

# STEP SPRINGS NON-USE VARIANCE

Planning Commission May 8, 2024

Staff Report by Case Planner: Logan Hubble



## Quick Facts

### Applicant

Paul Scudo

### Property Owner

Odyssey Properties, LLC

### Developer

Step Springs

### Address / Location

4525 Northpark Drive

### TSN(s)

6319303018

### Zoning and Overlays

MX-L: Mixed-Use Large Scale

### Site Area

1.2 acres

### Proposed Land Use

Group Living Residence,  
Large

### Applicable Code

UDC

## Project Summary

This project includes a request for a non-use variance to allow a 100-foot separation distance from another group living residence use where 1,000 feet is required.

File Number	Application Type	Decision Type
NVAR-24-0002	Non-Use Variance	Quasi-Judicial

## Background

### Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	Pike View Addition	August 1, 1962
Subdivision	Crossroads North Filing 6	June 9, 1970
Master Plan	N/A	N/A
Prior Enforcement Action	N/A	N/A

### Site History

The building on the property was built in 1970, the same year the property was platted. The office building has housed a variety of uses over the years, most recently a martial arts studio. If this application is approved, a development plan will still be required to change to a residential use type.

### Applicable Code

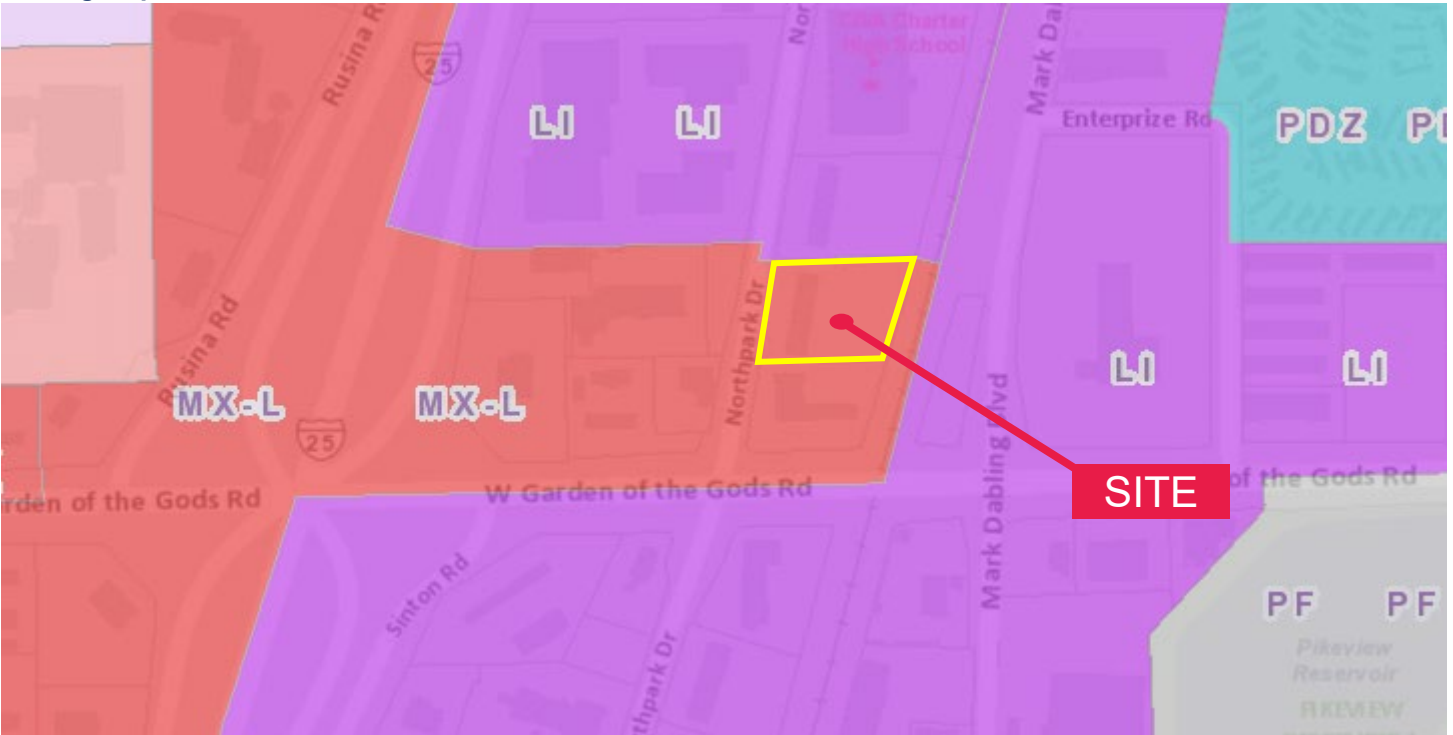
The subject application(s) were submitted after the implementation date (06/05/2023) of the ReTool project, and as such the applicant is required to comply with the standards set forth in the Unified Development Code. All subsequent references within this report that are made to “the Code” and related sections are references to the Unified Development Code.

## Surrounding Zoning and Land Use

### Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	LI: Light Industrial	Office	N/A
West	MX-L: Mixed-Use Large Scale	Group Living Residence (Proposed)	Seeking development plan for Group Living Residence (DEPN-24-0017)
South	MX-L: Mixed-Use Large Scale	Medical Office	N/A
East	LI: Light Industrial	Auto Sales	N/A

## Zoning Map



## Stakeholder Involvement

### Public Notice

Public Notice Occurrences (Poster / Postcards)	Internal Review/Planning Commission Public Hearing
Postcard Mailing Radius	1000'
Number of Postcards Mailed	45 postcards
Number of Comments Received	1

### Public Engagement

No neighborhood meeting was held.

One public comment was received. This neighbor raised concerns regarding loitering, parking, and noise (See Attachment 3: Neighbor Comment and Attachment 4: Applicant Response to Neighbor Comments).

## Timeline of Review

Initial Submittal Date	April 2, 2024
Number of Review Cycles	2
Item(s) Ready for Agenda	April 15, 2024

## Agency Review

### Traffic Engineering

Traffic Engineering had no comments on this item.

### Parks

Upon submittal of a Development Plan, this project will be evaluated in consideration of the change of use which increases residential density, triggering the Park Land Dedication Ordinance, School Site Dedication Ordinance, and City Wide Development Impact (Police & Fire) fees. These fees would be evaluated when a Development Plan is submitted and due at the time of building permit.

## Non-Use Variance

### Summary of Application

The applicant is requesting approval of a non-use variance to section 7.3.301.E of the Unified Development Code (UDC) to allow a 100-foot separation distance from another Group Living Residence use where 1,000 feet is required (See Attachment 2: Site Plan). The property directly across the street (430 W Garden of the Gods Road) applied for a development plan for a Group Living Residence use on January 16, 2024 (DEPN-24-0017). Because this application was submitted before any application was submitted for a Group Living Residence at 4525 Northpark Drive (the subject site), the applicant for this project is required to seek a non-use variance to allow for a Group Living Residence within 1000 feet of another Group Living Residence.

If approved, Step Springs would be a men's residential addiction recovery facility for homeless men. The program will provide a safe living environment while the residents engage in addiction education and 12-step meetings, obtain employment, and learn necessary life skills. The residents will be required to be out of the facility between 7:30 AM and 4:00 PM to work and must return by no later than 7:00 PM for evening programming. Residents would also be required to participate in volunteer and service work.

The applicant found this property after an extensive search. Per the applicant's project statement (see Attachment 1: Project Statement), Step Springs requires a large building, good location to public transportation amenities, a relatively low cost, and the ability to be secured from the surroundings. The applicant indicated that this property meets their needed criteria, making it necessary for the applicant to seek a non-use variance, rather than finding another location. Staff suggests that this site is an appropriate location within the existing land use pattern along Northpark Drive that will allow the proposed use to be established and not have any negative impacts to surrounding uses. Although the established buffer distance requires 1000 feet, staff recognizes the need for this use.

### Application Review Criteria – NON-USE VARIANCE

#### UDC Code Section 7.5.526.E

1. *The application complies with any standards for the use in Part 7.3.3 (Use-Specific Standards);*
2. *The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district;*
3. *That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief;*
4. *That the granting of the Non-Use Variance will not have an adverse impact upon surrounding properties.*

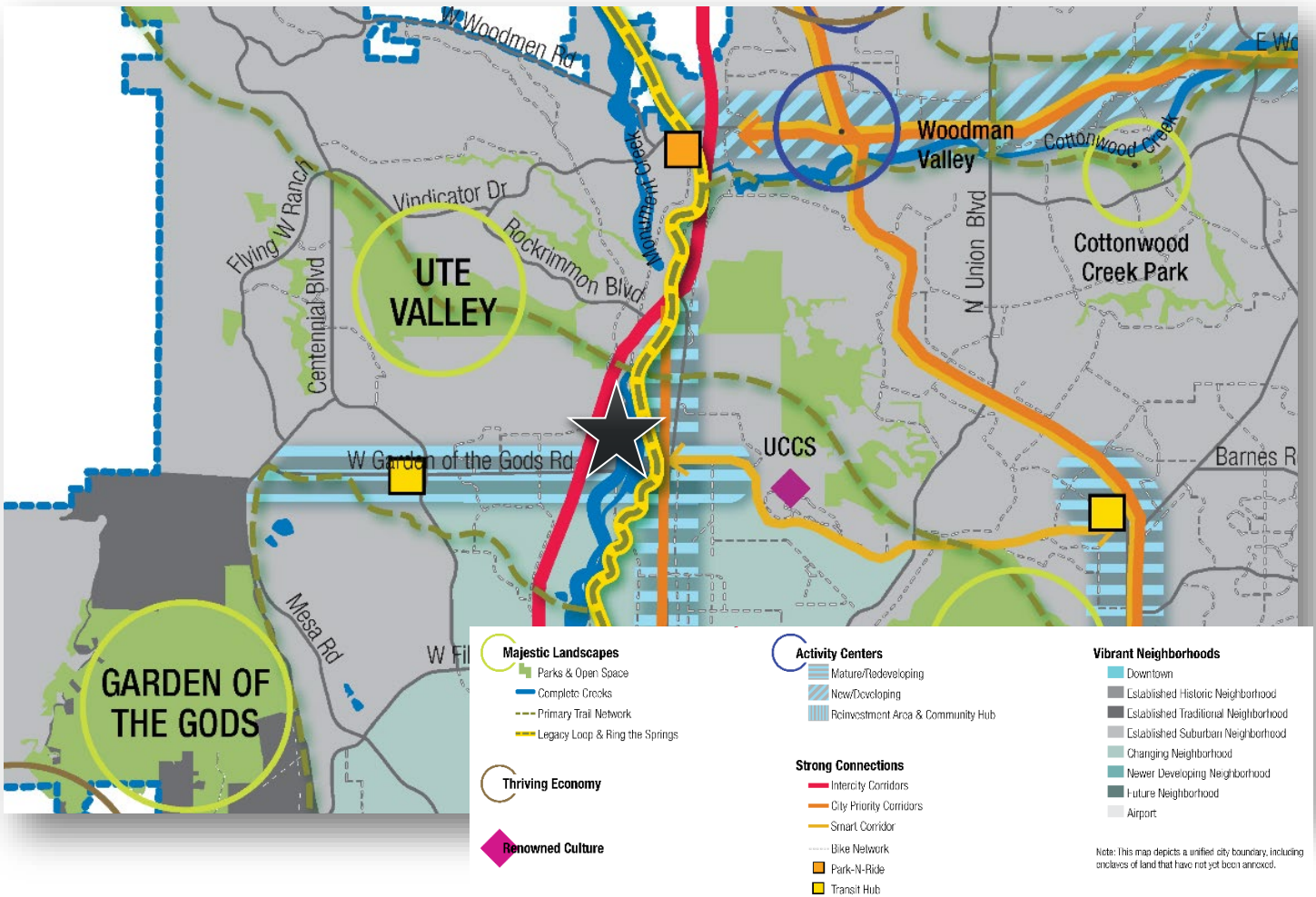
Please see the applicant's Project Statement for their justification of the above criteria for this requested variance.

Staff finds that the proposed non-use variance will not have negative impacts if granted.

### Compliance with Relevant Guiding Plans and Overlays

There are no relevant guiding plans or overlays at this location.

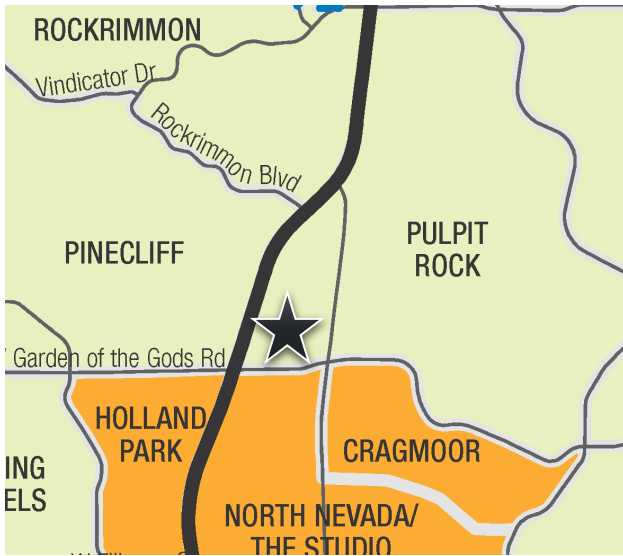
PlanCOS Vision



Staff evaluated the proposed application 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 within a Mature/Redeveloping Corridor.

Mature/Redeveloping Corridors line older arterial streets. According to PlanCOS, “these corridors represent significant infill and redevelopment opportunities.” The goal of this place typology is to “take advantage of the capacity and potential of these corridors to create unified, vital, connected, and more transit supportive urban places, each with its unique character, identity, and design.”

Staff finds the proposed non-use variance to be substantially in compliance with the goals, policies, and strategies within PlanCOS.

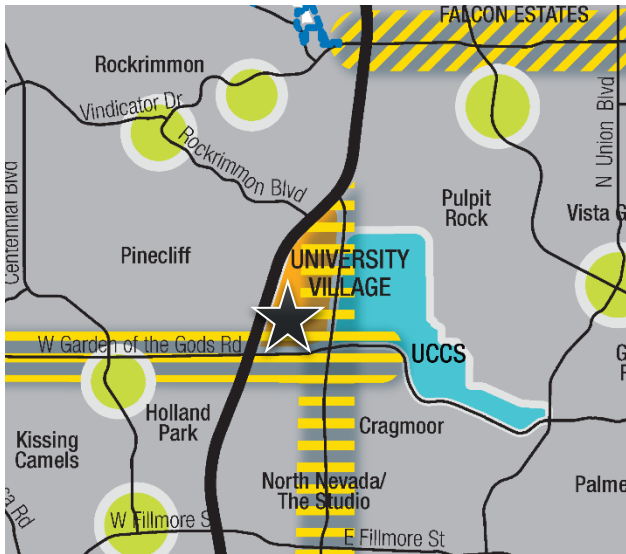


**Predominant Typology**

- Downtown
- Newer Developing Neighborhood
- Changing Neighborhood
- Established Historic Neighborhood
- Established Traditional Neighborhood
- Established Suburban Neighborhood
- Airport
- Future Neighborhood

**Vibrant Neighborhoods**

The proposed use fully meets the “Housing for All” Big Idea. If approved, this proposal would provide a type of housing that is not always available. Similarly, Strategy VN-2.A-2 proposes the support for land use decisions and projects that provide a variety of housing types and size.

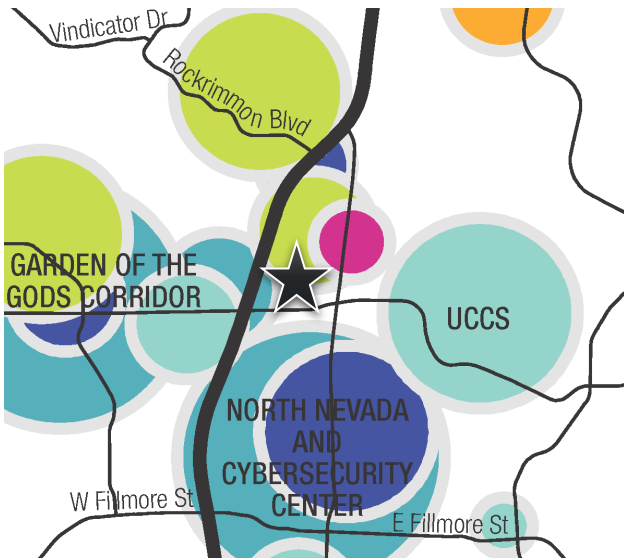


**Predominant Typology**

- Neighborhood Centers
- Community Activity Centers
- Entertainment and Commercial Centers
- Regional Employment and Activity Centers
- Downtown
- Mature/Redeveloping Corridors
- New/Developing Corridors
- Reinvestment Area and Community Hub

**Unique Places**

This property is within a “Mature/Redeveloping Corridor” and an “Entertainment and Commercial Center”. PlanCOS encourages corridors to connect with residential areas, which this project accomplishes. This project is located near commercial and transit services, as the Entertainment and Commercial Center section suggests. In addition, Strategy UP-2.A-4 suggests that the City should support infill and redevelopment.

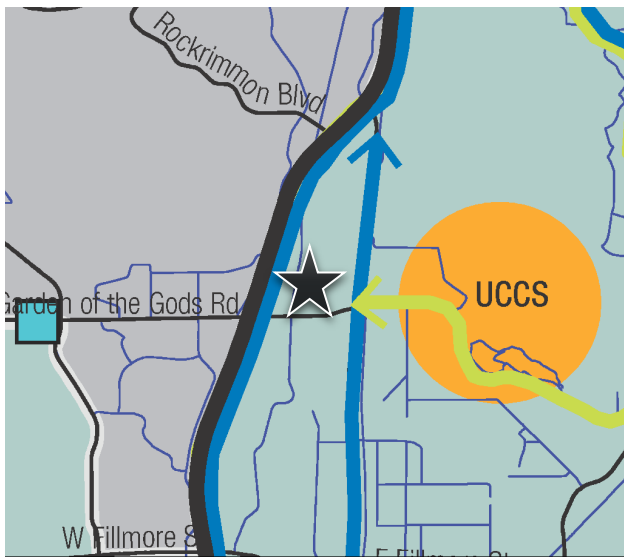


**Predominant Typology**

- Cornerstone Institutions
- Life and Style
- Spinoffs and Startups
- Industry Icons
- The Experience Economy
- Critical Support
- City Boundary
- Interstate 25
- Major Roads

**Thriving Economy**

This project is in an “Industry Icons” area, which encourages transitions to residential areas. This application would accomplish that by providing housing directly in this area. Through Strategy TE-1.C-4, PlanCOS suggests supporting and encouraging projects that meet the need for workforce and business development targeted lower income and other populations and areas with limited access to jobs and business opportunities. If approved, this development would help find jobs for those in its program.

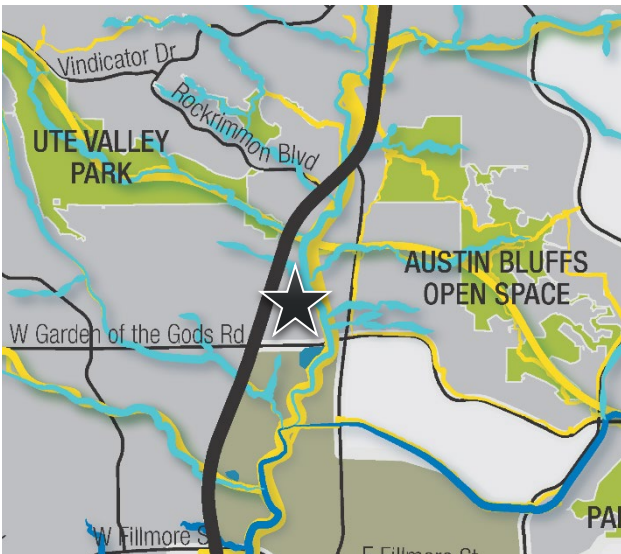


**Predominant Typology**

- Urban Core Streets
- Established Suburban Streets
- Developing Suburban Streets
- Future Streets
- Smart Corridors
- Multimodal Corridors
- Bike Master Plan Network
- Major Destination Areas
- Transportation Hubs
- Park-N-Rides

**Strong Connections**

This development would be in a very convenient location, between I-25 and North Nevada Avenue, and along Garden of the Gods Road. In addition, the project has easy access to a bike trail from the Bike Master Plan Network. Finally, bus route 34 runs along Garden of the Gods Road, very closely to this site.



**Predominant Typology**

- Neighborhood Greenspace
- Sports and Active Recreation
- Natural Resources and Regional Recreation
- Community Education Landscapes
- Trails and Connections
- Major Trail Corridors
- Complete Urban Creeks
- Complete Greenways

**Majestic Landscapes**

Despite being located in a more industrial area, the subject property is near a number of trails and greenways, with easy connections to parks.



## Statement of Compliance

### **NVAR-24-0002**

After evaluation of the non-use variance proposed for 4525 Northpark Drive, staff finds that the application will not have negative impacts if granted.