

February 2025

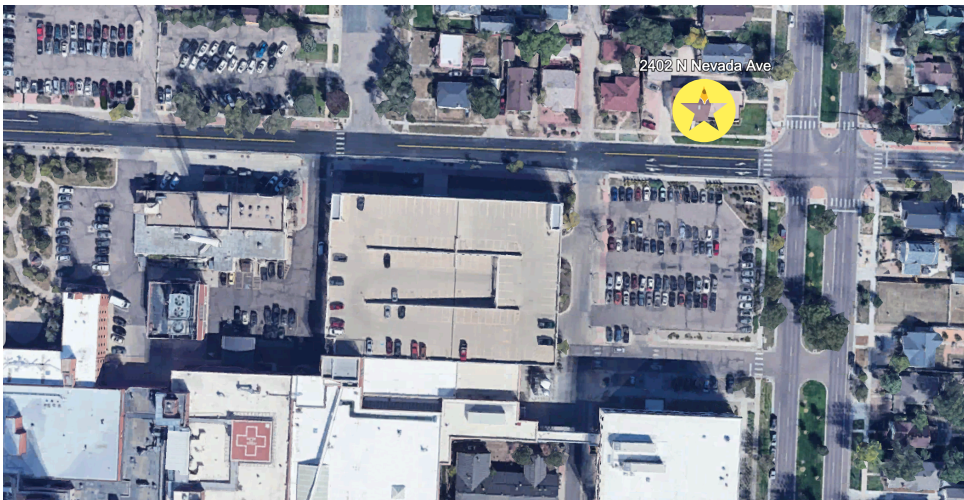
2402 N Nevada Property

Land Use Statement

Conditional Use

Rrequest approval of a Conditional Use change for small business use from the existing R2 to MXN to the property at 2402 N Nevada Avenue, Colorado Springs, CO 80907. The change in zoning would allow for business operations into a mixed use business, as was the original intent of this commercially constructed property built in the 1950's.

Location and Zoning



2402 N Nevada Avenue - Located on the northwest Corner of Nevada Avenue and Jackson Street. Adjacent to the Hospital, Common Spirit parking lot and parking garage and near the Emergency Department.

The Moxie Suites project is located at 2402 N Nevada Avenue on the northwest corner of Nevada Avenue and Jackson Street. The location description is: E 140 Ft of Lots 17 and 18. In block 527 north end ADD Colorado Springs. The property was built in 1956 with the intent to operate as a chiropractic office. The site is 7,000 square feet in size and has been developed with a gravel parking lot on the west side of the property, as well as parallel parking along the north-side of the property. The site is currently zoned R-2 and borders a hospital zoning to the south and residential to the north and west.

The site is adjacent to medical offices and is near the Bon Shopping center 2 blocks east. The property design will remain intact as it currently stands.

Legal Description:

E 140 Ft of Lots 17 and 18. In block 527 north end ADD Colorado Springs.



Project Description

The project proposes a Conditional Use to allow small business use and MX-N use, which is consistent with the goals and policies of the Colorado Springs Comprehensive Plan, and with the Old Northend Neighborhood and PlanCOS adopted by the City Council, which states to encourage complimentary and existing businesses into the neighborhood. The proposal is to continue the use of the existing property without any structural changes to the building and to maintain the use of the medical office space originally built and designed with treatment rooms. As well as, utilize the entire floor plan for health and wellness aligned businesses.

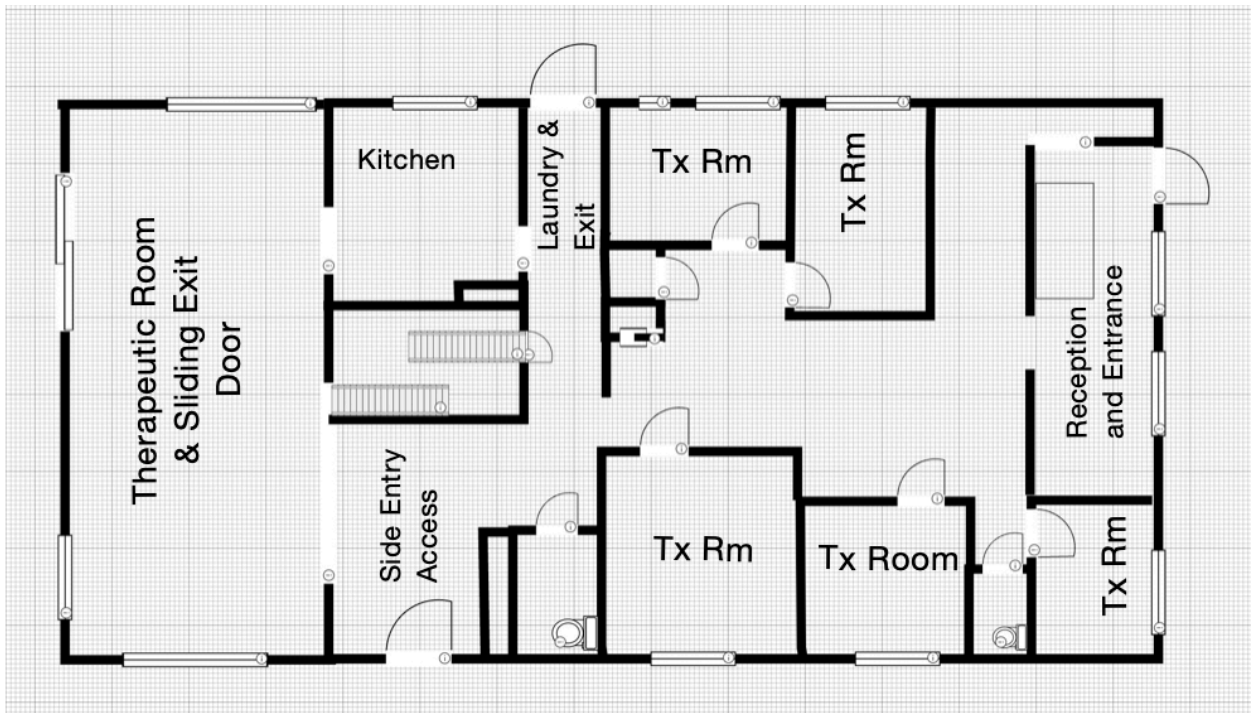
The project will utilize the existing access points at N. Nevada Avenue and E. Jackson Street. Currently the property has existing onsite parking and has complimentary parking from the hospital. The project plans to use the existing 10 parking spaces on the property. In addition, the property has access to shared parking in the medical office area to the south, which has been permitted by the Facilities Management department of Penrose Hospital for use by personnel. There are also multi-modal transit options across the street including a bus route and nearby multiple bike routes.

The Conditional Use change request will demonstrate that the impact is compatible to the neighborhood. The project is consistent with the purpose statement of the proposed district and a change to Conditional Use will not be detrimental to the public interest, health, safety, convenience, or general welfare. The location of the land being amended in the zoning map are appropriate for the purposes of the district as well. The size of the property will remain unchanged. The request is compatible with the surrounding area, as the existing neighbors include Penrose Hospital, the Bon Shopping Center and the Lincoln Center. The Conditional Use change will have zero disruption to any occupants. The change will create public benefit with the expansion to personal services, such as massage, health support and other holistic applications. As noted in the Land Use Map below there is support for this use. The business offers the community amenities that include services such as massage therapy, personal training, healing therapies (Infrared Sauna, Red Light Therapy, Grounding Therapy, and Halo (Salt) Therapy).

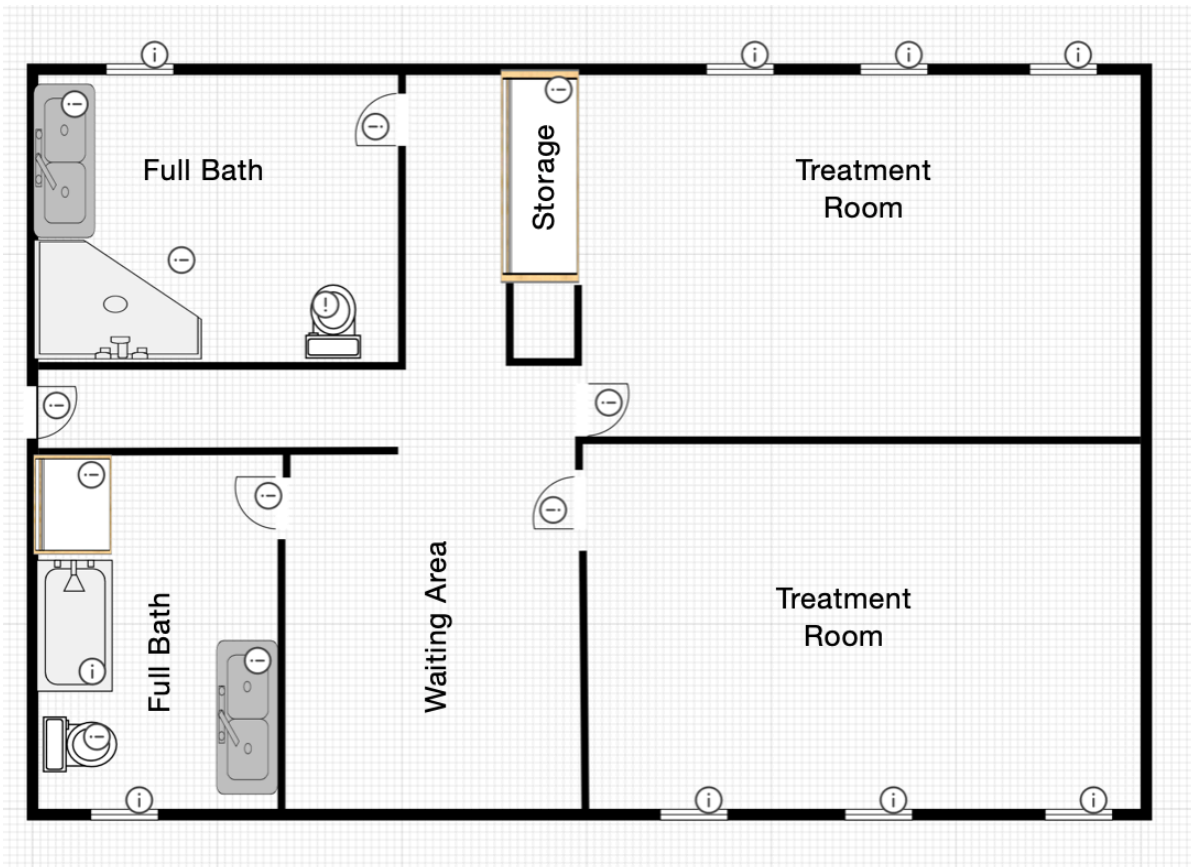
See the overview of parking access, the interior design and an original blueprint showing the intent for medical use.



Parking: There are a total of 12 total parking options available near and onsite of the site lot. As well, there is additional street side parking nearby that is just north of the property on Nevada Avenue (not viewed). The property on site parking options contain 6 angled parking slots which are located on the west side of the building in a gravel parking lot that is entered from Jackson Street. There are also 4 parallel parking slots on the north-side of the property, this is adjacent to the building. Finally, there are two parking spaces on the upper north-side of the property, just above the shared driveway that has been granted by the property (2408 N Nevada Avenue) just to the north of the building, these are over-sized parking spaces.

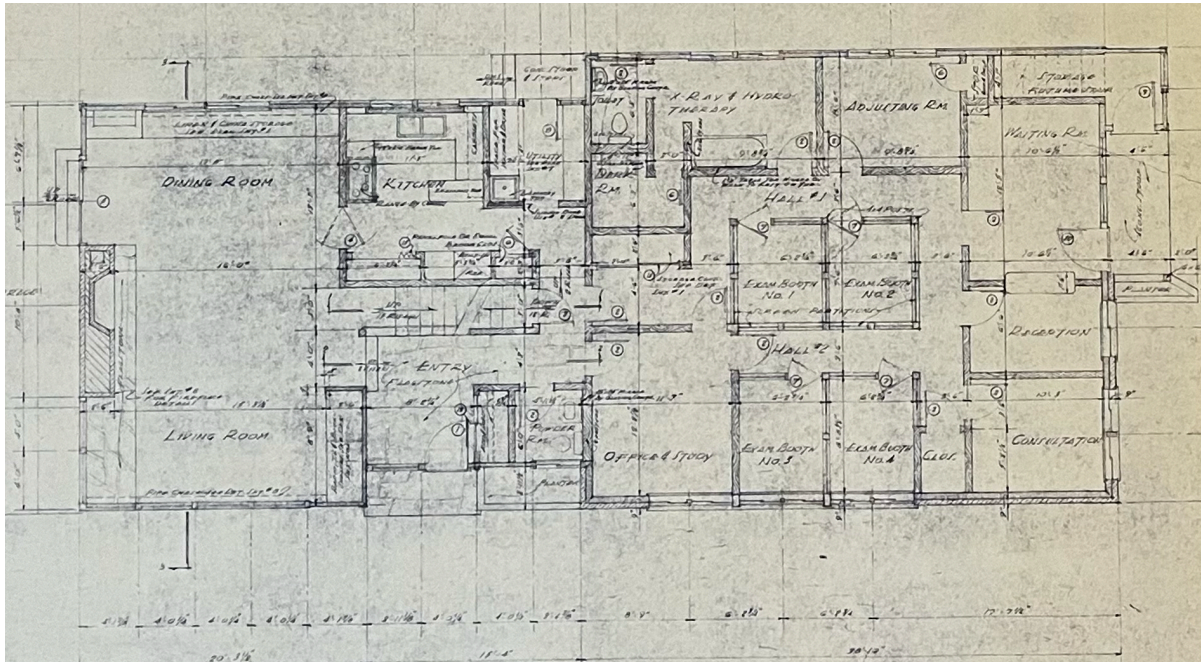


Main level floor plan. The therapeutic room can be used as a multipurpose education room. There are 5 approximately 100 sqft treatment rooms available on this floor that are usable for services from medical to health services, such as massage therapy and skin care.

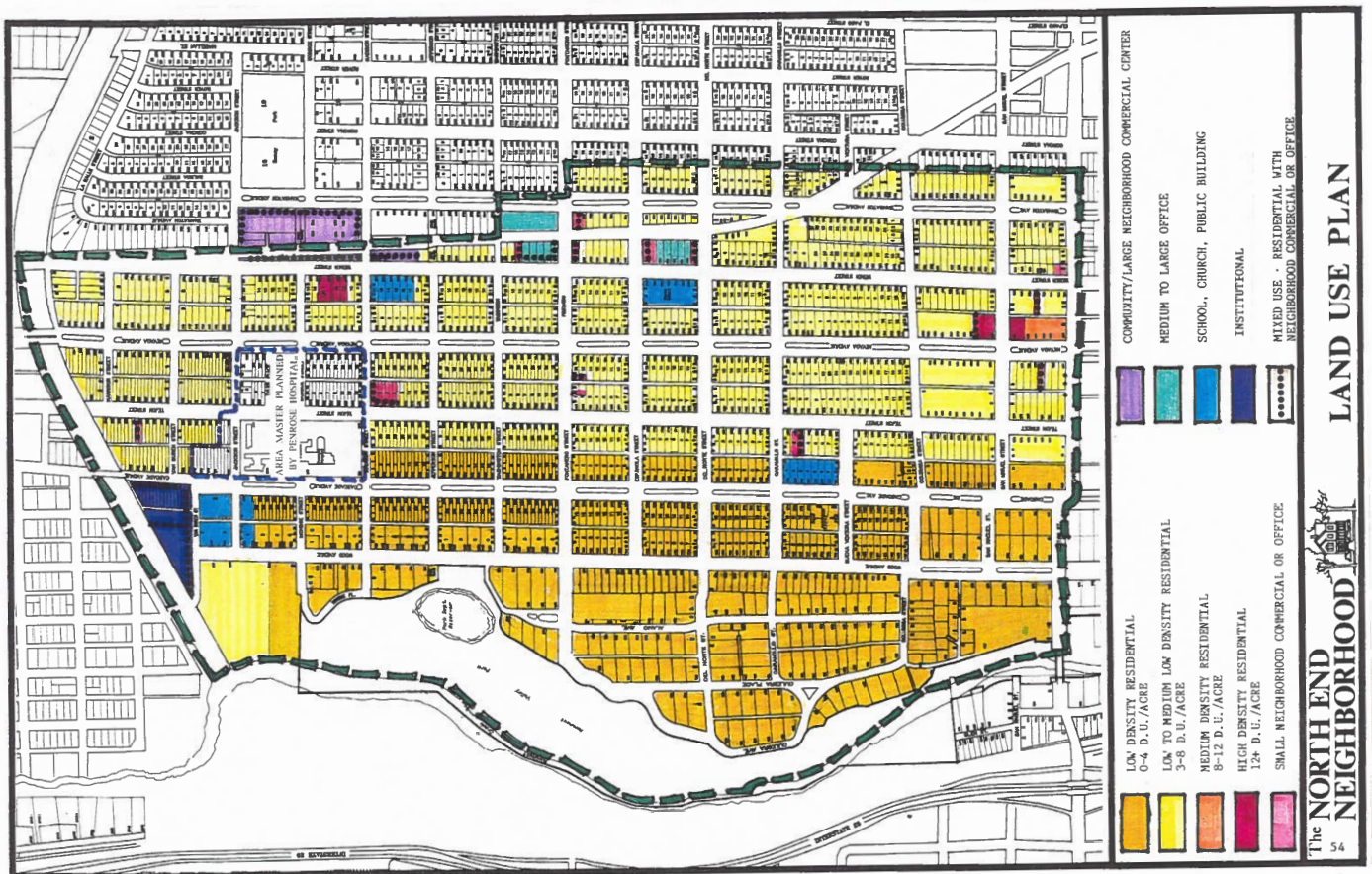


Upper level floor plan. There are two full bath's available for guests, that are spacious. In additions there are two large treatment rooms that can offer additional services such as massage, private yoga, nutrition, beauty services.

Moxie Suites Project Land Use Statement



Original blueprints show the office layout for treatment rooms and office space.



Project Justification

Conformance with Mixed Use Review Criteria

The inception of the property design was set forth in the 1950's by Edwin Francis and Carlilye Guy, the Associate Architects. The build was created for Dr. & Mrs Anthony P. Klimkiewicz. Dr. Klimkiewicz was a chiropractor. The original blueprints share a story about the intention for a commercial property which included a construction for a reception area, treatment rooms and/or office space (each at approximately 100 sqft). Albeit, they did not complete the full design plan as shown in the original blue print of the First Floor plan, which had plans for additional treatment rooms, the layout shares the intentions for a medical or health use plan. Upon our adoption and ownership of this property in 2005 a home occupation permit was granted for the use of therapeutic massage and health services, in an effort to continue a health service focus. The property was purchase from a widow, who's late husband had used the location as a his photography business for 20 years. At the time of purchase we worked with the city to re-enact the use variance that had lapsed for two years after the former owner had passed away. Our city contact, Natalie Becker, had shared that the reason the property did not fully complete it's mission as a chiropractic office was due to the owner passing away during construction. The project proposes a re-zoning from R-2 to MX-N to allow for the property to have full business use, and operate within the existing floor plans.

The project proposes a Conditional Use for a business classification with a zone change from R2 to MXN. The project would continue the original mission of the property for

medical or personal service use. This complies with the use as stated in the land use and zoning objectives:

- Section 3.D2: Specifically identified small neighborhood commercial properties which are compatible with the neighborhood should be continue and encouraged.

In addition, according the Existing Land Use Diagram of the North End Neighborhood. The 2402 N Nevada property is color coded the same as the Hospital use and complies has a business site.

1. The proposed Conditional Use is consistent with the goals and policies of the Colorado Springs Comprehensive Plan, with other plans and policies adopted by the City Council; and with the purpose statement of the proposed zone district(s): The proposed project to continue a business development complies with MX-N which is permitted for Medical Office, Office, Vocational or Skill, Personal or Business Service, and Personal or Business Service, Small. To address this full standard of personal services, a Conditional Use submission is set forth.

2. The Conditional Use will not be detrimental to the public interest, health, safety, convenience, or general welfare: The Conditional Use would allow the continued support of a health and wellness practice, such as a massage therapy practice. This aligns with the City's granting of a Massage business via a Home Occupation Permit in 2006. Since the property neighbors an existing medical facility it continues to support the public interest as another health resource, the existing property will be further maintained for the health, safety, convenience and general welfare of the community. As a business it will be expected to comply with safety needs for pedestrians and consumers.

3. The location of the lands in the zoning map area being amended are appropriate for the purposes of the proposed zone district(s). Amendment of the zoning map would align with the existing color coded designation for the property, which is to operate as a small office / medical office. It aligns well, as the property faces the north-side of the hospital, sharing Jackson Street, and will support the location as a medical or health resource.

4. If the application proposes to rezone a small area of land, the application demonstrates that the size, scale, height density, and multimodal traffic impacts of the proposed Conditional Use are compatible with surrounding development or can be made compatible with surrounding development through approval

conditions. This project is compatible with development patterns in the area. This site is adjacent to the medical offices within the northeast area of Common Spirit Hospital, which was approved for building post-hospital establishment. The property is located on a busy street of Nevada and near a bus route. It will be maintained as is without any expansion, yet improvements to esthetics will be continued to impress the neighborhood. And, it will then be able to comply with its original intent to be a medical/health facility. One block east of the property is the Bon Shopping Center, sharing the interest of the community to have access to shopping and services. The nearby roadways have adequate capacity to serve this small business use.

5. If the application proposes to rezone a relatively small area of land, the application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Colorado Springs Comprehensive Plan goals that would be achieved by approval of the application.

Significant planned areas or large properties within and immediately adjacent to the North End include Penrose Hospital, the Bon Shopping Area, the Lincoln Center, First Lutheran Church, Colorado College, the Pavilion Medical Building and 2400 Wood Avenue. These have development plans on file with the City Planning Department representing fairly recent development activity. Most other commercial and institutional properties in the neighborhood predate current zoning development plan requirements, such as Bon Shopping Center, some Nevada and Weber Street Apartment Buildings and others. There will not be any displacement and will create a public benefit of health resources.

6. If a Land Use Plan or amendment to a Land Use Plan accompanies the application, the Land Use Plan or amendment complies with the applicable criteria in Subsection 7.5.514C.3 (Land Use Plan Criteria). The project proposes a MXN use from an R2 and a Conditional Use for a small personal service business classification. This is in conformance with policy decisions by City Council regarding Article 7.5 in the Administration and Enforcement section, and the Land Use Plan.

7. The application is consistent with any approved Concept Plans in the area for which the map is being amended or includes or is accompanied by a provision that approved Concept Plans that have been classified as implemented do not have to be amended in order to be considered consistent with an amended zoning map. Penrose (Common Spirit) is the largest single development within the neighborhood, which the north Nevada property faces. The most recent facility expansion for Penrose

hospital was for construction of the M.R.I Building on Monroe Street. Previously, Penrose Hospital had successfully applied for R-5 zoning on all of its properties in the main campus area. Hospitals are a conditional use in the R-5 zone subject to meeting specific conditions of approval listed in the zoning ordinance which are publicly reviewed before the City Planning Commission. The proposal to MXN and conditional use is consistent with small business in the area.

8. If the application is for creation of an ADS-O district, the approval criteria applicable to the creation of the text of the ADS-O district in Section [7.2.607D.47.5.702 \(Decision\)](#) shall also apply to consideration of the zoning map amendment required to create or amend the boundaries of the ADS-O district. There is not a requirement for additional approval as the property is not in an ADS-O district.

9. If a Conditional Use change to a PDZ district, the proposed PDZ district provides significant community amenities or other benefits, as determined by the Manager, that promote the achievement of Colorado Springs Comprehensive Plan goals and would not otherwise be required of the applicant under this UDC or other City or governmental regulations. We believe there is no requirement for additional approval as there not an application to rezone to a PDZ district.

10. Complies with the additional standards of the base zone district where the property is located (see Article 7.2 (Zone Districts)) or in an overlay district that applies to the property (see Part 7.2.6 (Overlay Districts)). (Ord. 23-03). According to property regulations, the current building specifications are within the means of current guidelines. In addition the space requirements for parking regulations of 1 spot per 300sqft is within the lot size. The property is required to have a minimum of 10 parking spots and currently has access to 12 parking spots that are located on the property site.