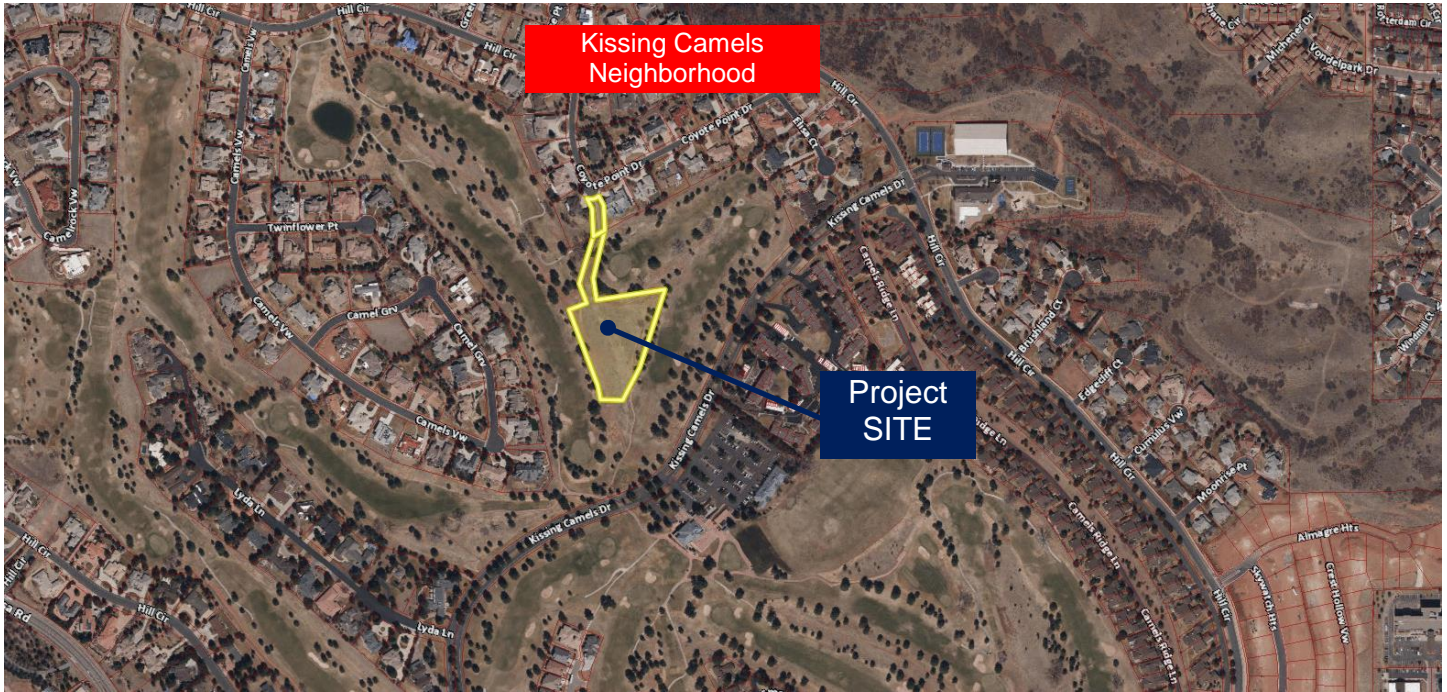


Figure 1: Areal image of project boundary located within the Kissing Camels neighborhood.



Quick Facts

Applicant

SMH Consultants

Property Owner

Pamala J. Keller Revocable Trust

Address / Location

Located off Coyote Point Drive

TSN(s)

7326302059

Zoning and Overlays

AWUI-O (Agriculture with Wildland Urban Interface Overlay)

Site Area

2.94-acres

Proposed Land Use

Single-Family Residential

Applicable Code

UDC

Project Summary

A request for a Non-Use Variance to City Code Section 7.4.201-A to allow a residential lot within the Agriculture Zone with a lot size of 2.94-acres where a minimum 5-acres is required located off Coyote Point Drive.

File Number

NVAR-24-0020

Application Type

Non-Use Variance

Decision Type

Quasi-Judicial

Background

Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	Mesa Addition #2	October 1971
Subdivision	Kissing Camels Subdivision No. 7	July 16, 1971
Master Plan	Garden of the Gods/Hill Properties	2004/2007
Prior Enforcement Action	N/A	N/A

Site History

This property is 2.94 acres and located within the Kissing Camels Golf Course between holes 1, 2 and 9. There is no record of a subdivision plat separating this property from the remainder of the golf course platted as Kissing Camels Sub No 7 which indicates this site was illegally separated. The site is designated for Residential Use between 3.5-7.99 dwelling units per acre defined in the Garden of the Gods/Hill Property Master Plan. Zoning was established at the time of Annexation in 1971 designating Agriculture as the holding zone. The property is considered a flag lot with established access to Coyote Point Drive through Tract A of the Fairway at Kissing Camels Estates Filing No. 1 Subdivision.

Applicable Code

The subject application(s) were submitted after the implementation date (06/05/2023) of the ReTool project. The subject application(s) are subject to be reviewed under the Unified Development Code. All subsequent references within this report that are made to “the Code” and related sections are references to the Unified Development Code.

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	A & R1-9	Golf Course / Single-Family Res.	N/A
West	A	Golf Course	N/A
South	A	Golf Course	N/A
East	A	Golf Course	N/A

Zoning Map

Figure 2: Aerial image of the property with zoning information identified. The site is within and surrounded by Agriculture zoning.



Stakeholder Involvement

Public Notice

Public Notice Occurrences (Poster / Postcards)	2
Postcard Mailing Radius	1000-feet
Number of Postcards Mailed	150
Number of Comments Received	4

Public Engagement

Standard public notice process was followed at the time of initial review and prior to the City Planning Commission public hearing. Three citizens responded during initial review with comments related to use of the property and conflict with the golf course use. Staff discussed these comments with the neighbors and no additional comments were received.

Timeline of Review

Initial Submittal Date	11/05/2024
Number of Review Cycles	2
Item(s) Ready for Agenda	01/23/2025

Agency Review

Traffic Impact Study

No comments received.

School District

No comments received.

Parks

CDI, School, and PLDO fees will be due prior to issuing a building permit.

SWENT

A drainage report will be required prior to issuing a building permit.

Colorado Springs Utilities

No comments received.

Non-Use Variance

Summary of Application

A request for a Non-Use Variance to City Code Section 7.4.201-A to allow a residential lot within the Agriculture Zone with a lot size of 2.94-acres where a minimum 5-acres is required for a property located off Coyote Point Drive. This site is undeveloped and intended for residential land use per the master plan. In addition, to the variance this property will need to be platted and the master plan amended to match the reduced use intensity. These applications are under administrative review and are subject to the approval of this non-use variance application.

Application Review Criteria

UDC Code Section 7.5.526-F

A Non-Use Variance may be approved if the Planning Commission determines that:

1. The application complies with any standards for the use in Part 7.3.3 (Use-Specific Standards);
There are no use specific Standards for establishing Single-Family Residential Use within the Agriculture Zone District. The specific standard related to minimum lot area is identified within section 7.4.2 in Table 7.4.201-A, which identifies a minimum 5-acre lot area is required to establish a Single-Family Detached Residence.
2. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district;
As Kissing Camels Golf Course Community has been developed over the years, adjacent properties have been rezoned to an appropriate zoning district to accommodate the appropriate dimensional standards. As such, there is no adjacent property with the same zone district. As the golf course community has developed around this property, this property has become an enclave within the golf course community. Since it has never been developed, it has always remained as Agriculture zoning. Since the parcel was originally established, it has always been 2.94-acres in size, without the ability to increase in size because of surrounding golf course property and single-family residences.
3. That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief;
Since the property has always been 2.94-acres in size, a single-family residence cannot be constructed on the property in its current zoning, because 5-acres is the minimum lot size for its current zoning. Without the relief, a single-family home cannot be constructed without some other action.

4. That the granting of the Non-Use Variance will not have an adverse impact upon surrounding properties; and
Granting the Non-Use Variance will not have an adverse impact on surrounding properties. The adjacent properties are single-family residential and golf course property. The adjacent single-family residential properties were rezoned to R1-9 when they were developed and at a density rate of 0-1.99 du/ac per the master plan. Allowing the Non-Use Variance will allow this property to be in line with the adjacent properties and master plan and be developed at a density rate of 0-1.99 du/ac. The only other way a single-family residence can be built on this property is to rezone the property. However, rezoning the property could allow a future buyer to further subdivide the property and construct multiple single-family residences. Approving the Non-Use Variance will eliminate this possibility and still allow a single-family residence to be built.

After evaluation of the North Star Sanctuary Non-Use Variance, the application meets the review criteria.

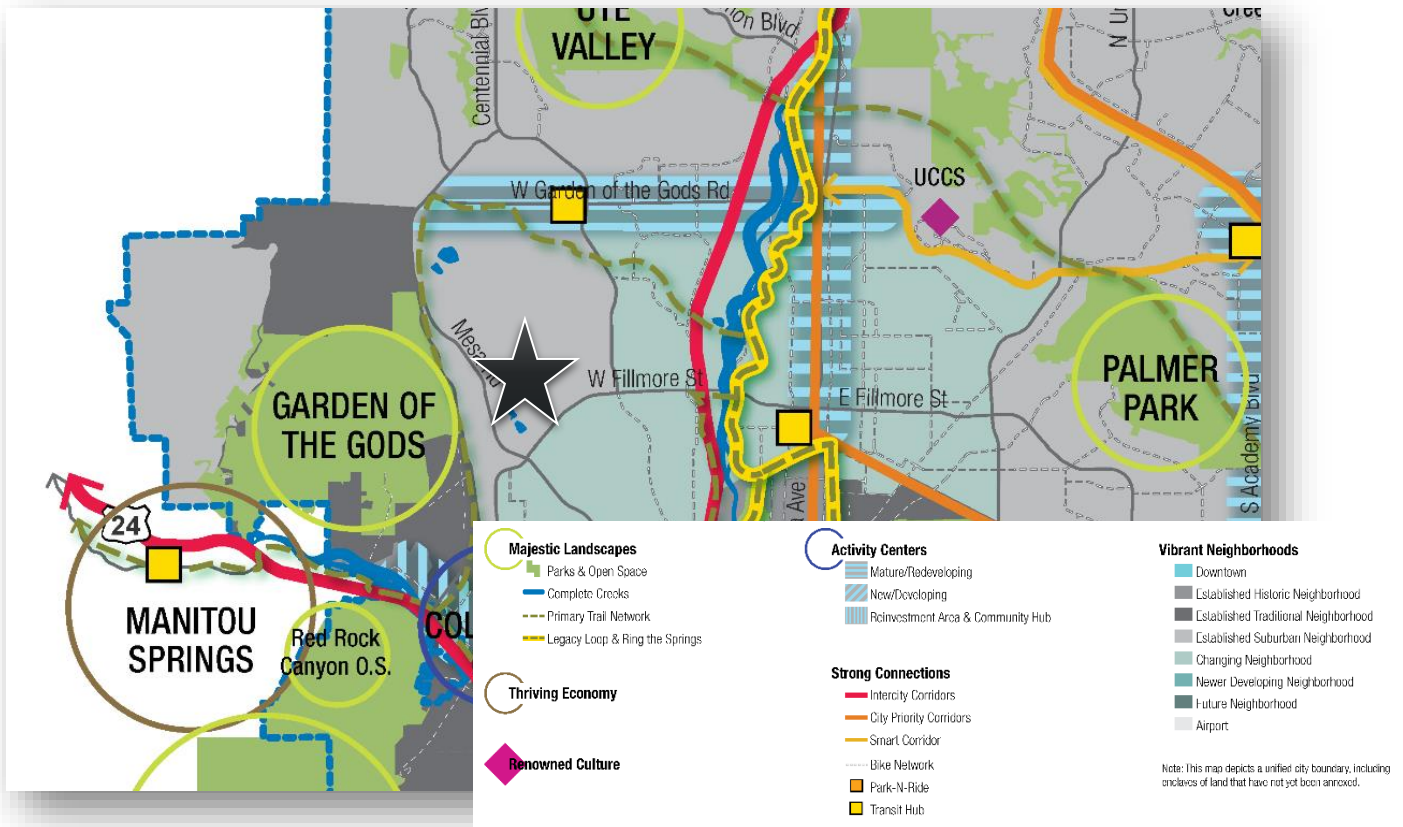
Compliance with Development Standards

Development Standard	Required	Proposed
Minimum Lot Area	5 Acres	2.94 Acres

Compliance with Relevant Guiding Plans and Overlays

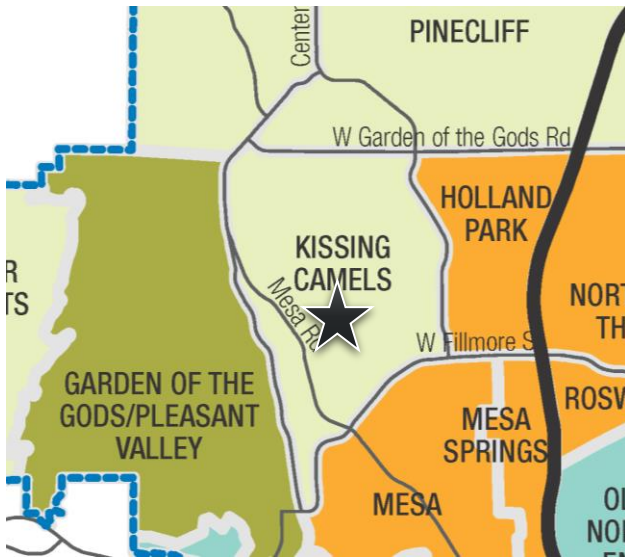
This property is located within the Wildland Urban Interface Overlay. Per the Code section 7.2.604 this property shall comply with Wildland Fuels Management Requirements established in Appendix K of the City of Colorado Springs Fire Prevention Code and Standards. This will be reviewed prior to the issuance of a building permit for this property.

PlanCOS Vision



The proposed non-use variance application has been reviewed for compliance with the City's current comprehensive plan (herein referred to as "PlanCOS", adopted in 2019). Per PlanCOS, this project site is located within an "Established Suburban Neighborhood." This neighborhood typology includes those areas that are developed with a suburban pattern, including curvilinear streets with cul-de-sacs. These neighborhoods have matured to the point where they are not actively being development and no longer have actively managed private initiated master plans and ordinarily do not yet have public initiated plans. These neighborhoods have high value in maintaining the privacy of homes and safe streets for families. New development should focus on safe connections into and within these neighborhoods.

The Plans overall goal for established neighborhoods is to recognize, support, and enhance the existing character of these neighborhoods, while support their ongoing investment and improved adaptation. New development and/or redevelopment should incorporate elements of the existing neighborhoods.

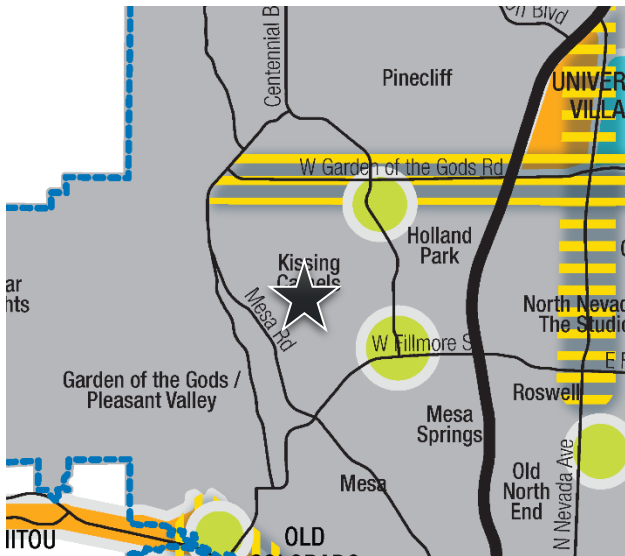


Predominant Typology



Vibrant Neighborhoods

- 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-3.E-3: Though a combination of Zoning Code changes and development review decisions, encourage and support flexible site and building designs and residential densities that are adaptable to the specific site.

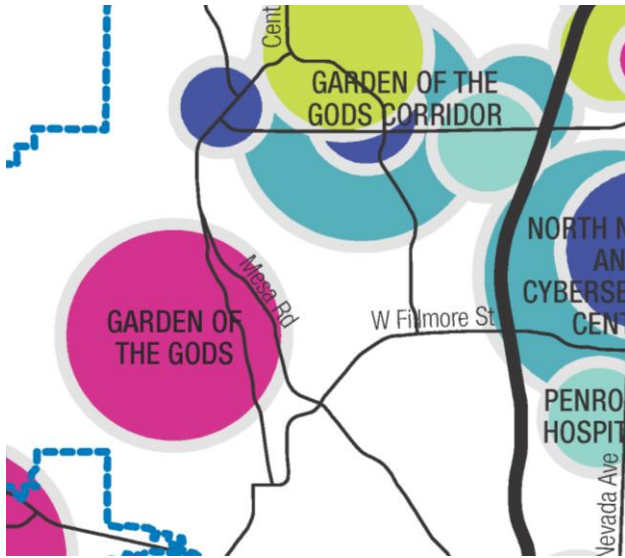


Predominant Typology



Unique Places

- Strategy UP-2.A-4: Actively support ongoing and potential infill projects, employ problem-solving approaches and continue to implement process improvements in support of infill and redevelopment.
- Strategy UP-2.A-5: Revise zoning and building regulations to be more streamlined and flexible regarding infill, redevelopment, and mixed-use development, especially in older, underutilized commercial areas.



Predominant Typology

- | | | |
|--------------------------|------------------|---------------|
| Cornerstone Institutions | Life and Style | City Boundary |
| Spinoffs and Startups | Industry Icons | Interstate 25 |
| The Experience Economy | Critical Support | Major Roads |

Thriving Economy

- Strategy TE-4.A-1: Encourage revitalization and infill in underutilized urban places, as detailed in Chapter 3.

Statement of Compliance

NVAR-24-0020

After evaluation of the Non-Use Variance the application meets the review criteria.