

CONSENT CALENDAR

DOWNTOWN REVIEW BOARD AGENDA

STAFF: MATTHEW FITZSIMMONS

FILE NO:
CPC NV 17-00040 – QUASI-JUDICIAL

PROJECT: 26 E. MILL ST.

APPLICANT: AMANDA MILLER LUCIANO

OWNER: PIED PIPER PROPERTIES, LLC – PAK KOSCIELSKI



PROJECT SUMMARY:

1. Project Description: This application was submitted to allow the existing legal non-conforming structure to be rebuilt should it ever be destroyed. This FBZ – T1 (Form-Based Zone – Transition Sector 1) zoned property is located at 26 E. Mill St. which is just west of Tejon Ave. A detached single family house and detached garage with carport are the only structures that are currently on the 8,000 square foot lot.
2. Applicant's Project Statement: (Figure 1)
3. Planning and Development Department's Recommendation: Approval of the application with technical modifications

BACKGROUND:

1. Site Address: 26 E. Mill St.
2. Existing Zoning/Land Use: FBZ-T1 (Form-Based Zone – Transition Sector 1) /
The lot is occupied by an 800 square foot single-family home which was built in 1909 as well as a detached garage with a carport.
3. Surrounding Zoning/Land Use:
 - a. North: FBZ-T1 (Form-Based Zone – Transition Sector 1) /Used car dealership
 - b. East: FBZ-T1 (Form-Based Zone – Transition Sector 1) /Single family house and used car dealership
 - c. South: FBZ-T1 (Form-Based Zone – Transition Sector 1) /Single family homes
 - d. West: R-2 (Two Family) – Mill St. Neighborhood /Single family home
4. Comprehensive Plan/Designated 2020 Land Use: Regional Center
5. Annexation: South End Addition - 1897
6. Master Plan/Designated Master Plan Land Use: - Experience Downtown MP /Located just south of the Experience Downtown COS MP boundary
7. Subdivision: South End Addition - 1897
8. Zoning Enforcement Action: None
9. Physical Characteristics: Single family home with a detached garage and carport on a relatively flat lot.

STAKEHOLDER PROCESS AND INVOLVEMENT:

Postcards were sent out to all the property owners within 1,000 feet of the property on April 17, 2017. This post card stated the purpose of the warrant and also announced when the public hearing would take place. A poster outlining the warrant request and the hearing date was also erected on the property. Staff has not received any inquiries regarding the postcard nor poster at this time.

ANALYSIS OF REVIEW CRITERIA AND MAJOR ISSUES: The subject property is zoned FBZ-T1 (Form-Based Zone – Transition Sector 1) and contains a small 1909 single-family home and a detached garage with attached carport.

The applicant is seeking a warrant so that any buyer will be able to finance the house with a residential home loan. Residential buildings typically need to be legally conforming to city code before lenders are willing to grant any loans. Lenders want assurances that if the house were destroyed by fire or any other means that the owner would be allowed by the city to rebuild the structure.

The selling agent, aware of the legal non-conforming status of the structure, requested a pre-application meeting to start the process of obtaining a warrant. If granted, this warrant would allow the building to be rebuilt should it be destroyed.

When the FBZ was adopted in the summer of 2009, seven permitted building types were established: Mixed Use, Live/Work, Civic, Apartment, Small Commercial, Rowhouse, and Accessory Units. Each of the seven building types are either permitted, conditional or prohibited in each of the four Sectors within the Downtown FBZ. Those building types that are not specifically permitted, such as a single-family home, are prohibited throughout the zone. While efforts were made to exclude most single-family homes from the FBZ when the code was being drafted, there are a few small areas on the edge of the zone where existing legal non-conforming single-family homes are located. Examples include: specific blocks along S. Tejon St. (26 E. Mill St. is just west of Tejon) and S. Cascade Ave., properties south of Boulder Crescent, and a few properties along S. Weber. In the past, many of these properties have been converted to small offices, apartment buildings, or other non-residential uses. The FBZ allows, and even encourages, these use-to-use conversions with the goal of promoting higher density, and higher value uses within the historic core of the City.

Prior to the adoption of the Downtown FBZ in 2009, the subject property was zoned C5 (Intermediate business) which permitted single-family and multi-family residential units on an individual property using R5 (Multi-family) standards. While the current use was permitted in a C5 zone, other site standards such as front setbacks, 15 feet where 20 feet is required, were legal non-conforming prior to 2009. Therefore, while the adoption of the FBZ created a new legal non-conforming issue (single-family building types are prohibited), it eliminated other legal non-conforming issues (setbacks).

With the goal of gaining the legal ability to rebuild the property's improvements should they ever be destroyed, the property owner has requested a Building Type Warrant to permit an otherwise prohibited Building Type – a single-family home. Any project that requires relief from a standard must gain approval of a warrant by the Downtown Review Board. Warrants are reviewed using the five criteria found in Section 5.4 of the Form-Based Code. The criteria are:

1. Is the requested warrant consistent with the intent of the form-based code?
2. Is the requested warrant, as well as the project as a whole, consistent with Section 4 – Design Guidelines of the form-based code?
3. Is the requested warrant reasonable due to the proposed project's exceptional civic or environmental design?
4. Is the requested warrant consistent with the Imagine Downtown Master Plan?
5. Is the requested warrant consistent with the City's Comprehensive Plan?

Although one of the overall goals of the Downtown FBZ is to increase "predictability" by establishing quantifiable standards, there are two other statements within Section One of the regulating plan describing the intent of the FBZ that are applicable to this request.

They are:

- A. To remove barriers to revitalize Downtown Colorado Springs
- B. Promote a mixture of uses including retail, office, residential, institutional, and others.
- C. To establish transitions from the downtown core and urban renewal sectors to the surrounding neighborhoods.

With the current structure remaining a single family home or being repurposed as a business,, this structure can be viewed as a contributing member of the Mill St. community located just to the west of this address.

Experience Downtown Colorado Springs, the downtown master plan that was adopted in 2016, does not include this property within its boundaries, as the Imagine Downtown Master Plan did in 2009. That being said, the Experience Downtown Master Plan was crafted to not only facilitate business development and residential growth by creating vibrant neighborhoods, but to also influence beyond the Plan's formal boundaries by revitalizing surrounding areas. Therefore, staff believes that the current master plan would support this warrant to make this property more viable and flexible for future uses.

Lastly, the Board should take note of the efforts made to accommodate residential dwelling units. By approving the requested warrant, the Board will be helping achieve the goal to promote a downtown with residential and non-residential land uses intermixed to form a vibrant and successful downtown environment.

After careful consideration, Staff has determined that the required warrant criteria are met and once the technical modifications described at the conclusion of this report are addressed, the plan should be approved.

STAFF RECOMMENDATION:

ITEM NO: CPC NV 17-00040 – 26 E. Mill St.

Approve the proposed warrant based on the findings that the warrant criteria found in Section 5.4 of the Downtown Colorado Springs Form-Based Code will be substantially met once the following technical modifications are made:

Technical Modifications to the Warrant Plan:

1. Modify the warrant plan to address the following:
 - a. Add the file number to all plan sheets
 - b. Label the property's zoning as FBZ-T1
 - c. Note that the existing structure is considered a single-family residential structure
 - d. Note that the use of the property is residential
 - e. Note the number of on-site parking stalls
 - f. Label the height and type of existing fencing
 - g. Bottom right corner of the plan should include:
 - i. Lot size in square feet
 - ii. Square footage of each structure (house, garage, carport)
 - iii. Lot coverage of each structure and total.
2. Add a note to the plan stating that the Downtown Review Board approved a building type warrant for the site.