



Legislation Details (With Text)

File #: CPC ZC 20-00139 **Version:** 3 **Name:** 603 S El Paso

Type: Ordinance **Status:** Mayor's Office

File created: 2/2/2021 **In control:** City Council

On agenda: 4/13/2021 **Final action:** 4/13/2021

Title: Ordinance No. 21-36 amending the zoning map of the City of Colorado Springs pertaining to 0.39-acre located at 603 South El Paso Street from C5/cr (Intermediate Business with Conditions of Record) to C5/cr (Intermediate Business with Conditions of Record).

(Quasi-Judicial)

Related Files: CPC DP 20-00140

Presenter:
Gabe Sevigny, Principal Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD_ZC_603SEIPasoSt, 2. Exhibit A - Legal Description, 3. Exhibit B - Zone Change, 4. Vicinity Map, 5. Signed Ordinance 21-36

Date	Ver.	Action By	Action	Result
4/13/2021	2	City Council	finally passed	Pass
3/23/2021	2	City Council	approved on first reading	Pass
2/18/2021	1	Planning Commission	referred	Pass

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Peter Wysocki, Director, Planning & Community Development

Summary:

Owner: Jennifer Southerland
Developer: Jennifer Southerland
Representative: Bobby Hill Designs, LLC
Location: 603 South El Paso

This project includes concurrent applications for a zone change and a development plan. The zone change request changes the zoning from C5/cr (Intermediate Business with conditions of record) to C5/cr (Intermediate Business with conditions of record) to include an additional use of catering/restaurant. The development plan illustrates how the 0.39-acre site is currently developed, but also illustrates the location of the catering/restaurant use within the existing structure.

Background:

The site was originally zoned C5/cr (General Commercial with conditions of record) in May 1977. The uses approved in that application have continued to date within the structure under the applicant's father, who was the applicant on the initial rezoning request. The change of zone of 17,110 square feet of land, located at the southeast corner of East Moreno Avenue and South El Paso Street Intersection, will rezone the project site from C5/cr to C5/cr with allowed uses only consisting of expansion of barbershop, expansion of beauty salon, commission sales shop, professional office, and catering and restaurant. The change occurring is the additional use for a catering/restaurant.

The C5/cr zone district restricts the property to the uses listed above. The addition of the use for catering/restaurant will allow for the applicant to operate a catering and café business to include limited breakfast and lunch hours, for carry-out only, Wednesday through Saturday mornings and afternoons. The proposed use will have minimal impact on the surrounding uses which are multi-family and single-family dwellings. It will also provide services within walking distance from the surrounding neighborhood creating a benefit in the area.

The 603 South El Paso Development Plan illustrates the location of the existing structure with no renovations being proposed with this application. Approximately 280 square feet will be utilized for the catering/café, 681 square feet for retail space, 277 square feet for office space, and approximately 980 square feet for the barbershop, a manager's office, and employee lounge. There is no indoor customer seating shown. Equipment for the use will consist of a sandwich table, refrigerator and freezer, small panini press, countertop convection oven for baked goods, microwave, soup warmer, and cappuccino machine.

The development plan also updates the current parking lot in compliance with the criteria identified in City Code Section 7.4.203, parking space requirements by use. The parking lot includes ADA (Americans with Disability Act) parking and route to the nearest entry as well as existing access. No new access to the site is proposed with this zone change and development plan. A traffic study was not required because there is no change of access and the zone change is only adding one minor use to the site.

Staff has evaluated the proposed applications for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"). According to PlanCOS, the project site is identified on the plan's Vision map (see "Vision Map" attachment) as an Established Traditional Neighborhood. According to the Areas of Change map (see "Areas of Change" attachment) the site is shown to be low to low moderate for the area of change. The applicant's proposed additional use for catering/restaurant which identifies, promotes, and supports redevelopment and infill opportunities is complimentary of the Comprehensive Plan as it restricts uses to what is beneficial to the neighborhood's character. By allowing the additional use of a catering/restaurant within proximity of residential uses, the use can promote walkability and diversity for neighboring properties. Specific policies of PlanCOS that are supported are listed below:

Policy VN-3.C: Promote neighborhood-level shopping and service options to include a variety of healthy food markets, coffee houses, restaurants, and other supportive businesses that increase local access and walkability.

Policy VN-3.E: Encourage and support the integration of mixed-use development in neighborhoods.

Policy VN-3.F: Enhance mobility and connectivity between neighborhoods across Colorado Springs and with surrounding jurisdictions.

This area is part of the Shooks Run Redevelopment Plan, adopted in September 1980, and is designated as commercial. There was an update in January of 1997 to the Shooks Run Redevelopment Plan to acknowledge landscaping on historic medians. The proposed application will not involve any improvements to the medians and will remain as commercial per the designation. Therefore, staff finds that the addition of a café/restaurant and the rezoning to facilitate that additional use complies with the commercial nature of the property and the Shooks Run Redevelopment Plan.

The attached City Planning Commission staff report includes additional analysis.

Previous Council Action:

N/A.

Financial Implications:

N/A.

City Council Appointed Board/Commission/Committee Recommendation:

At the City Planning Commission meeting held on February 18, 2021, the project applications were considered under the Consent Calendar. Without discussion, Planning Commission voted unanimously 8-0-1 (with Commissioner Natalie Wilson absent) to approve the project applications.

Stakeholder Process:

The public notification process consisted of providing notice to surrounding homeowners associations and adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 257 property owners on four occasions: a pre-application neighborhood meeting, during the internal review, and prior to the Planning Commission and City Council hearings. The site was also posted during the four occasions noted above. City Planning staff received no comments in favor or opposition to the project during the internal review or during the notice of the Planning Commission and City Council hearings. During the pre-application neighborhood meeting, there were comments received from six (6) adjacent neighbors that were in favor of the project.

Staff sent copies of the plan set and supporting documentation to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, City SWENT, City Parks, City Economic Development, Council of Neighborhood Organizations (CONO), Police, and E-911. All comments received from the review agencies have been addressed. As an infill project within an established neighborhood, City Planning staff notes that the following review agency provided project-specific comments:

- City SWENT staff did not require a drainage report as the structure is existing and no new land disturbance was proposed with the development plan application.

- No comments or objections were raised by the City’s Traffic Division of Public Works.
- CSU has required an approval variance letter for a wastewater grease trap or interceptor to be in place before any approval of the Preliminary Utility and Public Facility Plan.

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:

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Adopt an ordinance amending the zoning map of the City of Colorado Springs pertaining to 0.39-acre from C5/cr (Intermediate Business with Conditions of Record) to C5/cr (Intermediate Business with Conditions of Record), based upon the findings that the zone change meets the review criteria as set forth in City Code Section 7.5.603.B, with the following conditions of record:

Permitted uses are restricted to only:

Barbershop
Beauty salon
Commission sales shop
Professional office
Catering and restaurant

An Ordinance amending the zoning map of the City of Colorado Springs pertaining to 0.39-acre located at 603 South El Paso Street from C5/cr (Intermediate Business with Conditions of Record) to C5/cr (Intermediate Business with Conditions of Record):

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