

CITY PLANNING COMMISSION AGENDA

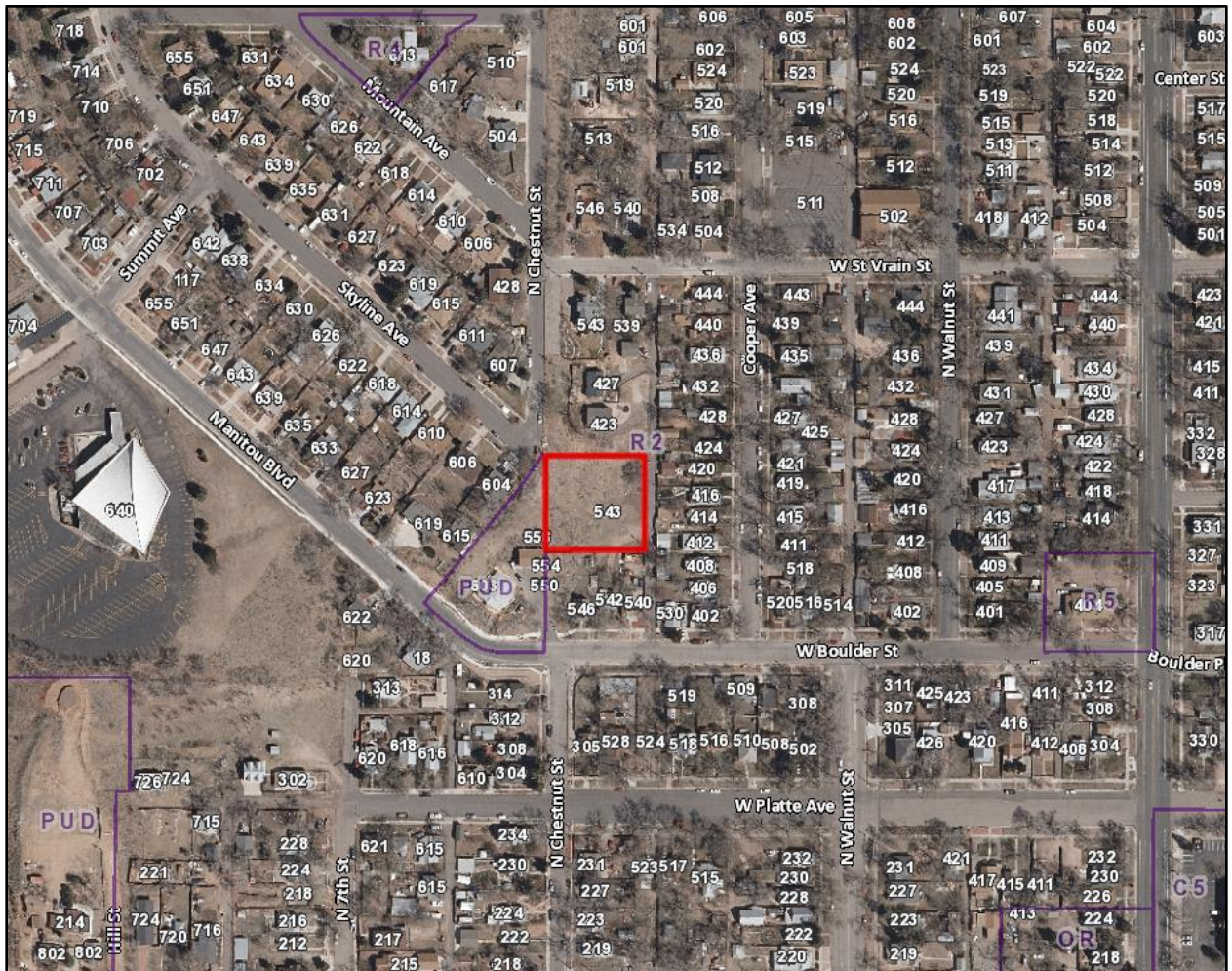
STAFF: MICHAEL TURISK

FILE NOS.:
CPC SWP 16-00057 – QUASI-JUDICIAL

PROJECT: 543 ROBBIN PLACE DUPLEXES

APPLICANT: PAUL RISING

OWNER: TARA CUSTOM HOMES, INC.



PROJECT SUMMARY:

1. Project Description: This is a request for a subdivision waiver (from design standards) to provide legal access via a public alley to the subject property addressed as 543 Robbin Place.

The subject property is zoned R-2 (Two-Family Residential) and is located approximately ¼-mile west of the intersection of North Spruce and West Boulder Streets on the City's west side. Associated with the subdivision waiver application are preliminary and final plats (**FIGURE 1**) that are under concurrent administrative review to replat the 24,436 square-foot subject property into six lots. (Per City Code, subdivision waiver requests shall be requested concurrently with any subdivision request). The submitted preliminary and final plats indicate that the property's current three lot configuration would be replatted into six lots, which is ultimately intended to accommodate the development of three duplexes.

2. Applicant's Project Statement: (**FIGURE 2**)
3. Planning and Development Team's Recommendation: Approve the request for the subdivision waiver.

BACKGROUND:

1. Site Address: 543 Robbin Place
2. Existing Zoning/Land Use: R-2 (Two-family Residential)
3. Surrounding Zoning/Land Use:
 - North: R-2 (Two-family Residential)/single-family residential
 - South: R-2 (Two-family Residential)/single-family residential
 - East: R-2 (Two-family Residential)/single-family residential
 - West: PUD (Planned Unit Development: duplex and triplex land uses) (*Ordinance 81-192 establishing the PUD limits the use to attached single-family type development at 6.6 units per acre and 35-foot maximum height*).
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: Town of Colorado Springs
6. Master Plan/Designated Master Plan Land Use: The property is located in the Westside Master Plan.
7. Subdivision: Shermans Addition to Colorado Springs, Lots 1-11, B.3 Resubdivision
8. Zoning Enforcement Action(s): None
9. Physical Characteristics: The property is unimproved and shows abrupt downward slope at its western third.

STAKEHOLDER PROCESS AND INVOLVEMENT:

Public notice was provided to 120 property owners within 500-feet of the subject property during the internal review as well as prior to the Planning Commission meeting. Notice was also mailed regarding a staff-facilitated neighborhood meeting on June 4, 2016. The neighborhood meeting attracted 17 attendees whose concerns ranged from the availability of adequate and safe emergency services access, the potential for geological hazards (discussed in more detail below), the design and type of the residential development proposed. In addition, notice was posted on-site for the internal staff review, the aforementioned neighborhood meeting and the Planning Commission hearing. As of this report, staff has received 13 letters expressing various concerns, including a formal letter submitted by the Organization of Westside Neighbors (OWN) (**FIGURE 3**).

Staff sent copies of the plan set and supporting documentation to the standard internal and external review agencies as well as Colorado Geological Survey (CGS) for comments. Commenting agencies included Traffic Engineering, City Engineering, Fire Prevention and CGS, per the recommendation of City Engineering. CGS's comments and recommendation (**FIGURE 4**) are discussed in more detail, below.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria/Design & Development Issues:

a. Application Summary

i. Subdivision Waiver

The area in proximity to the subject property is largely zoned R-2 (Two-Family Residential), with an approximately 26,000 square-foot property zoned PUD (Planned Unit Development) just to the west representing the only immediate zoning distinction. R-4 zoning (Multi-family Residential) is found to the north, and commercial zoning occurs to the south near the West Colorado Avenue corridor.

Per City Code, R-2 zoning accommodates small or medium lots primarily for detached single-family or attached two-family residential uses. The subject property lies within a comparatively large area of residential uses with multi-family zoning (primarily R-2 and to a lesser degree, R-4 [Multi-family Residential]). Duplex development is permitted in the R-2 zoning districts; however, the applicant requires subdivision waiver approval by the Planning and Zoning Commission to provide legal access via the adjacent alley to the east.

There are several land use-related concerns regarding the overall project; perhaps most notably, the development challenges that the property's comparatively steep slope presents. Although the area of the property with comparatively steep slope includes a preservation easement, and the applicant has indicated that no development would occur within this area of the property, the Colorado Geological Survey (CGS) concurs with the submitted geological hazard report, which was also reviewed by City Engineering, regarding the impact identified geologic hazards could have on development (e.g., slope stability, and creeping and expansive soils). The subject property has similar geology and topography constraints as nearby properties that apparently experienced recent landslide activity, and therefore demands consideration as an area susceptible to future landslide activity.

Per City Code Section 7.7.1302(B), a request for a subdivision waiver may be granted if the waiver will not be detrimental to the public good or to surrounding properties. As noted, geologic hazards have been identified on-site and at several neighboring properties, so the applicant intends to build per the recommendations of the submitted geological hazard report and echoed by the recommendations of CGS. Given concerns, staff has required specific notes on the final plat that would ensure that future development acknowledges the challenges presented by terrain and soils characteristics, and thus the potential for landslide susceptibility. (The specific suggested development mitigation is detailed in the attached review letter dated 19 May 2016 provided by CGS (**FIGURE 4**). In addition, staff has required a disclosure statement for future property owners be memorialized on the

final plat that regards the geologic hazard potential and the development constraints that would likely result.

City Code also indicates that a waiver may be granted if there are exceptional topographic, soils or other surface conditions particular to the property. As noted, the subject property has been identified as being landslide susceptible, not unlike several other neighboring and developed properties. However, the subject property has comparatively steep slope that is more dramatic than any properties in the general vicinity. Therefore, the subject property is regarded as having exceptional condition within the immediate neighborhood.

City Code also indicates that if the strict application of the requirements when applied to the property with its exceptional conditions prohibits the use of the property (or its reasonable physical development) when compared to the opportunity to use and develop similar properties in the general vicinity, than a waiver may be granted. To this point, by virtue of the subject property's location there are limited access options, as the properties adjacent and south along West Boulder Street are not under the applicant's ownership and are developed. In addition, the subject property does not hold street frontage at North Chestnut Street to the west. Even if access were able to be reasonably provided here, the steep slope at the west portion of the subject property presents access constraints. Thus the alley at the east side of the subject property is seemingly the only viable access option.

City's Fire Department has conveyed concern regarding the difficulty in safely and efficiently accessing the property with large, modern firefighting apparatus (**FIGURE 5**). Robbin Place is a comparatively short (approximately 600 feet in length) and narrow (less than 20 feet in width) and unimproved public alleyway that serves several residential properties in the immediate vicinity. Fire personnel performed a site visit to determine the degree of concern and possible mitigation and confirmed that, due to the narrowness of access points at the north via St. Vrain Street and at the south via West Boulder Street, response times would likely be compromised given current conditions (**FIGURE 6**). Consequently, the Fire Department has indicated that improvements to the alley will be required prior to construction to ensure adequate and safe access. Those specific requirements are noted in the attached email from City Land Use Review staff, dated June 21, 2016 (**FIGURE 7**).

City Code indicates that the benefit to the public in waiving the requirement outweighs the harm to the property owner in strictly enforcing the requirement. As noted above, the applicant must provide for various alleyway improvements in order to develop the project as proposed. Alleyway improvements would benefit the public from an emergency response standpoint, particularly those residents whose residences and accessory structures lie close to the alley.

Staff has carefully considered the aforementioned findings and determines that the application is generally consistent with the review standards provided for in City Code

2. Conformance with the City Comprehensive Plan:

City Code indicates that the requested subdivision waiver shall be consistent with the intent and purpose of the Comprehensive Plan (Plan). The Plan's 2020 Land Use Map designates this area of the City as General Residential, and the overall project as proposed conforms to a number of objectives and policies of the Plan, including:

a. 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. The subject property is within an area largely zoned residential, and the overall project would enhance the mix of housing types in the neighborhood.

i. Policy LU 201: Promote a Focused, Consolidated Land Use Pattern

This Policy emphasizes locating new growth and development in well-defined contiguous areas in order to avoid leapfrog, scattered land use patterns, and the desire for a focused pattern of development that makes more efficient use of land and natural and financial resources (compared to scattered, "greenfield" development).

In contrast to dispersed patterns of development, a consolidated pattern facilitates the ability of the City to provide needed services and public facilities.

The project, albeit comparatively small, represents urban infill, as it is located within the largely developed, well-defined, older Westside neighborhood that provides for adequate services and infrastructure. Per the recently adopted Infill Comprehensive Plan Supplement (Supplement)(March 2016), "*Infill projects seeking approval or consideration of zoning changes should generally be supported if they advance the overall infill and redevelopment principles, goals and outcomes...*" The Supplement considers the development of vacant properties such as this as urban infill, particularly when largely surrounded by pre-1980 development as is largely the case here. The City has a great deal of capacity for infill, with approximately 7,000 acres of vacant and developable land. The residential project proposed represents a comparatively small, albeit viable urban infill project.

ii. Policy CIS 103: New Development Will Pay its Fair Share of the Cost of Additional Infrastructure and Services

This policy speaks to ensuring that new development pays its share of the costs of new infrastructure and services required to serve the development. As noted above, the applicant intends to provide improvements in order to adequately serve the residential project and enhance emergency services response, which will also benefit the immediate neighborhood.

Given the above review of Comprehensive Plan compliance, it is the finding of the City's Planning and Community Development Department that the requested subdivision waiver (and the associated preliminary and final plats under administrative and concurrent review) conforms to the City's Comprehensive Plan 2020 Land Use Map and the Plan's goals and objectives.

3. Conformance with the Area's Master Plan:

The site lies within the bounds of the implemented Westside Master Plan (Plan) and, more specifically, within the North Bluff subarea. Generally, the Plan recognizes the need for "*relative adaptability*" given, in part, that much of the subject area is built-out, and therefore would generate comparatively more urban infill development. Given the already developed character of the Westside, land use recommendations are based on designs to promote compatibility between existing and future development. The immediate area is largely developed with residential uses, and the Plan provides land use recommendations that allow for a measure of design and land use flexibility in order to complement "*the unique circumstances of inner city development.*" Furthermore, the Plan indicates the need to preserve existing residential development and encourage higher residential density. However, the Plan also indicates that the subject area is within a "Residential Low Density" area (0-10 dwelling units per acre). Given this, the project as proposed does not appear to

be in overall harmony with the Generalized Land Uses identified for this specific area in the Plan. The subject property lies just outside of an identified relevant Plan objective that speaks to considering “*the potential for higher density residential development on vacant land south and west of Manitou Boulevard.*” The Plan does, however, emphasize the need to maintain residential vitality. The project as proposed would honor this objective, as it provides for additional, varied housing type in the neighborhood.

STAFF RECOMMENDATION:

CPC SWP 16-00057 – SUBDIVISION WAIVER

Approve the request for a subdivision waiver of design standards for the property located at 543 Robbin Place, based on the finding the subdivision waiver request complies with the review criteria in City Code Section 7.7.1302.