

**CITY PLANNING COMMISSION AGENDA
April 30, 2020**

STAFF: DANIEL SEXTON

**FILE NO:
CPC UV 20-00043 – QUASI-JUDICIAL**

PROJECT: PILATE CONNECTION
OWNER: PHYLLIS CLARK
DEVELOPER: PUNKROSE, LLC
CONSULTANT: BUCHER DESIGN STUDIOS, INC.



PROJECT SUMMARY:

1. Project Description: The project includes an application for a use variance development plan on a 0.19-acre lot to be developed with a personal improvement service use (herein referred as “Pilate Connection”). The property associated with this project is located at 1375 East Fillmore Street. The Pilate Connection project consists of the establishment of a personal improvement service use for a pilate studio business and ancillary site improvements. **(FIGURE 1)**
2. Applicant’s Project Statement: **(FIGURE 2)**
3. Planning and Development Team’s Recommendation: Staff recommends approval of the application.

BACKGROUND:

1. Site Address: The project site is addressed as 1375 East Fillmore Street.
2. Existing Zoning/Land Use: The subject property is currently zoned OR/cr (Office Residential with Conditions of Record), and is commercially developed.
3. Surrounding Zoning/Land Use:
North: OR/R-4 (Office Residential and Multi-Family Residential) and is commercially developed.
East: R1-6000 (Residential Single-Family) and is residentially developed.
South: R1-6000 (Residential Single-Family) and is residentially developed.
West: R1-6000 (Residential Single-Family) and is residentially developed.
4. PlanCOS Vision: According to the PlanCOS Vision Map, the project site is within an identified Changing Neighborhood and is proximate to North Nevada Avenue, which is a Mature/Redeveloping corridor. **(FIGURE 3)**
5. Annexation: The subject property was annexed into the City in August 27, 1957 under the Austin Heights & Bernabee Annexation Plat (Ord. 2384).
6. Master Plan/Designated Master Plan Land Use: The property is not part of a master planned area.
7. Subdivision: The property was platted under the Austin Heights subdivision plat.
8. Zoning Enforcement Action: None.
9. Physical Characteristics: The site is commercially developed, but the current building is vacant.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public notification process consisted of providing notice to adjacent property owners with 1,000 feet of the site, which included the mailing of postcards to 84 property owners, on two occasions: during the internal review stage and prior to the Planning Commission hearing. The site was also posted during the two occasions noted above as well. City staff received one written comment objecting to the project based on traffic impacts. **(Figure 4)**

Staff input is outlined in the following sections of this report. Staff sent copies of the plan set and supporting documentation to the standard internal and external review agencies for comments. All comments received from the review agencies have been addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire Prevention, City Parks & Recreation, CONO, Police and E-911, and the City’s Stormwater Enterprise. The project site lies outside of the notice buffer for military installations, so no installations were notified.

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

1. Review Criteria / Design & Development Issues:

a. Background Information

In 1992, City Council approved a zone change (R1-6000 to OR/cr) and development plan, which established the commercial use of the property. As a stipulation of the change of zone, City Council imposed a condition of record which required the closure of a private access drive and landscaping off Fillmore Street. City staff finds that this stipulation has been implemented, as no direct access off Fillmore Street presently exists and landscape improvements were installed. . In terms of the continued commercial use of the property, it has been used as a medical office until recently when the property was put up for sale.

b. Use Variance Development Plan

The proposed use variance development plan for the Pilate Connection project consists of establishing a personal improvement service use and ancillary site improvements. **(FIGURE 1)** More specifically, the proposed personal improvement service use is for a pilate studio business, which involves low impact movements and exercises similar to yoga and/or meditation. Each private session will include one trainer and three clients, and does not incorporate music. Clients will access the project site via Ute Drive. The proposed on-site improvements consist of the installation of additional landscape plantings and re-stripping of parking facilities. The re-stripped parking facilities will now comply with the current dimensional and signage requirements as stipulated in City Code Section 7.4.2, Off-Street Parking Standards.

The applicant's justification for this use variance request can be found in the project statement. **(FIGURE 2)** Based on staff's analysis of the proposal and surrounding land use pattern, which consists of residential and commercial uses, the current Office Residential zone allows for very few commercial land use options that would be suitable for the proposed site. The project site, at 0.19-acres, is not appropriately sized for most commercial development and has limited on-site parking capacity, which creates an exceptional circumstance that limits the property's commercial viability. Whereas, the applicant's proposed personal improvement service use is well suited for the small site, as it would be a good transitional use between the more intense commercial uses on the north side of Fillmore Street and residential uses on the south side **(FIGURE 5)**. If this variance were not granted, it is unclear what the property would be used for, but it is certain that most of the permitted and conditionally permitted land uses allowed in this zone would not afford good use to use compatibility and those land uses would not protect the stability and value of the surrounding neighborhood. The granting of this variance will not be detrimental to the public health, safety, or welfare of the community, as the applicant's proposed use is less intense than the previous medical office use and operational limitations have been self-imposed to mitigate potential impacts on the surrounding neighborhood.

Staff finds that the proposed use to be consistent with the purpose for granting extraordinary relief in the form of a use variance, as set forth in City Code Section 7.5.801, and the review criteria for a use variance development plan, as set forth in City Code Section 7.5.803(B), and a development plan, as set forth in City Code Section 7.5.502(A).

2. Conformance with the City Comprehensive Plan

Staff has evaluated the proposed applications for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to PlanCOS, the project site is identified on the PlanCOS Vision Map as a Changing Neighborhood and is proximate to North Nevada Avenue, which is a Mature/Redeveloping Corridor. **(FIGURE 3)** In the Vibrant Neighborhoods Chapter 2 of PlanCOS, the project aligns with the "Big Idea" entitled "Reclaim Neighborhood Space" and its policy VN-3.B, which states:

"Promote neighborhood-level shopping and service options to include a variety of healthy food markets, coffee houses, restaurants, and other supportive businesses that increase local access and walkability."

Adaptive and responsive land use change is one of the core values of PlanCOS, and is in balance with staff's support for this proposal, as mixed-use neighborhoods can create vibrancy.

This proposal is also reinforced by the "Big Idea" entitled "Embrace Sustainability" in Chapter 7 of PlanCOS, which states:

"Focus on productively developing and redeveloping areas already in, nearby, or surrounded by the city in order to preserve open spaces, maximize investments in existing infrastructure, limit future maintenance costs, and reduce the impacts of disinvestment in blighted areas"

For the reasons provided in this staff report, City staff finds this redevelopment proposal to be in substantial conformance with PlanCOS and its guidance.

3. Conformance with the Area's Master Plan

The project site is not part of a master planned area, so staff's evaluation of conformance with an established master plan was not conducted.

STAFF RECOMMENDATION:

CPC UV 20-00043 – USE VARIANCE DEVELOPMENT PLAN

Approve the use variance development plan for the Pilate Connection project, based upon the findings that the request meets the review criteria for granting a use variance, as set forth in City Code Section 7.5.803(B), and a development plan, as set forth in City Code Section 7.5.502(E).