

CITY OF COLORADO SPRINGS

INTEROFFICE MEMORANDUM

DATE: June 23, 2017
TO: Peter Wysocki, Director of Planning
FROM: Sarah Johnson, City Clerk
SUBJECT: Notice of Appeal

ITEM NO. 6.C.1; 6.C.2 and 6.C.3; CPC ZC 17-00059; CPC DP 17-00058; CPC NV 17-00060

An appeal has been filed by Cheryl Brown, Dianne Bridges and neighbors, regarding the Planning Commission action of June 15, 2017.

I am scheduling the public hearing on this appeal for the City Council meeting of July 25, 2017. Please provide me a vicinity map.

CC: Ryan Tefertiller
Connie Fairchild
PO Box 2687
Colorado Springs CO 80901

Appeal to City Council on Planning Commission Decision

Decision dated 15 Jun 2016

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

We submit this appeal regarding the Planning Commission's recommendation to approve the above applications. The applications are for a zoning request change from residential to office/residential, an associated development plan and a parking variance for 315 E. Dale Street. We believe the actions do NOT meet the required zone change criteria. We have a **petition signed by 13 neighbors** (see attached). This appeal provides details and outlines our collective key points of concern.

We appreciate what the City and Planning Commission do for our neighborhoods. And, we support the master planning efforts respecting the concept of quality "mixed-use" for our neighborhoods. This is a key point---we are aligned with the City in that regard. Like the City, we want to ensure that the individual neighborhoods are quality (in balance) and that the general welfare is not impacted. Towards that end, we believe:

- that our neighborhood is out-of-balance...and not in a quality mixed-use situation
- that this request further exacerbates the problem
- that the actions negatively impact the general welfare of existing residents and businesses

Our stated issues are *directly* related to the zoning of 315 E. Dale Street and the current problems at hand. Specifics are:

- **Parking is a big problem already and this request will add to the problem:**
 - The proposed variance to allow for 3 on-site parking stalls where 6 are required will further exacerbate an already taxed parking situation.
 - 315 E. Dale Street has the ability to support at least 4 different offices and could need upwards of 8 parking spaces (professionals + clients).
 - If the zone change is approved, 315 E. Dale Street could need at least 5 parking spaces on the street.
 - Yes, the size of 315 E. Dale street limits the need for parking...we simply cannot accommodate even that need.
 - On Weber Street and Dale, there are two very large homes zoned as office/commercial along with a Yoga Center. In addition, there is a home used as college dorm.
 - One has Eleven (11) different professionals in the building. To support that there are only three (3) on-site parking stalls. This means 8 professionals + their 11 clients park on the street. There is a potential need of 22 off street parking needs...and only 3 stalls off-street.
 - The other office building has at least Nine (9) different professionals, with approx. 14 on-site parking stalls. Some spill over to off-street, not as much as other businesses.
 - The Yoga Center that has NO on-site parking stalls. This means everyone parks on the street. There is a potential need for 15 off-street parking slots....and 0 stalls off-street.

- It appears there have already been a number of exceptional variances in this neighborhood; we cannot accommodate any more.
- Summary of situation:

Address	Total Potential Need	Off-Street	On-Street Demand
801 N. Weber	Up to 22 Professionals/ Clients	3	19
731 N. Weber	Up to 18 Professionals/ Clients	14	4
802 N. Weber	Up to 15 Professionals/ Clients	0	15
315 E. Dale Street	Up to 8 Professionals/ Clients	3	5
318 E. Dale Street	3 Rooms	0	3
Total on Street Demand			46

- In addition to the negative impact of on-street parking, there was no proposal to buffer the neighborhood from other undesirable influences such as:
 - Noise and pollution from increased car traffic on Dale and the narrow alley next to 315 E. Dale which contains the off street parking.
 - Lighting from its off-street parking area.
 - Visual privacy from the office windows facing North and East affecting privacy of the residential neighbors in close proximity.
 - Potential safety from the types of businesses allowed in OR zoning and the increased foot traffic.
- We do not agree that this proposed change may actually lessen the parking impact to our surrounding properties.
 - The business use is NOT quiet early evenings.
 - The type of businesses on Weber have significant use of street parking throughout the day and even after 5PM.
 - We see much activity at that time with the clients.
 - In addition, we have residents that are retired and others that work from home.
 - Unlike what the Planning Commission speculated, we need street parking availability during the day and in the evening
- We have parking photos mid-day and early evening that show the intensity of use (see attached).
 - The Planning Commission also took photos...but they were the week around Memorial Day weekend. Not a valid sample.

- We would welcome a traffic study over a period of time to prove our point. The study should NOT be conducted during the summer....college is not in session and professionals are on vacation. Parking use on the street is less than norm.
- We also recommend the use Parking Permits for the residents and appropriate signage.
- One other point: the Planning Commission report states parking can be found in a block.
 - On Dale between Weber and Wahsatch, we have handicapped residents, single females and single-parent family with children.
 - Parking a block away is not in the safety or general welfare of the residents.
 - In the winter, it gets dark early evening when the businesses are still using street parking.
- We are simply at a tipping point and cannot accommodate any more street parking in our little space, even with the reduced requirement and non-use variance.
- Bottom line:
 - The requests are not aligned with the City's Comprehensive Plan/Experience Downtown Master Plan.
 - The neighborhood mixed use makeup is "out-of-balance", causing undue burden on the residents at the benefit of the businesses
 - The requests are out of compliance with City Code Section 7.5.802.B and Section 7.4.204
 - Counting on street parking toward the minimum off street parking requirement will generate significant off-site impacts upon neighboring properties
- The overall value of the whole neighborhood is negatively impacted:
 - As pointed out by the Planning Commission, the areas west and south of 315 E. Dale street are businesses.
 - What was not emphasized is that the areas east and north of 315 E. Dale are residential homes between Weber and Wahsatch.
 - Currently, only residential homes face Dale St. east of Weber.
 - The businesses west of 315 E Dale only face Weber.
 - Granting a zone change to 315 E. Dale will allow an office to face Dale and negatively impact the 'residential look and feel' of the neighborhood.
 - We have been advised by two realtors and a lawyer that the property value of our residences will decline if this zone change is approved.
 - This is largely due to the already out-of-balance ratio between business to residential. The existing businesses on Weber already stress E. Dale Street residential living.
 - The City's Project Statement stated this exact point as a concern: "it is unlikely the property (meaning 315 E. Dale) 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."
 - We believe that adding MORE businesses in this area is:
 - Detrimental to the surrounding Dale / Weber Street neighborhood
 - Detrimental to the general public interest by setting a precedent of allowing out-of-balance neighborhoods

- In this case, granting the OR zone change for one is at the cost of the remaining residential homes on the block and is not in the highest and best use for the majority.
- In this case, granting approval of the applications is inconsistent with Sections 7.5.603.B and 7.5.502.E of City Code for the actions do not best protect the stability and value of the surrounding neighborhood...and are detrimental to the public interest and general welfare at large.
- **The Owners in this neighborhood are working hard to retain the Historical beauty and neighborhood harmony**
 - We agree with the Planning Commission that this neighborhood is "fragile".
 - We feel like the Planning Commission insinuated that the E. Dale Street Businesses take better care of properties than the Owners.
 - We can see how that perception exists, for some rental homes / lawns are not the best maintained.
 - Having said that, many Owners do take care of their residential properties:
 - The residential Owner of 310 E. Dale Street has invested over \$50,000 in exterior improvements
 - The residential Owner of 316. E. Dale Street has significantly restored the exterior and plans to do hardscaping of the surrounding lawn
 - The property at 319 E. Dale Street was leveled and a new residential home built and sold
 - The property at 325 E. Dale Street is undergoing renovations.
 - The residential properties at the corners of Dale and Wahsatch have undergone significant improvements
 - Point being: Residential Owners are investing to enhance the neighborhood and establish more quality. The argument that business owners take better care of their properties in not a correct statement.

While we respect and support Master planning for the City, this particular request exacerbates an already existing out-of-balance situation. Mixed-use is optimum and achieves a quality neighborhood when it is balanced. In this case, it is not and we cannot accommodate yet one more business.

We believe it wise:

- To contain (not grow) office businesses in our street area
- To support the property investments of many vs. just one
- To not add additional complications to an already stressed neighborhood situation
- To consider street signage and parking permits to help the residents

We thank you for all of your time and effort in supporting Colorado Springs.

This Petition, dated June 2017, is to inform the City Planning Commission that we are against a change in zoning that could affect our property value and could cause other neighborhood problems.

Summary: The owner of 315 East Dale Street wants to change the zoning on her property from "R5" (residential) to "OR" (office residential/commercial), then sell the property.

Concerns:

1. PROPERTY VALUES: The change could lower nearby property values. We've asked two local real estate agents about this, and they both believe the zoning change could lower nearby property values.

2. PARKING: The owner of 315 East Dale is also requesting a variance that would allow only 3 off-street parking spots for commercial/office employees and clients, instead of the 6 off-street spots usually required for a property of that size. That means more people parking on the street. Parking is already a problem, and the variance would likely worsen that problem.

3. "ZONING CREEP": Concern is that our neighborhood will be changed from a mostly residential setting to a patchwork of offices and parking lots. Zoning creep could change the character of the neighborhood in a negative way.

4. OTHER: The proposed zoning change could mean more litter, more traffic, more light and noise pollution, more vagrancy if the property is not adequately monitored, and a host of other potential problems. The city does not have a plan to deal with these potential problems.

Signatures (Name and address)

Julia Greene	318 Dale
Melody Hoff	325 E Dale
GREGG AVENUE	ENT. N. WAKSATCH AV.
Patricia Geddes	505 N. Weber St.
Drew Martinez	72 N Waksatch
Lee J	323 E Dale St

Car HS	731 N. Wahsatch Ave
Vance Abot	731 N. Wahsatch Ave
Cheryl Brown	319 E Dale St
Bonnie Lamm	329 E Dale St
John P	329 E Dale St #1
	310 E Dale Street

COLORADO SPRINGS

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BROWN CHERYL
 319 E DALE ST
 COLORADO SPRINGS, CO 80903

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Vicinity Map for 315 E. Dale St. PROJECT PLANNER: Ryan Tefertiller



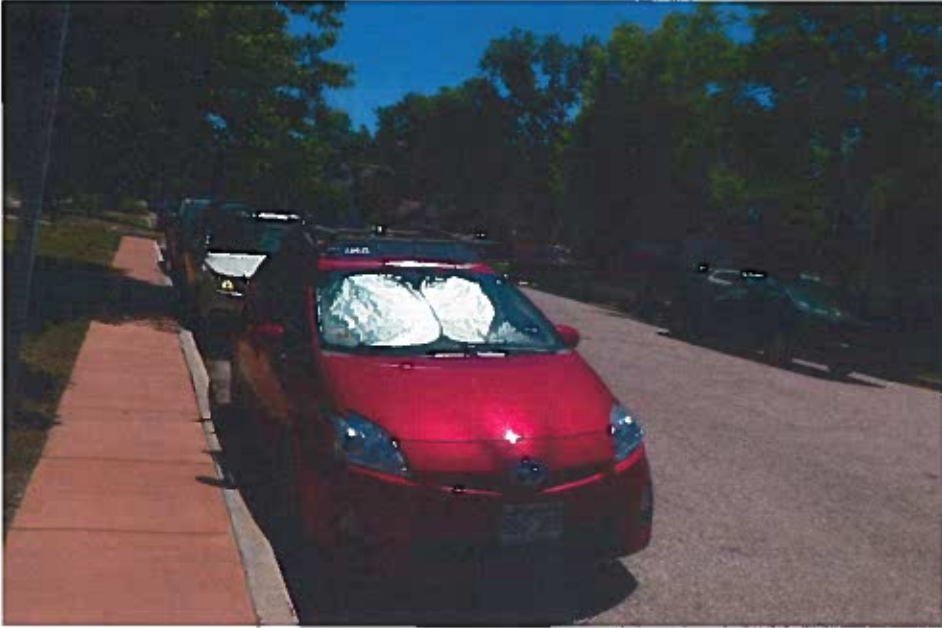
Pictures of parking on Dale Street:



5/16/17 12:40PM from 315 E Dale St



6/12/17 9:00AM NE Corner of Dale and Weber



6/12/17 11:22PM NE Corner of Dale and Weber



6/13/17 9:00AM NE Corner of Dale and Weber



6/13/17 1:00PM NE Corner of Dale and Weber



6/13/17 4:00PM NE Corner of Dale and Weber



6/13/17 5:00PM SE Corner of Dale and Weber