



**PLANNING AND COMMUNITY DEVELOPMENT  
URBAN PLANNING DIVISION**

**CITY OF COLORADO SPRINGS PLANNING DEPARTMENT  
RECORD-OF-DECISION FOR A NON-USE VARIANCE**

**FILE: AR R 19-00141**

**DECISION DATE: APRIL 12, 2019**

**INFORMATION**

Name of Applicant: FONSECA 94 LLC  
 Address of Premises Involved: 1645 S Tejon St.  
 Zone District: C5  
 Tax Schedule Number: 6430201022

Request: A request for relief from City Code Section 7.4.203.A. to establish the building addressed as 1645 S. Tejon St. as a Commercial Center land use which requires 44 parking stalls for the property (includes both 1645 and 1647 S. Tejon St.) while only 37 stalls are provided (26 off-street stalls and 11 stalls on S. Tejon St which are partially on private property and partially in the public right-of-way).

**STAFF ANALYSIS**

CITY CODE CRITERIA TO GRANT A NON-USE VARIANCE	CRITERIA MET OR NOT MET
1. 7.5.802 (B.1)      Exceptional or Extraordinary Conditions The structures at 1645 and 1647S. Tejon were constructed prior to modern day parking requirements. The 29,673 sf parcel includes 15,629 sf of building space resulting in over 50% lot coverage. Given that less than half of the parcel is available for parking, circulation, landscaping, pedestrian walkways, and utilitarian needs such as trash and utilities, there is only a limited ability to provide off-street parking. While there are a few similar properties in the area that have older buildings and high lot coverage, many of those have been granted similar parking relief in the past. Staff finds that the situation on the subject property is exceptional and extraordinary.	X
2. 7.5.802 (B.2)      No Reasonable Use of Property The applicant has maximized the number of stalls that can be provided to the north and east of the buildings as well as provided 11 parking stalls on S. Tejon St. that are partially on private property and partially in the public right-of-way; these stalls are subject to a revocable permit which provides for exclusive use of the stalls by the permit holder. Altogether, 37 parking stalls are available for the parcel which equates to one stall for every 422 square feet of building space. Review of the City's required parking ratios reveals very few uses that are permitted in the C5 zone and require less than one stall per 422 square feet of building space. While uses such as "construction sales and services," "furniture or appliance retail sales," or other low-parking demand uses were considered for the site, there are very few low-parking uses that are permitted in the zone that also contribute to the success of the Ivywild Urban Renewal Area and which would be compatible with the surrounding properties. The proposed establishment of the "commercial center" use which will allow multiple tenants with off-setting peak parking demands is a reasonable solution, but can only be established with the requested parking variance. Staff finds that there is no reasonable use of the property in the absence of the proposed parking relief.	X
3. 7.5.802 (B.3)      No Adverse Impact to Surrounding Property While Staff has received considerable input from neighborhood stakeholders regarding parking supply and demand in the area, Staff finds that the proposed commercial center use will allow for multiple	X

tenants with off-setting peak parking demands. Two of the three uses in within the center, as illustrated on the variance plan, have peak parking demands during the day which is when the parking supply in the area is greatest. Staff finds that the propose commercial center will likely have less impact on neighborhood-wide parking concerns than the restaurant use which existed at 1645 S. Tejon for roughly 20 years and was approved via parking variance HO NV 97-00121. The site is located along a formal bike route (S. Tejon to Cheyenne Blvd), is less than 1,000 feet from a bus stop serving two different transit routes (both on S. Nevada Ave.), and is an area that is evolving with a mix of higher density residential, commercial, lodging and other uses. It is likely that many of the customers to the center will park once and visit multiple businesses along the corridor reducing the need for individual parking stalls at each specific site. Staff finds that the requested parking relief will have no adverse impact on the surrounding properties.

In addition to the standard non-use variance criteria above the proposed parking variance must be evaluated with the "Additional Criteria and Guidelines for Regulations of Vehicle Parking and Storage" found in Section 7.5.802.D.

CRITERIA TO GRANT A VEHICLE PARKING VARIANCE	CRITERIA MET	CRITERIA NOT MET
1. 7.5.802 (D.1.a.)      Pedestrian/Vehicular Safety The site plan for the property illustrating parking lot lay-out, design and circulation has been reviewed by Planning and Traffic Staff and has been found to meet parking design standards and to be safe to both pedestrians and vehicular use in the area. The plan illustrates essentially the same parking design that was approved in 1997 and functioned successfully for the Blue Star Restaurant that operated from the site for nearly 20 years.	X	
2. 7.5.802 (D.1.b.)      No Adverse Impact As stated above in the analysis of code criteria 7.5.802.(B.3.), the parking relief is expected to have no adverse impact on the surrounding properties or neighborhood.	X	

**STAFF DECISION**

**APPROVED:** The request for a non-use variance from Section 7.4.203.A. of City Code that requires 44 parking stalls for a Commercial Center Use is hereby administratively granted allowing the proposed use with 26 off-street parking stalls and 11 stalls on S. Tejon St. (partially on private property and partially within the right-of-way), bringing the total parking for the property to 37 stalls.

April 12, 2019  
DATE OF DECISION

  
STAFF MEMBER

**APPLICANTS:** THE DECISION PERTAINS ONLY TO THE APPLICATION YOU SUBMITTED. YOU MUST COMPLY WITH ALL OTHER APPLICABLE REQUIREMENTS OF THE CITY OF COLORADO SPRINGS AND THE REGIONAL BUILDING DEPARTMENT. A COPY OF THE RECORD-OF-DECISION AND APPROVED SITE PLAN SHALL BE SUBMITTED IN CONJUNCTION WITH A BUILDING PERMIT APPLICATION. THIS VARIANCE DOES NOT SUPERSEDE OR NULLIFY PRIVATE COVENANTS THAT MAY LAWFULLY IMPOSE OTHER RESTRICTIONS ON THE USE OF YOUR PROPERTY.

\*\*\*\*\*IMPORTANT\*\*\*\*\*

**THE VARIANCE SHALL BE VOID IF ALL REQUIRED PERMITS ARE NOT OBTAINED WITHIN TWELVE (12) MONTHS OF THE FINAL APPROVAL DATE.**