



## Legislation Details (With Text)

**File #:** 15-00713      **Version:** 2      **Name:**  
**Type:** Ordinance      **Status:** Mayor's Office  
**File created:** 11/9/2015      **In control:** City Council  
**On agenda:** 12/8/2015      **Final action:** 12/8/2015  
**Title:** Ordinance No. 15-91 amending the zoning map of the city of Colorado Springs pertaining to 4.31 acres, located at 4081 Tutt Boulevard.

(Quasi-Judicial Matter)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Zoning-4081TuttBlvd-2015-11-16, 2. Exhibit A-Legal Description, 3. Signed Ordinance\_15-91

Date	Ver.	Action By	Action	Result
12/8/2015	2	City Council	finally passed	Pass
11/24/2015	1	City Council	approved on first reading	Pass

Ordinance No. 15-91 amending the zoning map of the city of Colorado Springs pertaining to 4.31 acres, located at 4081 Tutt Boulevard.

(Quasi-Judicial Matter)

**From:**

Peter Wysocki, Planning and Development Director, Planning and Development Department

**Summary:**

Applicant: Rockwell Consulting; Kent Rockwell  
Owner: Tutt Commercial, LLC  
Location: 4081 Tutt Boulevard

This project includes concurrent applications for a zone change and a development plan on a 4.31 acre site at 4081 Tutt Boulevard, located south of the southeast corner of Tutt Boulevard and Barnes Road. The applicant is requesting a zone change from C-5/CR/AO (Intermediate Business with Conditions of Record and Airport Overlay) to C-5/CR/AO (Intermediate Business with Conditions of Record and Airport Overlay); the only difference between the existing and proposed zone is the removal of two Conditions of Record. The accompanying development plan illustrates a three-story, 80-room Fairfield Inn and Suites on the northern portion of the 4.31 acre site. A Final Plat application is being reviewed administratively.

**Previous Council Action:**

On August 26, 2008 City Council approved a zone change from C-5/CR/AO to C-5/CR/AO to remove old Conditions of Record and place new Conditions of Record (Ordinance 08-125), and a Conditional Use Development Plan to allow automotive sales in the C-5 zoning district. The approved Conditions

of Record cover a wide range of topics including principal use restrictions, setbacks, signage, and accessory outdoor use restrictions.

**Background:**

The application under review is for a zone change from C-5/CR/AO to C-5/CR/AO in order to remove the following two Conditions of Record:

3. No portion of the building or signage shall be higher than 33 feet, 6 inches.
- 4 (b). No building signage will be allowed on the east elevation.

Condition of Record number three in Ordinance 08-125 effectively limits the building height and signage to no higher than 33'6". The proposed Fairfield Inn and Suites is a three-story, 44 foot tall building with wall mounted signage approximately four feet below the highest point of the building.

Condition 4 (b) states there shall not be building signage on the east elevation. Staff determined that while the proposed building does not face due east, the proposed northeast facing building signage could be construed as a violation of this condition and recommended the condition be considered for removal. Staff further determined the intent of the condition was to avoid signage facing the residential homes located across the Sand Creek Drainage Basin and Springs Ranch golf course to the east. The northeast facing building signage will not be opposite any residential homes, but instead is aimed towards the Sky Sox Stadium located directly to the northeast of the subject site. To ensure this signage will not affect those who live to the east, the northeast facing building mounted signage shall be restricted to back-lit channel letters only as indicated on the development plan's building elevations.

**Financial Implications:**

Not applicable.

**Board/Commission Recommendation:**

The City Planning Commission unanimously approved the applications at their October 15, 2015, meeting.

**Stakeholder Process:**

Public notice was provided to 29 property owners within 500 feet of the site and to property owners potentially affected in the Island at Springs Ranch Subdivision to the east of Sand Creek on four occasions: 1) after the submittal of the applications, 2) prior to the neighborhood meeting held on August 11, 2015, 3) prior to the Planning Commission meeting, and 4) prior to the City Council meeting. Approximately nine people attended the neighborhood meeting, four of which were representing the proposal. No one spoke in opposition of these applications during the Planning Commission meeting. Staff also sent the plans to the standard internal and external review agencies for comments. All comments received from the review agencies have been addressed.

**Alternatives:**

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration.

**Proposed Motion:**

CPC ZC 15-00067 - Zone Change

Approve the change of zone district from C-5/CR/AO (Intermediate Business with Conditions of Record and Airport Overlay) to C-5/CR/AO (Intermediate Business with Conditions of Record and Airport Overlay), based upon the finding that the zone change complies with the review criteria set forth in City Code Section 7.5.603.B, and subject to the following Conditions of Record:

1. The following uses shall not be permitted:
  - a. All residential uses
  - b. Construction / contractor yard
  - c. Sexually oriented businesses
  - d. Crematory
  - e. Bars, to include taverns, lounges, nightclubs, and other like uses, with the exception of restaurants
2. The following minimum yard dimensions apply:
  - a. Front yard: twenty five feet (25')
  - b. Side yard: twenty five feet (25')
  - c. Rear yard: twenty five feet (25')
  - d. Setbacks are to be measured from the exterior property line of the zone district. Setbacks from the interior lot lines are as per the development plan.
3. Signage requirements:
  - a. Freestanding signs shall be limited to the following:
    1. One sign at a maximum of 150 square feet and twenty five (25) feet tall.
    2. Two signs at a maximum of 75 square feet and twelve (12) feet tall.
  4. No outdoor repair or service of vehicles is allowed.

An ordinance amending the zoning map of the city of Colorado Springs pertaining to 4.31 acres, located at 4081 Tutt Boulevard.