# Legislation Details (With Text)

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| **File #:** | CPC ZC 19-00049 **Version:** 3 | **Name:** | |
| **Type:** | Ordinance | **Status:** | Mayor's Office |
| **File created:** | 4/25/2019 | **In control:** | City Council |
| **On agenda:** | 9/10/2019 | **Final action:** | 9/10/2019 |
| **Title:** | Ordinance No. 19-59 changing the zone for Switchback Coffee from R2/UV (Two Family Residential with a previously approved Use Variance) to C5/cr (Intermediate Business with conditions of record) for the 5,740 square foot property located at 330 and 332 North Institute Street.<br><br>(QUASI-JUDICIAL)<br><br>Related Files: CPC ZC 19-00049, CPC UV 03-00120-A1MN19, and CPC NV 19-00051<br><br>Presenter:<br>Peter Wysocki, Director of Planning and Community Development<br>Ryan Tefertiller, Planning Manager, Planning and Community Development | | |
| **Sponsors:** | | | |
| **Indexes:** | | | |
| **Code sections:** | | | |
| **Attachments:** | 1. ZC_ORD_SwitchbackCoffe, 2. Exhibit A - Legal Description, 3. Exhibit B - Zone Change, 4. Switchback Coffee Vicinity Map, 5. Signed Ordinance 19-59.pdf | | |

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 9/10/2019 | 2 | City Council | finally passed | Pass |
| 8/27/2019 | 2 | City Council | approved on first reading | Pass |
| 7/18/2019 | 1 | Planning Commission | referred | Pass |

Ordinance No. 19-59 changing the zone for Switchback Coffee from R2/UV (Two Family Residential with a previously approved Use Variance) to C5/cr (Intermediate Business with conditions of record) for the 5,740 square foot property located at 330 and 332 North Institute Street.

(QUASI-JUDICIAL)

Related Files: CPC ZC 19-00049, CPC UV 03-00120-A1MN19, and CPC NV 19-00051

**Presenter:**
Peter Wysocki, Director of Planning and Community Development
Ryan Tefertiller, Planning Manager, Planning and Community Development

**Summary:**
Owner: Brandon Delgrosso of Switchback Coffee Roasters
Representative: Echo Architecture
Location: 330 and 332 N. Institute St.

This project includes concurrent applications for a zone change from R2/UV (Two Family Residential with a previously approved Use Variance) to C5/cr (Intermediate Business with conditions of record), a minor amendment to a previously approved use variance development plan, and a non-use variance to allow zero off-street parking stalls where 23 are required. The applications were submitted to bring the current use of the property into compliance with City Code, as well as make some minor use changes within the existing building.

**Previous Council Action:**
N/A - While the City's Planning Commission has approved applications for this site in the past, City Council has not.

On August 27, 2019, City Council approved this ordinance on first reading by a vote of 8:0:1:0

**Background:**
The site was part of the original town site in 1872 and was platted in 1888. The existing building was built in 1918 and an addition was added years later in 1959. The property historically operated as a Piggly Wiggly grocery store as well as Ertel's Drug Store sometime after.

The history of planning approvals for the site is lengthy. In 1990 a use variance and parking variance was approved to allow for a photography and weaving studio; at that time the ability to have one off-street parking stall where 7 were required was granted. In 2002 a new use variance was approved to allow "architectural and similar office uses" within the residential zone; a number of conditions of approval were included on that action. In 2003 a new use variance was approved allowing roughly 750 square feet of the building to be utilized as a coffee shop; multiple conditions of approval were included on the plan.

Around 2015 interior remodel permits were issued by Pikes Peak Regional Building to expand the coffee roasting and café area to include the entirety of the building despite the fact that the use exceeding the size limits approved in 2003. While many neighboring residents supported the expansion, some have objected to the increased intensity and the parking shortages that may be attributed to it. A code enforcement case was opened in 2018 regarding the expansion of the coffee shop and roasting use; the applications currently under review will formally resolve any potential code compliance issues.

The primary application for this project is the proposal to change the zone from R2/UV (Two-Family Residential with past Use Variances) to C5/cr (Intermediate Business with Conditions of Record). Although the property has operated as commercial, office or service for more than 100 years, approvals over the last two decades have limited the types of uses and implemented numerous restrictions on the site.

While the surrounding area is largely residentially zoned, some non-residential uses are present in the area. Specifically, there are multiple neighborhood-based commercial nodes within a few blocks of the property. While the C5 zone typically permits a fairly wide range of commercial, office and residential uses, City Staff is recommending, and the applicant is supporting, the implementation of a number of conditions of record consistent with City Code Sections 7.3.507.A. and B. that will limit the permitted and conditional uses on the property. Ultimately the conditions restrict a number of commercial uses that may not be appropriate given the small size of the property, lack of off-street parking, and proximity to residential uses. These restrictions are basically identical to those that

were approved in 2018 for the Little Market zone change located roughly 3 blocks to the northwest of the subject property.

The proposed development plan amendment updates previously approved plans to reflect the current site information, restricted uses, operational restrictions and requirements, and a limited number of physical changes - most notably the outdoor café area along N. Institute St. The proposed plan includes floor plans and uses for both the ground floor and basement level. The ground floor of the structure is shown has roughly 2,100 square feet of Switchbacks Coffee use (both roasting area and customer area) as well as roughly 1,000 square feet of office use. The basement level is shown as having roughly 1,350 square feet of storage and roughly 1,450 square feet of studio space.

While the plan clearly lists the use restrictions proposed as conditions of record on the zone, the plan needs to be updated to list the operational restrictions included in the technical modifications; these are essentially the same restrictions that were implemented for the Little Market project to the northwest. Including these operational restrictions to the plan will help mitigate any potential impacts to surrounding properties.

The third application associated with this project is a non-use variance to allow zero off-street parking stalls where 23 are required according to Section 7.4.203. and 7.4.204 of City Code. The number of stalls required is based on two factors: 1) the mix of uses within the existing space as well as the legalization of a significant outdoor patio space, and 2) the use of the City's codified alternative parking options that allow counting immediately adjacent on-street stalls as well as allow reductions for proximity to bike and transit routes.

Parking variances have been approved previously for the subject property. In 1990 a parking variance was approved allowing 1 parking stall where 9 where required. In 2002 and 2003 variances were approved allowing zero parking stalls where 8 stalls and 3 stalls where required (the 2003 approval was specific to using a small portion of the building for a coffee shop). While the proposed parking variance significantly exceeds the previously approved intensity, the building has largely been used as illustrated on the proposed plan for the last few years.

The parking demand for the use is primarily met via public on-street parking along N. Institute St. and E. Boulder St. While the properties to the east and south of the site are largely residential most of the surrounding area is served by public alleys and many properties have alley loaded garages and off-street parking. Another consideration is the presence of Columbia Elementary School on the north side of Boulder St.; the south edge of the school property allows on-street parking. The property is also served by two forms of alternative transportation. A Pike Ride bike share station is located on the south side of Boulder St. immediately adjacent to the subject property. The bike docking stations are also available for use by privately owned and used bicycles. A Mountain Metro bus stop is also located on Boulder St. immediately adjacent to the site (the stop for west bound busses is located on the north side of Boulder St.

Perhaps most importantly, a significant number of regular customers to Switchbacks Coffee live in close proximity to the site and walk to the property. Allowing these types of neighborhood activity centers and meeting places within residential areas is the type of action that directly supports reducing traffic and parking demands in larger commercial areas. When people can walk to a nearby coffee shop the no longer choose to use their personal vehicle to drive longer distances for the same product or service.

The attached City Planning Commission staff report summarizes the project in detail and provides a more in depth analysis of the required review criteria for each application.

The proposed applications strengthen the Colorado Springs economy, support infill development and the creation of vibrant neighborhoods by allowing the existing local business to thrive in the context of the existing neighborhood and property. The applications support an ongoing effort to create a complementary mix of land uses and provide neighborhood based unique places.

**Financial Implications:**
N/A

**Board/Commission Recommendation:**
At the Planning Commission meeting held on July 18, 2019, these items were approved under the New Business calendar, after a full presentation by staff and the applicant. The Planning Commission voted unanimously in favor of the items (with Commissioners McMurray and Almy absent).

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

**Stakeholder Process:**
Stakeholder communication for this project was significant. The project's applications were submitted on April 12, 2019 and a neighborhood meeting was held just over two weeks later on April 30, 2019. Approximately 30 people attended the neighborhood meeting. While a few residents had concerns about the use of the property and the parking issues associated with commercial use, the majority of the attendees supported the proposed rezone and associated applications. Formal emails received from stakeholders are included as within the Planning Commission packet as FIGURE 6.

Given the nature of the project in that existing conditions were only being legalized, the application, supporting materials, and plans were routed to a limited number of review agencies for their review and comment. All necessary comments and plan modifications from other Agencies have been resolved.

**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 ZC 19-00049
Approval of the Switchback Coffee Zone Change from R2/UV (Two Family Residential with a previously approved Use Variance) to C5/cr (Intermediate Business with conditions of record), based upon the findings that the request complies with the zone change review criteria in City Code Section 7.5.603.B and meets the criteria for conditions of record in City Code Section 7.3.507.A.

An ordinance amending the zoning map for the City of Colorado Springs pertaining to 5,740 square feet of land located at 330 and 332 N. Institute St., changing the zoning from R2/UV (Two Family Residential with a previously approved Use Variance) to C5/cr (Intermediate Business with conditions of record). The conditions of record restrict the uses as follows:

Permitted Uses: The following uses are permitted within the proposed zone:

Residential Use Types
•Single-family Residential;
•Two-family Residential;
•Manufactured home (this is not considered a Mobile Home);
•Accessory Dwelling Unit;
•Domestic violence safe house;
•Family support residence;
•Human service home;
•Human service residence;
•Family care home

Office Use Types
•Financial services;
•General offices

Commercial Use Types
•Consumer convenience services;
•Consumer repair services;
•Convenience food sales (without gas);
•Specialty food sales;
•Mixed commercial-residential;
•Mixed office-residential;
•Personal consumer services;
•Personal improvement services;
•Quick serve restaurant;
•Sit down - served at table;
•Retail, General - Neighborhood serving retail;

Civic Use Types
•Community gardens;
•Daycare home

Conditional Uses: The following uses require conditional use approval within the proposed zone:

Residential Use Types
•Human service facility;
•Hospice;
•Residential childcare facility;
•Large family care home;
•Human service shelter;
•Drug or alcohol treatment facility;
•Multi-family dwelling;
•Retirement home

Office Use Types
•Medical offices, labs and/or clinics

Commercial Use Types
•Bed and breakfast inn;
•Business office support services;
•Kennel - Indoor Only;
•Liquor sales;
•Pet services;
•Pharmacy;
•Veterinary service - Small animal clinic;

Civic Use Types
•Cultural services;
•Daycare home - large;
•Semipublic community recreation