



## Legislation Text

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**File #:** CPC NV 17-00060, **Version:** 2

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An appeal of a non-use variance to allow 3 on-site parking stalls where 4 are required for a general office use at 315 E. Dale Street

(Quasi-Judicial)

**Presenter:**

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development Department  
Peter Wysocki, Planning and Community Development Director

**Summary:**

Appellants: Cheryl Brown, Dianne Bridges and neighbors

Applicant: City of Colorado Springs

Owner: Connie Fairchild

Location: 315 E. Dale St.

This project includes an appeal of the Planning Commission recommendation for approval of three applications which are all intended to allow office use on the subject property. The applications include a zone change from R5 (Multi-Family Residential) to OR (Office Residential), a development plan illustrating no changes to the existing site, and a non-use variance to allow 3 on-site parking stalls where 4 are required by code. The subject property is roughly 4,000 square feet in size, contains a roughly 2,012 square foot residential structure, and is located on the south side of E. Dale St. between N. Weber St. and N. Wahsatch Ave.

**Previous Council Action:**

There are no previous Council actions on this site

**Background:**

When the current owner acquired the subject property in 2006 she based her decision on the City's official zoning maps which indicated that the site was zoned OR (Office Residential). Shortly thereafter, she completed a remodel of the existing home which relocated the original kitchen to the second floor to allow the first floor to be used for her counseling service business. However, during discussions with the Planning Department in 2013, she learned that the City's zoning maps had changed and now indicated that her property was zoned R5 (Multi-Family Residential) which has significant restrictions on non-residential uses. Staff research into this issue revealed that the City's zoning maps incorrectly identified the subject property as OR zone from roughly 1994 to 2012 (see the Planning Commission staff report for a more detailed history of this issue). In recognition of the City's errors as well as the belief that the OR zone is appropriate for the property, City Planning

agreed to initiate the required applications.

The area around the subject property currently includes a mix of zones and land uses. The adjacent properties to the west and south of the subject property are zoned OR and are occupied by non-residential uses. The block of N. Weber St. between Monument and Dale includes a number of residential and non-residential zone districts including C5, OC, OR and R5. Conversely, N. Wahsatch Ave. is largely zoned with residential districts in this area. South of Cache La Poudre the demarcation line between single-family / two-family zoning on the east and multi-family, office and commercial zoning to the west is the north/south running alley between N. Weber and N. Wahsatch. North of Cache La Poudre, the area is zoned SU (Special Use) which is a mixed use zone allowing a range of residential, office, civic and light commercial uses.

A number of adjacent property owners have expressed opposition to the proposed applications. Two neighbors submitted an application to appeal the Planning Commission's recommendation for approval of all three applications. Concerns include parking, residential character, light/noise, and other issues. However, Staff's analysis of the required zone change, development plan, and non-use variance criteria conclude that the criteria are met and the applications should be approved. It should be noted that the applications would require City Council review regardless of the appeal as zone changes with accompanying administrative applications such as a development plan and a variance require City Council action if recommended for approval by the Planning Commission.

**Financial Implications:**

N/A

**Board/Commission Recommendation:**

The City's Planning Commission unanimously recommended approval of all three applications on June 15, 2017.

**Stakeholder Process:**

Public notice was completed when the applications were initiated and prior to the Planning Commission hearing. On both occasions, 254 postcards were mailed to all property owners within 1,000 feet of the site. Staff had significant verbal and email communication with multiple stakeholders. Written comments from stakeholders are included in the Planning Commission packet.

**Alternatives:**

1. Deny the appeal and uphold the action of the City Planning Commission by approving the applications;
2. Modify the decision of the City Planning Commission;
3. Approve the appeal thereby reversing the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration

**Proposed Motion:**

Deny the appeal, upholding the City Planning Commission's recommendation to the City Council and approving the non-use variance application CPC NV 17-00060, based on the finding that the application meets City Code Section 7.5.802.B and D.