



Legislation Text

File #: AR NV 19-00232, **Version:** 2

Ent Credit Union nonuse variance allowing an 11.5 foot retaining wall in the rear yard setback where a 6 foot retaining wall is allowed per City Code.

(Quasi-Judicial)

Related Files: CPC ZC 18-00134, CPC DP 18-00135

Presenter:

Lonna Thelen, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Summary:

Owners: Ent Credit Union
Consultant: Galloway & Company Inc.

This project includes concurrent applications for a zone change, development plan (FIGURE 1) and nonuse variance for construction of a 5,280 square foot financial institution (bank) on 1.25 acres located at 3005 and 3009 West Colorado Avenue. The proposal will rezone 1.25 acres from R5/C5/HS (Multi-Family Residential and Intermediate Business District with Hillside Overlay) to C5 (Intermediate Business District). The nonuse variance supports construction of an 11.5-foot retaining wall where a maximum of 6-foot is permitted in the rear yard setback. A waiver of replat is being reviewed administratively to combine 9 lots into one buildable site.

Previous Council Action:

There are no previous council actions.

Background:

The property is currently dual zoned; the northern half is C5 and the southern half is R5. This request will rezone the entire site to C5 (Intermediate Business) to support commercial redevelopment. Multiple lots south of Colorado Avenue and east of 31st Street exhibit this dual-zoned condition. Previously redeveloped lots in this corridor have applied for rezoning to remove the multi-family zone in order to develop commercially and were approved by City Council. Staff supports the request as it is consistent with the commercial character of West Colorado Avenue.

The site is also within the Hillside Overlay, which will be removed with this rezone request. Staff supports the removal of the hillside overlay because the site does not exhibit the hillside characteristics of steep slopes or significant vegetation. The two sites were both previously developed and the majority of vegetation is removed from this relatively flat site. Again, other rezoned commercial properties in the vicinity have also been rezoned commercial with removal of the Hillside Overlay.

The proposed applications are consistent with the envisioned land use patterns for the subject parcel as it relates to several themes in PlanCOS. The Unique Places and Thriving Economy chapters of PlanCOS align with the proposed development it is near Old Colorado City which has been identified as having a unique character and design. It also supports the thriving economy theme because Ent Credit Union is a cornerstone institution in Colorado Springs.

Alignment with these themes are further detailed in the staff report and how the project overall fits the intent and vision for PlanCOS.

Financial Implications:

None

Board/Commission Recommendation:

These items were before the City Planning Commission on the consent agenda on May 16, 2019 at which time the Commission voted unanimously (7-0, 1 Absent: Commissioner Hente) to recommend approval to City Council.

Please reference the minutes from the hearing for a detailed record.

Stakeholder Process:

The public notification process consisted of providing notice to the neighbors by placing a poster for the project on site and sending postcards to 185 property owners within 1000-feet. Two public comments were received in support of the project (**FIGURE 3**). The site will be posted prior to the City Planning Commission hearing and City Council hearing.

The applications were sent to the standard internal and external agencies for review and comment. Review comments received and the remaining comments are listed as technical modifications. The modifications listed are minor. Review agencies for this project include Colorado Springs Utilities, City Traffic, City Engineering, City Fire Department and Police/E-911, as well as School District 11, Floodplain and Enumerations, and the Colorado Department of Transportation.

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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Approve the Ent Credit Union Nonuse Variance, based upon the findings that the nonuse variance meets the review criteria for concept plans as set forth in City Code Section 7.5.802.B.

N/A