

Tefertiller, Ryan

From: Tefertiller, Ryan
Sent: Wednesday, May 10, 2017 10:06 AM
To: 'Peter Reaves'
Subject: RE: CPC NV 17-00060: Street parking limited on 300 E Dale Street block

Hello Peter,

I just wanted to let you know that I received your email and voicemail regarding the applications under review for 315 E. Dale St. I also wanted to let you know that I'm continuing to work with the property owner regarding her parking relief request. Based on the information available at the time of submittal I calculated that 6 off-street stalls were required (offices are required by code to provide 1 off-street stall per 400 square feet of office space). However, there are a couple factors that may ultimately reduce that requirement. Specifically, the owner is indicating that her existing home is slightly smaller than the 2,290 square feet listed on the County Assessor's website. If she can provide verifiable documentation that the Assessor has miscalculated the size of the structure the number of on-site stalls may be reduced from 6 to 5. Additionally, there is a very new section of City Code that allows uses to utilize on-street parking for a portion of their off-street parking requirements if a number of criteria are met. Upon initial analysis it appears to me that the owner will be able to count one on-street parking stall to meet what are typically off-street parking requirements. Taken together, these two issues will likely reduce the requested variance to allow 3 on-site parking stalls where 4 are required. That said, relief is still needed and your concerns will be taken into account. I will add your email to my project file, forward it to the property owner, and include it in future staff reports to Planning Commission and City Council. You will be receiving additional postcards in the coming weeks announcing a Planning Commission hearing on these applications. Feel free to contact me if you have additional questions or concerns.

Ryan



Ryan Tefertiller
Planning Manager, AICP
Phone (719) 385-5382
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Urban Planning Division
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30 S. Nevada Ave, #105
Colorado Springs, CO 80901
Phone (719) 385-5905

Weblinks:

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From: Peter Reaves [<mailto:preaves20@gmail.com>]
Sent: Tuesday, May 09, 2017 8:57 AM
To: Tefertiller, Ryan
Subject: CPC NV 17-00060: Street parking limited on 300 E Dale Street block

Dear Ryan Tefertiller,

I received a notice that a property on the 300 block of East Dale Street is requesting a variance to provide only 3 parking spaces for a commercial property instead of the normal 6 required. I assume that means the extra 3 spots are going to be street parking. I'm writing to inform you that street parking on the 300 block of East Dale Street is already limited during business hours because the two commercial buildings on the east corner of Dale and Weber have a lot of employees and clients parking on that street during the day. I'm concerned that shifting

an additional parking burden of 3 spaces to the street will cause a situation where the residents on the block of 300 East Dale will not be able to park their cars on the street.

Thanks for considering this input. I left a voicemail with your office. Please call or email if you have any questions for me.

Best regards
Peter

Tefertiller, Ryan

From: Holly Skelton <holly@hollyskelton.com>
Sent: Monday, May 15, 2017 11:52 AM
To: Tefertiller, Ryan
Cc: chery.csbrown@gmail.com
Subject: CPC DP 17-00058 315 E. Dale St.

Follow Up Flag: Follow up
Flag Status: Flagged

Ryan,

To follow up in writing on the voice mail I left you today, May 15th, 2017, please reconsider the zone change on the above application.

I represent Cheryl Brown as the buyer of a property located at 312 E. Dale Street which was purchased in 2016 for \$350,000. This is a residential property - new construction completed in 2016. Cheryl Brown as the buyer and myself as the Realtor, did our due diligence prior to the purchase and researched the zoning of the surrounding area. Our concerns were that all the surrounding properties were zoned Residential whether it be R-1 or R-5 which 315 E. Dale St. is. The concern we had was if zoning included any other zoning than residential, it could eventually be changed to accommodate the marijuana situation in Colorado Springs. Being located close to Colorado College also, this was a true concern. Finding no other zoning other than Residential, Cheryl purchased the property.

When notified of the zoning change, needless to say that I was contacted and asked to speak against the change. Please let this letter as well as the voice mail serve as notice that both Cheryl Brown and myself are against the change of zoning. If you need further information, please do not hesitate to contact me. Thank you for your time.

Holly Skelton
ABR, CRS, GRI, SRES
The Real Estate Network, Inc.
719.337.1356 Cell Phone
holly@hollyskelton.com
www.hollyskelton.com



Tefertiller, Ryan

From: Tefertiller, Ryan
Sent: Thursday, May 18, 2017 7:54 AM
To: 'Cheryl Brown'
Subject: RE: CPC DP 17-00058

I have not seen the title report that she got when she purchased the property (if she even got one). However, I can say that the City's zoning maps should be able to be trusted regarding the correct zone district for any property within our boundaries. Our maps incorrectly illustrated 315 E. Dale as OR zoned for a number of years, including the time period when Connie purchased the property.

Ryan



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From: Cheryl Brown [<mailto:cheryl@csbrowns.org>]
Sent: Wednesday, May 17, 2017 9:33 PM
To: Tefertiller, Ryan
Subject: RE: CPC DP 17-00058

Hi Ryan,

I also have another question. Do you know if Connie's deed of trust states the property is residential or was her property just misidentified on the city map. It is really up to the owner to know what she is buying.
Cheryl

From: Tefertiller, Ryan [<mailto:RTefertiller@springsgov.com>]
Sent: Wednesday, May 17, 2017 8:24 AM
To: Cheryl Brown
Subject: RE: CPC DP 17-00058

Hi Cheryl,

I've attached a Word document containing our table of permitted, conditional and accessory uses in our non-residential zones. If you look up and down the first column for the OR zone you'll see blank squares where that use is prohibited, a "P" where the use is permitted, and a "C" where a conditional use permit is required. A couple things to keep in mind, is that factors like lot size play a significant role in whether a use that is otherwise permitted can be achieved on a site. For example, even though "religious institution" or "funeral services" may be permitted in the OR zone, the size of the lot, the size of the house and the very limited parking would prevent this property from realistically being used for those

uses. The other thing I wanted to explain was the note #7 that shows up in the OR column for the Medical Marijuana Uses. I added the specific text relative to that issue at the bottom of the document. Basically, MMJ uses that were legally established on OR zoned property prior to 2012 are allowed to continue to operate, but no new MMJ uses are allowed in the OR zone.

I hope this helps. Let me know if you have additional questions,
Ryan



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From: Cheryl Brown [<mailto:cheryl@csbrowns.org>]

Sent: Wednesday, May 17, 2017 6:58 AM

To: Tefertiller, Ryan

Subject: RE: CPC DP 17-00058

Thank you for sending this. Can you also tell me what businesses are allowed when zoned office residential?
Cheryl

From: Tefertiller, Ryan [<mailto:RTefertiller@springsgov.com>]

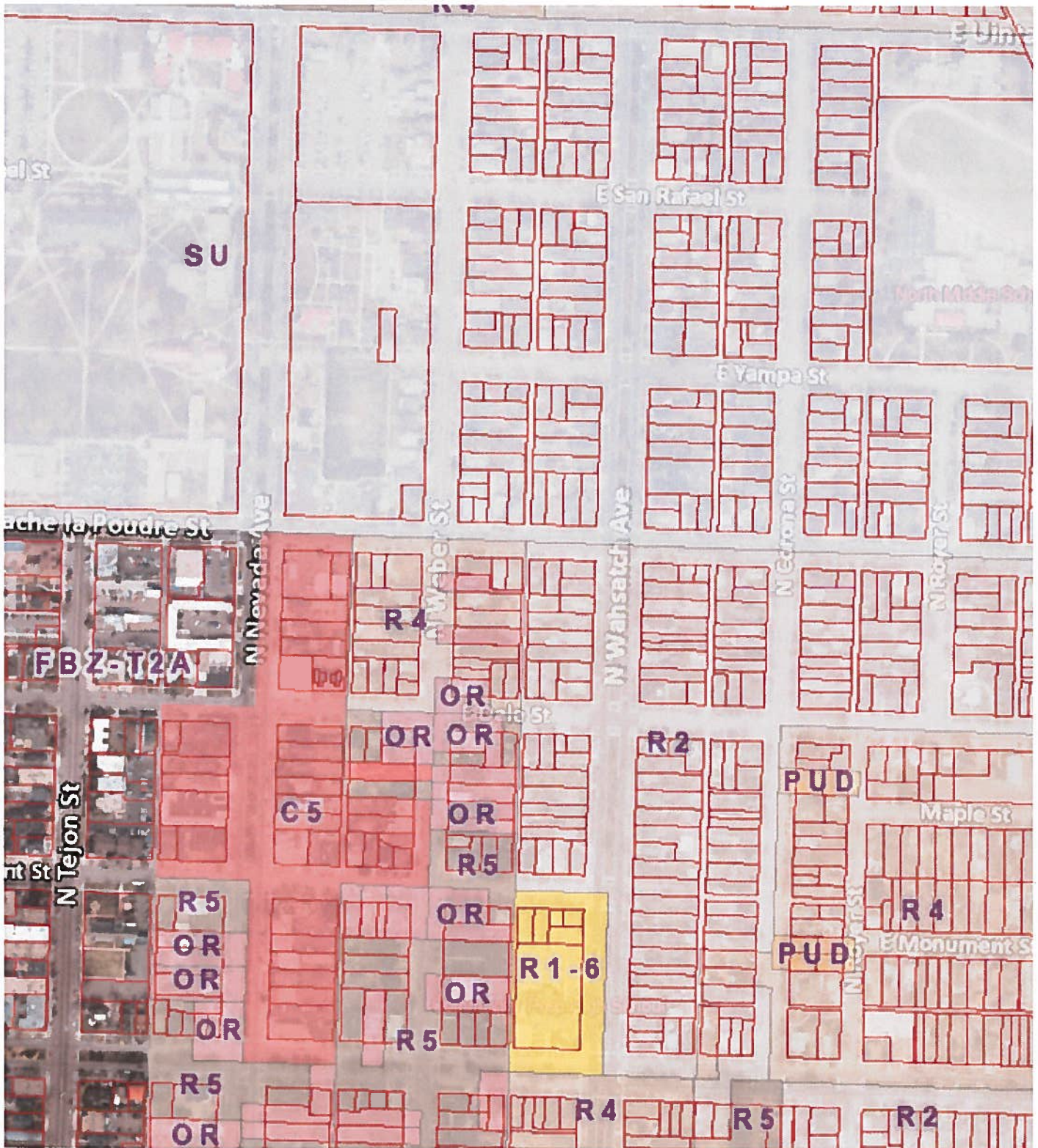
Sent: Monday, May 15, 2017 3:34 PM

To: Cheryl Brown

Subject: RE: CPC DP 17-00058

Sure... see below. However, you should note that the SU zone north of Cache and south of Uintah is a mixed use zone that allows a range of civic, office, and residential uses. You're right that it is more common to see the OR zone on properties facing Weber than facing the side streets, but there are numerous other examples. In addition to multiple properties on a corner lot that front both Weber and the side street, the following have OR zone and only side-street frontage: 215 E. Willamette, 224 E. Willamette, 315 E Willamette, 219-225 E. Monument, 212-226 E. Monument (these actually have the C5 zone which permits retail and other commercial uses more intense than office), and 309 E. Dale (this is immediately west of Connie's property at 315 E. Dale and while it is currently used as the parking lot for the office to the west it could be developed as a stand-alone office property).

Ryan



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From: Cheryl Brown [<mailto:cheryl@csbrowns.org>]
Sent: Monday, May 15, 2017 3:24 PM
To: Tefertiller, Ryan
Subject: RE: CPC DP 17-00058

Ryan, can you send me a picture south of Uintah and north of Willamette including properties facing Weber and Wahsatch please? The properties facing Weber is not surprising. It's the properties facing into the neighborhood streets that I am more concerned with.
Cheryl

From: Tefertiller, Ryan [<mailto:RTefertiller@springsgov.com>]
Sent: Monday, May 15, 2017 8:29 AM
To: Cheryl Brown
Subject: RE: CPC DP 17-00058

Hi Cheryl,
I think that portion of our conversation you're referring to is when I was describing the zone districts in the area around 315 E. Dale. I've copied/pasted an image from our zoning mapping application below. It shows that the land to the west and south of 315 E. Dale is already zoned OR. It also shows that the public alley running north/south between Weber and Wahsatch serves as a delineation point between more intense zones to the west (e.g. OR and R5) and the less intense zones to the east (R2). I think I explained that the City would not likely support requests to change the zoning to the east of the alley, but zone changes have been supported over the years to the west of the alley.
I hope this helps,
Ryan

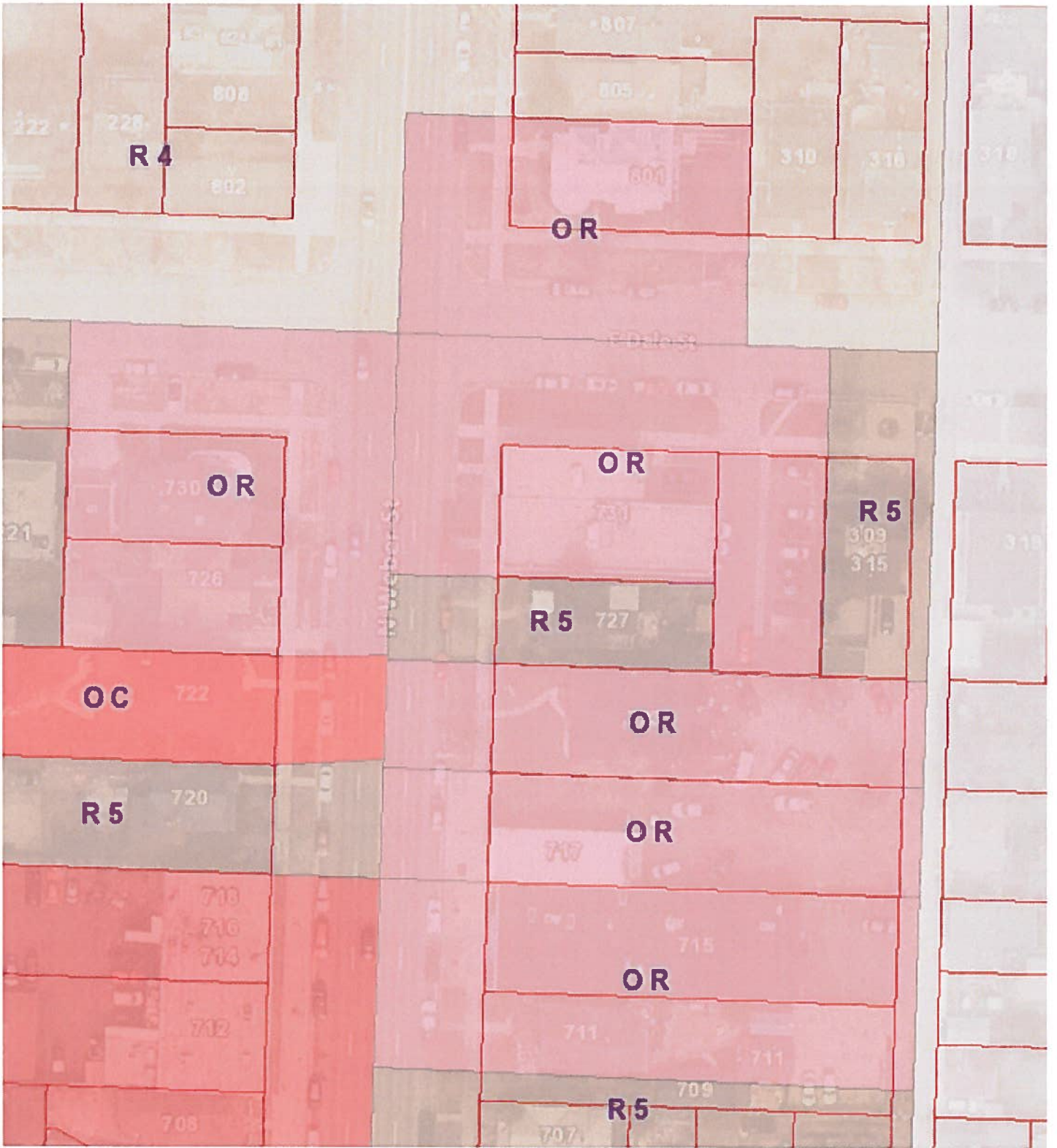


FIGURE 4



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From: Cheryl Brown [<mailto:cheryl@csbrowns.org>]
Sent: Saturday, May 13, 2017 8:08 PM
To: Tefertiller, Ryan
Subject: RE: CPC DP 17-00058

Hi Ryan,
 I went to the website indicated on the green flyer that was mailed to my house and it didn't say much. I would like you to tell me again your case for making Connie's residence mixed use. You mentioned there was a good argument making residences west of the alley, east of weber, north of Wahsatch and south of Uintah mixed use because of the mixed use that already exists. Is that what you said? I'm not sure about the area you are using as an example. Are the streets above correct?
 Thank you!
 Cheryl

From: Tefertiller, Ryan [<mailto:RTefertiller@springsgov.com>]
Sent: Thursday, May 11, 2017 7:36 AM
To: Cheryl Brown
Subject: RE: CPC DP 17-00058

Hello Cheryl,
 I apologize for not being able to respond to your voicemail or emails yesterday. I was tied up in meetings nearly all day. I did however have a lengthy conversation with one of your neighbors, Mr. Peter Reaves. Maybe he was able to relay some of my feedback to you later yesterday. I would like to be able to talk with you later today if that is alright. My morning is very full, but I should be able to call you in the first portion of the afternoon. Please let me know if there is a preferred time to chat.
 Ryan



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From: Cheryl Brown [<mailto:cheryl@csbrowns.org>]
Sent: Wednesday, May 10, 2017 6:40 PM
To: Tefertiller, Ryan
Subject: RE: CPC DP 17-00058

Hi Ryan,

I have been in contact with multiple neighbors and this zoning change will negatively affect the property value of 3 houses directly (we are all extremely concerned) and all the houses on Dale between Weber and Wahsatch indirectly. It looks like the City of Colorado Springs made a mistake with Connie's property many years ago. I feel you are trying to make it right for her but in doing so you are negatively impacting the entire neighborhood and me specifically since my house is so physically close to Connie's. I feel you should leave the zoning as it is since it only affects one property now instead of spreading your mistake over many more property owners. I talked to Connie today and she said she would NOT have purchased a residential house next to an office space because no one wants to live next to office space. That is why she wants to rezone it. She is basically saying the same thing as me. If you change the zoning, you will be forcing me and her other neighbors to own a residential house next to or across the street from office space. Let me repeat this... I would NOT have purchased a residential house next to office space. I am very worried I will not be able to sell my house for anything near what I paid for it.

Cheryl

From: Cheryl Brown [<mailto:cheryl@csbrowns.org>]
Sent: Wednesday, May 10, 2017 2:11 PM
To: 'Tefertiller, Ryan'
Subject: RE: CPC DP 17-00058

Hi Ryan,

So are you telling me that the OR zoning is a done deal? I feel your mistakes are going to cost me dearly by depreciating the value of my home. Who are you representing and what are my options at this point?

Cheryl

From: Tefertiller, Ryan [<mailto:RTefertiller@springsgov.com>]
Sent: Wednesday, May 10, 2017 10:17 AM
To: Cheryl Brown
Subject: RE: CPC DP 17-00058

Hello Cheryl,

I just wanted to let you know that I received your email and voicemail regarding the applications under review for 315 E. Dale St. Your concerns about the proposed office/residential zone district are noted. I do what you to know, however, that this situation has a unique and complicated history regarding the correct zoning of the property. When Connie purchased the lot in 2006 our official zoning maps incorrectly identified the property as being zoned Office Residential (OR). Our maps were administratively corrected sometime between 2009 and 2012 to show 315 E. Dale as R5 zoned. Connie was able to utilize the property for the last number of years under a "home occupation permit" but now that she is trying to sell the property, she is requesting the OR zone. I know this doesn't change your concerns about living next to an office use, but it is relevant information that will be considered by Planning Commission and City Council.

I also wanted to let you know that I'm continuing to work with the property owner regarding her parking relief request. Based on the information available at the time of submittal I calculated that 6 off-street stalls were required (offices are required by code to provide 1 off-street stall per 400 square feet of office space). However, there are a couple factors that may ultimately reduce that requirement. Specifically, the owner is indicating that her existing home is slightly smaller than the 2,290 square feet listed on the County Assessor's website. If she can provide verifiable documentation that the Assessor has miscalculated the size of the structure the number of on-site stalls may be reduced from 6 to 5. Additionally, there is a very new section of City Code that allows uses to utilize on-street parking for a

portion of their off-street parking requirements if a number of criteria are met. Upon initial analysis it appears to me that the owner will be able to count one on-street parking stall to meet what are typically off-street parking requirements. Taken together, these two issues will likely reduce the requested variance to allow 3 on-site parking stalls where 4 are required. That said, relief is still needed and your concerns will be taken into account.

Lastly, I will add your email to my project file, forward it to the property owner, and include it in future staff reports to Planning Commission and City Council. You will be receiving additional postcards in the coming weeks announcing a Planning Commission hearing on these applications. Feel free to contact me if you have additional questions or concerns.

Ryan



Ryan Tefertiller

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From: Cheryl Brown [<mailto:cheryl@csbrowns.org>]

Sent: Tuesday, May 09, 2017 7:43 PM

To: Tefertiller, Ryan

Subject: CPC DP 17-00058

Dear Mr Tefertiller,

My name is Cheryl Brown and I live at 319 E Dale St. I just received a Public Notice that my neighbor Connie Fairchild would like to change zoning and variances on her property. I own a newly built and expensive home right next to her property. I purchased the home knowing that Connie's house was zoned residential. I would have never purchased my house if Connie's lot were zoned Office. I talked to my realtor who sold me this house and she said it would definitely decrease the value of my home. I know that for a fact because I wouldn't have purchased it. The master bedrooms, living room and family room all face the west side towards Connie's house and I do not want more traffic on an already heavily used alley. There is also potential for a tear down and a larger office complex being built there or a parking lot. I do not want to live near that. The proposed variance would allow for 3 on-site parking stalls where 6 is required. Parking is a real problem on my street. Decreasing the parking stalls would then put parking on the street. When I move my car during the day, I find it hard to park my car in front of my house when I return home. I also feel that zoning her house office would take away the feel of the neighborhood and turn it into commercial like property which takes away the warmth of living in a neighborhood. I have a full time job and find it difficult to take time off to attend hearings to preserve the zoning that was in place when I bought my house. I do not want to spend money to hire a lawyer to fight this because my neighbor wants to add value to her property at my expense but I will do so if I have to. I would like to know what my options are at this point in time and if I need to hire a lawyer to preserve the value of my property or if this can be stopped before it gets to that point. I look forward to hearing from you.

Thank you,
Cheryl

Tefertiller, Ryan

From: Barry HOLMES <hockfarm@msn.com>
Sent: Friday, May 19, 2017 5:23 PM
To: Tefertiller, Ryan
Subject: Ryan:

I strongly oppose the proposed zone change for 315 E. Dale. In addition to it probably harming the surrounding properties, there should not be additional non-residential uses allowed in the north part of the core area while Downtown and the City are apparently trying to strengthen the downtown commercial area.

A healthy downtown needs a healthy surrounding residential area. Please recommend denial of this request.

Barry Holmes

Sent from Windows Mail

Tefertiller, Ryan

From: marycharli1 <marycharli1@comcast.net>
Sent: Friday, May 19, 2017 7:23 PM
To: Tefertiller, Ryan
Subject: Rezoning of property

My name is Marianne Cowan. I am the property owner of 820 north Wahsatch Avenue. I am writing to let you know that I am absolutely opposed to the rezoning of the property at 315 east Dale from residential to commercial. This rezoning could result in a decrease in my property value and bring in unwanted traffic on Dale street, as well as in the rest of my residential neighborhood. It will also have a negative impact on the parking on both Dale and Weber street. This area already has an issue with parking. The great thing about this neighborhood is that it is historic as a residential area. If you let commercial zones continuously encroach on this area, you will lose the historic and the cultural value. A home is less of a comfort when it becomes home to a business. I have lived in this house for nearly the entirety of my life, and to see the way that businesses and downtown have bombarded my beloved neighborhood is very distressing.

Thank you for your consideration. Take care.

Marianne Cowan

820 north Wahsatch Avenue

Sent from my Verizon, Samsung Galaxy Tablet

Tefertiller, Ryan

From: DIANNE <DIANNEBRIDGES@msn.com>
Sent: Sunday, May 21, 2017 11:28 AM
To: Tefertiller, Ryan
Subject: Response to Public Notice, CPC ZC 17-00059, CPC DP 17-00058 and CPC NV 17-00060

Mr. Ryan Tefertiller

Planning & Community Development Department

30 S. Nevada, Suite 105

Colorado Springs, CO

21 May 2017

Ref: Public Notice, CPC ZC 17-00059, CPC DP 17-00058 and
CPC NV 17-00060

Dear Mr. Tefertiller –

My name is Dianne Bridges and I own property at 316 E. Dale Street. I live across the street from the property at 315 E. Dale Street which is associated with the above referenced Public Notice. I have concerns with all three applications and do not agree with approving the requests. I am sending this response stating as such. I appreciate your due consideration of the points outlined below and welcome the opportunity to discuss them with you, the City Planning Commission and whomever else is needed. I am aware that many neighbors have also expressed their disagreement with the reference zoning applications.

My concerns are:

A zone change from R5 to OR along with a development plan to convert the home from residential use to general office use will negatively affect the neighborhood and the property values of all residences on the E. Dale street block between Weber and Wahsatch. Perhaps even beyond.

- The homes on E. Dale Street between Weber and Wahsatch are all residential and are part of the historical district in Colorado Springs. We invest a lot of money to preserve that history. We do, in fact, have a uniform residential pattern in this part of the neighborhood. Rezoning 315 E. Dale Street to office/commercial will be a first for this section of the street.

- We have been advised by two realtors and a lawyer that the property value of our residences will decline if the zone changes are approved. In fact, the zone justification states this point as a concern in general: "it is unlikely the property would be as appealing as a residential dwelling when surrounded by office and commercial owners, which has a significant negative impact on the value as residential property."
- Yes, that is the case for the property values of Nine (9) other homes between Weber and Wahsatch impacted by this one change.
- Granting the OR zone change will be at the detriment of the remaining residential homes on the block and will not be the highest and best use for the majority.
- One property would benefit--at the cost/expense of all.

The proposed variance to allow for 3 on-site parking stalls where 6 are required will further exacerbate an already taxed parking situation.

- On Weber Street, there are two very large homes zoned as office/commercial. These are located at the north and south corners of Weber and E. Dale.
- One has Eleven (11) different professionals/businesses in the building. To support that there are Three (3) on-site parking stalls. The professionals and their clients park up and down Weber and E. Dale street, leaving limited (if any) parking available for residences.
- The other commercial building has at least Nine (9) different professionals/businesses, with approx. 14 on-site parking stalls. They, too, heavily utilize the street parking on E. Dale and Weber.
- The point is, there is already an imbalance on the use of street parking. The existing commercial businesses are using it during the day and early evening at the expense of the residents. Adding more to the problem is not wise.
- I rarely find space in front of my home during this period of time. This is an issue, for since 1999 I have also used my property off/on as a home office working remote for my companies.
- We have handicapped residents and the parking problem is an issue.
- With so much traffic on the street, we no longer seem to benefit from City services (such as street cleaning). And, in addition, there is unfortunately garbage and trash left behind by the visitors.
- We are simply at a tipping point and cannot accommodate any more commercial businesses utilizing street parking in our little space.

While I respect the fact that the Planning Department is working to fix a discrepancy, the fix will benefit one individual at the expense of the entire neighborhood---upwards of nine residential homes. From a larger majority perspective, we believe it a wise move to preserve the residential character of the area; to contain (not grow) office/commercial businesses in our area; to support the property investments of many vs. just one; to not add additional complications to a stressed parking situation; and, to afford the residents of E. Dale Street the ability to leverage City Services and maintain a cleaner residential environment.

Thank you for all of your time and effort in supporting Colorado Springs. I recognize that periodically there are challenges like this one. I know the right decision will unfold that is best for the City, for the majority of the residents and for the individuals.

Again, I welcome the opportunity to discuss this further. Will you be so kind as to confirm receipt of my response? I want to make sure your office has received it by the due date. Thank you.

Sincerely,

Dianne N. Bridges

719-314-5554

Tefertiller, Ryan

From: Patricia Geddes <geddes.p@gmail.com>
Sent: Sunday, May 21, 2017 1:10 PM
To: cheryl@csbrowns.org
Cc: Tefertiller, Ryan
Subject: zoning issue on 315 E Dale St property

Hi Cheryl -

Thank you for the letter regarding parking issues, zoning creep, and property values. I contacted Ryan by phone a couple of weeks ago to voice my concerns. We have enough issues with the businesses, rentals, and owners of rentals not taking care of their properties and the damage tenants have done. This area needs to be preserved and taken better care. I try to be a good neighbor, but often sidewalks are blocked so one more car can squeeze in to access the offices or yoga studio.

Ryan told me I was non-compliant because I wasn't using my off-street parking. I have no access to any off street parking. Sewer lines, power poles and a narrow 'alley' off the main alley prevent me from any off-street parking. That is an issue that was never dealt with years ago before the power pole, sewer line, and water improvements were ever put in near my property.

We all spend lots of money to improve our homes and make this part of Weber and Dale safer and a great place to live. We can't have more parking dumped onto Dale/Weber. It is nearly impossible to find a place to park, as it is.

The city doesn't pay me to clean up our gutters and parking management is non-existent. I just want to live in my little house that I have put over \$40 grand into since last September.

Thanks again for being another concerned neighbor.

Pat Geddes
805 N Weber St

Tefertiller, Ryan

From: Nikolas Slothower <nrslothower@gmail.com>
Sent: Sunday, May 21, 2017 7:57 PM
To: Tefertiller, Ryan
Subject: 315 E. Dale St. Zone Change

Mr. Tefertiller,

We are homeowners residing at 807 N. Weber Street, and received the public notice about the proposed zoning change for 315 E. Dale Street. We are writing to oppose the zoning change due to our concerns about the impact to our property value, as well as the current parking situation in our area.

According to local real estate agents, this change could decrease the value of nearby properties. We are already surrounded by several "office" buildings, and strongly oppose any more businesses in our neighborhood.

An even bigger concern is the increased number of vehicles this zoning change would bring to our neighborhood. Our neighborhood already has very limited parking options. We do not have a garage or a place for off-street parking. The customers of the businesses at 801 N. Weber and the Pranava Yoga Center at 802 N. Weber frequently take up most, if not all, of the available parking areas near our home. I have heard from one of my neighbors that you believe we are currently "out of compliance" by parking on the street in front of our home. I would like to talk with you further about this issue to find out where we are supposed to be parking our two vehicles.

We have lived in our home for nearly four years, and have been flexible and respectful of the current businesses in our area. The portion of Weber Street directly in front of our home does not even have marked parking spaces, so there are many times where people park in a way that is not an efficient use of the available space. It is not always purposeful, but when one vehicle takes up an area where two vehicles could park, it makes it even harder to park in a place that is convenient for carrying in our groceries or our children.

As homeowners in this neighborhood, we are asking for the zoning change to be denied. We look forward to communicating with you further about our current parking problems, and what changes you believe need to be made to bring us into compliance. Thank you for your time.

Sincerely,

Nikolas and Emily Slothower
807 N. Weber Street
719.351.4653

Mr. Ryan Tefertiller
Planning & Community Development Department
Urban Planning Division
30 S. Nevada, Suite 105
Colorado Springs, CO

May 21, 2017

Ref: Public Notice, CPC ZC 17-00059, CPC DP 17-00058 and CPC NV 17-00060

My name is Cheryl Brown and I live at 319 E Dale Street. I have concerns with all three applications and do not agree with approving any of these requests. I feel approval of the applications is detrimental to public interest and is supported in my comments below.

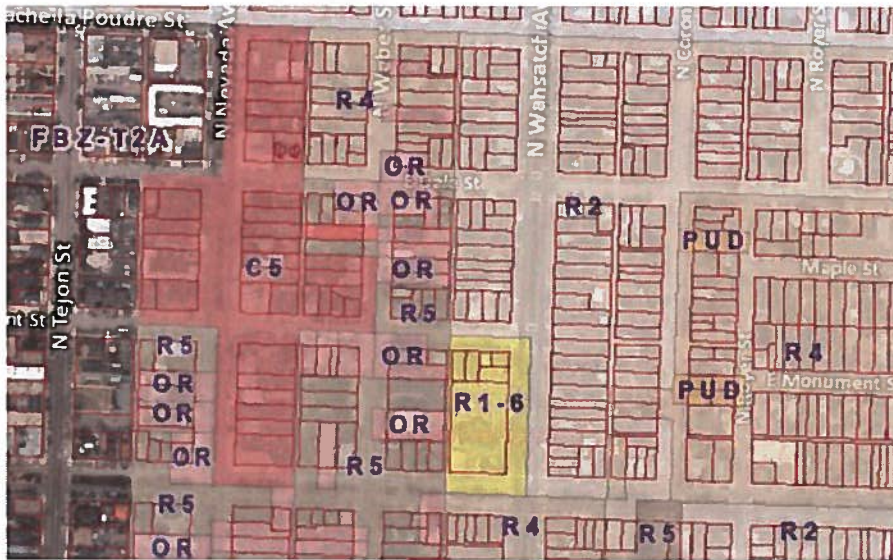
In addition to my previous emails, I would like to address my concerns with your Project Statement in the zone change application and Development Plan Review Criteria.

First I would like to address the project statement. The text in blue below is what you wrote. The text in red is my response.

Justification for Zone Change Request

Ryan: While the legal zoning for the property would be R5 since there is no evidence that it was ever changed, it has been in use as a home office since its purchase in 2009. The surrounding properties present no uniform zoning pattern for the neighborhood, and include a variety of zoning designations including OR-CU, R2, R5, CU, OR, R4, and UV. The predominant use for surrounding properties is office/commercial, which is the highest and best use for the subject property at 315 E. Dale as well.

Cheryl: I disagree with this statement. The predominant use for surrounding properties on Dale between Weber and Wahsatch is residential R2 and R4. As you can see in the map below, 315 E Dale Street has residential properties to the north and east. **There are no commercial buildings facing Dale Street, they are facing Weber.** This spot zoning change will change the character of the residential neighborhood.



Here is a picture of residential neighbors directly north in front of 315 E Dale St. They are beautiful residential Victorians who are also protesting this zoning change for obvious property devaluation reasons. It will change the character of this neighborhood. This neighborhood is located in the North Weber Street-Wahsatch Avenue Historic Residential district.



FIGURE 4

Here is a picture of residential neighbors to the north east of 315 E Dale St



FIGURE 4

Here is a picture of residential neighbors to the east of 315 E Dale St. The tan house next to 315 E Dale Street is my home, 319 E Dale Street. The residence previously on this lot sold on 7/2/14 for \$125,000 because it was a meth house, it was raised and a new home was constructed in 2015. I purchased this house on 4/15/2016 when the zoning of 319 E Dale Street was stated as residential. I would not have purchased this house if 315 E Dale St were zoned OR.



Ryan: Given the overall commercial character of the neighborhood, the value of the property is highest if sold with an OR zoning designation that allows for consistent use with the surrounding properties. It is unlikely that the property would be as appealing as a residential dwelling when surrounded by office and commercial owners, which has a significant negative impact on value as a residential property. Granting the OR zoning would remedy this issue and allow the property to be conveyed with zoning consistent with its highest and best use.

Cheryl: I disagree with the statement about 'consistent use with the surrounding properties'. 315 E Dale is facing a residential street which is mostly surrounded by residential properties. See the pictures above. He claims changing the zoning will give 315 E Dale Street 'its highest and best use'. Connie, the owner of 315 E Dale Street was able to successfully utilize her property for a number of years under a "home occupation permit" where she ran her counseling business until her retirement. I am ok with continuing this permit as it is more consistent use with the surrounding properties. She stated she has offices on the lower level and living space on the upper level. This property has significant value as she was able to utilize it. I feel the zoning department should not undertake increasing the value of an owner's property as stated in this justification at the expense of surrounding residential properties. This zoning mistake has been a problem for many years and should have been taken care of years ago. The zoning department waited too long to do anything about it and hence the effect of changing it at this much later date is detrimental to the surrounding property owners. The neighborhood should not bear the responsibility of the zoning department's mistakes.

I feel Ryan's justification is myopic. First of all, it is self-contradictory. He states 'It is unlikely that the property would be as appealing as a residential dwelling when surrounded by office and commercial owners, which has a significant negative impact on value as a residential property'. He agrees having commercial property next to residential property has a 'negative impact' on residential property. Yet his proposal would negatively affect an entire neighborhood of surrounding properties. Second, his solution to the problem by 'Granting OR zoning would remedy this issue' would in fact worsen, not 'remedy' the issue. Fixing one zoning problem at the expense of many others aggravates, not fix the zoning problem.

My residence, 319 E Dale Street is right next door to 315 E Dale Street. Residential houses surrounding 315 E Dale Street will be negatively impacted if converted to OR as stated by Ryan. My realtor, Holly Skelton, told me my property value would go down. The neighbor directly in front of 315 E Dale Street, Peter Reaves's realtor told him the same thing. Residential property values will go down spreading the problem, not solving the problem.

Second, I would now like to address the Development Plan Review Criteria:

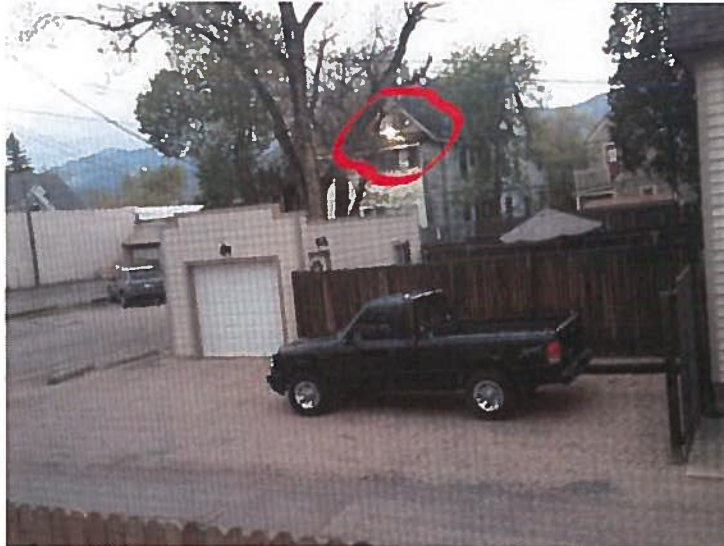
DEVELOPMENT PLAN REVIEW CRITERIA

The City will review your development plan using the following criteria. A development plan shall be approved when the plan compiles with all of the requirements of the zone district in which it is located, is consistent with the intent and purpose of the Zoning Code and is compatible with the land uses surrounding the site.

1. Will the project design be harmonious with the surrounding land uses and neighborhood?

Cheryl: The change in zoning is NOT harmonious with the surrounding land uses and neighborhood.

- a. **Increased noise and air pollution: The proposed parking lot for 315 E Dale Street is 26 feet from my bedroom window at ground level. Below is a picture of 315 E Dale Street from my bedroom window. The truck is parked in the proposed parking lot. When cars are backing out during the day and night, the back of their cars will be within 10 feet of my window creating excessive noise, air, and tail/head light pollution.**



- b. **Increased parking lot light pollution (due to business safety concerns): The light circled in red above was added to the business facing Weber called 720 Media on 723 N Weber St last summer. The owner added two large and very bright flood lights side by side. He said the businesses leasing his property were concerned about their safety walking to their car at night. Notice how bright these lights are in daylight. You can imagine what it is like at nighttime. My bedroom is so bright that I had to install light blocking shades. I told the owner last summer and what you see is after he made changes. I'm sure the proposed parking lot will require even more lighting due to safety concerns. I am still trying to reduce the light that is currently shining in my bedroom from 720 Media. If this zoning change increases light pollution, neighborhood living quality will decrease even further.**

- c. Safety concerns and property values: This is a picture of my home, 319 E Dale Street. The residence previously on this lot sold on 7/2/14 for \$125,000 because it was a meth house. The meth house was demolished and a new home was constructed in 2015. The neighborhood value has improved because of this new residential construction. I purchased this house on 4/15/2016 knowing that 315 E Dale Street was zoned residential. If 315 E Dale Street becomes OR zoning, however, the neighborhood will become much less desirable. This decrease in residential desirability could bring back unwanted occupants, maybe even a meth house again.



- d. This neighborhood is transitional because it is currently next to so much office space, alley traffic and parking right now. Instead of adding office space, the city should look at reducing office space to reduce the burden on the neighborhood. Here is a picture of the alley between 315 E Dale Street and my home 319 E Dale Street. Notice the potholes. This is a heavily used alley due to the excessive commercial zoning on the right. The city is collecting more taxes for the commercial zoning but is not spending any of the money taking care of the problems it has already created. The city should create access from these parking lots to Weber directly to reduce traffic in the alley, instead of increasing traffic due to additional OR zoning.

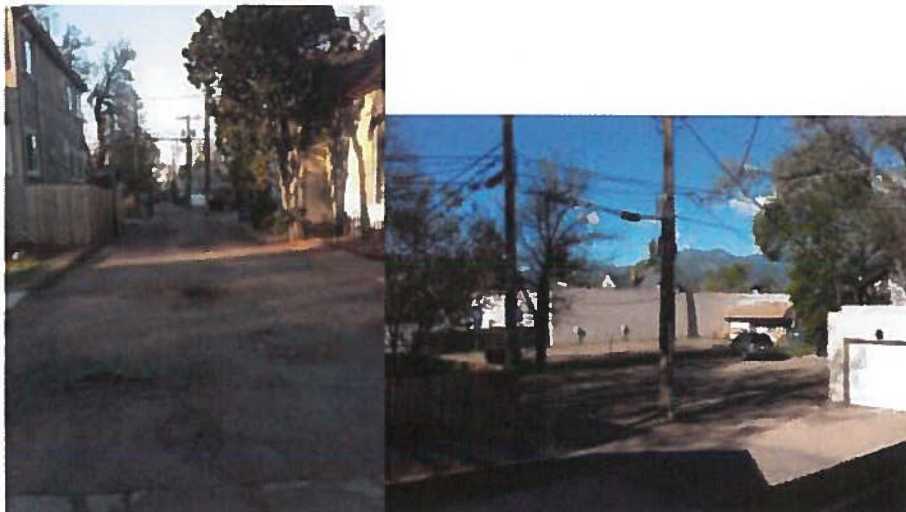


FIGURE 4

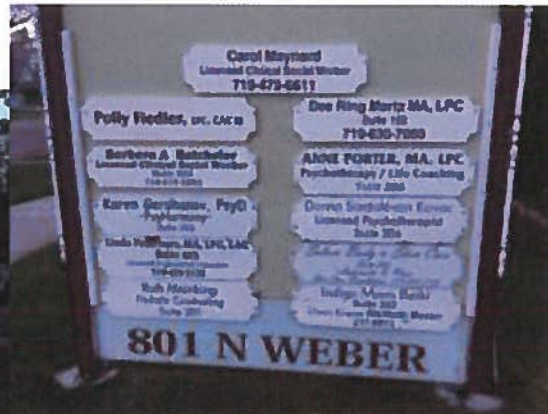
- e. Changing the character of the residential neighborhood.
As I mentioned previously, this is a historic district with beautiful residential Victorians. Changing 315 E Dale Street to office space will change the character of this residential neighborhood.



- f. Concerned for the safety of myself and my daughter:
Businesses allowed in OR zoned areas are added to the end of this document. I am very concerned when I see the list of permitted and conditionally permitted businesses that are allowed next to my property. I am a single mother with a teenage daughter.
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?
- a. The change is not compatible with the surrounding neighborhood which is mostly residential as shown in the pictures above.
 - b. The proposed zoning change will overburden the capacities of existing streets and alleys. Our residential neighborhood cannot support the current office zoning let alone additional office zoning. The residences on Dale constantly struggle with being able to park their cars in front of their houses. Below is a picture of the office space to the west of 315 E Dale Street facing Weber. This business is on two OR zoned lots. The lot next to 315 E Dale Street was zoned OR and then converted into a parking lot. This business has 14 off-street slots plus on street parking. The building has 10 businesses on the 2nd floor and The London Group on the 1st floor. Each business most likely requires 2 slots, one for the business professional one for their client. This can add up to 20 cars for the second floor and whatever the London Group requires, let's just say 10.



- c. The business to the North/West of 315 E Dale Street facing Weber has 3 off street parking slots and has 11 businesses. Again, each business probably requires 2 slots, one for the business professional and at least one for the client. This can add up to 22 cars in the neighborhood.

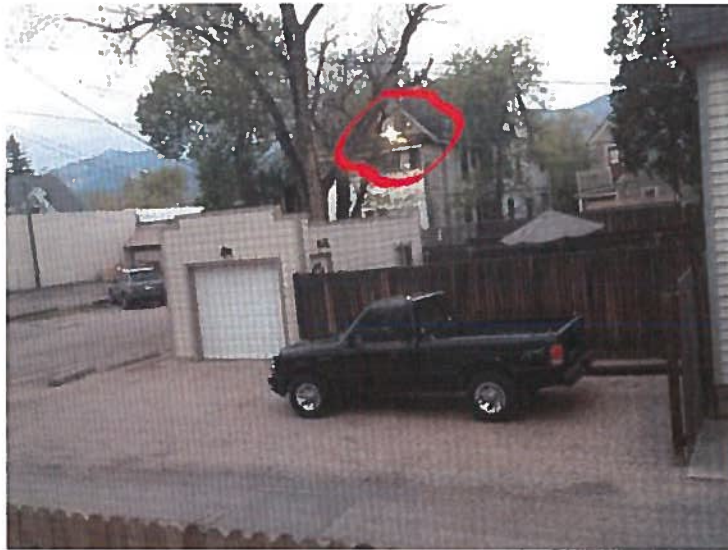


- d. 315 E Dale Street currently requires 6 off-street parking slots. There is a variance to change it to 3 off-street parking slots. I don't know how many businesses it can support since it is currently residential. Let's just say it can support 6 businesses since the current zoning requires that many on-street parking slots. Again, each business probably requires 2 slots. This can add up to 12 cars to the neighborhood. It most assuredly will add to the already grim parking situation on our Dale Street neighborhood.

Parking is already a huge problem for the neighborhood with a worst case scenario of 64 cars needing parking. Even if this number were half meaning no-one had any client parking, this has gone way beyond being harmonious to the neighborhood.

3. 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 the negative influences that may be created by the proposed development?

- a. There is no proposal to buffer this zoning change from undesirable views, noise, lighting or other off-site negative influences and to buffer adjacent properties from the negative influences that may be created by the proposed development. As stated above, the proposed parking lot of 315 E Dale St is 26 feet from my bedroom window. There is no proposed buffering from the views, noise, light and air pollution associated with the car parking and human traffic to the offices. As you can see from the picture below, the view from my bedroom window of the OR zoned off-street parking is unsightly and undesirable.



4. Will vehicular access from the project to the 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 minimized traffic friction, noise, and pollution and promotes free traffic flow without excessive interruption.

- a. There is no proposal to combine the traffic created by even more OR parking and to channel the traffic to minimize traffic friction, noise, and pollution in the alley. There needs to be a proposal to channel some of the parking traffic away from the alley to go directly to Weber to minimize traffic, noise and pollution from all of the OR businesses including the proposed 315 E Dale Street OR zoning request.

5. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?

- a. More asphalt will be added to accommodate the parking since keeping it gravel would produce more dust and dirt pollution. As you can see by the picture below, there is already an excessive amount of asphalt used for the large parking areas behind the OR

zoned buildings. This is the view from the back door of 319 E Dale Street.



6. 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?

- a. There is no proposal to create pedestrian walkways to the proposed parking area. See the picture below.



Addendum: OR zone businesses that are permitted are marked with a "P" and a "C" where a conditional use permit is required.

Use Types	OR
Residential use types:	
Detoxification center	C
Human service establishments:	
Domestic violence safe house	P
Family support residence	P
Human service facility:	P
Hospice	P
Residential childcare facility	P
Human service home	P
Human service residence:	P
Family care home	P
Large family care home	C
Human service shelter:	C
Drug or alcohol treatment facility	C
Multi-family dwelling	C
Single-family detached dwelling on individual lot	P
Manufactured home	P
Two-family dwelling on an individual lot	P
Office use types:	
Call center	P
General offices	P
Medical offices, labs and/or clinics	P
Mixed office/residential use	P
Commercial use types:	
Bed and breakfast inn	C
Communication services	P
Funeral services:	P
Pharmacy	A
Civic use types:	

FIGURE 4

Cemetery	C
Community gardens	P
Cultural services	C
Daycare services	C
Educational institutions:	
Charter school	C
College and university	C
Nonpublic schools	C
Proprietary schools	P
Public schools	C
Religious institution	P
Semipublic community recreation	C
Industrial use types:	
Mining operations:	
Temporary surface and open pit	C
Underground (activities under)	C
Transportation use types:	
Transit shelter	P
Miscellaneous use types:	
Broadcasting tower	C

FIGURE 4

Tefertiller, Ryan

From: Sandra Cipriani <sandra.yogi@hotmail.com>
Sent: Monday, May 22, 2017 8:09 AM
To: Tefertiller, Ryan
Cc: Sandra Cipriani
Subject: CPC DP 17-00058

Hello Ryan,

My name is Sandra Cipriani, owner of 326 East Monument Street.

With this message I am commenting on case file number CPC DP 17-00058.

I am opposed to changing the zoning on Dale street and like to see it stay solely as residential zoning. Here are my concerns:

- 1) As you can see from my house as well as my direct neighbors, we work very hard to upgrade and improve our houses, while increasing the value of our houses due to our efforts. For example, I added a very expensive, yet ever lasting metal roof on my house a few years back, which also adds a nice curb appeal. I also bought my house knowing, it is located in a residential only zoning in an historic district.
- 2) Changing the zoning will increase traffic, pollution and decrease parking opportunities.
- 3) I am also concerned of increase of crime in our area. I am renting my house. A zoning change will directly negatively impact the ability to find good renters.
- 4) Because of above reasons, I am concerned about decreasing the overall reselling value of my house and all houses in the neighborhood, that we invested in so painstakingly.

Best regards,
Sandra Cipriani
1430 Golden Hills Road
Colorado Springs, CO 80919
719 635 1666
Owner of 326 East Monument Street

Sent from my iPad

Tefertiller, Ryan

From: Tom Smith <zerodf@aol.com>
Sent: Monday, May 22, 2017 10:16 AM
To: Tefertiller, Ryan
Subject: CPC DP 17-00058

Ryan,

My name is David Boschelli, owner of 322 East Monument Street. We spoke a few days ago on the rezoning efforts for case file number CPC DP 17-00058. (the home on Dale St)

I am opposed to changing the zoning on Dale street and would like to see it stay solely as residential zoning. As stated, I will support the efforts of the folks, whom live on Dale St, as I would hope they would support me if the change shoe was on my foot. Neighbors on Monument Street have also spoken to me against the change effort. As noted in our conservation there are enough vacant-half vacant buildings in the area for office space, another might be detrimental to our neighborhood, for families are returning. Possible other negatives: increase traffic and pollution. Thank You for the opportunity to provide input. VR/b//

Mr David Boschelli
322 East Monument St

Tefertiller, Ryan

From: Pam Steele <pdsi43one@yahoo.com>
Sent: Monday, May 22, 2017 11:36 AM
To: Tefertiller, Ryan
Cc: jsuthers@springsgov.org
Subject: 315 E Dale Street

Ryan Tefertiller,

I live at 811 N. Weber St, just around the corner from 315 E. Dale St. I received a letter in regards to the zoning change which would allow this address to become a mixed use property.

Several addresses in this neighborhood already have the mixed use zoning. Businesses such as the Pranvana Yoga Center do not have any off street parking!! The office house at 801 N. Weber has 5 offices, but provide only 3 off street parking places. Most home owners do not have off street parking or driveways therefore most use the street. There are several multi unit rental houses also needing parking. Thus the streets are always full of parked cars.

Many of the businesses have already been given a a lenient variance!! You never hold to the requirement of parking places. In this case, 315 has only 3 places, only half the required 6 . "REQUIRED" has no meaning!!!

I understand the the city administration has a vision of a multi-use neighborhood in this area north of downtown, which is fine. But it must have requirements which are enforced to make a reasonable community. Biking lanes, population overcrowding, business expansion etc have all come up for public discussion, and irregardless of neighbors in put, the city did as they wanted!! Little or NO regard of the private home owner. I expect the same in the situation. However, it could change and you could enforce the restrictions?

Pamela Steele

Tefertiller, Ryan

From: Owen Cramer <OCramer@ColoradoCollege.edu>
Sent: Monday, May 22, 2017 4:46 PM
To: Tefertiller, Ryan
Cc: Louise Conner; Nancy Strong (strongandsmart.nancy@gmail.com); Robin Walters; Wayne Larsen; Megan Bunge; Steve Brown; sophie kogut
Subject: RE: CPC DP 17-00058, ZC 17-00059 and NV 17-00060 - 315 E. Dale St.

Dear Ryan:

Thanks for your response to our comment, which is reassuring. I am sure we would be still more reassured if you could present the proposal to the Planning Commission in the language of mixed use rather than in the existing "commercial character" language. As I noted at the end of the comment last week, OR zoning for this property does seem in order, and I understand your point that this does not now constitute spot-zoning! We are glad of your support for our neighborhood. I'm sure others, not part of MSRNA but living close to the property addressed in this proposal, have other views, and MSRNA is glad to be part of ongoing discussion of the future of this important part of our city – which, as we all know but haven't discussed in the current context, is a recognized Historic District.

Best wishes,
Owen Cramer

From: Tefertiller, Ryan [mailto:RTefertiller@springsgov.com]
Sent: Thursday, May 18, 2017 9:04 PM
To: Owen Cramer
Cc: Louise Conner; Nancy Strong (strongandsmart.nancy@gmail.com); Robin Walters; Wayne Larsen; Megan Bunge; Steve Brown; sophie kogut
Subject: RE: CPC DP 17-00058, ZC 17-00059 and NV 17-00060 - 315 E. Dale St.

Hello all,

Thank you for your input on the applications at 315 E. Dale St. Your comments will be added to my project files and provided to the property owner. They will also be provided to the City's Planning Commission and City Council as the change of zone progresses through the approval process. That said, I do want to clear up a few issues that you've commented on.

Firstly, I think it is important to point out that the City of Colorado Springs Planning Department is serving as the applicant on these applications due to the unique history and confusion of the site's zoning designation in the past. However, the project statement and site plan were provided by the property owner. While the project statement may have described the neighborhood as having a commercial character, I (like you) don't really agree. The majority of the properties in the area that have frontage on Weber (especially to the south) are not residential; they are mostly office with some light commercial uses mixed in. Nearly all properties in the area that have frontage on Wahsatch are residential. The properties that front on the side streets (e.g. Dale, Cache La Poudre, Monument, etc.) between Nevada and Wahsatch are a mix of residential and non-residential uses. I agree that calling this area as "mixed use" is largely appropriate.

Regarding spot zoning, I could argue that the existing R5 zone is closer to the definition of spot zoning than the proposed OR zone. 315 E. Dale is one of the only R5 zoned properties in the surrounding area. However, the parcels immediately west and south of 315 E. Dale already have the OR zone (I've included a zoning map of the area at the end of this email). I can assure you that expanding the immediately adjacent OR zone to include 315 E. Dale is absolutely not spot zoning.

The last point I'd like to expand on is the nature of the proposed zone. The OR zone (Office Residential) is a mixed use zone used in transitional areas. The OR zone permits a number of residential uses and most office uses. It also permits true "mixed office/residential use" where both uses are present in one structure. While the OR zone does permit a handful of commercial uses, very few could ever work on such a small property with such limited parking. I've attached a Word document describing all the permitted, conditional and prohibited uses in the OR zone for your reference. If the MSRNA is hoping to see more mixed office/residential properties in these areas, the OR zone is the best way to achieve that goal. While the property owner has been able to run her counseling services business out of the home for the last number of years under the terms of a home occupation permit (available on any residentially zoned property) she is concerned that very few potential buyers would be willing to adhere to the same restrictions. The biggest constraint to a home occupation permit is that any employees involved with the business must live on the property. After learning of the true zoning of the property and the constraints of the home occupation permit the owner removed the original kitchen from the first floor and installed a much smaller kitchen in the upstairs. While this set up worked fine for her needs and would work very well in the future for a mixed office/residential use (permitted in the OR zone) it is problematic for most buyers of residentially zoned property due to the home occupation regulations.

In closing, I want you to know that I do value the input of our neighborhood associations in the core of our City. You are absolutely right that promoting more residential uses in the City's core is critical to a successful downtown. It is my hope that the City can work with the property owner to meet her goals while also encouraging a mixed use pattern that will add activity and vibrancy to this area. I've had countless conversations with the property owner and have put extensive time and effort into evaluating the option to establish the OR zone for the site. I believe that the necessary criteria are met and that the concerns of neighbors or other stakeholders can be addressed.

Thanks again for your interest and participation in these applications and don't hesitate to reach out to me if you have additional comments or concerns,
Ryan



Ryan Tefertiller
 Planning Manager, AICP
 Phone (719) 385-5382
 Email rtefertiller@springsgov.com

Urban Planning Division
 Planning & Community Development
 30 S. Nevada Ave, #105
 Colorado Springs, CO 80901
 Phone (719) 385-5905

Weblinks:

[Pre-Application Meeting Request](#) | [Revocable Permits](#) | [SpringsView/Map](#) | [Downtown Planning](#) | [Development Applications](#) | [Zoning Code](#) | [Track My Plan](#) | [Parcel Info](#)

From: Owen Cramer [<mailto:OCramer@ColoradoCollege.edu>]

Sent: Thursday, May 18, 2017 2:51 PM

To: Tefertiller, Ryan

Cc: Louise Conner; Nancy Strong (strongandsmart.nancy@gmail.com); Robin Walters; Wayne Larsen; Megan Bunge; Steve Brown; sophie kogut

Subject: CPC DP 17-00058, ZC 17-00059 and NV 17-00060 - 315 E. Dale St.

Dear Mr. Tefertiller:

On behalf of the Board of the Middle Shooks Run Neighborhood Association, I would like to enter the following comment on the proposed Development Plan, Zoning Change and Non-Use Variance.

The property in question lies just outside the Middle Shooks Run Neighborhood, but the character of our neighborhood is consistent with the character of that block on Dale Street and we are committed to maintaining that character.

We believe that the application is wrong about "the overall commercial character of the neighborhood." In fact this is a residential ***and*** commercial neighborhood: the Wahsatch front of that block is residential, and the ***other*** (north) side of Dale St. in that block is residential. While, in some technical sense, commercial is (as the application says) the "highest and best" use for this land, in the functional sense we prefer the highest and best is ***mixed use***. We note that mixed use is the goal of the Special Use zone that covers the area north of this proposed development between Cache la Poudre and Uintah St, as well as of the Form-Based zoning which is now in effect south and west of the proposed development. We fear that this proposal represents old-fashioned "spot-zoning" done to accommodate one property-owner, rather than a holistic plan for wise development of the neighborhood. We note that inconsistency in the Planning staff's past advice about the actual zoning of the property in question is included as a justification for the proposed changes, and that that is a weak argument.

We have no objection to the property-owner's continued office use of the property, but we do object to the mischaracterizing of this quite distinctive, historic neighborhood.

Thank you for your attention.

Yours sincerely,

Owen Cramer

747 E. Uintah

Colorado Springs, CO 80903

Tefertiller, Ryan

From: Peter Blasenheim <PBlasenheim@ColoradoCollege.edu>
Sent: Wednesday, May 24, 2017 5:18 PM
To: Tefertiller, Ryan
Subject: 315 E. Dale

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Tefertiller:

I can see that I'm a day late to register a "formal" a formal response to the request for a zone change from R5 to OR for the residence at 315 E. Dale St. Nor would I vote "for" or "against" the petition without carefully examining the documents related to the change and I simply did not have the time or opportunity to do such a review. But I would want to express my opinion, however, that I would tend to oppose any such zone change since I would very much like to maintain the strictly residential (and historical) character of the streets in my neighborhood.

Thank you for considering my comments.

Peter Blasenheim
321 E. Monument St.