



Legislation Details (With Text)

File #: 14-0716 **Version:** 2 **Name:**
Type: Ordinance **Status:** Mayor's Office
File created: 11/7/2014 **In control:** City Council
On agenda: 12/9/2014 **Final action:** 12/9/2014
Title: Ordinance No. 14-102 amending the Zoning Map of the City of Colorado Springs relating to .41 acres located at 2207 and 2213 Bott Avenue (Quasi-Judicial Matter)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Pub Dog - Zoning Ordinance, 2. Pub Dog-Exhibit A, 3. Criteria-7.5.603-ZC Criteria

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------|---------------------------|--------|
| 12/9/2014 | 2 | City Council | finally passed | Pass |
| 11/25/2014 | 1 | City Council | approved on first reading | Pass |

Ordinance No. 14-102 amending the Zoning Map of the City of Colorado Springs relating to .41 acres located at 2207 and 2213 Bott Avenue (Quasi-Judicial Matter)

From:

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

Summary:

This project includes concurrent applications for a minor amendment to the Midland Master Plan, a zone change, and a concept plan for a 0.41-acre parcel located along the south side of Bott Avenue and approximately mid-block between 22nd and 23rd Streets.

The minor master plan amendment proposes to change the land use from “low density residential” to “commercial-office”. The rezoning request is to change the existing zoning from R-2 (Two-family Residential) and M-1 (Light Industrial) to C-5/cr (General Commercial with conditions of record).

Pursuant to City Code, a zone change must be accompanied by either a concept plan (which provides a conceptual layout of how the property is intended to be developed) or a development plan. In this case, the applicant has not finalized the design of the project and has filed a concept plan. The concept plan demonstrates a 2,340 square-foot restaurant with outdoor patio and off-street parking.

Previous Council Action:

Not applicable.

Background:

The request is to amend the Midland Master Plan from “low density residential” to “commercial-office”. The Midland Plan was adopted in 1989 as a subplan to the Westside Master Plan; the plan area is located south of Highway 24 from 8th Street to 31st Street and south to Lower Gold Camp Road. The plan shows Bott Avenue and a portion of Robinson Street as becoming the transition zone between industrial, commercial, and office uses (north of those streets to Highway 24) while the south side of Bott Avenue is identified as low density residential.

The existing land uses along Bott Avenue appear to have remained largely unchanged since the adoption of the master plan. Land uses along the south side of Bott Avenue include mini-warehouse, warehouse, light industrial, day care and retail/bakery (Wimberger’s and Little London Cakes).

This area of the Midland neighborhood likely will see continued redevelopment interest having already seen the redevelopment of the Roundhouse at Highway 24 and S. 21st Street, the refurbished restaurant for Garden of the Gods Gourmet (S. 26th Street), the development of Rudy’s Restaurant (S. 31st Street), and the continued build-out of the Gold Hill Mesa development.

The requested change of zone is from R-2 (Two-Family Residential) and M-1 (Light Industrial) to C-5/cr (Intermediate Commercial with conditions of record). The conditions attached to the zoning would assist in protecting surrounding residential neighbors from potential nuisances. Staff is suggesting conditions of record be placed on the property as part of the proposed change of zone; those conditions of record can be found in the Record of Decision and are also listed within the attached ordinance. In the spirit of cooperating with the neighbors, the owner does not object to these land use restrictions.

The concept plan shows the intended purpose of the property as a sit-down restaurant; the plan includes the proposed 2,340 square-foot building footprint, off-street parking and general site layout on the parcel. Access is planned off of Bott Avenue with no vehicular access to the existing alley to the south. A patio is planned on the back portion of the site intended for outdoor seating, shuffle board, and a play area for dogs.

Financial Implications:

Not applicable.

Board/Commission Recommendation:

After a brief presentation by staff and the applicant, the City Planning Commission unanimously approved all three applications on a 7-0 vote.

Stakeholder Process:

Notification postcards were mailed to 58 property owners located within 500 feet of the property; several residents voiced concerns of traffic, noise and light, but none were willing to provide their concerns in writing. In lieu of holding a neighborhood meeting the applicants went door-to-door to discuss the proposed restaurant with surrounding property owners.

Staff had discussions with the Organization of Westside Neighbors (OWN) concerning the amendment to the Midland Plan (the plan is an amendment to the Westside Plan) and generally supports the proposal. Staff did forward a notification to the Midland neighborhood representative, Marty Miller, but did not receive any communication with Mr. Miller (HOA contact lists only address, no e-mail or phone number).

Public notification postcards were again mailed to the 58 property owners prior to the Planning Commission meeting. The site was also posted prior to the City Council hearing.

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 14-00083 - Zone Change

Approve the zone change from R-2 (Two-family Residential) and M-1 (Light Industrial) to C-5/cr (General Commercial with conditions of record) consisting of 0.41 acres, based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B and is subject to the following conditions of record:

Conditions of Record

Only the following land uses are permitted within this zone:

1. Restaurant;
 - a. Quick Serve;
 - b. Sit Down.
2. All Residential Land Use types as allowed under the C-5 zoning (e.g. detoxification center to remain as a conditional use);
3. All Office Land Use types;
4. Bed and Breakfast;
5. Food Sales;
6. Liquor Sales (off-sale);
7. Mixed Commercial-Residential;
8. Mixed Office-Residential;
9. Personal Consumer Services;
10. Personal Improvement Services;
11. Retail, general;
12. Veterinary Service, small animal clinic;
13. Cultural Services;
14. Day Care Services;
15. Educational Institutions (all subcategories);
16. Religious Institution.

The following conditions shall also apply:

1. Outdoor dining areas to be closed by 9 p.m. Sunday through Thursday and 10 p.m. on Friday and Saturday.
2. Closing hours for all other uses shall be no later than 10 p.m.
3. All ground mounted signs to be no than 4-feet in height.
4. No animal kenneling or animal day care to occur with use as a restaurant.

An ordinance amending the Zoning Map of the City of Colorado relating to .41 acres from M-1 (Light Industrial) and R-2 (Two-family Residential) to C-5/cr (Intermediate Business with conditions of record) located at 2207 and 2213 Bott Avenue.