



Legislation Text

File #: CPC ZC 17-00091, **Version:** 3

Ordinance No. 17-109 amending the zoning map of the City of Colorado Springs pertaining to .414 acres from R-5 (Multi-Family Residential) and OR (Office Residential) to C-5/cr (Intermediate Business with Conditions of Record) located at 1213 and 1215 East Fillmore Street.

(Quasi-Judicial)

Related File: CPC CP 17-00092

Presenter:

Michael McConnell, Planner II, Land Use Review Department
Peter Wysocki, Planning and Community Development Director

Summary:

Applicant: Richard Whaley
Owner: Richard Whaley
Location: 1213 & 1215 East Fillmore Street

The project includes concurrent applications for a zone change to C5 (Intermediate Business) and a concept plan illustrating current site conditions along with a building envelope for future development on the 1213 East Fillmore Street lot. No site changes or development is proposed with this concept plan. A development plan will be required when any new use is proposed for either lot. Both sites total .414 acres (or 18,019 square feet) and are located on the south side of East Fillmore Street between North Hancock Avenue and Illinois Avenue; a north-south public alley runs between the two properties.

Previous Council Action:

On November 28, 2017, this Ordinance was approved on first reading on the Consent Calendar.

Background:

In order to make the properties more in character with the commercial nature of the East Fillmore Street corridor the owner is seeking to rezone both properties to identical zone districts (C5). The properties would remain in their current condition until a new use or user is proposed, at which time a development plan will be required and certain public improvements made. The subject property is surrounded by both commercial C-5 (Intermediate Business) and residential R1-6 (Single Family Residential), R-2 (Two Family Residential) uses and is part of the East Fillmore Street corridor which comprises mainly commercial and industrial land uses.

By rezoning these two properties the corridor will become more contiguous and uniform in the zoning designations as seen above and enable the future property owners to develop this site in the style and context of the corridor. This rezoning will allow a future property owner the flexibility to develop the site to become more integrated into the neighborhood and provide greater services to the residents in the area.

At the internal review stage staff received several phone calls with concerns relating to potential uses. Staff then identified the below uses as having potentially negative impacts on area residents and businesses in particular with regards to noise and odor. It is the recommendation of staff that the following uses be restricted

and added as Conditions of Record.

1. Optional Premise Cultivation
2. MMJ infused product manufacturer (hazardous/nonhazardous)
3. Contractor or Construction Yard
4. Automotive Repair Garage
5. Sexually Oriented Business

The concept plan illustrates a general development conditions on-site and provides future property owners an idea of acceptable uses and development patterns. Current development standards for the C-5 zone district will need to be met when the site is developed in the future. While there is no minimum lot size in the C-5 zone district there are 20-foot setbacks on the front and rear of the external property boundaries which will make this site difficult to develop without variances from the City.

Financial Implications:

N/A

Board/Commission Recommendation:

At the City Planning Commission meeting held on October 19, 2017 these items were voted on as part of the Consent Calendar and were approved unanimously. Please see the City Planning Commission Staff report for additional analysis.

Stakeholder Process:

The public process included two mailings within a 1,000 foot buffer and posters placed on-site for a period of ten (10) days. Staff received several phone calls from concerned neighborhood residents regarding possible uses on the property. These phone calls led to staff including the conditions of record as part of the zone change. Those conditions restrict uses as described in the background section of this memo and within the City Planning Commission report from staff.

Staff sent copies of the plans and supporting documentation to the standard internal review agencies and departments and no comments were received.

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:

Adopt an ordinance amending the zoning map of the City of Colorado Springs pertaining to .414 acres located at 1213 and 1215 East Fillmore Street from R-5 (Multi-Family Residential) and OR (Office Residential) to C-5/CR (Intermediate Business with Conditions of Record) based on the finding that the request complies with the review criteria in City Code Section 7.5.603; subject to the following conditions of record:

The following uses are prohibited:

1. Optional Premise Cultivation
2. MMJ infused product manufacturer (hazardous/nonhazardous)
3. Contractor or Construction Yard

4. Automotive Repair Garage
5. Sexually Oriented Business

An ordinance amending the zoning map of the City of Colorado Springs pertaining to .414 acres located at 1215 & 1213 East Fillmore Street from R5 (Multi Family Residential) & OR (Office Residential) to C5/cr (Intermediate Business with Conditions of Record), subject to the following conditions of record:

The following land uses are prohibited within this PBC zone:

1. Optional Premise Cultivation
2. MMJ infused product manufacturer (hazardous/nonhazardous)
3. Contractor or Construction Yard
4. Automotive Repair Garage
5. Sexually Oriented Business