

CITY PLANNING COMMISSION AGENDA

STAFF: GREG SANDERS

FILE NO(S):
CPC UV 17-00067 – QUASI-JUDICIAL

PROJECT: 1907 WEST COLORADO
APPLICANT: ALESSI AND ASSOCIATES, INC.
OWNER: MAMIE N. HADDOCK ESTATE



PROJECT SUMMARY:

1. Project Description: This project includes an application for a use variance to allow a duplex, single-family residence and an accessory dwelling unit (ADU) in a C5 (Intermediate Business) zone district. **(FIGURE 1)** The duplex, single-family residence and ADU are all current uses on the site. The duplex and single-family structures were built in 1923 while the ADU structure was created sometime after 1969. The duplex was formerly a single-family residence converted sometime prior to 2001 while the ADU was formerly a garage and converted sometime after 1969. The site is 9,450 square feet, zoned C5 (Intermediate Business), and located at 1907 West Colorado Avenue. (See **FIGURE 2** for a site specific aerial).

A waiver of replat is being processed administratively to create a whole platted lot for building permit purposes.

2. Applicant's Project Statement: **(FIGURE 3)**
3. Planning and Development Team's Recommendation: Staff recommends approval of the application, subject to modifications.

BACKGROUND:

1. Site Address: 1907 West Colorado Avenue
2. Existing Zoning/Land Use: C5 / Duplex, Single-Family Residential, and an accessory dwelling unit (ADU)
3. Surrounding Zoning/Land Use: North: C5 / Single-Family Residential
South: R4 / Duplex and Single-Family Residential
East: C5 / Single-Family Residential
West: C5 / Single-Family Residential
4. Comprehensive Plan/Designated 2020 Land Use: Community Activity Center
5. Annexation: Colorado City & Vicinity (1917) / La Vergne (1902)
6. Master Plan/Designated Master Plan Land Use: Westside Master Plan / Commercial – Office – Residential
7. Subdivision: Map of Rustic Home Addition / La Vergne
8. Zoning Enforcement Action: There are no current enforcement actions on this site.
9. Physical Characteristics: The site is generally flat. Improvements on the site include a 4 bedroom duplex (1907), 2 bedroom single-family residence (1905), and an accessory dwelling unit (1905 ½).

STAKEHOLDER PROCESS AND INVOLVEMENT: The public process involved with the review of this application included posting the site and sending postcards on two separate occasions to 304 property owners within 1000 feet. Two public comments in opposition to the proposal were received. **(FIGURE 4)**

Staff input is outlined in the following sections of this report. Staff sent plans to the standard internal and external review agencies for comments. All comments received from the review agencies are addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, and City Fire. This site is not within the Airport Overlay and was not seen by the Airport Advisory Committee and is outside of the buffer for review by USAFA.

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

1. Review Criteria / Design & Development Issues:
 - a. Background

In 1923, two single-family residences, addressed as 1907 and 1905 West Colorado Avenue were built on the property that now exists as a duplex and single-family residence, respectively. To staff's knowledge, there is no record of the conversion of 1907 West Colorado Avenue to a duplex. In the years that followed, a two car garage was built in the rear yard along the alley and was eventually converted to a dwelling unit (1905 ½). From

research, this structure was a garage as of September 29th, 1969, determined from a building permit card from that date. The property was purchased in its current state in 2001. A building permit to remodel the siding, soffit and fascia of 1905 ½ was issued in 2002.

Today, there are four dwelling units on the property in three detached structures: 1907 West Colorado Avenue (Duplex), 1905 West Colorado Avenue (Single-Family Residence) and 1905 ½ West Colorado Avenue (Accessory Dwelling Unit). The age and configuration of the lots that make up the parcel at 1907 West Colorado Avenue (**FIGURE 5**) do not conform to present day standards which pose problems when looking at the property in terms of its legal status. All of the physical structures on the property would qualify for legal non-conforming status due to the dates of construction which would allow for the same number of structures to be rebuilt according to code section 7.5.1204.

The 1907 West Colorado Avenue parcel consists of parts of four different platted lots which under original circumstances, allowed for the legal construction of the two single-family residences in 1923. 1905 West Colorado Avenue remained a single-family residence and therefore holds legal non-conforming use status while 1907 West Colorado Avenue was converted to a duplex and has lost the legal non-conforming use status due to intensification of the use. 1905 ½ West Colorado Avenue does not hold legal non-conforming use status because the accessory use was established as a garage and eventually changed without any known legal documentation. In the event that the structures would need to be rebuilt, the use on the property would need to conform to the uses listed in code section 7.3.203.

The issues concerning this property were brought to light in a Non-Conforming and Rebuild Determination Letter dated February 28th, 2017 (**FIGURE 6**). Findings from the letter established that the property did not fall under any allowed use configuration for the C5 zone district and determined the legal status of the structures and uses.

In an effort to sell the property, the owners are seeking to legalize the current configuration so that a loan can be provided for the duplex, single family-residence, and ADU format.

b. Use Variance:

The use variance criteria are listed below and justified for the application under review.

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same zone so that a denial of the petition would result in undue property loss.

The duplex, single-family residence and accessory dwelling unit on the property provide four (4) units of housing in a zone where density is encouraged. Staff was not able to classify the four units within any of the allowed uses in the C5 zone district although all individual uses are permitted. The C5 zone district, according to code section 7.3.203, allows a single-family detached dwelling on an individual lot, a two-family dwelling on an individual lot, accessory dwelling units, and multi-family dwelling units. When developing a residential use in the C5 zone district, R5 zone district development standards (7.3.104) apply. The R5 zone district would allow multiple units on the site in the form of multi-family. The four unit proposal is in alignment with the multi-family zoning on the site.

The shape of the lots is irregular due to the property consisting of Lots 9, 10 and half of Lot 8 of the Rustic Home Addition and a small corner of Lot 1, Block A of the La Vergne Subdivision. The age and configuration of the lots that make up the parcel at 1907 West Colorado Avenue date back to a deed from 1944. The two principal structures (1905 and

1907) have existed since 1923 and the accessory structure (1905 ½) since 1969. To staff's knowledge, the duplex and accessory dwelling unit are believed to have been converted sometime prior to purchase in 2001.

2. That such variance is necessary for the preservation and enjoyment of a property right of the petitioner.

The property has been utilized as four dwelling units and future owners should hold the assurance that the current configuration on the property is completely legal and may be continued in the event that anything may affect the physical structures on the property. The use variance would allow for the uses and structures that have been consistent with this property since at least 2001 to continue on in a fully legal status.

3. That such variance will not be detrimental to the public welfare or convenience nor injurious to the property or improvements of other owners of property.

There were two (2) formal public comments received during the review process for the site. One phone call was received from a neighbor concerned with parking at the site. Per parking calculations, the property meets the requirements for the amount of units at the site with five spaces being required and six spaces provided. The property has been utilized in the current configuration for a number of years with no adverse impact on neighboring property owners.

Staff finds that the applications associated with this project proposal have adequately addressed all of the issues raised by the internal review agencies and meet the review criteria as set forth in City Code.

4. Conformance with the City Comprehensive Plan:

The 2020 Comprehensive Plan calls out this area as "Community Activity Center". The use of a duplex, single-family home and an accessory dwelling unit fits within the community activity center classification. The comprehensive plan notes that a community activity center serves the day-to-day needs of the surrounding areas. This project will allow this property to continue allowing dense residential use that will be consistently supporting the community activity center due to its proximity. The community activity center designation stretches along W Colorado from 19th Street to S 33rd Street. The site location is at the east end of the community activity center bordering the "General Residential" land use area where this use would also be supported.

Objective LU 3: Develop a Mix of Interdependent, Compatible, and Mutually Supportive Land Uses

Over the past several decades, the location and design of development have created a pattern of isolated, disconnected, single-purpose land uses. An alternative to this type of land use pattern is one that integrates multiple uses, shortens and reduces automobile trips, promotes pedestrian and bicycling accessibility, decreases infrastructure and housing costs, and in general, can be provided with urban services in a more cost-effective manner.

Objective LU 4: Encourage Infill and Redevelopment

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

Objective LU 5: Develop Cohesive Residential Area

Neighborhoods are the fundamental building block for developing and redeveloping residential areas of the city. Likewise, residential areas provide a structure for bringing together individual neighborhoods to support and benefit from schools, community activity centers, commercial centers, community parks, recreation centers, employment centers, open space networks, and the city's transportation system. Residential areas also form the basis for broader residential land use designations on the citywide land use map. Those designations distinguish general types of residential areas by their average densities, environmental features, diversity of housing types, and mix of uses. Residential areas of the city should be developed, redeveloped and revitalized as cohesive sets of neighborhoods, sharing an interconnected network of streets, schools, parks, trails, open spaces, activity centers, and public facilities and services.

5. Conformance with the Area's Master Plan:

The site is within the Westside Master Plan and is designated as Commercial-Office-Residential. The use variance relates directly to multiple objectives listed in the Westside Master Plan

- Develop Unique Features
- Develop Range of Housing Types
- Compatibility of Land Uses
- Historical Architecture
- Create Innovative Regulations

Staff finds that the request for a use variance is in compliance with the Westside Master Plan.

STAFF RECOMMENDATION:

CPC UV 17-00067 – USE VARIANCE DEVELOPMENT PLAN

Approve the use variance for 1907 West Colorado Avenue, based upon the finding that the use variance complies with the review criteria in City Code Section 7.5.803.B and 7.5.502.E, subject to compliance with the following technical and/or informational plan modification:

Technical and Informational Modifications to the Development Plan:

1. Provide parking calculation table which includes amount required per dwelling unit and amount provided. Illustrate each parking space provided on- and off-street with correct dimensions.
2. Add note: "AR WR 17-00276 – approved to create one whole platted lot."
3. Delete building setbacks and add a section for "R-5 Development Standards"
 - a. Front = 20', Side = 5', Rear = 25', Accessory Structure = 5', 20' from principal structures,
 - b. Lot Coverage = 40%
 - c. Note – "**C5 resorts to R5**"
4. Add note: "Use Variance approved to allow: Duplex, Single Family and Accessory Dwelling Unit"