



## Legislation Details (With Text)

**File #:** CPC ZC 18-00093 **Version:** 3 **Name:**

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

**File created:** 9/5/2018 **In control:** City Council

**On agenda:** 11/13/2018 **Final action:** 11/13/2018

**Title:** Ordinance No. 18-108 amending the zoning map of the City of Colorado Springs pertaining to 0.75-acre located at 1565 and 1581 York Road from OC (Office Complex) to C-6/CR (General Business with conditions of record)

(Quasi-Judicial)

**Presenter:**  
Chris Staley, Planner II, Planning and Community Development  
Peter Wysocki, Planning Director

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ZC\_ORD\_YorkRoad, 2. Exhibit A - York Road Legal, 3. Exhibit B - York Road, 4. Signed Ordinance 18-108

Date	Ver.	Action By	Action	Result
11/13/2018	2	City Council	finally passed	Pass
10/23/2018	2	City Council	approved on first reading	Pass
9/20/2018	1	Planning Commission		

Ordinance No. 18-108 amending the zoning map of the City of Colorado Springs pertaining to 0.75-acre located at 1565 and 1581 York Road from OC (Office Complex) to C-6/CR (General Business with conditions of record)

(Quasi-Judicial)

### Presenter:

Chris Staley, Planner II, Planning and Community Development  
Peter Wysocki, Planning Director

### Summary:

This project includes concurrent applications for a zone change and development plan for 0.75 acre of developed land located at 1565 York Road and 1581 York Road. The proposed zone change is from OC (Office Complex) to C-6/CR (General Business with conditions of record).

The development plan demonstrates an existing building on each of the two properties included on the plan along with required off-street parking. All of the applications relate to legalizing the existing non-conforming uses currently operating in the building located at 1565 York Road, and to allow a

new use within the building. The development plan is required with the zone change as one did not exist prior.

**Previous Council Action:**

City Council previously took action on this property in April 11, 1995, during the review of the Yorkshire Estates rezoning related to when the property was annexed into the City of Colorado Springs (Ord. 95-60).

On October 23, 2018, this Ordinance was approved on first reading on the Consent Calendar.

**Background:**

The site is located at 1565 York Road and 1581 York Road, and was annexed into the City under the FCY Estates #2 Annexation in 1995. The developed properties were rezoned in 1995 as part of the annexation to the OC (Office Complex) zoning district. No development plans were ever filed with the City for either property, however, the site is fully developed. The existing building located at 1565 York Road is 5,855 square feet with paved parking; the existing building located at 1581 York Road is 4,200 square feet with paved parking. A shed exists in the southeast portion of the property.

The project proposes concurrent applications to address Code compliance for various land uses both existing and proposed. The use of Veterinary Clinic - Small is currently operating in the 1565 York Road building as a legal non-conforming commercial use and has been since the property annexed into the City in 1995. A second use for Pet Services was added in the 1565 York Road building in 2011 and is not a permitted use within the OC (Office Complex) zone district.

The applicant also wishes to add a new use of Kennel - Indoor. With the proposed addition of this use, the owner is seeking Code compliance for all existing and proposed uses in the building. The rezone request would rezone the site from OC (Office Complex) to C-6/CR (General Business with conditions of record) in order to legalize the two existing uses and further allow the new use for Kennel - Indoor. Conditions of record are recommended to minimize impacts to the residential neighborhood located west of the site. The abutting property at 1581 York Road to the east was also recommended to be included in the rezone to provide a cohesive continuation of surrounding C-5 (Intermediate Business) and C-6 (General Business) zoning. The 1581 York Road building has an existing legal use of Personal Improvement Services, and will continue to be a permitted use if the zone change and development plan are approved.

**Financial Implications:**

N/A

**Board/Commission Recommendation:**

At the Planning Commission meeting held on September 20, 2018, both items were placed on the consent calendar, which was passed unanimously (8-0-0) without discussion.

**Stakeholder Process:**

The public process included posting the site and sending postcards to 154 property owners within a 1000 foot buffer as well as to the Yorkshire Estates Home Owner's Association on three occasions: once during the internal review stage and prior to the Planning Commission and City Council hearings. The site was also posted on those three occasions.

In response to the solicitation for comments; Staff received two phone calls during the public

comment period; both were concerned the zone change would permit the MMJ use where it once was prohibited. Both individuals were informed the MMJ use would be recommended by staff to be a prohibited use by placing a condition of record on the zoning. No other phone calls were received in opposition or support of the applications.

Staff was also contacted by Yorkshire Estates Homeowner's Association (HOA), located west of the subject properties, via email correspondence. The HOA raised concerns regarding the zone change application, and was initially opposed to the zone change application. The HOA was specifically concerned that C-6 would allow some commercial land uses that could create high traffic volume and increase traffic along York Road.

Specific uses of initial concern were Sexually Oriented Business, Medical Marijuana, Convenience Food Sales, and other uses that would be permitted in C-6 where they were not permitted in OC. Staff and the owner of the property worked with the HOA to resolve their concerns by proposing a list of uses that would be prohibited by conditions of record. Yorkshire Estates HOA provided an email dated August 29, 2018 providing Board approval of the zone change provided their concerns referenced above were addressed by prohibiting specific uses by conditions of record with the zoning ordinance.

Staff input is outlined in the following section of this report. Plans were sent to the standard internal and external review agencies for comment. All comments received from the review agencies have been addressed. Commenting agencies include Colorado Springs Utilities, City Engineering, City Traffic, City Fire, Council of Neighborhoods and Organizations, and Enumerations.

#### **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 0.75-acre from OC (Office Complex) to C-6/CR (General Business with conditions of record), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603(B) with the conditions of record as listed in the City Planning Commission motion for recommendation of approval.

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 0.75-acre located at 1565 and 1581 York Road from OC (Office Complex) to C-6/CR (General Business with conditions of record).

The following land uses are prohibited:

1. Agricultural sales and service
2. Automotive repair garage
3. Automotive sales

4. Automotive storage yard
5. Automotive wash
6. Body and fender repair services
7. Equipment rental and sales
8. Equipment storage yard
9. Bar
10. Campground
11. Construction sales and services
12. Convenience food sales
13. Hotel/motel
14. Medical marijuana center
15. Medical marijuana infused product manufacturer-nonhazardous
16. Medical marijuana facility: Optional premises cultivation operation
17. Outdoor entertainment
18. Outdoor sports and recreation
19. Sexually oriented business
20. Construction and/or contractor yards
21. General Industry: Light
22. Industrial laundry services (large scale activity)