



## Legislation Text

---

**File #:** CPC NV 19-00099, **Version:** 2

---

A nonuse variance from City Code Section 7.4.203, Parking Space Requirements by Use, to allow 30 parking spaces where 34 parking spaces are required for personal improvement service, located at the northeast and northwest intersection of East Pikes Peak Avenue and Farragut Avenue.

(Quasi-Judicial)

Related Files: CPC ZC 19-00097, CPC DP 19-00098, CPC NV 19-00099

### **Presenter:**

Rachel Teixeira, Planner II, Planning and Community Development  
Peter Wysocki, Director, Planning and Community Development

### **Summary:**

Owners: Cambio Pikes Peak LLC.

Representative: Bobby Hill Designs

Location: Northeast and northwest intersection of East Pikes Peak Avenue and Farragut Avenue

This project includes concurrent applications for a zone change, development plan and nonuse variance to establish a yoga studio in an existing building. The zone change will change the current zone district from OR (Office Residential) to PBC (Planned Business Center). The development plan illustrates an existing 8,424 square foot office building for a personal improvement service in the PBC zone district along with the nonuse variance to allow 30 on-site parking spaces where 34 parking spaces are required. The site is located northeast and northwest of the East Pikes Peak Avenue and Farragut Avenue intersection.

### **Background:**

The property was annexed as the East End in May of 1896. The medical office building was developed and constructed per the approved development plan (CPC SP 90-24) and per the Bouziden Subdivision (MLSC S 83-106PF) in 1983. The current property owner proposes to occupy as a yoga studio within the 8,424 square foot building. There is to be no new construction; it will remain as a one-story structure with parking to the eastern side, the inner courtyard space, and to the northern side of the building structure.

The property is designated as an Office Residential (OR) zone district. The request is to rezone 1528 East Pikes Peak Avenue, Lots 9 and 10, and 1604 East Pikes Peak Avenue, Lots 7 and 8, to the Planned Business Center (PBC) zone in order to allow for a personal improvement service (yoga studio). The existing OR zone does not permit personal improvement services and thus the request to change the zone district from OR to PBC for a yoga studio business.

The request meets the three zoning code review criteria per City Code Section 7.5.603.B; the

rezoning will not be detrimental to the public interest, health, safety, convenience or general welfare. The project is located in the Divine Redeemer neighborhood, which identifies this site as an established traditional neighborhood by the PlanCOS Vibrant Neighborhoods Framework map. Thus, the goal of the zone change is to recognize, support, and enhance the existing character of these neighborhoods, while supporting their ongoing investment and improved adaptation. The development plan illustrates an existing office building that is adjacent to and near a variety of land uses including; commercial, office, single to multi-family residential, human service establishment and Memorial Park (See Context Map). The rezone application is consistent with the intent of the development plan for a personal improvement services occupancy.

The development plan illustrates the existing 8,424 square foot U-Shaped building with parking to be occupied as a personal improvement service. The property owner intends to occupy space inside the building for yoga studio. The project site includes the following properties; 1604 East Pikes Peak Avenue consisting of an existing office building and parking on the side and in the interior of the site, 0 Farragut Avenue has sixteen (16) parking spaces situated behind the 1604 East Pikes Peak Avenue site, and 1528 East Pikes Peak Avenue, located across the Farragut Avenue street to the west, is a parking lot with nineteen (19) parking spaces dedicated as additional parking for the proposed development plan.

The 1604 East Pikes Peak Avenue site has several existing parking areas; the first is along the eastern side of the property with two accessible parking spaces and five standard spaces, the second is within the interior of the site with two standard parking spaces. In addition, there are also five parking spaces located off-street on the western side of the 1604 East Pikes Peak Avenue property that are provided as part of the development plan and are included in the on-site parking calculation to serve the personal improvement service. There are no changes proposed to the exterior of the building.

The development plan also illustrates an access point into the 1604 East Pikes Peak Avenue site and one access existing off Farragut Avenue. There is an alley to the east side of the building to utilize the existing parking spaces and to gain access off this side of the building. There is landscaping along the sides and the front of the 1604 East Pikes Peak Avenue building.

The property is proposed as PBC (Planned Business Center) and the personal improvement land use illustrated with the development plan is permitted in the PBC zone. (Under City Code definitions, "personal improvement" land use include activities such as yoga studios.) Again, no new construction is planned, only a change of use to allow the yoga studio. Staff finds that the request for the 1528 and 1604 East Pikes Peak Avenue Development Plan for personal improvement services meets the criteria as set forth in City Code Section 7.5.502(E).

The nonuse variance request is to allow 30 parking spaces where 34 spaces are required for a personal improvement service use. The zoning code requires one parking space per 250 square feet for personal improvement services and the 8,424 square foot building requires 34 parking spaces for 1604 East Pikes Peak Avenue.

The site plan illustrates the parking spaces being provided including; seven spaces, (two (2) handicapped accessible and five (5) standard spaces) along the east side of the building, two standard parking spaces within the inner courtyard area of the building and sixteen (16) standard

parking spaces to the rear of the building (located on 0 Farragut Avenue property). This is a total of 25 off-street parking spaces provided at 1604 East Pikes Peak Avenue. In addition, there are five (5) on-street parking spaces along the western side of the site on Farragut Avenue, being calculated for the parking provided per City Code Section 7.4.204 - Alternative Parking Options which provides credit towards the required parking spaces to count on-street parking spaces as off-street parking for alternative parking options. The additional, five on-street parking spaces are illustrated on the development plan and meet the standard dimensional requirements.

The site plan also illustrates nineteen (19) additional parking spaces being provided at 1528 East Pikes Peak Avenue (across the street to the west) in an existing parking lot. The original development plan illustrates seven (7) additional parking spaces backing out into the alley. Since this is an existing condition, there is no requirement to change these spaces and no additional approvals to allow parking backing out into this alley.

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 as a part of the Mature/Redeveloping Activity Center. The zone change to Planned Business Center, 1528 and 1604 East Pikes Peak Avenue development plan for personal improvement service, and the nonuse variance for reduction of parking project is consistent with the envisioned land use pattern for the subject parcel as it relates to the Vibrant Neighborhoods and Unique Places vision themes in PlanCOS.

The project site is identified on the plan's Vibrant Neighborhoods map as an Established Traditional Neighborhood. The site is part of the Divine Redeemer neighborhood that extends from south of Constitution Avenue and goes thru the Hillside neighborhood to north of East Las Vegas Street and Fountain Boulevard between Wahsatch Avenue and South Circle Drive per the Vibrant Neighborhoods Framework map.

The project has the desired elements of a strong sense of identity, sense of place, and community, including distinguishing attributes and focal points including Memorial Park located south across East Pikes Peak Avenue. The applicant's proposal for a personal improvement service supports the goal of the neighborhood typology to recognize, support, and enhance the existing character of these neighborhoods, while supporting their ongoing investment and improved adaptation of the Divine Redeemer neighborhood.

The Vibrant Neighborhoods Framework would be supported by this commercial proposal with the following PlanCOS objectives including:

Goal VN-2: Strive for a diversity of housing types, styles, and price points distributed throughout our city through a combination of supportive development standards, community partnerships, and appropriate zoning and density that is adaptable to market demands and housing needs.

Policy VN-2.A: Promote neighborhoods that incorporate common desired neighborhood elements.

Strategy VN-2.A-3: Support land use decisions and projects that provide a variety of housing types and sizes, serving a range of demographic sectors, and meeting the needs of residents and families through various life stages and income levels.

Strategy VN-2.A-5: Amend the City's zoning code to allow attainable housing in multi-family and commercial zoning districts in order to maximize the availability and distribution of this housing option in the city.

The project site is identified on the plan's Vision map as Mature/Redeveloping Corridors within the Middle Shooks Run neighborhood. This site extends from north of East Platte Avenue to south of East Pikes Peak Avenue, between the west edge of South Union Boulevard to the eastern edge of South Academy Boulevard per the Unique Places Framework map.

As a whole, this project provides a different type of commercial development that will provide infill development that compliments the surrounding mixed commercial and residential land uses. Here, the neighborhood center typology provides a center of activity with an integrated mix of land uses and to take advantage of the capacity and potential of this neighborhood to create unified, vital, connected, and more transit supportive urban places, each with its unique character, identity, and design.

The Unique Places Framework would be supported by this commercial proposal with the following PlanCOS objectives including:

Goal UP-2: Embrace thoughtful, targeted, and forward-thinking changes in land use, infill, reinvestment, and redevelopment to respond to shifts in demographics, technology, and the market. Policy UP-2.A: Support infill and land use investment throughout the mature and developed areas of the city.

Strategy UP-2.A-1: Encourage the development or redevelopment of vacant properties in the core area of the city by using a combination of incentives, rezoning, and creative design solutions.

As a supplement to this memo, please see the details of the proposed development, staff's analysis of the review criteria, and breakdown of the comprehensive plan in the City Planning Commission Staff Report.

**Previous Council Action:**

N/A

**Financial Implications:**

N/A

**City Council Appointed Board/Commission/Committee Recommendation:**

At the June 18, 2020 meeting, the Planning Commission voted 8-0 to recommend approval for the three land use applications to the City Council (in favor: Hente, Raughton, Graham, McDonald, Eubanks, Almy, Rickett, and Wilson; absent: McMurray) as part of the consent calendar.

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

**Stakeholder Process:**

The public notification process consisted of providing initial notice to the neighbors by posting a poster for the project on site and sending postcards to 156 property owners within 1000 feet. No written correspondence was received in response to the internal review postcard mailing and the

property posting. The site will again be posted and public notification sent prior to the City Planning Commission hearing and City Council.

The applications were sent to the standard internal and external reviewing agencies for review and comment. Review comments were received and all city agency comments have been addressed for the three applications. Internal review agencies for this project include Traffic Engineering, City Engineering Development Review, Floodplain, City Surveyor, and Water Resources.

External commenting reviews include CONO.

- CONO: CONO stated that they supplemented the City notification process by notifying Hillside Neighborhood Association, Knob Hill Neighborhood Association, and Medallion Retirement Community.

**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 NV 19-00099

Approve the nonuse variance from City Code Section 7.4.203, Parking Space Requirements by Use, to allow 30 parking spaces where 34 are required, based on the findings that the nonuse variance meets the review criteria as set forth in City Code Section 7.5.802(E).

N/A