



Legislation Details (With Text)

File #: 15-00706 **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. 15-89 amending the zoning map of the city of Colorado Springs pertaining to 0.84 acres, located at 4216 Date Street.

(Quasi-Judicial Matter)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Rezone Ord Date Street, 2. Exhibit A- LEGAL, 3. Signed Ordinance_15-89

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. 15-89 amending the zoning map of the city of Colorado Springs pertaining to 0.84 acres, located at 4216 Date Street.

(Quasi-Judicial Matter)

From:

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

Summary:

Applicant: Thomas & Thomas; Jason Alwine
Owner: Another Attic, Ltd.; Paul Fields
Location: 4216 Date Street

This project includes concurrent applications for a zone change and a concept plan for a 0.84-acre site at 4216 Date Street, located east of the southeast corner of Austin Bluffs Parkway and Beverly Street. The applicant is requesting a zone change from PBC/CR (Planned Business Center with Conditions of Record) to PBC (Planned Business Center). The accompanying concept plan illustrates a potential drive-through restaurant use, accessory parking, and approximate access point locations onto Date Street and the shared access drive.

Previous Council Action:

Not applicable.

Background:

The application under review is for a zone change to remove the existing Conditions of Record. On September 26, 2000 City Council approved the annexation of 1.82 acres known as Park Vista 2000;

a zone change from County to PBC subject to Conditions of Record; and a concept plan illustrating a commercial use. Due to concerns regarding traffic from the neighboring office use at the time, the following Condition of Record was placed on the property:

1. The following uses are prohibited:
 - a. Service Stations
 - b. Convenience Stores
 - c. Car Sales
 - d. Drive In/Fast Food Restaurants

While the existing conditions of record may have been justified 15 years ago, the surrounding land uses, the existing traffic patterns, and absence of stakeholder concerns, supports the removal of the restrictions.

The concept plan shows a 3,200 square foot proposed drive-through fast food restaurant use, 32 parking stalls, an access point from the shared drive aisle to the northeast, and second access point from Date Street to the southeast. No direct access from Austin Bluffs Parkway is planned.

Financial Implications:

Not applicable.

Board/Commission Recommendation:

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

Stakeholder Process:

The public process involved with the review of these applications included the posting of the site and sending of postcards to 66 property owners within 500 feet at the time of submittal as well as prior to the Planning Commission hearing. No public comments were received. 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 15-00077 - Zone Change

Approve the change of zone district from PBC/CR (Planned Business Center with Conditions of Record) to PBC (Planned Business Center), based upon the finding that the zone change complies with the review criteria set forth in City Code Section 7.5.603.B

An ordinance amending the zoning map of the city of Colorado Springs pertaining to 0.84 acres, located at 4216 Date Street.