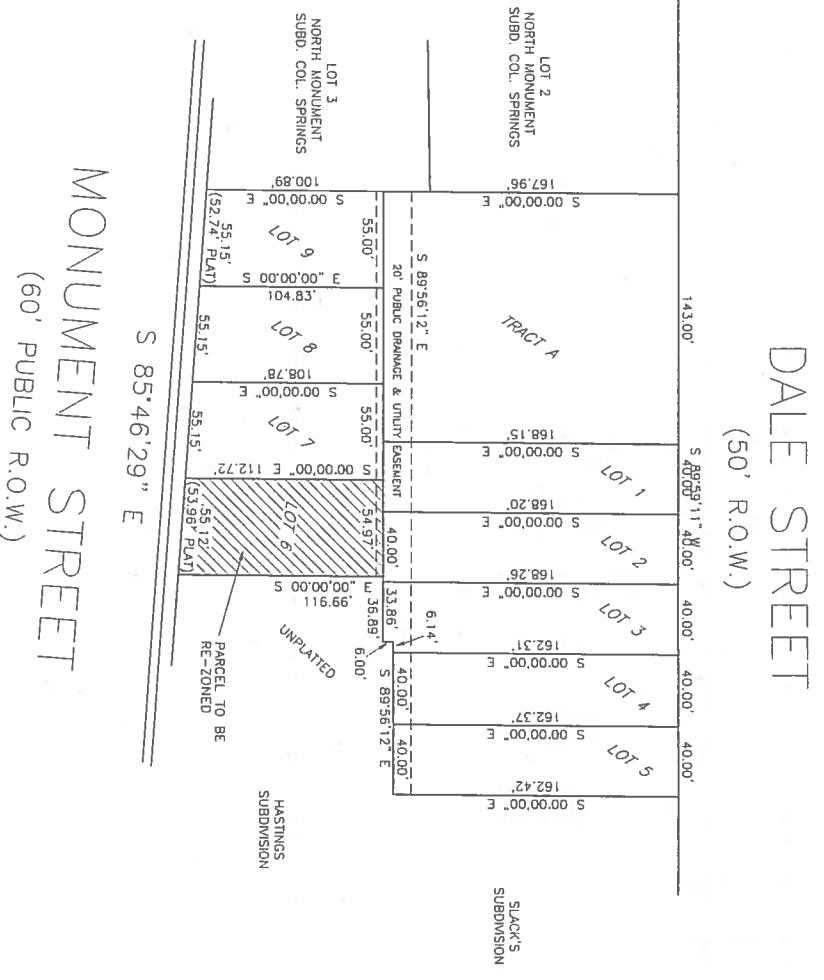
Partners in Housing, in collaboration with Rocky Mountain Community Land Trust, relocated and repurposed four houses donated from Colorado College in 1999. These homes, saved from demolition, provide much-needed housing to low-income and homeless families in our community. One of the relocated homes has six-bedrooms and could easily house a family of 12 or more; however, rarely do we see a family in need of this size. Because of the low demand for a home of this size, and the high utility costs for smaller families living in the home, we believe converting this property to a duplex would best met the needs of the families we serve. The home located at 544 W. Monument, is 2300 square feet and could be converted into a duplex with a two bedroom unit and a three bedroom unit. Converting this underused spacious house into a two family home would enable Partners in Housing to assist a greater number of homeless families in our community.



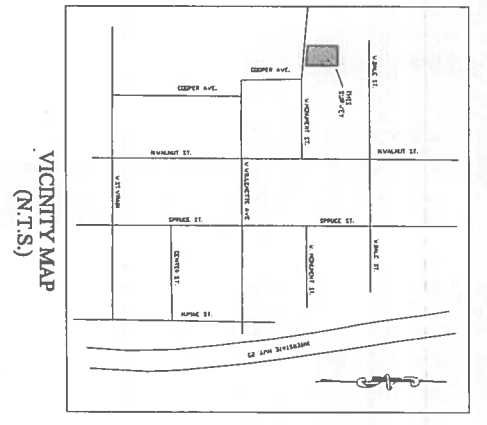
“Building a strong community...one home...one neighborhood at a time...” **Figure 1**

THIS DRAWING DOES NOT REPRESENT A  
 MONUMENTED SURVEY AND  
 IS ONLY INTENDED TO DEPICT  
 THE EXISTING IMPROVEMENTS

**SITE RE-ZONE PLAN**  
**LOT 6, 550 MONUMENT SUBDIVISION**  
**CITY OF COLORADO SPRINGS,**  
**EL PASO COUNTY, COLORADO**



"550 MONUMENT SUBDIVISION"  
 SCALE 1"=50'



**ADDRESS:**  
 544 W. MONUMENT STREET, COLORADO SPRINGS, COLORADO

**LEGAL DESCRIPTION:**  
 LOT 6, "550 MONUMENT SUBDIVISION" AS RECORDED UNDER RECEPTION NUMBER 98162857 OF THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO

**GENERAL NOTES:**

1. ALL REFERENCES HEREON TO BOOKS, PAGES, MAPS, AND RECEPTION NUMBERS ARE PUBLIC DOCUMENTS FILED IN THE RECORDS OF EL PASO COUNTY, COLORADO
2. BEARINGS ARE BASED ON THE BEARINGS AND ANGLES AS SHOWN ON PLAT "550 MONUMENT SUBDIVISION"
3. THIS PARCEL IS NOT WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON FEMA PANELS NO. 08041C0272 F AND NO. 08041C0272 F, EFFECTIVE MARCH 17, 1997.
4. LAST FIELD INSPECTION OF THE SITE WAS ON OCTOBER 22, 2014.

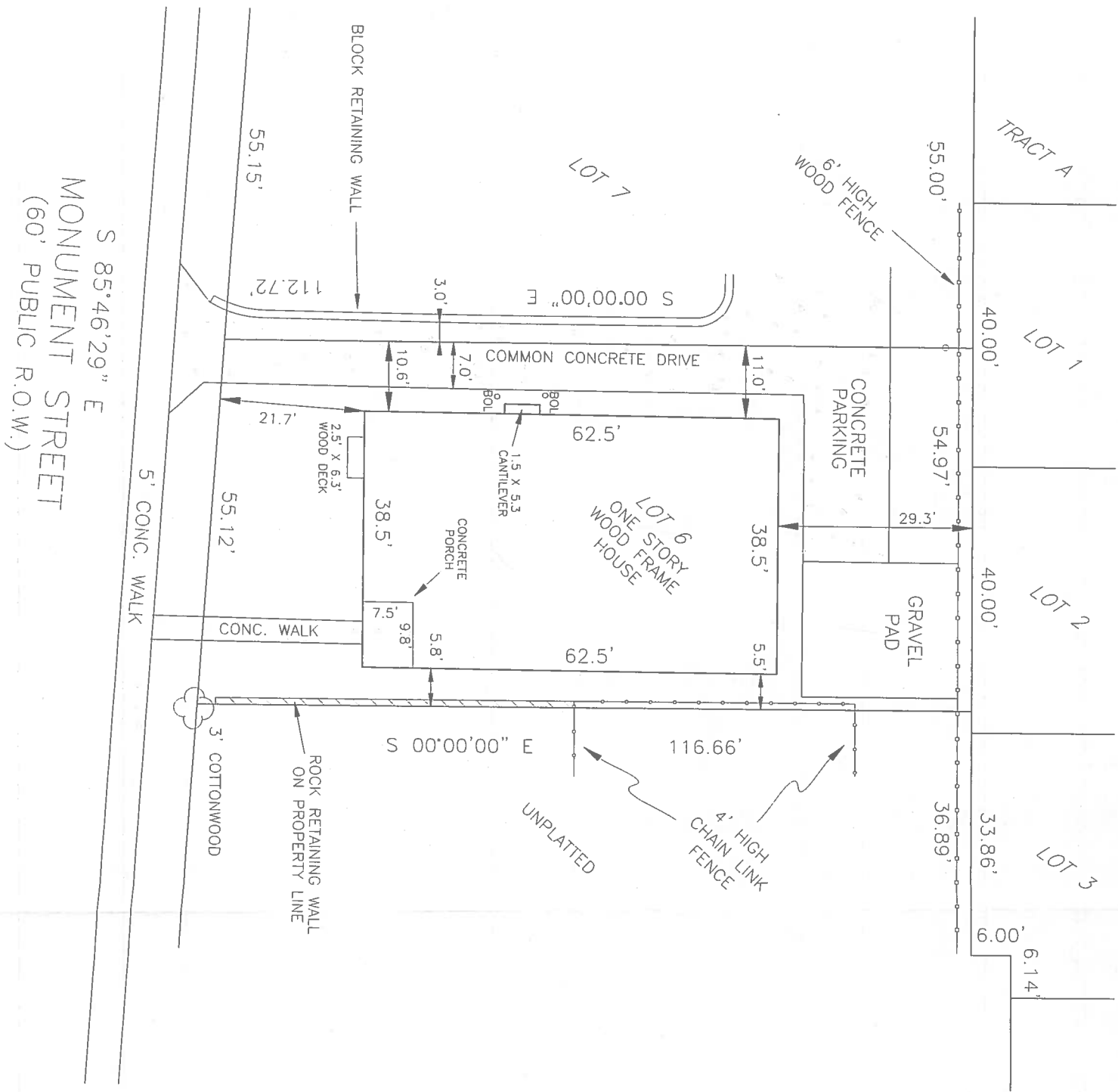


**EAGLE**  
 LAND SURVEYING INC.  
 P.O. BOX 5365  
 COLORADO SPRINGS, CO  
 80931-5365  
 PHONE: (719) 382-4150  
 FAX: (719) 382-3290

<b>SITE RE-ZONE PLAN</b>	
LOT 6, 550 MONUMENT SUBDIVISION	
CITY OF COLORADO SPRINGS,	
EL PASO COUNTY, COLORADO	
<b>CLIENT: RMC/LT</b>	<b>DATE: NOVEMBER 25, 2014</b>
<b>JOB NO.: 14-329-01 RZ</b>	<b>SHEET 1 OF 2</b>

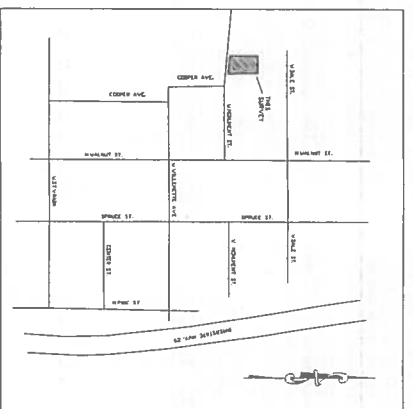
Figure 2

**SITE RE-ZONE PLAN**  
**LOT 6, 550 MONUMENT SUBDIVISION**  
**CITY OF COLORADO SPRINGS,**  
**EL PASO COUNTY, COLORADO**



THIS DRAWING DOES NOT REPRESENT A MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE EXISTING IMPROVEMENTS

**SITE DETAILS**  
 SCALE 1"=10'



- ADDRESS:**  
 544 V. MONUMENT STREET, COLORADO SPRINGS, COLORADO
- LEGAL DESCRIPTION:**  
 LOT 6, 550 MONUMENT SUBDIVISION, AS RECORDED UNDER RECEPTION NUMBER 98162057 OF THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO
- ASSESSORS SCHEDULE NO.:** 74124-04-028
- CURRENT ZONING:** PUD
- PROPOSED ZONING:** R-2
- OWNER / APPLICANT:** ROCKY MOUNTAIN COMMUNITY LAND TRUST,  
 1212 W. COLORADO AVE.  
 COLORADO SPRINGS, CO. 80904
- LOT SIZE:** 6239 SQ.FT.
- EXISTING LAND USE:** SINGLE FAMILY RESIDENTIAL
- GENERAL NOTES:**
1. ALL REFERENCES HERETO TO BOOKS, PAGES, MAPS, AND RECEPTION NUMBERS ARE PUBLIC DOCUMENTS FILED IN THE RECORDS OF EL PASO COUNTY, COLORADO.
  2. BEARINGS ARE BASED ON THE BEARINGS AND ANGLES AS SHOWN ON PLAT '550 MONUMENT SUBDIVISION'.
  3. THIS PARCEL IS NOT WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON FEMA PANELS NO. 0804102727 F AND NO. 0804102729 F, EFFECTIVE MARCH 17, 1997.
  4. LOTS 6 & 7 ARE UNDER THE SAME OWNERSHIP AND THE EXISTING CONCRETE DRIVEWAY IS FOR COMMON USE FOR LOTS 6 & 7 EXCLUSIVELY.
  5. THERE WILL BE NO CHANGES TO THE EXISTING GRADES OR LANDSCAPING ON LOT 6.
  6. LAST FIELD INSPECTION OF THE SITE WAS ON OCTOBER 22, 2014.



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<b>SITE RE-ZONE PLAN</b>	
LOT 6, 550 MONUMENT SUBDIVISION	
CITY OF COLORADO SPRINGS,	
EL PASO COUNTY, COLORADO	
CLIENT: MARKET	DATE: NOVEMBER 25, 2014
JOB NO.: 14-329-01 RZ	SHEET 2 OF 2

Figure 3





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# APPENDIX

## Development Application Review Criteria

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### **7.5.502 (E): DEVELOPMENT PLAN REVIEW CRITERIA:**

E. Development Plan Review Criteria: A development plan shall be reviewed using the criteria listed below. No development plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the land uses surrounding the site. Alternate and/or additional development plan criteria may be included as a part of an FBZ regulating plan.

1. Will the project design be harmonious with the surrounding land uses and neighborhood?
2. Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?
3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties?
4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off site negative influences and to buffer adjacent properties from negative influences that may be created by the proposed development?
5. Will vehicular access from the project to streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption?
6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?
7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic?
8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?
9. Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design?
10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?
11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?
12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design? (Ord. 94-107; Ord. 95-125; Ord. 01-42; Ord. 02-64; Ord. 03-74; Ord. 03-157; Ord. 09-50; Ord. 09-78)

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# APPENDIX

## Development Application Review Criteria

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### **7.5.603 (B): ESTABLISHMENT OR CHANGE OF ZONE DISTRICT BOUNDARIES:**

B: A proposal for the establishment or change of zone district boundaries may be approved by the City Council only if the following findings are made:

1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.
2. The proposal is consistent with the goals and policies of the Comprehensive Plan.
3. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with a zone change request.
4. For MU zone districts the proposal is consistent with any locational criteria for the establishment of the zone district, as stated in article 3, "Land Use Zoning Districts", of this Zoning Code. (Ord. 94-107; Ord. 97-111; Ord. 01-42; Ord. 03-157)

### **NONUSE VARIANCE REVIEW CRITERIA:**

#### **7.5.802 (B): CRITERIA FOR GRANTING A NONUSE VARIANCE:**

B. Criteria For Granting: The following criteria must be met in order for any nonuse variance to be granted:

1. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district; and
2. That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief; and
3. That the granting of the variance will not have an adverse impact upon surrounding properties.

Nonuse variances to the parking and storage regulations (article 4, part 2 of this chapter) and to the sexually oriented business separation requirements (part 13 of this article) are subject to additional criteria set forth in subsections C and D of this section.

**USE VARIANCE REVIEW CRITERIA:**

**7.5.803 (B): CRITERIA FOR GRANTING A USE VARIANCE:**

The following criteria must be met in order for a use variance to be granted:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same zone so that a denial of the petition would result in undue property loss; and
2. That such variance is necessary for the preservation and enjoyment of a property right of the petitioner; and also
3. That such variance will not be detrimental to the public welfare or convenience nor injurious to the property or improvements of other owners of property.