

CITY PLANNING COMMISSION AGENDA
FEBRUARY 21, 2019

STAFF: MATTHEW FITZSIMMONS

FILE NO(S):

A. - CPC CU 18-00167 – QUASI-JUDICIAL

B. - CPC NV 18 00168 – QUASI-JUDICIAL

PROJECT: 17 N. CORONA STREET

OWNER: PAX DEVELOPMENT LLC

DEVELOPER: MARTIN NEWTON

CONSULTANT: M.V.E. INC. – DAVE GORMAN



PROJECT SUMMARY:

1. **Project Description:** The property owner is proposing to build a single-family dwelling on a 2,900 square foot property that is zoned C-6. This project includes concurrent applications for a Conditional Use, three (3) Non-Use Variances, and a Waiver of Replat.
 - a. **Conditional Use:** The Conditional Use would allow the owner to construct a single-family dwelling in a C-6 (General Business) zoned property. **(FIGURE 1)**
 - b. **Non-Use Variances (3):**

1. Rear Setback – Allow 5 feet setback where 25 feet are required.
2. Front Setback – Allow 8 feet setback where 20 feet are required.
3. Lot Size – Allow for a lot size of 2,900 square feet where 4,000 square feet are required
- c. Waiver of Replat: Will allow development on a portion of a historically platted lot (is being reviewed administratively)
2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Team's Recommendation: Approval of the applications, subject to technical modifications.

BACKGROUND:

1. Site Address: 17 N. Corona Street
2. Existing Zoning/Land Use: C-6 / Vacant Land **(FIGURE 3)**
3. Surrounding Zoning/Land Use:
 - a. North: C-6 / Mixed Use - Multi-Unit Residential & Retail
 - b. South: FBZ – T2A (Form-Base Zone-Transition Sector 2A) / Residential Duplex
 - c. East: C-6 CU / Multi-Unit Residential
 - d. West: C6 UV / 3 Single-Family Homes on a single lot
4. Annexation: September 1, 1872
5. Master Plan/Designated Master Plan Land Use: None - This block falls just outside of the Experience Downtown Colorado Springs Master Plan (2016)
6. Subdivision: RA Edgertons Subdivision of Block 244 Addition No. 1 of the Town of Colorado Springs (1875)
7. Zoning Enforcement Action: None
8. Physical Characteristics: 2,900 square foot vacant lot with access to Corona Street on the west and a public alleyway to the south.

STAKEHOLDER PROCESS AND INVOLVEMENT:

Two hundred and thirty three (233) postcards were sent to all the owners of properties within 1,000 feet of the property. In addition, a signed and dated affidavit was received after a project poster was displayed in front of the site for the required 10 days. From that initial poster and postcards, Staff received one letter, from Rick Villa of 524 E. Bijou. Rick's supportive letter was included at the end of the first review letter and can be found as **FIGURE 4**.

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

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

This project includes a proposal to build a single-family dwelling on a 2,900 square foot lot in a C-6 (General Business) zone. A Conditional Use Permit is required to allow a single-family dwelling on a C-6 zoned property.

This unique lot was created in 1910 and comprises the southernmost 60' of Lot 1, RA Edgertons Subdivision of Block Number 244, in Addition No. 1 to the Town of Colorado Springs. As a result, this lot is considered a Lot of Record (LOR). The site is located on the east side of North Corona Street, approximately 160 feet south of West Kiowa Street in the long established central portion of the City. The existing lot, having a total area of approximately 2,900 square feet (0.067 acres), is currently vacant. The site was once developed with a residence and most recently contained a modular storage building. The site has now been cleared with the exception of walls and fences on the north and east sides of the property.

The proposed single-family dwelling will consist of one, two-story building with a 1,024 square foot footprint. In addition, the lot will have a paved driveway with access to the

alley, associated concrete walks, retaining walls and fencing on the east and north property lines. The building will cover 35% of the site area, leaving 65% as open space within the lot. Roughly half of the open space will be paved and half will be landscaped.

The lower level of the proposed residence includes a two-car garage with alley access via a 21 foot-long paved driveway. The upper story will be accessed by external stairs that are situated on the front (west side) of the structure. No balcony is planned for this building beyond the landing at the front door. Opaque fencing, retaining walls, and landscaping will provide buffering and increase privacy for adjacent properties.

Per City code, single family homes require one parking space. The proposed structure will be able to house two vehicles within the garage, as well as two tandem parked vehicles in the driveway, which exceeds the parking minimum. Non-exclusive street parking is also available along Corona Street in front of the site. All off-street parking spaces will be accessed from the paved public alley.

The Conditional Use is consistent with the intent and purpose of the City's Zoning Code to promote health, safety and general welfare. It will provide a needed residential unit close to downtown, allow opportunities for alternative transportation (walking, biking, etc.) to downtown employment and recreational centers, and enhance commercial viability of downtown businesses. This lot is limited in use due to the small size and commercial zoning. The approval of the Conditional Use will allow the improvement and beneficial use of the property, which has long been underutilized or vacant. The allowance of this Conditional Use will in no way detract from the public health, safety and general welfare of the surrounding properties and will add to the vitality of the local area. The proposed project acts to replace a formerly distressed property that was detrimental to the contiguous fabric of the surrounding neighborhood. The proposed Conditional Use, if implemented as proposed, would be consistent with the intent of the City's Zoning Code and Comprehensive Plan (Plan COS).

Across the alley and adjacent to this property is the FBZ (Form-Based Zone). This zone is much more flexible with uses and promotes urban typologies that build to the lot line. The owner expressed interest in having more density on this small property, which the FBZ would have been able to grant without a Conditional Use or Variances (Warrants). Unfortunately it is not an option to expand the FBZ at this time.

b. Non-Use Variances

In addition to the Conditional Use application, the owner has also applied for three non-use variances. To allow any development on the 2,900 square foot lot, this property would require multiple setback variances. The applicant's proposal places the house 8 feet from the front property line (west), 5 feet from the rear (east) and northern property line, and 21 feet from the alleyway (side/south). The front and rear setbacks don't meet City standards and require variances. Due to the fact that all three variances will need to be approved to allow this project to move forward as proposed, Staff has combined them into one motion.

Non-Use Variance for Minimum Lot Area

Section 7.3.104 of the Colorado Springs Zoning Code requires that 4,000 square feet is the minimum lot size for a single family home in a C-6 zone (residential uses in C6 must meet R5 development standards). 17 N. Corona Street's 2,900 square foot lot was platted in 1910 and is a Lot of Record. Without the approval of this and the other non-use variances, this lot would not be buildable, which would place an undue burden on the owner.

Strict application of the Zoning Code makes the use of the lot nearly impossible due to its small size. However, the configuration of the proposed residential lot makes it a viable residential property, improving the vacant site and the overall neighborhood. The property is proposed to be constructed with a two-story residence having a footprint of 1,024 square feet and a total area of 2,048 square feet (50% living space/50% Garage). The site will meet the required building coverage restriction of not more than 40% (35% proposed). The allowance of the smaller lot size will not negatively impact any adjacent properties. Granting this variance will not pose any health or safety threats to either the owner or public.

The neighboring properties to the north and west are both residential properties that would not meet current zoning standards for lot size and setbacks. The three single family homes at 18, 20 and 22 N. Corona are all on one lot not much bigger than 17 N. Corona. Meanwhile, the four apartment units at 501 E. Kiowa have a retail store on the corner and have a much higher lot coverage than 17 N. Corona.

Non-Use Variance for Rear Setback (east side)

Section 7.3.104 of the Colorado Springs Zoning Code requires rear setback of 25 feet for residential uses in the C6 zone. The request is to allow a rear setback of 5 feet. Strict application of the R-5 setbacks prevents the reasonable use of the lot because implementing the standard front and rear setbacks would only allow 5' of buildable area between the front and rear setbacks. The lot is also not able to meet the needs of modern commercial enterprises.

The proposed rear setback of five feet matches the setback imposed on the adjacent property to the east, which is a site lot line to that property and is owned by the applicant. The allowance of the reduced rear setback to five feet will not negatively impact the adjacent properties since the immediate eastern neighbor's garage and back yard is adjacent to this property and it is the same side setback requirements as all the other addresses on E. Kiowa Street. Staff finds that granting this variance will not pose any health or safety threats to either the owner, tenant, or public.

Non-Use Variance for Front Setback (west side)

Section 7.3.104 of the Colorado Springs Zoning Code requires front setback of 20 feet for residential uses in the C6 zone. The request is to allow a front setback of 8 feet to the front deck (13 feet to the structure). As stated for the rear setback variance, strict adherence of the R-5 setback standards prevents the reasonable use of the lot. The subject property is only 50' deep and would only have 5' of buildable space between the 20' front yard setback and the 25' rear setback. This is an extraordinary and unique condition that will require relief to be developed. A lot this size would also not be able to meet the needs of modern commercial businesses for which it is currently zoned. Existing setbacks for properties in this older area of the city tended to be reduced and established before modern zoning was implemented. Smaller front setbacks in downtown urban environments such as this are commonly encouraged, especially in the neighboring FBZ (Form-Base Zone). The proposed front setback of 8' is also greater than that of the adjacent historic property to the north of 6 feet (501 E. Kiowa). The allowance of the reduced setback will enable this owner to construct a viable residence on the lot and still stay within the maximum lot coverage requirement of 40%. The allowance of the reduced front setback will not negatively impact the adjacent properties since the existing setback is already smaller. Granting this variance will not pose any health or safety threats to the owner, tenant, or public.

2. Conformance with the City Comprehensive Plan: (FIGURE 5)
Plan COS – Colorado Spring's Comprehensive Plan (adopted 2019)

- a. Plan COS strongly supports infill projects like this one. The Vibrant Neighborhood chapter outlines Goals, Policies and Strategies to obtain more vibrant neighborhoods throughout the City. The following are the goals, policies and strategies that relate to this project:

Chapter: Housing for All

Goal VN-2: Strive for a diversity of housing types, styles, and price points distributed throughout our city through a combination of supportive development standards, community partnerships, and appropriate zoning and density that is adaptable to market demands and housing needs.

Strategy VN-2.A-3: Support land use decisions and projects that provide a variety of housing types and sizes, serving a range of demographic sectors, and meeting the needs of residents and families through various life stages and income levels.

This development will increase the diversity of housing options and price points. Currently Colorado Springs is having a housing crisis which can be partially addressed by increased flexibility with zoning allowances. A single family house like this project will allow diversity of and increased housing options in a more traditional neighborhood.

Strategy VN-2.A-4: Allow for zoning residential bonuses that result in the provision of additional attainable housing, such as increased heights or densities.

This strategy supports the variances to allow reduced setbacks and more housing opportunities to those who can afford to buy housing.

Strategy VN-3.A-1: Support a variety of approaches to encourage sustainable investment in and maintenance of established neighborhoods including strategic and targeted use of special districts, homeowners associations, and grant funding.

By allowing infill developments like this to be built, there will be more reinvestment in neighborhoods that are not meeting their full potential.

Strategy VN-3.A-4: Modify City Code and create incentives to encourage redevelopment of underperforming buildings to include higher-density housing, mixed-use, civic services, gathering areas, and additional employment opportunities.

This project is precisely what this strategy is calling for. The land is currently vacant and by redeveloping this property, it may spur other similar infill developments that will further enhance the neighborhood and elevate property values. The code will not be modified, but relief should be given to allow this development as planned.

Strategy VN-3.E-3: Though a combination of Zoning Code changes and development review decisions, encourage and support flexible site and building designs and residential densities that are adaptable to the specific site.

This strategy encourages Planning Staff, Planning Commission and City Council to support projects like this.

3. Conformance with the Area's Master Plan: No Master Plan has been adopted for this area.

STAFF RECOMMENDATIONS:

Item No: CPC CU 18-00167 – QUASI-JUDICIAL

Approve the Conditional Use plan for 17 N. Corona St., based upon the finding that the project complies with the Conditional Use review criteria in City Code Section 7.5.704, subject to compliance with the following technical and/or informational plan modifications:

Technical and Informational Modifications to the Conditional Use Plan:

1. Provide a signed posting affidavit.
2. Correct the front setback on the plan to document 8 feet from the front deck.
3. Illustrate the required side yard utility easements.
4. Clarify the proposed retaining wall location to confirm no utility conflicts.
5. Provide recordation information on the plan for the new required utility easements.
6. Obtain any necessary encroachment licenses for existing or proposed easement encroachments.

Item No: CPC NV 18 00168 – QUASI-JUDICIAL – VARIANCES

Approve the Non-use Variances request for 17 N. Corona St., based upon the finding that the request for minimum lot size, rear setback and front setback relief complies with the Non-Use Variance review criteria in City Code Section 7.5.802, subject to compliance with the technical and/or informational plan modifications described above.