



# **CITY PLANNING COMMISSION AGENDA**

**THURSDAY, JANUARY 15, 2015  
8:30 A.M.**

**CITY HALL COUNCIL CHAMBERS  
107 NORTH NEVADA AVENUE  
COLORADO SPRINGS, CO 80903**

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# CITY PLANNING COMMISSION MEETING PROCEDURES

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**MEETING ORDER:**

The City Planning Commission will hold its regular meeting on **Thursday, January 15, 2015 at 8:30 a.m.** in the City Hall Council Chambers at 107 North Nevada Avenue, Colorado Springs, Colorado.

The Consent Calendar will be acted upon as a whole unless a specific item is called up for discussion by a Planning Commissioner, a City staff member, or a citizen wishing to address the Planning Commission.

When an item is presented to the Planning Commission the following order shall be used:

- City staff presents the item with a recommendation;
- The applicant or the representative of the applicant makes a presentation;
- Supporters of the request are heard;
- Opponents of the item will be heard;
- The applicant has the right of rebuttal;
- Questions from the Commission may be directed at any time to the applicant, staff or public to clarify evidence presented in the hearing.

**VIEW LIVE MEETINGS:**

To inquire of current items being discussed during the meeting, please contact the Planning & Development Team at 719-385-5905, tune into local cable channel 18 or live video stream at [www.springsgov.com](http://www.springsgov.com).

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## **CITY PLANNING COMMISSION COMPREHENSIVE PLAN AND REVIEW CRITERIA**

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### **COMPREHENSIVE PLAN:**

The City Planning Commission uses the Comprehensive Plan as a guide in all land use matters. The Plan is available for review in the Land Use Review Office, located at 30 S. Nevada Avenue, Suite 105. The following lists the elements of the Comprehensive Plan:

- Introduction and Background
- Land Use
- Neighborhood
- Transportation
- Natural Environment
- Community Character and Appearance
- 2020 Land Use Map
- Implementation

The Comprehensive Plan contains a land use map known as the 2020 Land Use Map. This map represents a framework for future city growth through the year 2020, and is intended to be used with the Comprehensive Plan's goals, policies, objectives and strategies. It illustrates a desired pattern of growth in conformance with Comprehensive Plan policies, and should be used as a guide in city land use decisions. The Comprehensive Plan, including the Land Use Map, may be amended from time to time as an update to city policies.

### **APPLICATION REVIEW CRITERIA:**

Each application that comes before the Planning Commission is reviewed using the applicable criteria located in the *Appendix* of the Planning Commission Agenda.

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## CITY PLANNING COMMISSION APPEAL INSTRUCTIONS

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In accordance with Chapter 7, Article 5, Part 906 (B) (1) of the City Code, “Any person may appeal to the City Council any action of the Planning Commission or an FBZ Review Board or Historic Preservation Board in relation to this Zoning Code, where the action was adverse to the person by filing with the City Clerk a written notice of appeal. The notice of appeal shall be filed with the City Clerk no later than ten (10) days after the action from which appeal is taken, and shall briefly state the grounds upon which the appeal is based.”

Accordingly, any appeal relating to this Planning Commission meeting must be submitted to the City Clerk (located at 30 S. Nevada Avenue, Colorado Springs, CO 80903) by:

**Monday, January 26, 2015**

A **\$176** application fee and a justification letter specifying your specific grounds of appeal shall be required. The appeal letter should address specific City Code requirements that were not adequately addressed by the Planning Commission. City Council may elect to limit discussion at the appeal hearing to the matters set forth in your appeal letter.

## CITY PLANNING COMMISSION MEETING AGENDA THURSDAY, JANUARY 15, 2015

1. Approval of the Record of Decision (minutes) for the November 20 and December 18, 2014 City Planning Commission Meetings
2. Communications
3. Consent Calendar (Items A.1-A.2) ..... Page 7
4. New Business Calendar (Items 4 – 5.B) ..... Page  
 Appendix – Review Criteria ..... Page

<b>CONSENT CALENDAR</b>		
ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p><b>ITEM.: A.1</b> CPC ZC 14-00114</p> <p><b>ITEM.: A.2</b> CPC CP 14-00115 (Quasi-Judicial)</p> <p><b>PARCEL NO.:</b> 6233201003</p> <p><b>PLANNER:</b> Meggan Herington</p>	<p>A request by NES, Inc. on behalf of Focus on the Family for the following development applications:</p> <ol style="list-style-type: none"> <li>1. Rezone 41.7 acres from PIP-1 (Planned Industrial Park) to PBC (Planned Business Center).</li> <li>2. The Highlands at Briargate Concept Plan that illustrates a commercial center with a mix of retail, restaurant and a hotel.</li> </ol> <p>The property consists of 41.7 acres and is located west of Chapel Hills Drive, south of Briargate Parkway and north of Research Parkway.</p>	7
<b>NEW BUSINESS CALENDAR</b>		
ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p><b>ITEM NO.: 4</b> CPC MP 14-00059 (Legislative)</p> <p><b>PARCEL NOS.:</b> 7401300060,25,26,70, 71,32,31,30,37, 7412200054,74013080 03,04,69</p> <p><b>PLANNER:</b> Steve Tuck</p>	<p>A request by Property Owners for the approval of the Rawles Open Space Neighborhood Master Plan. The area within the master plan boundaries is zoned R/HS (Estate, Single Family with Hillside Overlay), consists of approximately 73 acres and is generally located on both sides of Mesa Road south of 19th Street and north of Terrace Road.</p>	

<p><b>ITEM NO.: 5.A</b> CPC CU 14-00110</p> <p><b>ITEM NO.: 5.B</b> CPC NV 14-00111 (Quasi-Judicial)</p> <p><b>PARCEL NO.:</b> 6418115007</p> <p><b>PLANNER:</b> Ryan Tefertiller</p>	<p>A request by David Gorman of M.V.E. Inc. on behalf of Martin Newton of MPN LLC for the following development applications:</p> <ul style="list-style-type: none"><li>A. The conditional use for 525 E. Kiowa Duplexes to allow the construction of two residential duplexes in the C6 (General Business) zone district.</li><li>B. A Non-use Variance request for the 525 E. Kiowa Duplexes to allow four, two-bedroom residential units with four on-site parking stalls where seven (7) are required.</li></ul> <p>The subject property is located at 525 E. Kiowa Street, is roughly 9,000 square feet in size, is zoned C6 (General Business), and is located on the south side of E. Kiowa Street between N. El Paso Street and N. Corona Street.</p>	
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**CITY PLANNING COMMISSION AGENDA**

**ITEM NOS A.1, A.2**

**STAFF: MEGGAN HERINGTON**

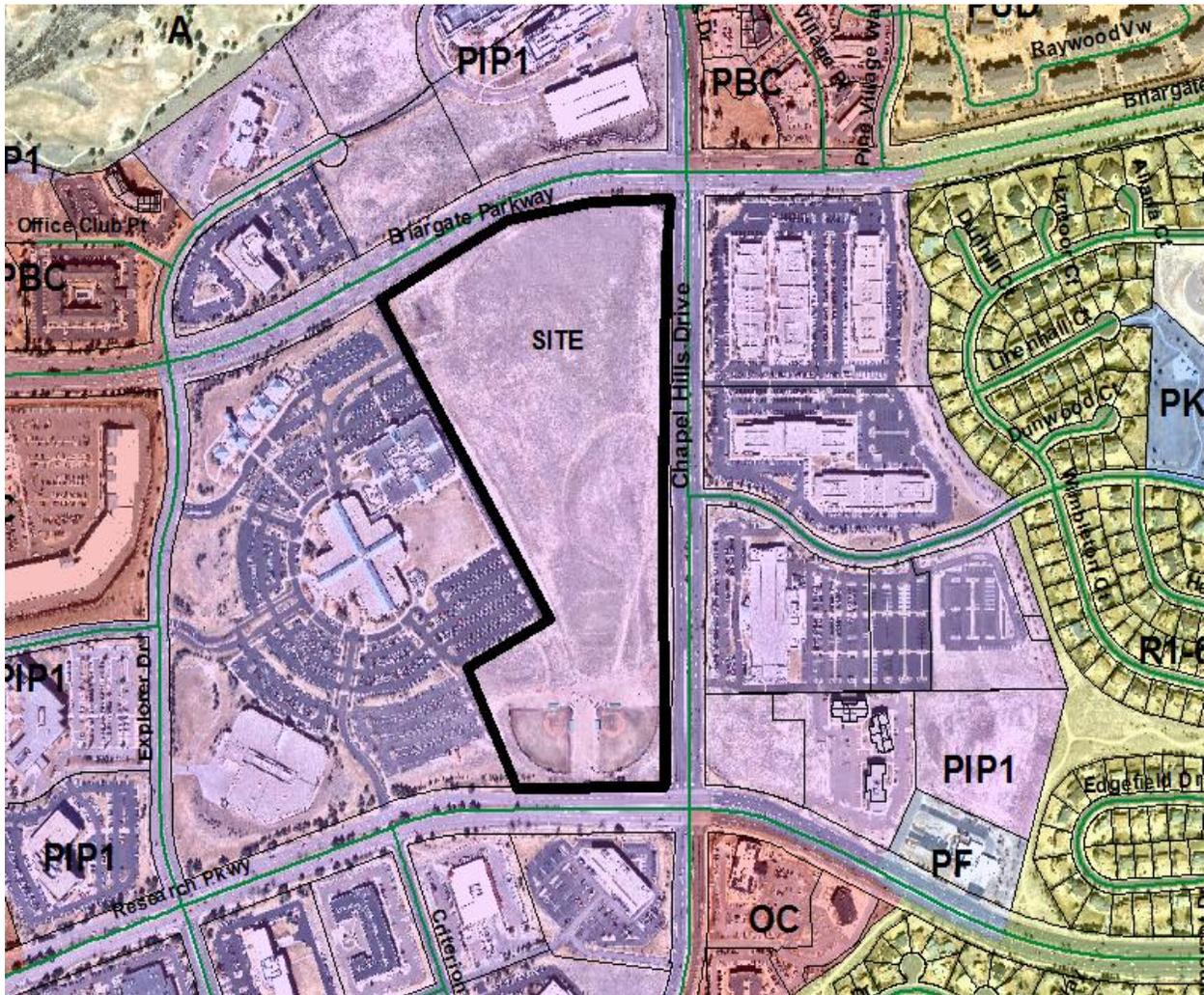
**FILE NO(S):**

**CPC ZC 14-00114 – QUASI-JUDICIAL**  
**CPC CP 14-00115 – QUASI-JUDICIAL**

**PROJECT: HIGHLANDS AT BRIARGATE**

**APPLICANT: NES, INC.**

**OWNER: FOCUS ON THE FAMILY**



**PROJECT SUMMARY:**

1. Project Description: This project includes concurrent applications for rezoning and a concept plan for 41.7 acres located south of Briargate Parkway, west of Chapel Hills Drive and north of Research Parkway, east and adjacent to the Focus on the Family Campus.

The property will be rezoned from PIP-1 (Planned Industrial Park) to PBC (Planned Business Center) in order to allow commercial development at this location.

The associated concept plan proposes a commercial center with a mix of retail uses, restaurants and a hotel. There are currently four future commercial lots illustrated with a mix of multi-tenant and freestanding buildings with associated parking. The PBC building and landscape setbacks will apply, along with a 45-foot maximum building height. **(FIGURE 1)**

Staff is administratively reviewing a final subdivision plat to create the 41.7-acre lot from the original 81.2 acres of the Focus on the Family campus.

2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Department's Recommendation: Staff recommends approval of the applications.

**BACKGROUND:**

1. Site Address: The property is currently part of the Focus on the Family Campus addressed as 8605 Explorer Drive.
2. Existing Zoning/Land Use: The 41.7 acres is mostly vacant. There are two little league baseball fields existing at the south end of the property.
3. Surrounding Zoning/Land Use:  
North: PIP-1/Office-Warehouse  
South: PIP-1/Office-Warehouse  
East: PIP-1/Office-Warehouse  
West: PIP-1/Focus on the Family
4. Comprehensive Plan/Designated 2020 Land Use: This property is designated as Regional Center.
5. Annexation: The property was annexed in 1984 as part of Briargate Addition #4.
6. Master Plan/Designated Master Plan Land Use: This property is within the Briargate Master Plan which is designated as "Implemented". When a property is in the implemented area, a master plan amendment is not required.
7. Subdivision: The property is part of Lot 1 Focus on the Family Subdivision Filing No. 1
8. Zoning Enforcement Action: None
9. Physical Characteristics: A majority of the property is vacant. There are two baseball diamonds on the southern portion of the property. Those will be relocated.

**STAKEHOLDER PROCESS AND INVOLVEMENT:**

The public process included posting the site and sending postcards to 109 property owners within 1,000 feet, notifying them of the application submittal and neighborhood meeting, as well as the public hearing.

A neighborhood meeting was held on November 5, 2014. There were approximately 15 neighbors in attendance. Concerns included traffic, building design, and the relocation of the little league fields. No written opposition was received.

Staff also sent the plans to the standard internal and external review agencies for comments. All comments received from the review agencies have been addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, City Finance, Police and E-911 and the US Air Force Academy.

**ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:**

1. Review Criteria / Design & Development Issues:

Rezone from PIP-1 to PBC

The request is to rezone 41.7 acres from PIP-1 (Planned Industrial Park) to PBC (Planned Business Center). The intent is to transition the property from the allowed office/warehouse uses permitted in the PIP-1 zone district to allowing, restaurants, retail and commercial center uses on the property as supported by the PBC zone district. The standard building setbacks and maximum building height for the PBC zone district will apply to the property.

Staff finds that the zone change request is in conformance with the City Code criteria for rezoning.

Concept Plan

The concept plan illustrates the 41.7 acres as a large mixed commercial center. The planned use of the site is a commercial center; specific uses include restaurants, retail, office space and a hotel. Any use allowed in the PBC zone district would be permitted. The plan illustrates four commercial lots anticipated with a mix of freestanding single-tenant buildings as well as multi-tenant buildings. All required parking will be provided on-site. The building and landscape setbacks are conceptually shown. A future administrative development plan review will be required to insure that building and landscape setbacks are met.

Access to the site will be provided by a full movement intersection at Briargate Parkway and a right-in/right-out access to Briargate Parkway. There is also a future full movement, signalized intersection at Chapel Hills Drive and two right-in/right-out access locations along Research Parkway. Any future signalization or intersection redesign to accommodate the project will be at the expense of the property owner/developer. Notes are included on the concept plan to reflect the developer responsibilities.

Staff finds that the concept plan is in conformance with the City Code criteria for concept plan approval.

2. Conformance with the City Comprehensive Plan:

Comprehensive Plan 2020 Land Use Map designates this property as a Regional Center. Regional Centers are defined as large, intensive activity centers that combine the uses of commercial centers and employment centers and serve the city and region as a whole. They often include regional malls or corporate headquarters.

**Policy LU 201: Promote a Focused, Consolidated Land Use Pattern**

Locate new growth and development in well-defined contiguous areas in order to avoid leapfrog, scattered land use patterns that cannot be adequately provided with City services.

**Objective LU 3: Develop A Mix of Interdependent, Compatible, and Mutually Supportive Land Uses.**

Over the past several decades, the location and design of development have created a pattern of isolated, disconnected, single-purpose land uses. An alternative to this type of land use pattern is one that integrates multiple uses, shortens and reduces automobile trips, promotes pedestrian and bicycling accessibility, decreases infrastructure and housing costs, and in general, can be provided with urban services in a more cost-effective manner.

**Policy LU 301: Promote a Mixed Land Use Pattern**

Promote development that is characterized by a mix of mutually supportive and integrated residential and non-residential land uses and a network of interconnected streets with good pedestrian and bicycle access and connections to transit.

**Strategy LU 302c: Promote Compatibility between Land Uses of Differing Intensities**

Design and develop mixed land uses to ensure compatibility and appropriate transitions between land uses that vary in intensity and scale.

**Objective CCA 6: Fit New Development into the Character of the Surrounding Area**

Often the overall character of a new development is not realized until the project is completed. This can lead to unintended impacts and incompatible development. Applicants for new developments need to clearly identify how their projects will fit into the character of the surrounding area and the community as a whole with respect to height, scale, bulk, massing, roof forms, signage, overall site design, pedestrian and vehicular access, and relation to the public right-of-way.

**Policy CCA 601: New Development Will Be Compatible with the Surrounding Area**

New developments will be compatible with the surrounding land uses and will complement the character and appearance of adjacent land uses.

***It is the finding of the Land Use Review Division that the Highlands at Briargate zone change and concept plan will substantially conform to the City Comprehensive Plan 2020 Land Use Map and the Plan's goals and objectives.***

3. Conformance with the Area's Master Plan:

The property is in the Briargate Master Plan. However, this specific master plan designates a large area as "Implemented". In the implemented area of the master plan, an amendment to the plan is not required with a change of land use.

**STAFF RECOMMENDATION:**

**ITEM NO.: A.1 CPC ZC 14-00114 – CHANGE OF ZONE**

**Approve** the change of zoning district from PIP-1 (Planned Industrial Park) to PBC (Planned Business Center), based upon the findings that the zone change complies with the review criteria outlined in City Code Sections 7.5.603.B.

**ITEM NO. : A.2 CPC CP 14-00115 – HIGHLANDS AT BRIARGATE CONCEPT PLAN**

**Approve** the Highlands at Briargate Concept Plan based upon the findings that the concept plan meets the review criteria as set forth in City Code Section 7.5.501.E.





6385 Corporate Drive  
Colorado Springs, Colorado 80919  
(719)785-0790 (719)785-0799(fax)

JOB NO. 2440.00-02  
OCTOBER 16, 2014  
PAGE 1 OF 2

### LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF LOT 1 AS PLATTED IN FOCUS ON THE FAMILY FILING NO. 1 RECORDED UNDER RECEPTION NO. 200062489, RECORDS OF EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** A LINE BETWEEN THE NORTHERLY END OF A TANGENT LINE BEARING N19°29'49"W HAVING A DISTANCE OF 59.41 FEET ON THE WESTERLY BOUNDARY OF LOT 1 AS PLATTED IN FOCUS ON THE FAMILY FILING NO. 1 RECORDED UNDER RECEPTION NO. 200062489, RECORDS OF EL PASO COUNTY, COLORADO, BEING A PORTION OF THE EASTERLY RIGHT OF WAY LINE OF EXPLORER DRIVE AS PLATTED IN BRIARGATE BUSINESS CAMPUS FILING NO. 10 RECORDED IN PLAT BOOK E-5 AT PAGE 55 AND THE WESTERLY END OF A TANGENT LINE BEARING S89°44'07"W HAVING A DISTANCE OF 733.73 FEET ON THE SOUTHERLY BOUNDARY OF SAID LOT 1 AS PLATTED IN FOCUS ON THE FAMILY FILING NO. 1, BEING A PORTION OF THE NORTHERLY RIGHT OF WAY LINE OF RESEARCH PARKWAY AS PLATTED IN BRIARGATE BUSINESS CAMPUS FILING NO. 1 RECORDED IN PLAT BOOK B-4 AT PAGE 23, BEING MONUMENT AT BOTH ENDS BY A 1 ½ INCH ALUMINUM SURVEYORS CAP WHICH WERE ILLEGIBLE IS ASSUMED TO BEAR N76°23'33"E A DISTANCE OF 1167.74 FEET.

COMMENCING AT THE NORTHEASTERLY CORNER OF LOT 1 AS PLATTED IN FOCUS ON THE FAMILY FILING NO. 1, RECORDED UNDER RECEPTION NO. 200062489, RECORDS OF EL PASO COUNTY, COLORADO, SAID POINT BEING ON THE WESTERLY RIGHT OF WAY LINE OF CHAPEL HILLS DRIVE AS PLATTED BRIARGATE BUSINESS CAMPUS FILING NO. 21 RECORDED UNDER RECEPTION NO. 099063330, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON THE EASTERLY BOUNDARY OF SAID LOT 1 AND THE WESTERLY RIGHT OF WAY LINE OF SAID CHAPEL HILLS DRIVE THE FOLLOWING (7) SEVEN COURSES;

1. S00°15'53"E, A DISTANCE OF 612.50 FEET;
2. S02°54'54"W, A DISTANCE OF 180.29 FEET;
3. S00°15'53"E, A DISTANCE OF 295.00 FEET;
4. N89°44'07"E, A DISTANCE OF 10.00 FEET;
5. S00°15'53"E, A DISTANCE OF 567.50 FEET;
6. S02°56'44"W, A DISTANCE OF 180.34 FEET;
7. S00°15'53"E, A DISTANCE OF 234.94 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 1, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF RESEARCH PARKWAY AS PLATTED IN BRIARGATE BUSINESS CAMPUS FILING NO. 1 RECORDED IN PLAT BOOK B-4 AT PAGE 23;

THENCE ON THE SOUTHERLY BOUNDARY OF SAID LOT 1 AND THE NORTHERLY RIGHT OF WAY LINE OF SAID RESEARCH PARKWAY THE FOLLOWING (2) COURSES;

1. S89°44'07"W, A DISTANCE OF 733.73 FEET TO A POINT OF CURVE;
2. ON THE AC OF A CURVE TO THE LEFT HAVING A DELTA OF 19°13'56", A RADIUS OF 1082.50 FEET AND A DISTANCE OF 363.36 FEET TO A POINT ON CURVE;

THENCE N19°29'49"W, A DISTANCE OF 66.18 FEET TO A POINT OF CURVE;  
THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 31°05'18" A RADIUS OF 200.00 FEET AND A DISTANCE OF 108.52 FEET TO A POINT OF REVERSE CURVE;  
THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 63°09'55", A RADIUS OF 210.00 FEET AND A DISTANCE OF 231.51 FEET TO A POINT ON CURVE;  
THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N10°50'51"E, HAVING A DELTA OF 37°57'27", A RADIUS OF 445.00 FEET AND A DISTANCE OF 294.81 FEET TO A POINT OF TANGENT;  
THENCE N62°53'24"E, A DISTANCE OF 563.65 FEET;  
THENCE N29°50'06"W, A DISTANCE OF 1036.34 FEET;  
THENCE N73°21'47"W, A DISTANCE OF 56.18 FEET;  
THENCE S61°38'13"W, A DISTANCE OF 189.13 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF  $30^{\circ}23'40''$ , A RADIUS OF 200.00 FEET AND A DISTANCE OF 106.10 FEET TO A POINT ON CURVE;  
THENCE  $N58^{\circ}45'27''W$ , A DISTANCE OF 60.00 FEET;  
THENCE  $N30^{\circ}24'00''W$ , A DISTANCE OF 205.75 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE NORTHERLY BOUNDARY OF SAID LOT 1, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF BRIARGATE PARKWAY AS PLATTED IN SAID BRIARGATE BUSINESS CAMPUS FILING NO. 10;

THENCE ON THE NORTHERLY BOUNDARY OF SAID LOT 1, THE SOUTHERLY RIGHT OF WAY LINE OF SAID BRIARGATE PARKWAY AS PLATTED IN SAID BRIARGATE BUSINESS CAMPUS FILING NO. 10 AND THE SOUTHERLY RIGHT OF WAY LINE BRIARGATE PARKWAY AS PLATTED IN BRIARGATE PARKWAY NO. 1 RECORDED UNDER RECEPTION NO. 097109850 THE FOLLOWING (4) OUR COURSES;

1. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER NEARS  $N24^{\circ}26'15''W$ , HAVING A DELTA OF  $03^{\circ}55'32''$ , A RADIUS OF 2082.50 FEET AND A DISTANCE OF 142.68 FEET TO A POINT OF TANGENT;
2.  $N61^{\circ}38'13''E$ , A DISTANCE OF 622.76 FEET TO A POINT OF CURVE;
3. ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF  $28^{\circ}05'54''$ , A RADIUS OF 1317.50 FEET AND A DISTANCE OF 646.11 FEET TO A POINT OF TANGENT;
4.  $N89^{\circ}44'07''E$ , A DISTANCE OF 129.21 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 41.724 ACRES.

**LEGAL DESCRIPTION STATEMENT:**

I, DOUGLAS P. REINELT, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.

\_\_\_\_\_  
DOUGLAS P. REINELT, PROFESSIONAL LAND SURVEYOR  
COLORADO P.L.S. NO. 30118  
FOR AND ON BEHALF OF CLASSIC CONSULTING  
ENGINEERS AND SURVEYORS

\_\_\_\_\_  
DATE

## PROJECT STATEMENT

### Highlands at Briargate October 21, 2014

The Highlands at Briargate is uniquely set atop the hills of Northeast Colorado Springs. With dramatic views of the Front Range and a direct prospect of Pike's Peak, this Retail District will provide a distinctive retail and restaurant destination. With immediate access to Briargate and Research Parkways, Chapel Hills Drive, and within close proximity to the I-25 corridor, The Highlands will serve not just the adjacent neighborhoods but is easily accessed from many places beyond.

The proposed Highlands at Briargate is located in the Briargate Business Campus area of Colorado Springs, south of Briargate Parkway and west of Chapel Hills Drive (Fig. 1), on property currently owned by Focus on the Family. The 41.7 acre parcel is a portion of the existing 81.2 acre platted lot, home to the Focus on the Family campus. Due to changes in the future facility needs of Focus on the Family, there is no longer any expectation to develop the balance of the property. The 41.7 acres is currently undeveloped, with the exception of two baseball fields and excess parking lot that are a part of the Focus on the Family campus.

This proposal is to rezone the 41.7 acre property from the current PIP1 (Planned Industrial Park) to PBC (Planned Business Center). The Concept Plan proposes a commercial center with a mix of uses including retail, restaurant and hotel. A replat is included with this application to subdivide the one 81.2 acre lot into five separate lots: one 39.4 acre lot that will remain PIP1 and contain the Focus on the Family facilities, and four lots for the retail/restaurant uses.



Figure 1- Vicinity Map

2. *The proposal is consistent with the goals and policies of the Comprehensive Plan.* Several Objectives and Policies of the Comprehensive Plan support this zone change and concept plan:

#### CHAPTER 1- LAND USE

##### Infill and Redevelopment

###### Objective LU 4: Encourage Infill and Redevelopment

Encourage infill and redevelopment projects that are in character and context with existing, surrounding development. Infill and redevelopment projects in existing neighborhoods make good use of the City's infrastructure. If properly designed, these projects can serve an important role in achieving quality, mixed-use neighborhoods. In some instances, sensitively designed, high quality infill and redevelopment projects can help stabilize and revitalize existing older neighborhoods.

###### Objective LU 7: Develop Shopping and Service Areas to be Convenient to Use and Compatible with Their Surroundings

Colorado Springs has numerous commercial areas that provide the necessary goods and services for visitors and regional, community, and neighborhood residents. The location and design of these areas not only has a profound effect on the financial success of commercial businesses, but also on the quality of life for the residents. Regardless of whether a commercial development is intended to serve neighborhood, community, citywide, or regional functions, it must be located and designed to balance pedestrian, bicycle, automobile, and, in many cases, transit access. In addition, the location and design of commercial uses must be integrated into surrounding areas, rather than altering the character of surrounding land uses and neighborhoods. Incorporating a mix of uses will increase the diversity and vitality of commercial areas.

###### Strategy LU 203b: Concentrate and Mix Uses

Concentrate and mix activities and uses in and around defined centers in order to create more diversity and synergy between uses, combine destinations, support more effective transit service, and provide viable pedestrian and bicycle access and circulation.

###### Objective LU 3: Develop A Mix of Interdependent, Compatible, and Mutually Supportive Land Uses.

Over the past several decades, the location and design of development have created a pattern of isolated, disconnected, single-purpose land uses. An alternative to this type of land use pattern is one that integrates multiple uses, shortens and reduces automobile trips, promotes pedestrian and bicycling accessibility, decreases infrastructure and housing costs, and in general, can be provided with urban services in a more cost-effective manner.

3. *Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with a zone change request.* The Briargate Business Campus of the Briargate Master Plan is considered to be implemented.

4. *For MU zone districts the proposal is consistent with any locational criteria for the establishment of the zone district, as stated in article 3, "Land Use Zoning Districts", of this chapter. (Ord. 94-107; Ord. 97-111; Ord. 01-42; Ord. 03-157; Ord. 12-76) Not applicable.*

## **ISSUES**

Potential issues identified for this proposal include the impact of converting PIP1 to PBC and coordination with the Briargate Business Campus approval authority.

The conversion of 41.7 acres from PIP1 to PBC will result in a net community benefit for this particular parcel. While ground for a potential larger employment center under the PIP1 zoning will be converted to commercial, the retail uses themselves will provide employment opportunities. In addition to employment, a retail project will provide sales tax to the City. Many of the uses anticipated for the development would be new to the community and therefore would not always be a relocation of existing uses. By providing a complementary mix of commercial uses in the northern Colorado Springs area, the intent would be to capture sales that might otherwise go outside of the City. Ample land is also available in Briargate, Interquest, Colorado Crossing and Northgate to meet the demand for future employment centers.

Prior to submittal to the City, the zone change/concept plan was submitted to the Briargate Business Campus Modification Review Committee for consideration. Included in the submittal is a letter from the BBCOA MRC with conditional approval.

Subsequent Development Plan application will address the specifics of lighting, parking, landscaping, grading, drainage and architecture.



1. Project Description: The project proposes a land use master plan prepared by the neighborhood organization (Rawles Open Space Neighborhood). The master plan area is generally located on both sides of Mesa Road, south of 19<sup>th</sup> Street and north of Terrace Road. The area consists of approximately 73 acres and includes 33 parcels, with two of the parcels designated as open space.
2. Applicant's Project Statement: Rawles Open Space Neighborhood Master Plan (**FIGURE 1**)
3. Planning and Development Team's Recommendation: Approve the Rawles Open Space Neighborhood Master Plan subject to a technical or informational modification to the Master Plan.

**BACKGROUND:**

1. Site Address: Numerous
2. Existing Zoning/Land Use: R/HS / single-family residences, vacant
3. Surrounding Zoning/Land Use: North: R/HS / single-family residences  
South: R-5, PUD/CR, R-1 6000/HS / apartments, single-family residences  
East: PK/HS/SS, R/HS / Sondermann Park  
West: R-5, R/HS, R-1 6000/HS, R-1 6000/DFOZ, R-1 6000 / vacant, single-family residences
4. Comprehensive Plan/Designated 2020 Land Use: Low Density Residential (0-1.99 dwelling units/acre)
5. Annexation 1968 Mesa Addition and 1971 Mesa Addition No. 2
6. Master Plan/Designated Master Plan Land Use: The property on the east side of Mesa Road is within the Mesa Springs Community Plan / Residential Estate (0-2 dwelling units/acre) and Private Open Space
7. Subdivision: the area within the master plan boundaries includes both platted and unplatted parcels
8. Zoning Enforcement Action: None
9. Physical Characteristics: The area consists of relatively flat mesa top with steep side slopes. Vegetation is primarily native grasses.

**STAKEHOLDER PROCESS AND INVOLVEMENT:**

In November, 2012 the Rawles Open Space Neighborhood requested the Planning Commission to authorize the submittal of a master plan for their neighborhood as allowed by Section 7.5.405.D of the City Code. After public hearings in December, 2012 and January, 2013 the Planning Commission denied the neighborhood's request. The Planning Commission decision was appealed to the City Council by the neighborhood. In February, 2013 the City Council overturned the Commission's recommendation and authorized the neighborhood to submit a master plan proposal. After two neighborhood meetings held in December, 2013 (attendance of 25) and May, 2014 (attendance of 30) the master plan was submitted to the City in June, 2014. After the review of the master plan by both the City and the property owners the boundaries were revised by eliminating 12 parcels located at the north end from within the master plan boundaries. These parcels were excluded primarily due to the opposition of the property owners to their inclusion within the master plan. It appear the property owners within the current master plan boundary support the proposed plan.

**ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:**

1. Review Criteria/Design & Development Issues:  
The master plan document primarily provides a historical perspective of the development of the area and its current characteristics. Two significant recommendations from the proposed master plan are applicable for the future development of the area: 1) the proposed land use shall remain single-family residential at a density consistent with the R (Estate Single-Family Residential) zone and the Hillside Overlay zone, and 2) Mesa Road, though designated as a minor arterial, shall retain its current improvements or "rural street cross-section" with the possibility of bike lanes added in each direction.

Statements within the Master Plan Recommendations (**FIGURE 1**, Section IV, pages 7 and 8) suggest lots sizes larger than the minimum permitted by the R zone (20,000 square-foot minimum). Without a subsequent zoning overlay applied to the master plan area requiring a minimum lot size in excess of the permitted R zone minimum, the R and Hillside Overlay will remain the basis for the evaluation of future subdivisions. The master plan does not recommend rezoning the area to a lot area minimum in excess of the R zone.

New master plans are required to be evaluated using a significant number of criteria. The criteria cover a wide range of issued including land use relationships, public facilities, transportation, and the environment. As a plan that largely hopes to preserve the existing development pattern in the area, many of the criteria are not applicable. Upon review, Staff finds that the proposed master plan is consistent with the City's master plan review criteria.

2. Conformance with the City Comprehensive Plan:

See page 3 of Figure 2 (review comments from Comprehensive Planning) regarding the Comprehensive Plan's support of neighborhood plans such as the Rawles Open Space Neighborhood Master Plan.

Staff finds that the proposed master plan is consistent with the City's Comprehensive Plan.

3. Conformance with the Area's Master Plan:

The property on the east side of Mesa Road is within the Mesa Springs Community Plan. The land use designation shown on the plan for this area is Residential Estate (0-2 dwelling units/acre) and Private Open Space. The proposed Rawles Open Space Neighborhood Master Plan is consistent with this designation. The area on the west side of Mesa Road is not within an area master plan.

**STAFF RECOMMENDATION:**

**Item No: 4      CPC MP 14-00059 – Rawles Open Space Neighborhood Master Plan**

**Approve** the Rawles Open Space Neighborhood Master Plan, based upon the finding that the master plan complies with the review criteria in City Code Section 7.5.408 subject to compliance with the following technical or informational modification to the master plan:

Technical or Informational Modification to the Master Plan:

Revise Section IV.2 on page 7 (Master Plan Recommendations) to specify a density range of 0-1.99 dwelling units per acre.



**RAWLES OPEN SPACE  
NEIGHBORHOOD MASTER PLAN  
2014**

**RECEIVED**  
DEC 10 2014  
COLORADO SPRINGS  
CITY PLANNING

## RAWLES OPEN SPACE NEIGHBORHOOD

### I. HISTORIC CONTEXT.

Even though close to downtown, the residential neighborhood along the stretch of Mesa Road from La Mesa Road to 19<sup>th</sup> Street has a distinct rural character. Because of the dedicated open space at its core, it is referred to as the Rawles Open Space Neighborhood.

Although there had been earlier settlements on the Westside, the city of Colorado Springs was founded in 1872 at the confluence of Monument and Fountain Creeks. The mesa west of downtown remained undeveloped until the next century. In the 1870's General Palmer traveled what is now Mesa Road to go between his home at Glen Eyre and downtown. Starting in 1909, when the Perkins family gave the Garden of the Gods to Colorado Springs, citizens traveled Mesa Road with its spectacular views of Pikes Peak and the Front Range as a route to the park.

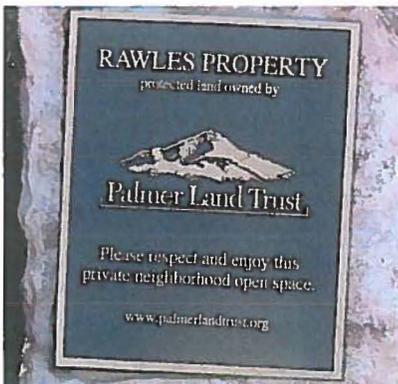
In 1905, the first house was built on the Mesa at Broadview Place. In the 1920's an adobe-style house was built on 17 acres at 1560 Mesa Road, which was later was owned by the Rawles family. Until after World War II, these were the only homes on the Mesa.

Before World War II, John W. Armstrong, a young but visionary banker, along with his business partners, Mitch Wilder, Director of the Fine Arts Center, and his Aunt Frances (Chan) Heizer, who lived on Wood Avenue but wanted a view of Pikes Peak, bought the land that would become the Commons Subdivision. At the time, John's boss at the bank warned that the purchase was a foolhardy idea since the city would never grow that far west. John persisted. In 1947, the Gazette reported "Exclusive Residential Area to be Developed on Mesa." The goal was "to keep the area as nearly rural as possible, and so will have no sidewalks, cross streets or alleys. Houses are to be kept one story in height, and will be situated on lots as to give each an unobstructed view of the surrounding region." The lots exceeded 1.5 acres and bordered a common area, known as the Commons Open Space which was kept in natural vegetation. The Commons set the character of that stretch of Mesa Road to 19<sup>th</sup> Street.

Walt Weber, a contemporary of noted Colorado Springs architects, Gordon and Elizabeth Wright Ingraham, built similar homes in the area with designs by the Ingrahams. The houses were flat roofed with an organic feel and surrounded by natural vegetation, in the Frank Lloyd Wright style.

Mesa Road has always been rural, without curbs and gutter, sidewalks or street lighting and characterized by natural vegetation. In 1992, the Palmer-Mesa Trail was created by the neighborhood for walkers, joggers, and cyclists, with easements donated by the adjoining landowners and private funding provided in partnership with the City and several foundations.

Letitia Rawles, a longtime resident of the Mesa, gave 7 acres of her property upon her death in 1994 to the Palmer Land Trust to be preserved as open space in perpetuity. This became the Rawles Open Space. It is owned and kept in its natural condition by the Palmer Land Trust and volunteers who eradicate invasive species



and pick up trash. Located on the west side of Mesa Road and along the Palmer-Mesa Trail, the Rawles Open Space preserves and provides a natural, unobstructed view of Pikes Peak from Mesa Road and the trail, and gives the neighborhood its name and identity.

The Whitney and Starr families owned the six large lots along the southwest side of Mesa Road from 19th Street to the Rawles Open Space. They placed covenants on their lots in keeping with the unique character of the homes already built on the Mesa. The covenants state that the houses will be low profile to preserve the view, maintain native vegetation and be set back from Mesa Road “as far as land contours and residential design will permit.”

The homes built over the past 70 years have continued the tradition of low-profile houses, large lots, natural colors and deep setback from Mesa Road with native vegetation. Mesa Road has maintained its semi-rural character as a two lane road, with the Palmer-Mesa Trail and Rawles Open Space, and the absence of sidewalks, curb and gutter, and street lights.

## **II. UNIQUE NEIGHBORHOOD CHARACTERISTICS.**

The following are characteristics of this unique neighborhood:

### **A. Mesa Road.**

1. Mesa Road in the Rawles Open Space Neighborhood is a semi-rural roadway consisting of a two-lane street bisecting large open lots with panoramic views of the surrounding area and an adjoining natural trail. Houses are set back from the centerline of Mesa Road with a wide natural landscape buffer. There are no sidewalks, curb or gutter, or street lights. The driveways and side roads are mostly gravel which gently curve up to homes in a long, park-like setting. As a result, Mesa Road in this area has the feel and character of a country road which contributes to the rural character of the neighborhood.
2. The Palmer-Mesa Trail is an unimproved gravel and asphalt path that winds along the west side of Mesa Road and is used by many runners, bikers and walkers. Mesa Road was one of the first designated bike routes in Colorado Springs and is used by many of the City’s road-bike enthusiasts.

### **B. Residential.**

1. The neighborhood consists of large lots of 1 to 5 acres in size surrounded by steep hillsides dropping 50 to 200 feet with healthy foothills vegetation and ridges.
2. Houses are low profile, generally of earth tones, built of fire-resistant stucco and similar finishes in a low-density development that blends in with the natural environment.
3. The Master Plan Area is low density residential single family development. The average lot sizes in the neighborhood exceed 1.9 acres per lot with the smallest parcel in the core [all but the periphery] being .95 acres. See current parcel configuration for the neighborhood in the “Average Individual Lot Acreage” map on page 11.

### **C. Open Space.**

1. The neighborhood is anchored and enhanced by protected open spaces such as the Rawles Open Space and the Commons Open Space. The neighborhood is bounded on the east by Sondermann Park (a 1000 acre urban wildlife area).
2. The development patterns allow the residents and visitors to enjoy a 360 degree panorama of the City and the Front Range. Night viewing is especially dramatic as little light pollution originates in the neighborhood. Views of the Front Range and Pikes Peak are

preserved and enhanced by the existing development patterns and are a major asset to the entire Colorado Springs community.

#### D. Native Environment.

1. The area has unique geology. It is primarily comprised of a non-expansive red interglacial outwash deposit called the Verdos Alluvium. This gravel deposit is 10 to 50 feet thick. The gravel overlays a bedrock formation called the Pierre Shale. The 1000 to 2000 foot thick shale is a marine deposit formed in a shallow sea environment 70 to 100 million years ago. The Verdos Alluvium was deposited within the last 900,000 years in an interglacial period that eroded modern Rockies to the west onto expansive piedmonts fanning out to the east. The Mesa is a remnant of that glacial outwash. The current shape of the Mesa is caused by base-level erosion by Monument Creek drainage to the east and the Fountain Creek drainage to the west. Many geology field classes study the road-cut east of Mesa Road along Uintah Street where the red gravel Verdos Alluvium overlays the much older angular dipping Pierre shale.
2. The neighborhood remains natural, with undisturbed hillsides and very few sites of man-made fill. The area is predominated by native vegetation with natural ground cover, and many evergreen and deciduous trees giving a natural, woody feel to the neighborhood. Wildlife is abundant, with deer, bears, bobcats, coyotes, fox, rabbits, bats and a wide variety of birds.
3. The flora of this mesa neighborhood combines unique plant communities, elements of foothills and complex grasslands. The Mesa was first studied by Professor Homer Shantz when he was a student of the famous ecologist Frederick Clements at Colorado College in the early 1900s. (A study of the vegetation of the Mesa region east of Pikes Peak. 1906. Botanical Gazette 42:16-47; 179-207). No other vegetation in Colorado is like it, then or now. Much of the mesa area region investigated by Shantz, on the south end of town now in Fort Carson and in the Fountain area, have been destroyed by development, so the best remaining example of this unique mesa vegetation as it existed on the Mesa 100 years ago is the Rawles Open Space Neighborhood. This area is densely covered with native grass species, most abundantly blue grama, the signature species of mesa vegetation, and the shortgrass prairie. Additionally, native species include sideoats grama, little bluestem, big bluestem, Canada wildrye, 3 species of needlegrass, squirreltail, and ring muhly. The vegetation cover also includes several species of sage and wild buckwheat, considered low "subshrubs" that are woody at the base and are key structural components of prairie grasslands in our region. The east side of the Mesa contains oak thickets in areas with slightly more moisture or side hill seeps. Additional native vegetation includes the presence of shrubs like mountain mahogany, winterfat, rabbitbrush, skunkbrush, and pinon pine.
4. The diversity of plant species and the combination of shrub communities and grasslands adds a great deal to the value and utilization of this mesa as a wildlife habitat. The native grasses and wildflowers are important butterfly host plants, and the shrubs are highly sought after browse. Nesting and migrating birds are abundant and utilize the diverse plant types for food and shelter, and may nest in the open areas between vegetation clusters. Charismatic raptors like red-tailed hawks, Swainson hawks, and owls pursue small mammals and rodents that utilize the vegetation and diverse species. The extent of open space helps buffer human wildlife conflicts (deer excepting).

### III. MASTER PLAN.

The rural character and uncluttered views along this short but treasured stretch of Mesa Road continue to be enjoyed by everyone who uses it and the Palmer-Mesa Trail. Today, many walkers, bicyclists and motorists follow the same path used by General Palmer and the early citizens of Colorado Springs to go to Glen Eyrie and Garden of the Gods. Along this stretch of Mesa Road they experience those same views and rural character of early Colorado Springs.

#### A. PURPOSE.

The Master Plan expresses the values gifted to the residents of the Rawles Open Space Neighborhood by those who came before us. The purpose of this Master Plan is to provide guidelines to preserve the landscape and neighborhood character that has been established for decades in this unique area of Colorado Springs and to retain it in much the same way as it is today, to share with the citizens of Colorado Springs through the Rawles Open Space what the Mesa has looked and felt like since the days of General Palmer, and to insure any future development be harmonious and compatible with the existing properties by the following:

1. Preserve and enhance the rural character of the neighborhood.
2. Preserve the intent and land use character stated in the *Colorado Springs 2001 Comprehensive Plan* for this area. (See p. 6)
3. Preserve and enhance the semi-rural character of Mesa Road as a two-lane roadway, with generous setbacks, surrounded by native vegetation, and a pedestrian trail.
4. Preserve and enhance the Rawles Open Space, Commons Open Space and Palmer-Mesa Trail.
5. Preserve the intent of the *Colorado Springs Hillside Overlay* by protecting the Mesa's natural features, slopes, and drainages of this mesa landscape and the healthy foothills vegetation that distinguishes the ridges which border the Neighborhood and Mesa Road corridor.
6. Maintain the historic development pattern and density within the Master Plan area.
7. Preserve the integration of development into the natural landscape and encourage fire-wise landscape management planning.

Various areas of the Rawles Open Space Neighborhood have protective covenants or deed restrictions which reflect and have contributed to the rural character of the neighborhood described in this Master Plan. However, this Master Plan is not a set of covenants nor is the neighborhood a homeowner's association. This Master Plan does not affect the development of or the construction on the existing parcels within the zoning code and any applicable covenants or deed restrictions.

#### B. MASTER PLAN DOCUMENTATION.

The Rawles Open Space Neighborhood is submitting the following documentation and illustrations in order to establish a Neighborhood Master Plan. The following materials, photos and attached maps describe the following:

- The neighborhood area and unique characteristics that make this neighborhood special, historic and valuable today.
- The Master Plan Recommendations.

- The many factors that support and justify the Master Plan, including preserving community visual corridors, transportation and utilities infrastructure, historic development patterns, and consistency with the City planning standards and documents.
- Strategies to preserve the neighborhood characteristics.

### C. MASTER PLAN AREA.

The Rawles Open Space Neighborhood Master Plan Area includes properties in the west side of Colorado Springs along Mesa Road. The specific area includes an area north of Terrace Road and south of 19th Street. The area can be generally described as a mesa with Mesa Road running through its center, bounded almost equidistant between the topographic ridges that drop off to the west and east. Exact boundaries are noted on the accompanying map:

### D. JUSTIFICATIONS FOR THE MASTER PLAN.

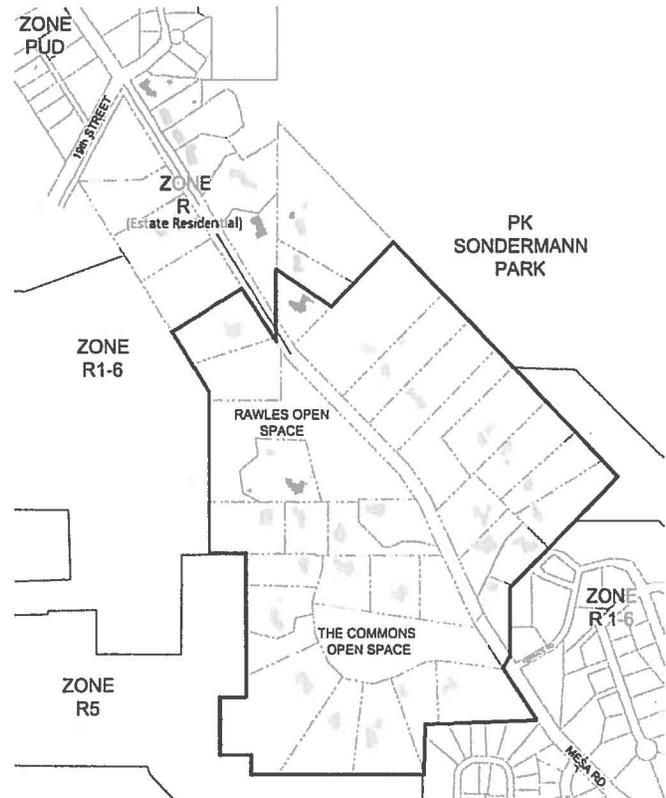
#### 1. CITY CODE.

The Master Plan is designed to serve as a refinement of the *Colorado Springs 2001 Comprehensive Plan* and as such provide a guide to issues concerning future development and to achieve those objectives set out in it and in the *City Code 7.5.401*:

- To serve as a refinement of the *Comprehensive Plan*;
- To encourage coordination in the provision of City capital improvements;
- To serve as a guide for future land use and transportation patterns;
- To analyze the impact of the impact of proposed development on public facilities and environmental quality;
- To analyze the proportional impact of the proposed development on the City;
- To identify and protect significant natural features;
- To assure coordinated implementation of adopted City and Utility plans; and
- To serve as an information resource for residents and developers concerning future land use patterns and related development issues.

2. 2001 COMPREHENSIVE PLAN. The 2001 Comprehensive Plan encourages and supports neighborhood initiated master plans:

*"Strategy N 101a: Encourage Neighborhoods to Define Their Own Geographic Areas Acknowledge the geographic areas of individual neighborhoods on the basis of such elements as home owner associations, tradition, period of construction, architectural styles,*



*common subdivision patterns, major roads, or association with a church, school, park, or other civic or institutional use.*

*Strategy N 102b: Encourage Active Participation in Decision-making from Residents and Property Owners*

*Encourage active participation from residents, property owners and neighborhood-based organizations for land development, infrastructure and services planning, prioritization and decisions. Notify people and organizations that may be affected by these issues in a timely manner so they have an opportunity to participate in the planning, prioritization and decision-making processes.*

*Objective N 2: Enhance Neighborhoods*

*Preserve and enhance existing and established neighborhoods and support developing and redeveloping neighborhoods. While neighborhoods change over time, there are certain fundamental characteristics of most neighborhoods, such as natural features and landscaping, building and street patterns, historic and cultural features, parks, open space and schools, which need to be preserved in order to maintain their character. At the same time, there are new and developing residential areas that need to be supported so that they emerge as well-functioning neighborhoods.*

*Policy N 201: Protect Established and Stable Neighborhoods*

*Protect the character of established and stable neighborhoods through neighborhood planning, assistance to neighborhood organizations, and supportive regulatory actions.*

*Strategy N 201a: Preserve and Enhance the Physical Elements that Define a Neighborhood's Character*

*In considering development proposals, preserve the physical elements that contribute to a neighborhood's identity and character, such as natural features, buildings and development patterns, historic and cultural features, parks, open space and schools. Where appropriate, utilize historic preservation districts and conservation districts as tools to achieve preservation and enhancement of historic and cultural resources.*

*Strategy N 201b: Revise Zoning and Subdivision Regulations to Recognize Neighborhood Character*

*Revise zoning and subdivision regulations to provide flexibility in code administration to recognize neighborhood character while respecting public safety concerns"*

3. MESA SPRINGS COMMUNITY PLAN.

The area east of Mesa Road is presently within the boundaries of the Mesa Springs Community Plan, adopted in 1986, with land use designations of residential estate with a density of 0-2 dwelling units per acre and private open space. The Rawles Open Space Master Plan is a refinement of and consistent with the Mesa Springs Community Plan.

## **IV. MASTER PLAN RECOMMENDATIONS.**

The Master Plan recommendations are as follows:

1. Maintain the historic, rural character of the neighborhood by ensuring that any future development is compatible and harmonious with the surrounding properties.
2. Maintain the established patterns of large lot, residential, single-family detached housing and preserve the intent and purpose of *the Colorado Springs Hillside Overlay Zone*.
3. Maintain lot sizes that are less intensive than the minimum lot size allowed by R (Estate Residential) zoning in order to maintain compatibility and harmony with surrounding properties and the neighborhood.

4. Encourage building envelopes to provide for as much spacing between adjoining structures as land contours and compatible residential design will permit. Typical current spacing between structures on adjoining parcels is not less than 50 feet and most exceed that distance.
5. Preserve the landscape and rural character of the neighborhood by preserving and maintaining the landscape buffer and generous building setbacks along the Mesa Road alignment. New buildings should be sited as far back from Mesa Road as land contours and compatible residential design will permit.
6. Review proposed subdivisions for conformity with the *Hillside Overlay* standards with slopes greater than 25% avoided for development and placed in preservation area easements.
7. Maintain the existing semi-rural character of Mesa Road. While Mesa Road shall continue to serve as a minor arterial as indicated on the Intermodal Transportation Plan, the planned cross-section for Mesa Road shall consist of two lanes (one lane in each direction), a bike lane on each side, no curb and gutter, no sidewalks long either side with the Palmer-Mesa Trail providing pedestrian access in lieu of sidewalks and no street lights. The recommended maximum width for right of way of Mesa Road is 60'.
8. Preserve, maintain and enhance the Rawles Open Space, the Commons Open Space and the Palmer-Mesa Trail, by confirming that new development has no negative impact on these essential elements. Develop a plan for future Palmer-Mesa Trail improvements. The Neighborhood will establish a team of Palmer-Mesa Trail Neighborhood Representatives to be our neighborhood's interface with Parks and Recreations to work through the opportunities and constraints for future trail improvements.
9. Encourage landscaping to be compatible with surrounding properties and to maintain the native landscape and rural feel of the neighborhood by using xeriscaping, natural flora, native prairie and indigenous groundcover and fire-wise landscape management measures.
10. Insure that any extension of city sewer support the Master Plan purposes, specifically, the extension of city sewer should not be for the purpose or have the consequence of changing the density of the Master Plan Area. Properties with existing septic systems should not be required to connect to the city sewer system and lose the cost of their investment.

## **V. STRATEGIES TO PRESERVE AND ENHANCE THE PHYSICAL ELEMENTS THAT DEFINE OUR NEIGHBORHOOD'S CHARACTER.**

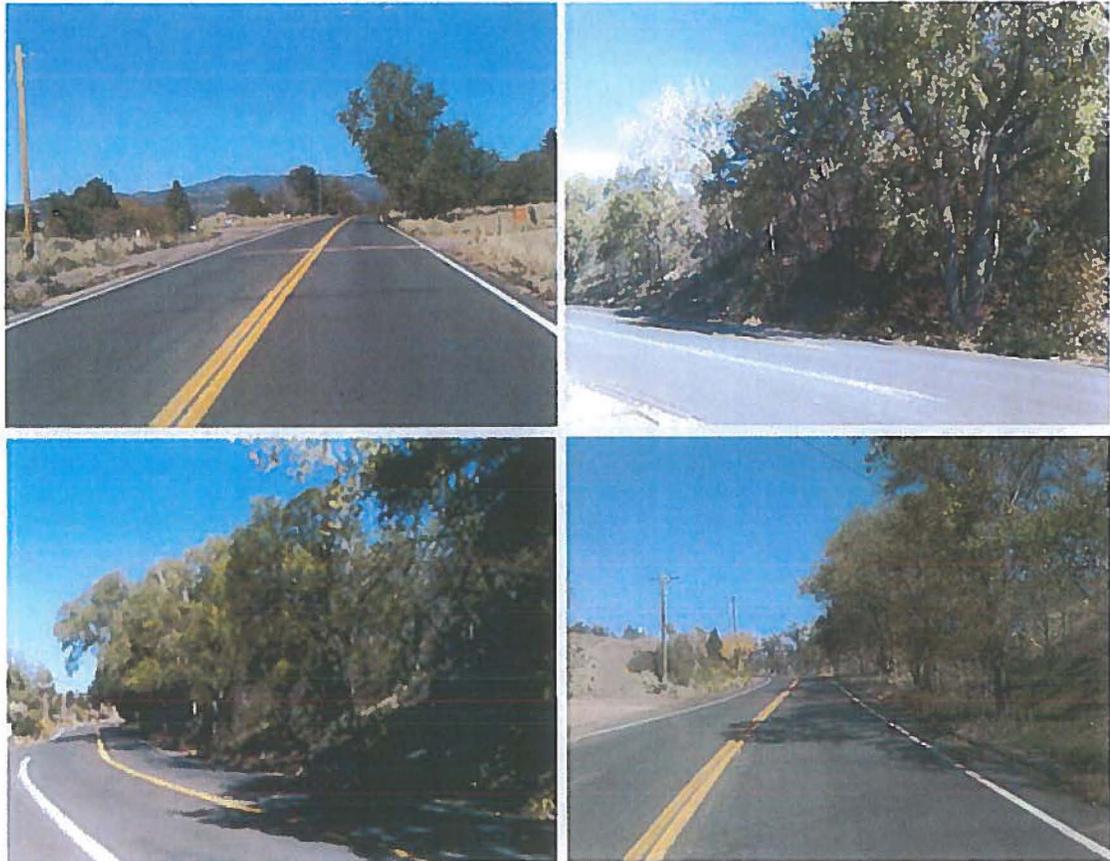
### **A. Community Visual Resources.**

The Rawles Open Space Neighborhood Master Plan area is identified on the *Colorado Springs Significant Natural Features Inventory* (Colorado Springs' adopted plan of 1990 identifying the City's natural resources) as one of the highest rated and visually valuable areas for its landform and vegetation characteristics. Preserving this Mesa Road area and protecting it from incompatible development or redevelopment will protect the Significant Natural Features designation of the area and contribute to its overall community value. The current development pattern should be maintained to preserve this natural and visual resource identified in the study.

## B. Transportation.

1. Mesa Road is classified as a minor arterial on the City's Intermodal Transportation Plan. The current minimum right of way of Mesa Road is 60' with some portions of the right of way 70 to 80 feet in width. From Commons to 19th Street, Mesa Road's width is 24 feet of pavement and serves as a collector for neighborhood traffic. The roadway without curb-and-gutter significantly adds to the rural character of the area. By maintaining Mesa Road's semi-rural character, with generous setbacks and low-density development, there will be no need for future curb-and-gutter on Mesa Road.

2. The planned extension of Centennial Boulevard from Fillmore to the downtown area will provide a new and major community connection in the general area, relieving future traffic pressure on Mesa Road. The proposed Centennial Boulevard link will serve the majority of the Garden of the Gods/30th Street, Centennial, and Kissing Camels neighborhoods with a more functional direct route to the Interstate and downtown. The roadway photographs below illustrate the difficulties of preserving the natural beauty of the landscape and topography with any road widening on both the west and east sides of Mesa Road. Therefore, this Master Plan recommends there be no increase in the current the right of way and that traffic calming measures be developed and implemented.



3. Light pollution into the neighborhood caused by the added traffic lights at 19th and Mesa Road should be mitigated.

4. No street lights should be installed along Mesa Road in the neighborhood.

5. As the Palmer Mesa Trail parallels Mesa Road, any planned changes to Mesa Road should take into account their impact on the trail with a goal of enhancing the trail's natural beauty and usability. The City of Colorado Springs is responsible for maintenance of the trail.

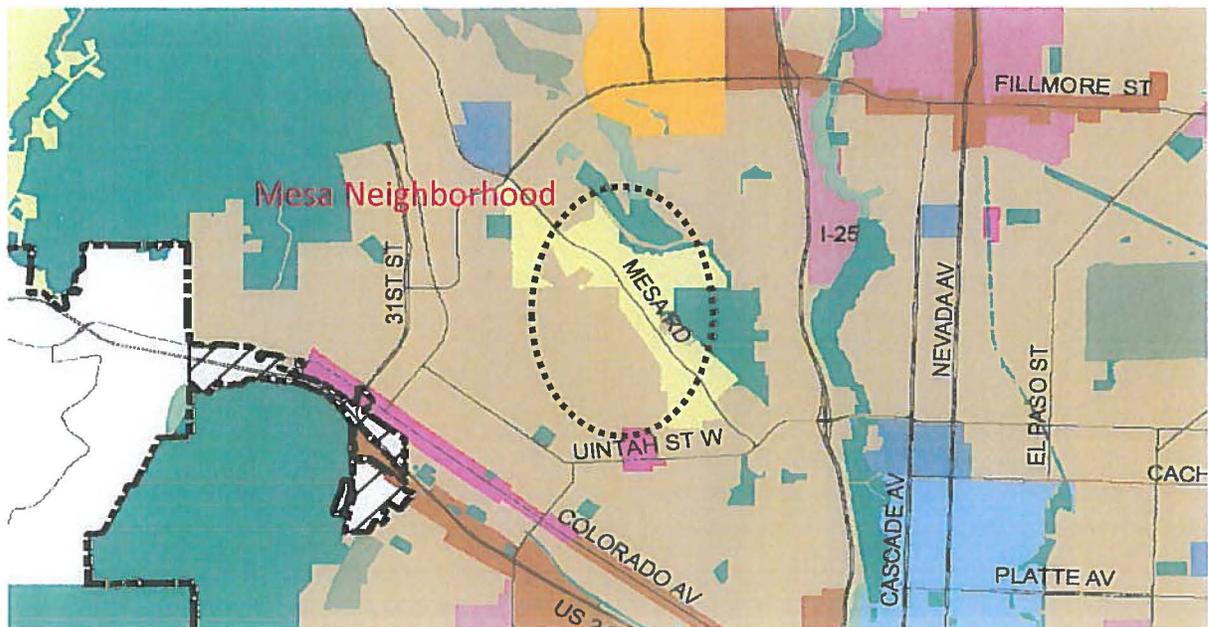
6. All driveways and shared access roads shall remain private (not dedicated to the City). The roadways will be designed and built as shown in the Hillside Development Design Manual (City of Colorado Springs, 1996). The manual includes design standards for access drives of 20 feet to 24 feet pavement width, that end in a “hammer head” configuration to allow fire trucks adequate space to turn around.

C. Utilities Infrastructure.

1. The rural nature of the Rawles Open Space Neighborhood is demonstrated by the fact that there are few suburban amenities, such as above ground power lines, sidewalks, curbs, gutters or street lights, and largely no municipal sewer lines. A majority of the 32 lots are served by septic or similar systems, and existing sewers are significant distances away and obstructed by intervening water mains and terrain. Suburban amenities should not be required in the Master Plan area. Should sewer extension be mandated by the City for an exceptional reason, it should be at City cost, so as to avoid the necessity of high densities to offset the significant cost.

D. Development Pattern.

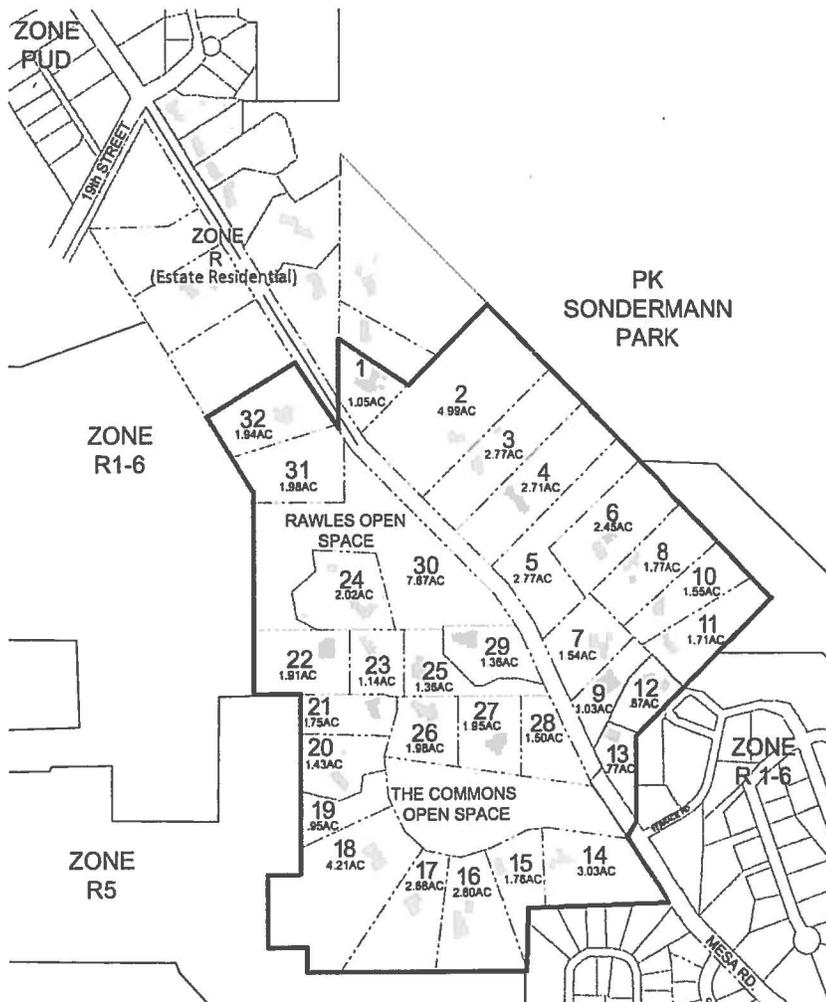
1. The 2020 Land Use Map in the Comprehensive Plan supports the preservation of the current development pattern and recommends a low density, rural residential designation for the Rawles Open Space Neighborhood. See below.



Colorado Springs 2020 Comprehensive Plan, 2012

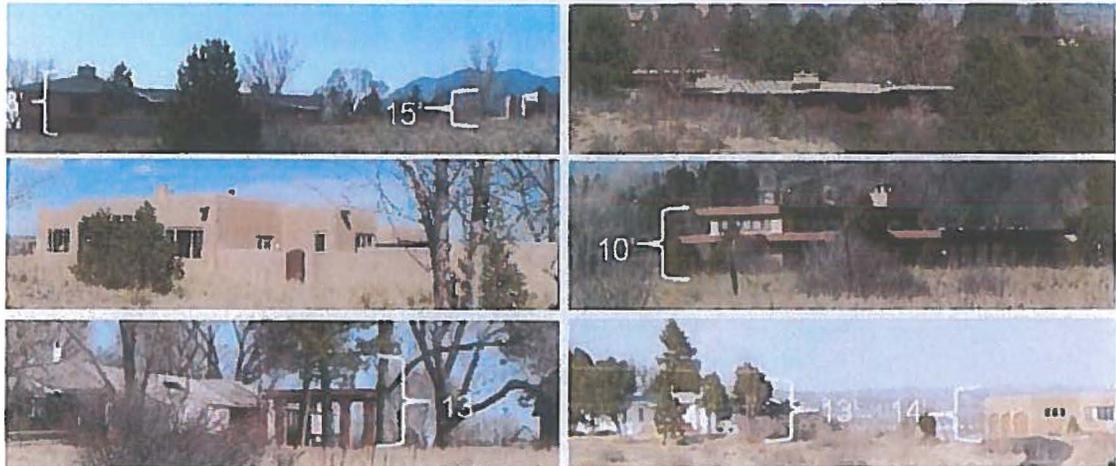
2. The Commons Area was annexed into the city in 1968. The remainder of the Master Plan Area was annexed into the city in 1971. The average lot size in the Master Plan Area is 1.93 acres with the smallest lot being .95 acre, except on the periphery. Both areas were developed in the low density pattern that exists today but were zoned R which allowed for 20,000 sq ft lots which was the lowest density classification provided for in the zoning code. There was no zone available in the code to reflect densities of 0 to 1 dwelling units per acre. There have been three subdivisions since annexation: Parvin Subdivision in 1987 (the Starr lots); Rawles Subdivision in 1996 (lots to the south of the Rawles Open Space) and the Armstrong Subdivision No. 2 in 2002, which was a plat to adjust the lot line between two parcels in the Commons Area owned by the same family. The resulting lots in these subdivisions range from 1.14 acres to 2.37 acres with one of the lots in the boundary line adjustment in the Commons being .95 acre. The average size of the lots created by subdivision after annexation was 1.71 acres.

3. The recommendations of this Master Plan will preserve the historic development pattern of the neighborhood, which in turn protects the unique landscape of the area, the value of properties within it, and supports valuable community visual resources. The current developed lot sizes average approximately 1.93 acres not including the Rawles Open Space of 7.67 acres, and 2.19 acres when the Rawles Open Space is included. In order to maintain the character of the neighborhood, this Master Plan recommends any future subdivisions have a density which is not more dense than the surrounding properties. The intent of the Master Plan is not to prevent additional lot development in the Rawles Open Space Neighborhood, but to provide guidelines for development that is compatible and harmonious with the character that has been established for more than 70 years.

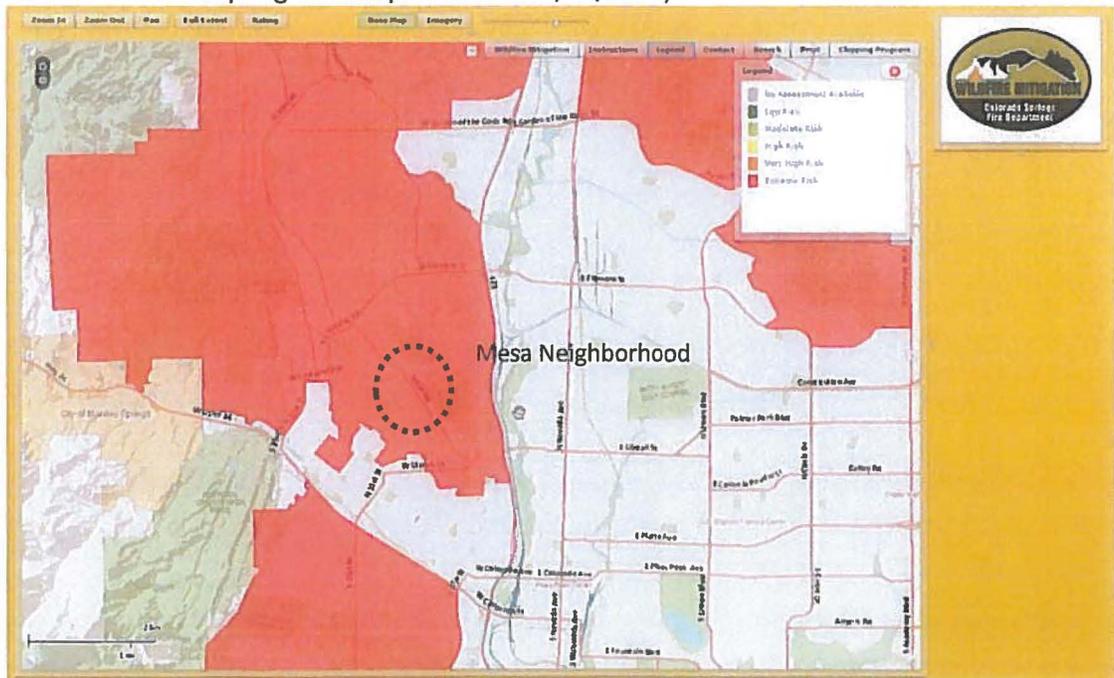


Average Individual Lot Acreage (excluding Rawles Open Space) is 1.93 acres.

4. By maintaining the current building density and preservation zones, the recommendations in this Master Plan are consistent and compatible with the surrounding existing neighborhoods and community open space pattern, including along High Point Lane, Terrace Road and Sondermann Park, which borders the neighborhood to the east.
5. The Master Plan protects and enhances the view corridors and landscape area while protecting the unique and historical character of this area by maintaining the historic setbacks and natural vegetation along Mesa Road.
6. The residences in the Rawles Open Space Neighborhood are typically low-profile, single story homes that are harmonious and compatible with each other and the land around them. The Master Plan encourages and recommends that new development maintains low profile configurations, consistent with existing architecture in the neighborhood. A sample of existing homes is shown here:



7. The neighborhood has been identified in the City's *Wildfire Hazard Zone* and rated as high hazard. Maintaining the current low residential density and encouraging the use of stucco and similar fire-resistant exteriors will aid and support the City goals of reducing fire risk and thereby reduce demands on community services and management resources. New development should be consistent with the recommendations contained in the "City of Colorado Springs Community Wildfire Protection Plan" (recommended by Brett T. Lacey, Fire Marshal Colorado Springs Fire Department on 8/16/2011).



City Wildfire Hazard Map,

8. The neighborhood is within the City's *Hillside Overlay Zone*. The purpose of the Overlay is to preserve the unique characteristics of the area, safeguard the heritage of the City and protect the public health, welfare and safety. The recommendations in this Master Plan are consistent with the intent of the Hillside Overlay goals that protects the significant natural features, drainages and slopes.
9. This Master Plan is consistent with the City's *Comprehensive Plan's* criteria for development that is harmonious and compatible with surrounding land uses and neighborhoods. In the *Comprehensive Plan*, Chapter 1 states that land development or land patterns within the City should not eliminate, but recognize the unique native area and scenic areas of the community as an important integral part of the City's land use pattern.
10. The value of the residences in this neighborhood has been enhanced by the uniqueness of its landscape, neighborhood location and present development pattern. The Master Plan recommendations seek to preserve the character and value of the neighborhood. Losing this character could result in the loss of a unique resource, one that offers variety in the housing market, and reduce the value of the current properties. Both the City's *Zoning Code* and *Comprehensive Plan* support preserving and enhancing neighborhood values (Chapter 2, *Neighborhoods, Comprehensive Plan*). Key to preserving the existing/historic neighborhoods is recognizing the value that landscape, topography and open space play in their identity.
11. Chapter 5 of the *Comprehensive Plan* addresses the importance of environmental factors in good planning and neighborhood design. Sensitive development patterns should avoid adverse impacts on significant natural features. Maintaining the low density development pattern and preserving native landscape and open space are consistent with the Chapter 5 goals and strategies.
12. Chapter 7 of the *Comprehensive Plan* recognizes "Low Density" large lot development as encouraged and compatible in areas of environmentally sensitive and significant natural features. Chapter 7 applies to the Rawles Open Space Neighborhood, its lots and the mesa slopes and native vegetation.

## VI. SUMMARY.

The information and recommendations in this Master Plan provide a refinement of the Colorado Springs 2001 Comprehensive Plan and the Mesa Springs Community Plan for this area, and are consistent with the Hillside Overlay, Comprehensive Plan, Wildfire Protection Plan, and the Natural Features Inventory. The Master Plan will provide a valuable guide to issues concerning existing conditions and patterns and a critical information resource for residents and developers regarding future development in order to preserve and enhance the unique character of the Rawles Open Space Neighborhood and to insure that future development is compatible and harmonious with the surrounding properties.



1947

2014

**Rawles Neighborhood**

Lot #	TSN	OWNER	Lot Size (s.f.)	Dwelling Units	Lot Acres
1	7401300032	Day, Jerry & Birgitta	45738	1	1.05
2	7401300037	Hembre, Kristine	217364	1	4.99
3	7401300038	Hieronimus, Walter	120661	1	2.77
4	7401308003	Foster, Tad & Melissa	118048	1	2.71
5	7401300069	Hull, Leroy & Marilyn Hull Living Trust	120661	0	2.77
6	7401308004	Kinnaman, Charles	106722	1	2.45
7	7412200003	Peterson, Judith	67082	1	1.54
8	7401300054	Deppen, Shirley & Holding, Duane	77101	1	1.77
9	7412200002	Keeley, Jean	44867	1	1.03
10	7401400045	Strass, Alan & Helene	67518	1	1.55
11	7401400047	Moyers, Jana	74488	1	1.71
12	7412200001	Borges, Kent & DiCenzo, Stephanie	38099	1	0.87
13	7412200045	Saffarrans, Maurice (two lots)	33740	1	0.77
14	7412200028	Dix, Mark	131987	1	3.03
15	7412200027	Sherwood, Nicholas & Jill Herrick	76666	1	1.76
16	7412200026	Walter, Katherine, c/o Katherine Johnston	121968	1	2.80
17	7412200025	Meston, Kimberly & Steven	116741	1	2.68
18	7412200065	Cronin, Tania & Thomas	183388	1	4.21
19	7412224007	Matthiesen Family Trust	41552	1	0.95
20	7412224006	Matthiesen, Brian & Rebecca	62291	1	1.43
21	7412200017	McLeod, Laurel & Allen, Jim	76230	1	1.75
22	7412224002	Kin, James & Eileen	83200	1	1.91
23	7412224003	Bruder, Cheryl	49658	1	1.14
24	7401300053	Warren, Jane	87991	1	2.02
25	7412224004	Flitton, Karen Revocable Trust	59242	1	1.36
26	7412200018	Webster, Marjory & Mirobin	86249	1	1.98
27	7412200081	Jones, Jean & Gerald	84942	1	1.95
28	7412200082	Jones, Jean	65340	0	1.50
29	7412224005	Karsh, Richard	59242	1	1.36
30	7401300064	William J Palmer Parks Foundation	334105	0	7.67
31	7401301018	Starr, William	86249	0	1.98
32	7401301019	Starr, William & Margaret	84506	1	1.94
				<b>28</b>	<b>69.4</b>

Average Lot Size: 69.4 acres ÷ 32 lots = 2.17 acres average size  
 Without Rawles Open Space (7.67 acres) = 1.93 acres average size

**FIGURE 1**

**CPC-MP 14-00059 Proposed Rawles Open Space Neighborhood Master Plan –Revised December 2014 Submittal**

*Follow-up Comments provided by Carl Schueler, AICP, Planning Manager- Comprehensive Planning 12/15/14*

Note: The revised draft plan excludes <sup>12</sup>~~11~~ of the lots and tracts that were originally included in the proposed boundaries.

Comments:

- 1) This revised version does a good job of articulating the basis for the recommended vision, and the sense for that vision. However, it does not appear that that the recommendation statements in Section IV, page 7 are definitive enough to either avoid future conflicts and uncertainly in interpretation or provide sufficient guidance for an implementation approach which would presumably consist of added zoning conditions of record or a new PUD zone for this area. In particular IV.3 does not attempt to clearly define what the acceptable minimum lot area density should be beyond stating that the standard should be lower than the current minimum of 20,000 square feet in the R-Estate District.
- 2) From a land use standpoint, this plan by itself may not accomplish much beyond making it unmistakably clear that rezoning and/or subdivision to accommodate non-residential uses or residential lots smaller than 20,000 square feet would now not be supported. It would also provide a clear although non-binding expectation for maintaining the Mesa Road in this vicinity as a “rural” cross section. For existing lots there would be little or no discretion over the design character of homes including building mass and heights so long as these remained within the maximums allowed for this zone district.

On the critical topic of additional residential density, uncertainty will remain with this plan if the current zoning is kept in place. Mathematically, under the current zoning, there is a theoretical potential for on the order of a tripling of density via future re-subdivisions. What is keeping this from happening is a combination of choices of existing property owners to maintain the current pattern, combined with a lack (to date) of financially feasible access to central sewer service.

.....

Original June 2014 Comments Annotated Based on December 2014 Plan Revision

Note: 12/12 comments are included *(parenthetically and in italics/bold)*

I have reviewed this proposed privately initiated small area neighborhood master plan from the perspective of the City's Comprehensive Plan and the City's emerging infill and redevelopment initiatives.

From these perspectives there are four basic issue areas that should be addressed:

- 1) Should the minimum allowable residential lot areas be increased from the 20,000 SF now allowed, to no less than one acre (43,560 SF,) for any new lots.
- 2) Specifically, what does the 2001 Comprehensive Plan say about neighborhoods and neighborhood plans in this context?
- 3) If this Plan were adopted, should there be changes made to allow it to better perform its intended function?
- 4) What is the best and most appropriate mechanism to assure implementation going forward?

***(This 12/14 version no longer attempt to stipulate a minimum lot area associated with future subdivision. It does address the Comprehensive Plan. Absent recommending some form of zoning action, it does not appear that the plan will be able to achieve its intention in a guaranteed way. There does not appear to be a recommendation for implementation)***

- 1) This development has a legacy as a very low density residential subdivision within the overall "Mesa" area of the City which tends to have significantly higher densities in most areas where it is developed. Although this area is zoned and expected to be a low density residential area, there is some hesitancy to further reduce the potential for limited infill activities. That said, the land use vision and pattern for the overall Mesa area is emerging with a preference for limited densities and maintenance of a low density semi- rural character for development and Mesa Road, in deference to the high visible profile of some of the Mesa, its environmental characteristics, and the role of Mesa Road as a connection to Garden of the Gods and other nationally significant landmarks. The trade-offs surrounding a choice to further limit future densities in this area, are difficult. Although visible and in a fairly natural state, much of the developable property in this subdivision does not have particularly steep terrain, especially when compared with other development in the vicinity. If one could "start from scratch" one could probably design a low density open space cluster development with a 20,000 SF minimum lot area, that did a fairly good job of respecting this environmental and semi-rural character and values. Lot by lot and case by case re-subdivision scenarios will make this integration with the landscape more difficult.

A pragmatic consideration associated with the basic density choice is that of the 43 developed or developable parcels 11, or over 25%, fall within the 1.75 to 1.99 acre density range. A strict interpretation of this proposed plan would preclude re-platting options for this significant

proportion of lots that would approach but not strictly meet the new criterion. This has some relevance to issues 3) and 4).

Finally, although there may be limited benefit in requiring the homes in this area to undertake the expensive process of converting from septic systems to central sewer, as a matter of policy it would also not be prudent to rely on lot area minimums as a means of avoiding a possible future need to convert these systems at some point in the future.

***(12-14 Absent some form of zoning implementation, it should be expected that there will be controversy over any future plans to re-subdivide within the limit of current zoning- and assuming that sewer service can be extended to the applicable lots. Although the plan clearly recommends against the extension of this service, it is advisory and ultimately would not preclude- and probably should not- precludes these extensions, it either necessary for environmental health reasons and/or funded entirely by the impacted/benefiting property owner.)***

- 2) In Chapter 2- ***Neighborhoods***, the 2001 Comprehensive Plan has a variety of language that clearly supports the role of neighborhoods in advocating and planning for their unique characters. Some of the most pertinent language is excerpted below.

*“Strategy N 101a: Encourage Neighborhoods to Define Their Own Geographic Areas*

*Acknowledge the geographic areas of individual neighborhoods on the basis of such elements as home owner associations, tradition, period of construction, architectural styles, common subdivision patterns, major roads, or association with a church, school, park, or other civic or institutional use.*

*Strategy N 102b: Encourage Active Participation in Decision-making from Residents and Property Owners*

*Encourage active participation from residents, property owners and neighborhood-based organizations for land development, infrastructure and services planning, prioritization and decisions. Notify people and organizations that may be affected by these issues in a timely manner so they have an opportunity to participate in the planning, prioritization and decision-making processes.*

*Enhancement*

*Objective N 2: Enhance Neighborhoods*

*Preserve and enhance existing and established neighborhoods and support developing and redeveloping neighborhoods. While neighborhoods change over time, there are certain fundamental characteristics of most neighborhoods, such as natural features and landscaping, building and street patterns, historic and cultural features, parks, open space and schools, which need to be preserved in order to maintain their character. At the same time, there are new and developing residential areas that need to be*

*supported so that they emerge as well-functioning neighborhoods.*

*Policy N 201: Protect Established and Stable Neighborhoods*

*Protect the character of established and stable neighborhoods through neighborhood planning, assistance to neighborhood organizations, and supportive regulatory actions.*

*Strategy N 201a: Preserve and Enhance the Physical Elements that Define a Neighborhood's Character*

*In considering development proposals, preserve the physical elements that contribute to a neighborhood's identity and character, such as natural features, buildings and development patterns, historic and cultural features, parks, open space and schools. Where appropriate, utilize historic preservation districts and conservation districts as tools to achieve preservation and enhancement of historic and cultural resources.*

*Strategy N 201b: Revise Zoning and Subdivision Regulations to Recognize Neighborhood Character*

*Revise zoning and subdivision regulations to provide flexibility in code administration to recognize neighborhood character while respecting public safety concerns”*

In summary, it would appear the Comprehensive Plan clearly supports neighborhoods planning and advocating for their special character. The Plan has less to say about the fundamental trade-off regarding density.

***(12/14- This language has now been inserted in the draft document, and there is some further discussion on page 13))***

- 3) If this Plan is adopted consistent with its current intent, some changes are recommended to make it most clear and useful going forward:
  - a. All of the operative recommendations of the Plan should be organized in single location within the document.

***(12-14- This change has been made- generally the plan is now better organized and easier to follow.)***

- b. The section on History should include when the property was originally zoned, assuming it was to the R-Estate category or something similar. This Plan could argue that at the time of original zoning there was not/ and still is not a category of residential zoning that better matches the density pattern in place at the time of zoning?

***(12-14- The zoning and subdivision history is still somewhat missing- although some can be inferred from the discussion on page 11)***

- c. The Plan should further analyze the potential maximum density impact that could occur under current zoning and make a case for why this might not be desirable.

***(12-14- There does not appear to be any additional analysis of the “re-development potential” under current zoning)***

- d. Then, the Plan should calculate the maximum additional residential density the could occur under the proposed density requirements

- i. Similarly, the practical mechanics of any potential replatting should be better addressed, particularly concerning how these new lots might obtain access.
- e. Obtain further input from CSU regarding the septic system/ central sewer facts and implications.

***(12-14- I am not aware of the position of CSU on this matter)***

- f. The plan should have more on context with surrounding area, including directly adjacent densities.

***(12-14- Although there is a lot of discussion on internal context and history, there is still no discussion of the context of the immediately surrounding areas)***

- g. Some details
  - i. p 3 should refer to 2001 Comprehensive Plan and not 2010
  - ii. p 5 II.2 refers to Mesa as a rural road. It is not urban, but not rural either
  - iii. P 6 refers to maintaining "rural character". I'd reword to "rural residential character" since it is not rural even now
  - iv. P 7 refers to the current functional class of Mesa as a minor arterial, but then argues for a collector along with a speed limit of 30. I'd defer to PW on the speed limit, but it would be a hard case to make that this is a collector?
  - v. p 10 should refer to 2020 Land Use Map in Comprehensive Plan rather than "2020 Comprehensive Plan"
  - vi. P 11 talks about fire mitigation but limits mostly for fire resistant materials versus fuels mitigation etc.
  - vii. There is quite a bit of discussion of the natural environment but not too much about any natural constraints (such as slope) in this actual neighborhood.

***(12-14- The revised plan has addressed several of these comments)***

- 4) If this Plan is adopted, it is recommended that further implementation be pursued via some form of zoning action (PUD or zoning conditions of record?). Reliance solely on an inherently advisory master plan for detailed density guidance could be problematic when the Zoning Code allows one thing and the master plan advocates another. The Plan and the zoning should also clearly address intent with respect to the lots that would approach but do not quite meet the proposed 1-acre standard, if subdivided. Similarly, it might be even more challenging to rely only on the master plan to require some of the proposed design requirements.

***(12-14- As noted above, this concern and topic remain)***

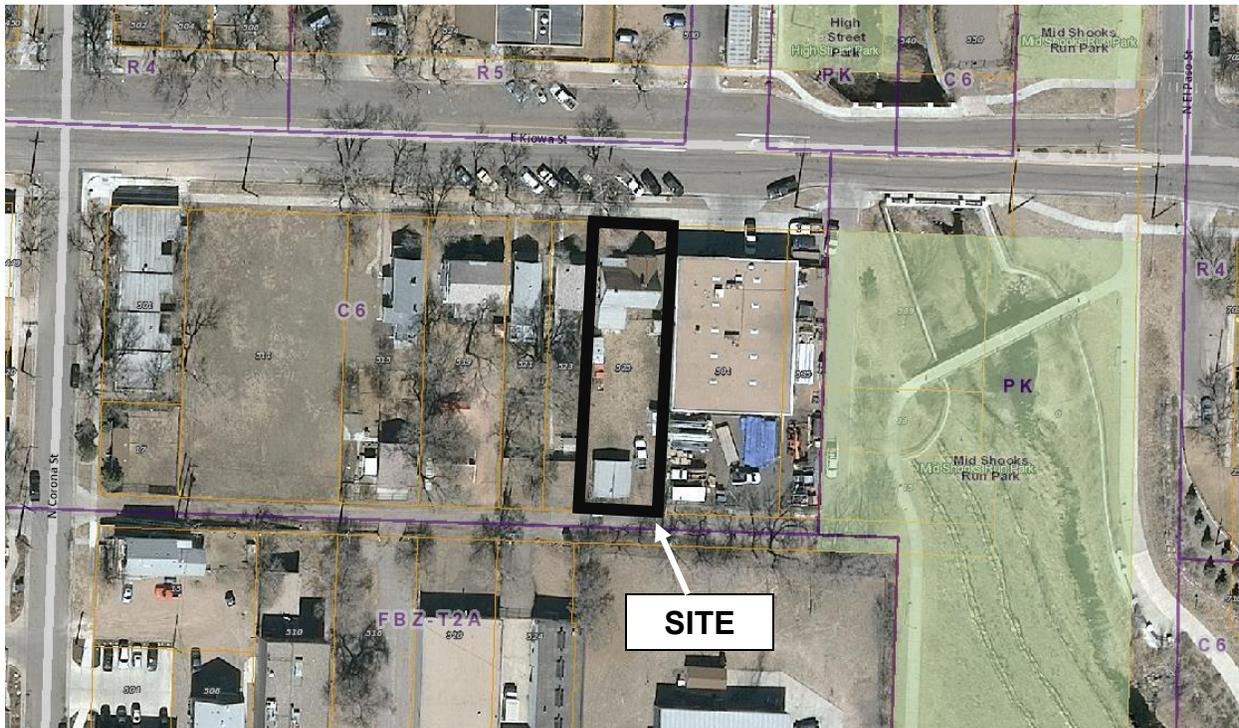
## CITY PLANNING COMMISSION AGENDA

**ITEM NOs: 5.A & 5.B**

**STAFF: RYAN TEFERTILLER**

**FILE NO:**  
**CPC CU 14-00110 – QUASI-JUDICIAL**  
**CPC NV 14-00111 – QUASI-JUDICIAL**

**PROJECT: 525 E. KIOWA DUPLEXES**  
**APPLICANT: DAVID GORMAN, M.V.E. INC.**  
**OWNER: MARTIN NEWTON, MPN, LLC**



### **PROJECT SUMMARY:**

1. **Project Description:** This project is for a conditional use to allow the subject property to be developed with two duplexes. In addition to the conditional use permit, a non-use variance is needed to allow the site to be developed with only four (4) on-site parking stalls where City code requires seven (7) on-site parking stalls. The site is roughly 9,000 square feet in size, is zoned C-6 (General Business), and is located at 525 E. Kiowa St. Multi-family is an allowable use in the C-6 zoning district, subject to approval of a conditional use permit by the City Planning Commission.

**(FIGURE 1)**

2. **Applicant's Project Statement:** **(FIGURE 2)**

3. Planning and Development Department's Recommendation: Approval of the applications.

**BACKGROUND:**

1. Site Address: 525 E. Kiowa St.
2. Existing Zoning/Land Use: C-6 (General Business) / vacant
3. Surrounding Zoning/Land Use:  
North: R-5 (Multi-Family Residential) and C-6 (General Business) / multi-family residential and auto repair  
South: FBZ-T2A (Form-Based Zone – Transition Sector 2A) / office, commercial, and storage  
East: C-6 (General Business) and PK (Park) / commercial (El Paso Glass) and open space  
West: C-6 (General Business) / mostly residential uses
4. Comprehensive Plan/Designated 2020 Land Use: Regional Center
5. Annexation: Town of Colorado Springs, 1872
6. Master Plan/Designated Master Plan Land Use: Imagine Downtown Master Plan (2009) / Mixed-Use
7. Subdivision: Subdivision of Block No. 244 in Addition No. 1, Town of Colorado Springs, 1875
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is a vacant site that slopes upward at the rear (south) of the lot.

**STAKEHOLDER PROCESS AND INVOLVEMENT:** The public process involved with the review of these applications included posting of the site and sending of postcards at the time of application submittal to 52 property owners within 500 feet. Neighborhood comments from multiple neighbors as well as the Middle Shook's Run Neighborhood Association were received. Concerns were raised regarding the provision of inadequate parking, the proposed density of the project, and the architectural style of the proposed structures. **(FIGURE 3)** The applicant responded to the neighborhood concerns in written form as part of the resubmittal process. **(FIGURE 4)** The same posting and notification process will be utilized prior to the CPC public hearing.

**ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:**

1. Review Criteria / Design & Development Issues:

The subject property has been zoned C-6 (General Business) for at least 30 years. Until last year, the lot contained a single-family home that was originally constructed in 1890 as well as a significant accessory structure just north of the alley; the home was demolished due to disrepair and to allow for the redevelopment of the site.

The subject property sits on the south side of E. Kiowa St. between N. Corona St. and N. El Paso St. The area is a mix of zone districts and uses. Directly east of the site sits the El Paso Glass Company, a large (7,200 square foot) commercial building with no physical setback along the property line shared with the subject property. The southern portion of the glass company's property is utilized for outdoor storage and is secured with chain link fence and barbed-wire. The two properties immediately across E. Kiowa St. from the subject property are utilized for auto repair (to the northeast) and an 11 story

apartment project (to the NW). Conversely, the property immediately to the west of the subject property is a single-family home. **FIGURE 5** includes a number of photographs of the surrounding properties and uses.

The owner of the subject property, Martin Newton, was before Planning Commission in March of 2012 for a similar project just 150 feet to the west. That project included two duplexes and two single-family homes on approximately 18,000 square feet, and also required a conditional use approval for residential use in the C-6 zone and a non-use variance for insufficient on-site parking. Both applications were approved by Planning Commission and the site is now complete and all units are occupied.

The applications illustrate four residential units made up of two, vertically-stacked duplexes on the 9,000 square foot site. **(FIGURE 6)** The two duplexes are oriented in a way to minimize the impact of the adjacent commercial building and take advantage of the open spaces to the south and west. The architecture of the two structures are identical to each other and blend aspects of the more traditional residential structures of the neighborhood with the more commercial aspects of the non-residential properties in the area. The plans also include a four-car carport accessed off the alley to the south and four additional tandem parking stalls, one located behind each carport stall. While the inclusion of the four tandem stalls brings the total provided parking count to 8, which exceeds the requirement for the four, two-bedroom units, a parking variance is necessary since only four legal stalls are provided (tandem spaces do not satisfy the required parking standards).

Any proposed multi-family residential project within the C-6 (General Business) zone requires compliance with R-5 (Multi-Family Residential) zone standards and approval of a conditional use by the City's Planning Commission. Approval of a Conditional Use requires evaluation of three criteria:

- A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.
- B. Intent Of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.
- C. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City

After review of the original submittal and receipt of the applicant's revised plans, staff has determined that the required conditional use criteria and development plan criteria are met and the project should be approved. In addition to the necessary conditional use permit for a residential use in the C-6 zone, this project requires a non-use variance to allow only four, legal, on-site parking stalls where seven are required by Code. As such, the following variance criteria must be evaluated:

- 1. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district; and
- 2. 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; and
- 3. That the granting of the variance will not have an adverse impact upon surrounding properties.

Staff finds that the non-use variance criteria are met and that the plan should be approved with only four on-site parking stalls where 7 are required. This finding is supported by the fact that four additional tandem stalls are included on the plan, and on-street parking along E. Kiowa St. is available to tenants and guests.

2. Conformance with the City Comprehensive Plan: This project is consistent with the City's Comprehensive Plan objectives, policies and strategies. Those statements that support the proposed project include:

Objective LU 2: Develop a Land Use Pattern That Preserves the City's Natural Environment, Livability, and Sense of Community

Policy LU 203: Develop a Land Use Pattern that is Mutually Supportive with the Intermodal Transportation System

Policy LU 301: Promote a Mixed Land Use Pattern

Objective LU 4: Encourage Infill and Redevelopment

Policy LU 401: Encourage Appropriate Uses and Designs for Redevelopment and Infill Projects

Strategy LU 601b: Support a Mixture of Housing Densities

Policy LU 602: Integrate Housing with Other Supportive Land Uses

Objective N 2: Enhance Neighborhoods

Policy N 201: Protect Established and Stable Neighborhoods

Policy N 202: Assist and Support Established and Redeveloping Neighborhoods

Strategy N 203c: Support a Mix of Housing Types and Densities

Policy N 301: Identify and Develop Mutually Supportive Mixed Uses

Policy N 302: Promote Development of Mixed-Use Neighborhoods

Strategy T 103a: Integrate Mixed Land Use

Policy CCA 301: Foster the Character of Individual Areas and Elements within the Community

Policy CCA 302: Protect Historical and Cultural Resources

Objective CCA 4: Integrate Different Land Uses

Policy CCA 401: Support Mixed Land Uses

Policy CCA 601: New Development Will be Compatible with the Surrounding Area

3. Conformance with the Area's Master Plan:

The proposed project falls within the Imagine Downtown Master Plan that identifies the property as being within a mixed-use area. Mixed-use areas are described in the plan as intending to include a range of individual uses that are designed to be pedestrian friendly and serve as transitions to surrounding areas. There are a few specific statements, actions, objectives, and strategies within the master plan that specifically address the current proposal. One of the Plan Goals applicable across the master plan area is to "identify needed housing types, price points, and tools to encourage downtown housing production." One of the suggested actions to accomplish this goal is to "focus on midpoint priced housing on the edges of downtown and in the Core." The site falls within the Mid-Shooks Run master plan district. One of the objectives of that district is to "preserve the residential character of the District." Staff concludes that the proposed project is consistent with the master plan.

Furthermore, staff believes that approval of the Conditional Use Permit and the Non-Use Variance is consistent with the Executive and Legislative Branches strategic plans, which identify infill and redevelopment as high priorities.

**STAFF RECOMMENDATION:**

**Item No: 5.A                   CPC CU 14-00110 – Conditional Use**

**Approve** the proposed conditional use development plan, based upon the finding that the plan complies with the review criteria in City Code Sections 7.5.704 and 7.5.502.E.

**Item No: 5.B                   CPC NV 14-00111 – Non-Use Variance**

**Approve** the proposed non-use variance to allow four on-site parking stalls where 7 are required, based upon the finding that the requests comply with the criteria in City Code Section 7.5.802.B.

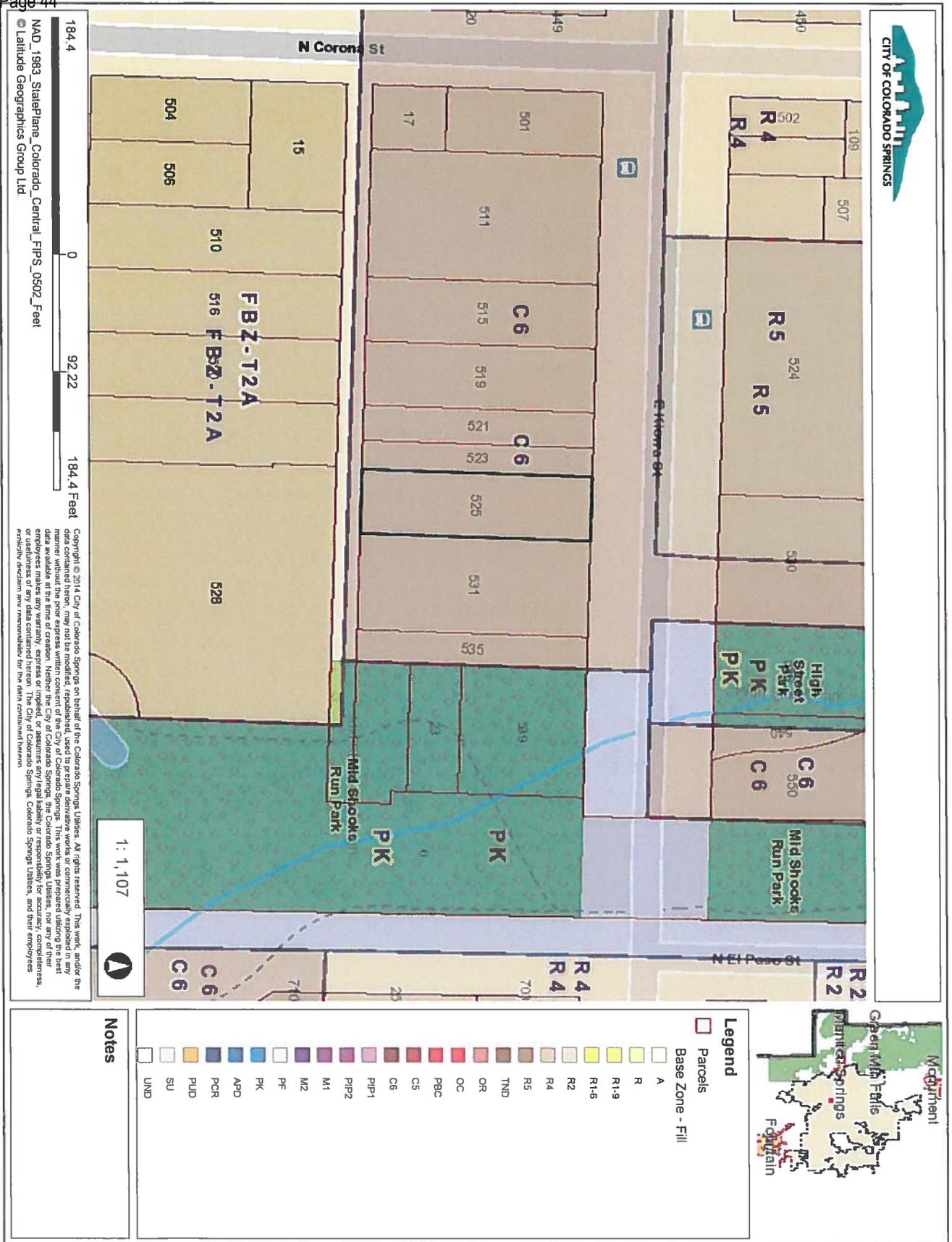


FIGURE 1



October 7, 2014

**PROJECT STATEMENT**

Conditional Use Application and Associated Non-Use Variance Application for  
525 E. Kiowa Street Duplex Residences at  
Lot 7, Block number 244, in Addition No.1 to the Town of Colorado Springs, by R.A.Edgerton

**Conditional Use**

The owner of Lot 7, Block number 244, in Addition No.1 to the Town of Colorado Springs, by R.A. Edgerton located at 525 East Kiowa Street intends to create a multi-family residential development on the property to provide needed additional residential units in close proximity to the downtown area. The property is zoned C-6 (General Business) and multi-family residential is a Conditional Use within the C-6 zone. A Conditional Use Application and supporting Development Plan, documents and materials have been submitted to facilitate the approval of the proposed development in accordance with the zoning code of the City of Colorado Springs.

The site is located on the south side of East Kiowa Street, approximately 350 feet east of North Corona Street in the long established central portion of the City. The site is located within Section 18, Township 14 South, Range 66 West of the 6th Principal Meridian in the City of Colorado Springs, El Paso County, Colorado. The site is adjacent to Kiowa Street, a public right-of-way with existing asphalt pavement, concrete curb, gutter and sidewalk. A paved 20 foot alley is adjacent to the south side of the site. The Single-Family Residential use of Lot 6, Block 244, R.A. Edgerton's Addition No. 1 to the Town of Colorado Springs (523 East Kiowa Street) is adjacent on the west side of the site. The east side of the site is adjacent to commercial development in Lot 8, Block 244, R.A. Edgerton's Addition (531 East Kiowa Street). Commercial and Office uses exist in Lots 17-21, Block 244, R.A. Edgerton's Addition, which are located on the south side of the rear alley.

The existing lot, having a total area of approximately 9,020 square feet (0.21 acres), is currently vacant. The residence and detached garage which formerly existed on the lot were recently demolished. Existing ground cover consists of grasses, weeds and minor trees.

The proposed multi-family residential development will consist of two (2) duplex residential buildings, one (1) detached carport, sidewalks, utilities and landscaping. Each of the two (2) proposed residential duplex building are to be approximately 1,024 square feet of footprint area. Potential issues mentioned in the July 1, 2014 Pre-Application meeting consists of the limited room for off-street parking.

The buildings will cover 32% of the site area, leaving 68% as open space within the lot. The open space consists of 23% pavement coverage and 45% landscape coverage. Density is 19.0 Dwelling Units per Acre. The two residential buildings are to be two-story structures having a contemporary appearance and providing a pleasing transition from the modern commercial structure east of the site to the 1899 residence located on the west side of the site. The proposed

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**Fax 719-635-5450 • e-mail [mvecivil.com](mailto:mvecivil.com)**

**FIGURE 2**

525 E. Kiowa Street Duplex Residences Project Statement  
October 7, 2014  
Page 2

development will compliment the existing neighborhood by providing a residential use for the property, which is the same as much of the surrounding properties. The proposed setback for the garages adjacent to the rear alley will be 25 feet where 10 feet is the minimum. The larger rear setback provides for additional parking spaces in tandem with the covered garage spaces. The residential buildings will have side setbacks of 9 feet on west and 5 feet on the east, where 5 feet is the minimum. The garage structures, near the alley, will have a 5 foot setback from the side lot lines. Opaque fencing and ample landscaping will provide buffering from the adjacent properties. The proposed front setback is 20 feet, meeting R-5 zone minimum distance.

Eight off-street parking spaces are required for the proposed development per code. The property is proposed to be constructed with four (4) off-street carport covered parking spaces (1 per residential unit). There will also be four (4) uncovered off-street parking spaces in front of the garaged spaces. Non-exclusive parking is also available along Kiowa Street in front of the site. Since the four uncovered spaces located in front of the garages do not count toward the required two parking spaces per unit, a Nonuse Variance of the parking space requirements is being sought. All off-street parking spaces will be accessed from the public rear alley. The owner intends to repave the portion of existing public alley abutting the site.

The Conditional Use, implemented as discussed above, is consistent with the intent and purpose of the City's Zoning Code to promote health, safety and general welfare. It will provide needed residential units close to downtown, allow opportunities for alternative transportation to downtown employment and recreational centers, and enhance commercial viability of downtown businesses. The allowance of this Conditional Use will in no way detract from the public health, safety and general welfare of the surrounding properties and will add to the vitality of the local area. The proposed project acts to replace a formerly distressed property that was detrimental to the quality and appearance of the surrounding neighborhood. The proposed Conditional Use, implemented as discussed above, is consistent with the intent of the City's Zoning Code and Comprehensive Plan.

Non-Use Variance for Off-Street Parking

Section 7.4.203 of the Colorado Springs Zoning Code requires that the development contain 8 off-street parking spaces (2 spaces per unit). The property is proposed to be constructed with four (4) off-street carport covered parking spaces (1 per residential unit). There will also be four (4) uncovered off-street parking spaces in front of the garaged spaces. Since the four uncovered spaces located in front of the garages do not count toward the required two parking spaces per unit, this Non-Use Variance of the parking space requirements is being sought.

The subject property, while of adequate size to comfortably fit the four units and carport area is shaped in a long rectangle with almost 4:1 length to width ratio. This shape makes it difficult to allow parking in a manner that is not tandem. There is room to fit only four spaces and the trash enclosure along the rear of the lot. As can be seen on the plan, additional exterior spaces could not be added in an effective manner, while providing adequate maneuvering space.

Each proposed residential unit will have access to one of the covered parking spaces and also the exterior parking spaces directly in front of the covered space. Parking is will be coordinated between the units in

525 E. Kiowa Street Duplex Residences Project Statement  
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Page 3

this manner such that the cars of one unit will not block the garaged cars of the other unit. Unit occupants and guests may also utilize the on-street parking in front of the development, which is located along Kiowa Street and available to the general public.

The required number of parking spaces for this development, located close to downtown may be an overestimation of the needed parking. The location of the site provides opportunity for the use of alternative transportation including bicycling, public buses and walking to the downtown business and employment district. It is likely that every unit in this development will not require two parking spaces at all times. Kiowa Creek Homes (509 E. Kiowa St) was recently constructed on this city block with a similar parking scheme. Residents of the the Kiowa Creek Homes have utilized the provided parking with no difficulties.

The allowance of the tandem parking spaces for the required number of off-street parking spaces will not negatively impact any adjacent properties as the provided parking will be adequate for the use of the development. Granting this variance will not pose any health or safety threats to either the owner, tenant, or public.

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## Tefertiller, Ryan

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**From:** Elecia Lee <elecialee@comcast.net>  
**Sent:** Sunday, October 26, 2014 8:42 PM  
**To:** Tefertiller, Ryan  
**Cc:** Dick Timberlake  
**Subject:** CPC CU 14-00110 and CPC NV 14-00111 525 East Kiowa

Hello Ryan,

I do not have any objections to the conditional use application to build a residential development in a C6 zone at 525 East Kiowa, but I am not supportive of the proposal to build two duplexes and 8 parking spaces on this 9,000 square foot lot. The density of structures being proposed for this lot along with how much of this lot will be used for the off-street parking requirement will cause this property to be overbuilt compared to my three properties to the west which are all within 150 feet of this proposed development. I would like to see no more than a triplex being built on the property which would then only require 6 parking spaces if the units would each have 3 bedrooms.

A landscaped buffer is required between a multi-family development and a single family or duplex structure that borders the development site. A landscaped buffer area should not be used for a concrete pad on which to keep a trash receptacle. The entire 5 foot side setback by the carport and parking area along the west property line needs to be used for only landscaping.

The front façade of the duplex facing Kiowa does not match the existing houses in the surrounding neighborhood of Middle Shooks Run. It is a poor architectural design to put sliding glass doors as the front entrance to the duplex facing Kiowa and with a patio for an entrance. The front façade of the duplex facing Kiowa needs to match the existing houses in the neighborhood. There should be a normal front door entrance on the north side of the downstairs unit facing Kiowa. There should be a front porch along the entire width of the structure or at least a partial front porch of at least 10 feet in width in front of the door with a front porch roof over the entrance.

The flat roof design on the buildings is not attractive. Why can't these structures be built with pitched roofs and more like the other houses in the neighborhood?

The trash receptacle for the property either needs to be in the center of the lot right by the alley or closer to the commercial business to the east. One tandem parking space and the adjoining carport parking stall would then need to be eliminated to move this trash receptacle out of the 5 foot side setback area where it is currently being shown in the site diagrams. This would require the reduction of carport parking stalls and tandem parking spaces next to the alley down to six.

I would like to see all exterior stairwells removed from the design.

I would like to see far more open space in the backyard of this development proposal than what is shown in the current plans. My three residential properties to the west of Mr. Newton's lot and in the center of the block have large open backyards with grass and mature trees.

The 5 foot side setback area by the carport and tandem parking area on the east side of the lot and next to the commercial business should also be used for landscaping only. The diagrams for the proposed development appear to show a walkway or stairs to the alley right next to the property line with the commercial business to the east. I do not support the 5 foot required side setback from the east property line being used in this way.

Will the carport be partially or completely screened on the west perimeter? The carport stalls and tandem parking area will be on an elevated concrete slab that will extend into the lot for 45 feet. A six foot fence on the west property line that will need to follow the natural slope of the neighboring property will not hide our view of the cars parked in the carport and parking area next to the alley. There needs to be additional solid fencing or screening on the western edge of the carport and parking area and spanning the entire 45 foot depth of the carport and tandem parking area.

Available street parking on Kiowa Street will be harmed with additional cars from this property parking on the street. All of the 4 street parking spaces directly in front of 525 East Kiowa are always used by employees and customers of the El Paso Glass business during the business week and during business work hours. Adding additional parked cars to the street will have a negative impact to the availability of street parking spaces for existing residential uses on the south side of Kiowa Street.

How will storm drainage on this property, particularly from the carport area and from the large concrete slab being proposed for tandem parking, be handled so that there are no negative drainage impacts to adjoining properties?

The one positive design decision made with this development proposal was not to include any balconies on these structures.

Respectfully submitted,

Elacia Lee

## Tefertiller, Ryan

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**From:** Dick Timberlake <rhtimberlake@comcast.net>  
**Sent:** Monday, October 27, 2014 9:03 AM  
**To:** Tefertiller, Ryan  
**Cc:** Elecia Lee  
**Subject:** CPC CU 14-00110 and CPC NV 14-00111 525 East Kiowa

Hello Ryan,

I am Elecia Lee's husband. Together, we own the three properties from 515 to 521 East Kiowa Street. I have some concerns about Martin Newton's project at 525 East Kiowa Street.

First, the proposed development is denser than Mr. Newton's Kiowa Creek Homes project. The 525 plan is for four units on a 50' x 180' lot, compared to six units on 100' x 180' lot. This is 33% denser than Kiowa Creek Homes.

Also, I am concerned about a potential increase in people parking on the street. Mr. Newton plans 8 parking spaces off the street, but experience shows that tenants often will simply park on the street rather than drive around to the alley between Kiowa and Pikes Peak in order to park in the provided parking area. We have seen Kiowa Creek tenants' cars parked on the street, and some residents of our little 4-plex at 517-519 East Kiowa also use the street despite an adequate parking lot on the property. Also, El Paso Glass at 535 East Kiowa has little or no off-street parking, and employees and customers of that business park on the street.

Sincerely,

Dick Timberlake

## Tefertiller, Ryan

---

**From:** Louise Conner <lc@empiredi.com>  
**Sent:** Tuesday, October 28, 2014 7:56 AM  
**To:** Tefertiller, Ryan  
**Subject:** Comments on CPC CU 14-00110

October 28, 2014

Regarding the request by David Gorman, M.V.E. Inc. on behalf of Martin Newton, PAX Development, LLC for consideration of the following development applications:

**FILE NO.: CPC CU 14-00110**– A conditional use development plan for residential land use in the C-6 zone; and non-use variance for private parking

Dear Mr. Tefertiller,

The Middle Shooks Run Neighborhood Association (MSRNA) Board of Directors has reviewed the applications for the site address of 525 East Kiowa that lies within the Middle Shooks Run Neighborhood Association boundaries. The MSRNA Board submits the following comments.

The MSRNA Board objects to the conditional use for the development because the application fails to fully comply with the following mandatory findings (as noted):

City Code 7.5.704 A. *“Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.”*

City Code 7.5.704 C. *“Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.”*

### Notes:

1.a. The proposal's substandard private, off-street parking spaces will result in the virtual displacement of public, on-street parking spaces along Kiowa Street. This will hamper customary parking by visitors to existing uses in that block as well as to downtown and the immediate neighborhood. An earlier project constructed by the same applicant at 509 East Kiowa has resulted in congested parking from time to time. Tenants, customers and employees of existing properties in this block tend to park on the street. Approval of this application will worsen the situation because it does not provide adequate off-street parking for the size of this project of four residential units.

1.b. The flat roofs and flat, featureless facades of the proposed residential buildings are incompatible with surrounding homes. They will detract from (instead of compliment) the historic architectural character of the adjacent, nineteenth-century residential neighborhood of pitched roofs, gables, and front porches that shelter traditional front doors (not double sliding glass doors). The proposed structures give the strong appearance of being commercial buildings similar to the adjacent commercial property and totally ignore the traditional, 100-year-old homes on that block.

Proposed access to second-story residences are outside, uncovered, single-run staircases that appear to be afterthoughts to the designs.

The proposed duplexes are over-sized for the small lot resulting in uncomfortable proximity to the neighboring commercial building instead of being comparable or slightly larger than other residences in the immediate neighborhood.

The buildings will therefore be inconsistent with Chapter 2 “Neighborhoods” of the Comprehensive Plan of the City, specifically:

**“Policy N 201: Protect Established and Stable Neighborhoods**

**Protect the character of established and stable neighborhoods through neighborhood planning, assistance to neighborhood organizations, and supportive regulatory actions.**

**Strategy N 201a: Preserve and Enhance the Physical Elements that Define a Neighborhood's Character**

**In considering development proposals, preserve the physical elements that contribute to a neighborhood's identity and character, such as natural features, buildings and development patterns, historic and cultural features, parks, open space and schools. Where appropriate, utilize historic preservation districts and conservation districts as tools to achieve preservation and enhancement of historic and cultural resources (emphasis added).”**

2. Additionally, the MSRNA Board objects to the granting of conditional use request because the application fails to address how the mandatory non-use variance criteria are met regarding extraordinary or exceptional physical conditions, prevention of reasonable use, and no adverse impacts (City Code 7.5.802. B. 1, 2 and 3; and D. 1. a and b). Instead, the developer relies on, “if we build these two buildings of this size with two units each, there is not enough space on the lot for required parking unless we waive the requirement.” This is unacceptable. Scale back the size of the project and a variance would not be needed.

Sincerely,

Louise Conner, President

Middle Shooks Run Neighborhood Association

## Tefertiller, Ryan

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**From:** Charlie <cbobbittus@yahoo.com>  
**Sent:** Tuesday, October 28, 2014 12:03 PM  
**To:** Tefertiller, Ryan  
**Subject:** File NO: CPC CU 14-00110 and CPC NU 14-00111

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

File NO: CPC CU 14-00110 and CPC NU 14-00111

Owner of 530 E Kiowa garage.

Comment on the use of tandem parking spots to supplement on-site parking spots along with higher density housing. As the 500 street block of East Kiowa is developed into much higher density housing from single family parking will become more of an issue. This same tandem parking arrangement philosophy was used at 503- 509 E Kiowa in development of duplex housing. The result is much harder to find parking space on Kiowa to park and little use of back tandem parking space. I am assuming this is due to coordinating who has to leave first. Requiring only two space for each three bedroom unit is a minimum. Each unit could easily need three parking spaces or more.

At the approval of the 503-509 E Kiowa units one of the commissioners state that's not how they would proceed but they weren't building the complex. Shouldn't all building be looked at long term and not just the effect short term? I would hope that planning department would review the effect of previous construction in relations to the impact of the area and make sure their past decision were correct and that allowing tandem parking did not have a negative effect on access to the area.

Charlie Bobbitt  
719-574-0498

## Tefertiller, Ryan

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**From:** McKenzie, Ann <Ann.McKenzie@mailblc.org>  
**Sent:** Wednesday, October 29, 2014 5:22 PM  
**To:** Tefertiller, Ryan  
**Cc:** 'martin@paxdev.com'  
**Subject:** 525 E. Kiowa ST

Hello Ryan,

I am responding to the notice of development for the property located at 525 E. Kiowa.

We have already corresponded on the fence issue and do appreciate your consideration on that.

I would like to say that in all my dealings with Mr. Newton have been very positive. He has been responsive to my suggestions. He has strived to be a good neighbor.

I am happy with the plans he as presented. The only concern that I have is the rear dwelling front facing my back yard. Mr. Newton has assured me that the landscaping he has planned for will provide some natural shield to my back yard along with the 6' fence. I know that he plans on putting a shorter fence right next to my house which I am against. AS stated in an earlier email to you, the property line is approximately 18" from the side of my house on the east side.

If you have any questions, please contact me at 719-641-3609.

Sincerely,

Ann McKenzie  
Owner of 523 East Kiowa

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This message, including any attachments, contains information that is private and confidential, and may include protected health information under HIPAA and/or other federal or state law. The information is intended solely for the use of the addressee(s). If you are not an addressee, your disclosure, copying, distribution or use of the contents of this message is prohibited. If this message has been sent to you in error, please notify the sender by return e-mail and then delete the entire message. You may visit us online at [www.bethesdalutherancommunities.org](http://www.bethesdalutherancommunities.org).

Ryan Tefertiller, AICP – Planning Manager  
City of Colorado Springs  
Land Use Review Division

Dear Ryan:

In response to comments you've received for the proposed development at 525 East Kiowa Street, I'd like to address the following issues:

**Project Density:**

The Colorado Springs Imagine Downtown Master Plan (2009) calls for mixed use development and higher density housing in this part of downtown. The project is located in the 500 block of East Kiowa Street, a mixed use section of the Middle Shooks Run Neighborhood that includes a number of commercial and higher density residential developments. The proposed project with four dwelling units is of similar density as the property at 517-519 E. Kiowa Street - 4 residential units on a 50' x 180' lot. There are also three residential units and a commercial space on the small corner lot at 501 E. Kiowa Street, as well as the high-density Centennial Plaza HUD housing project at 516 E. Kiowa Street.

The proposed duplex buildings will each contain two 2-bedroom, 2-bath residential units of approximately 1,024 sq.ft. 45% of the lot will be open grass and landscape areas, 32% will be building coverage, and 23% pavement and surface coverage.

**Parking:**

The proposed development provides residents eight off-street parking spaces; 4 under a carport and 4 tandem spaces in front of the carport. All parking spaces are accessed from the alley. A similar tandem parking solution has proven very effective for tenants at 503-511 E. Kiowa Street.

It's important to note that NONE of the existing parking spaces along Kiowa Street will be removed or adversely affected by this project. Existing parking spaces along Kiowa Street will remain accessible and free to all residents and visitors on a first-come, first-use basis.

As part of this development and similar to 503-511 E. Kiowa Street, the developer will upgrade and resurface fifty feet of public alley at his expense.

**Architecture:**

In addition to the larger neighborhood, a development needs to consider and respond to the immediate surroundings. The site is adjacent to an 18 foot high zero-setback commercial building (El Paso Glass) immediately to the east: this concrete block wall needs to be considered in the architectural solution. The proposed contemporary duplex units blend well with the mixed-use architecture along this block of Kiowa Street and will provide a transition from the commercial building to the single-family homes further west. In response to the minimal existing side setbacks, the proposed duplex units are set in 9 feet from either property line. The front setback from Kiowa Street has been increased to 25 feet from a minimum of 20 feet.

Proportions, materials, colors, and building details will reflect the traditional residential architecture of the neighborhood. Lap siding and trim details are similar to the existing homes in the neighborhood. Entrances to the individual units are located along the east side of the buildings (see plan). Sliding glass doors on the lower level lead from the living room to a small landscaped patio and are not front entrances.

**Landscaping:**

The proposed landscape plan goes well beyond the minimum landscape requirements and is designed to thrive on this shady site. The extensive landscaping will harmonize and help to integrate the project into the fragmented mixed-use neighborhood. At the request of the owner of 523 E. Kiowa Street, landscaping along the west property boundary has been selected to provide a strong visual buffer between the two properties.

For site drainage information please see the Grading Plan DP 1.1 and the submitted Drainage Letter Report.

I also wanted to address comments submitted by Louise Connor of the Middle Shooks Run Neighborhood Association. I disagree with the opinion of the MSRNA Board and feel that this project will be compatible with Chapter 2 “Neighborhoods” of the Colorado Springs Comprehensive Plan of the City for the following reasons:

***Policy N 201: Protect Established and Stable Neighborhoods***

The project repairs a gap in the neighborhood fabric and provides a transition between existing commercial and residential areas. Similar to the development at 503-511 E. Kiowa Street, the high-quality construction and landscaping will enhance and make the neighborhood more attractive and stable immediately and in the long term.

***Strategy N 201a: Preserve and Enhance the Physical Elements that Define a Neighborhood's Character***

Proportions, materials, and colors will reflect the existing mixed architectural styles in the neighborhood. Unlike the Middle Shooks Run neighborhood further to the east (east of Shooks Run, an area which is exclusively residential), the 500 block of East Kiowa Street reflects many different development patterns, uses, eras, and architectural styles.

Furthermore I believe this project is compatible and in keeping with the mixed-use neighborhood objectives and strategies of the Comprehensive Plan of the City. The development supports and helps to achieve the following objectives of the Comprehensive Plan:

***Objective N 3: Vary Neighborhood Patterns***

*Integrate a variety of housing types and densities with amenities, services, and retail uses to generate opportunities and choices for households. When the character, context and scale of the surrounding neighborhood are taken into account, mixed-use developments can provide unique opportunities for employment, shopping, housing choice, and public gathering space, while having a positive impact on the neighborhood.*

***Policy N 301: Identify and Develop Mutually Supportive Mixed Uses***

*Develop an appropriate mix of land uses and differing housing types in both new and existing neighborhoods.*

***Policy N 302: Promote Development of Mixed-Use Neighborhoods***

*Provide residents the choice of walking, bicycling or driving to parks, schools, work, shopping, places of worship, and transit stops in their own and other neighborhoods.*

***Strategy N 302a: Support Mixed-Use Development through Master Plans and Zoning Revisions***

*Support mixed-use development through master plan amendments and zoning revisions. Rewrite zoning district regulations to encourage the development of small-scale, local activity centers that serve neighborhoods. Consider approval of new mixed-use developments when streets possess sufficient vehicular capacity and pedestrian connections.*

***Strategy N 302b: Support a Mix of Housing Types and Densities in Neighborhoods***

*Amend and adopt zoning guidelines and standards to achieve a variety of housing types and densities in neighborhoods.*

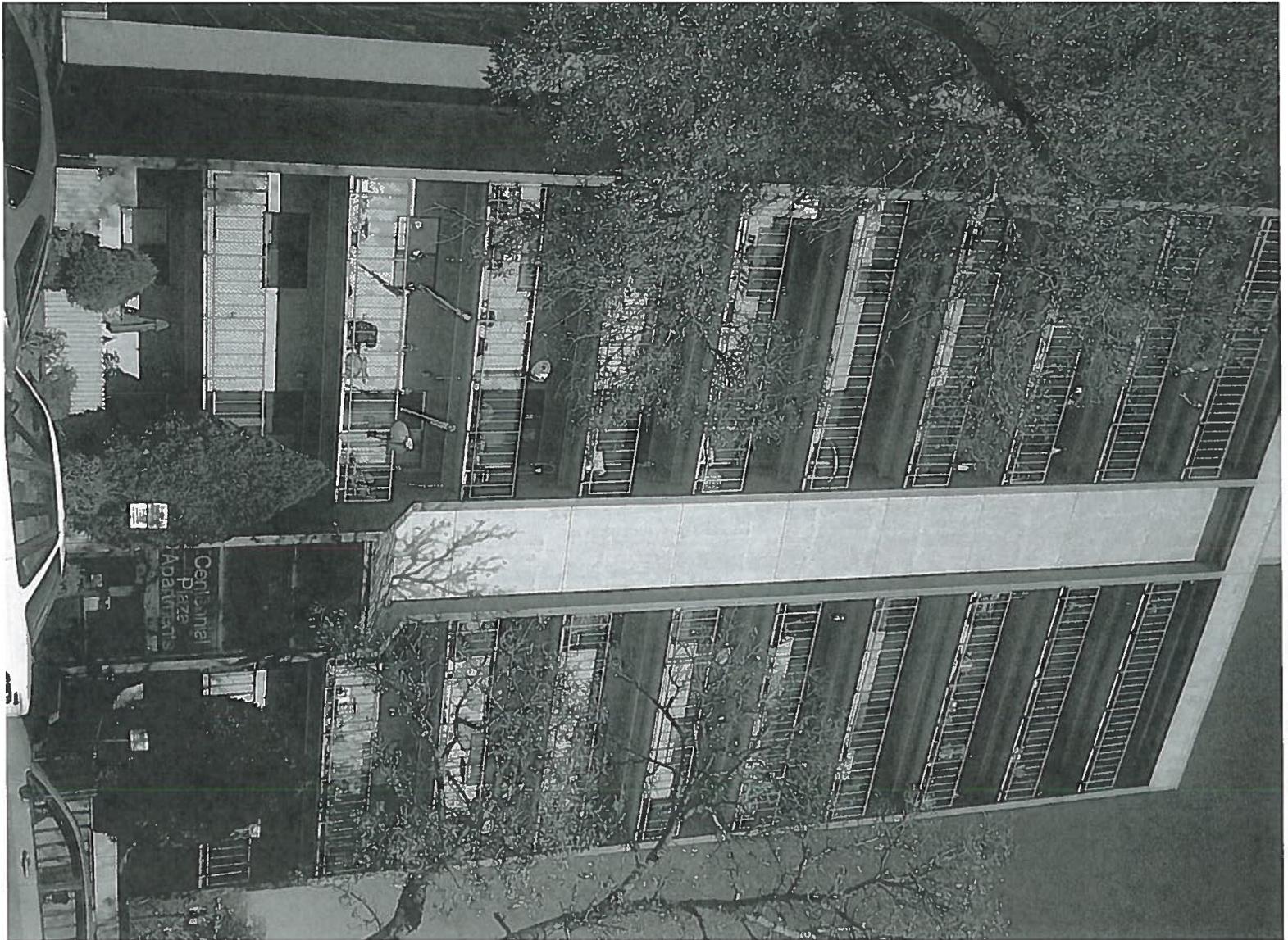
All of the above objectives, policies, and strategies are promoted by this project. This mixed-use section of Kiowa Street will become, safer, more walkable and attractive to residents and visitors.

Best regards,  
Martin Newton  
PAX Development LLC



511 E. Kiowa , 6 units on 18,000 s.f.  
Approved in 2012

**FIGURE 5**

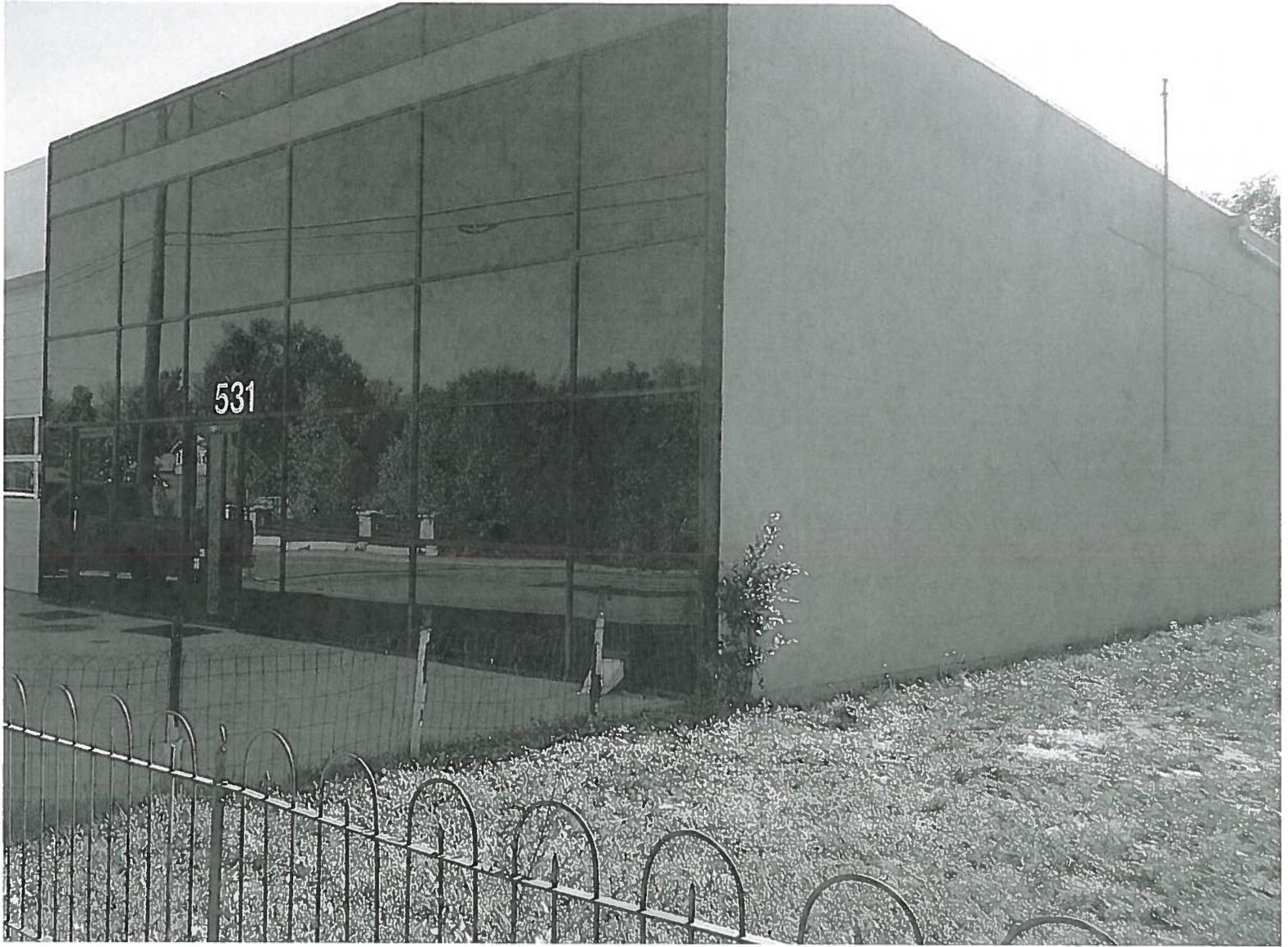


11 Story Apartments  
at 516 E. Kiowa

FIGURE 5



Auto Repair at 530 E. Kiowa



El Paso Glass at 531 E. Kiowa



Outdoor storage associate with El Paso  
Glass at 531 E. Kiowa



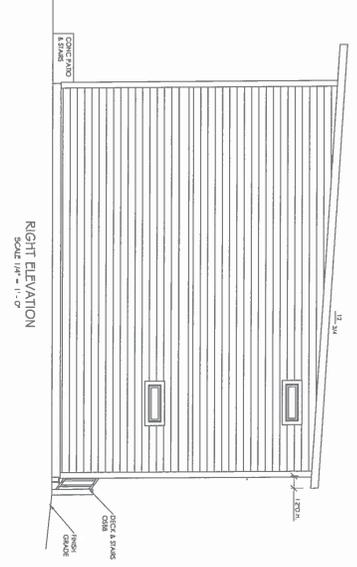
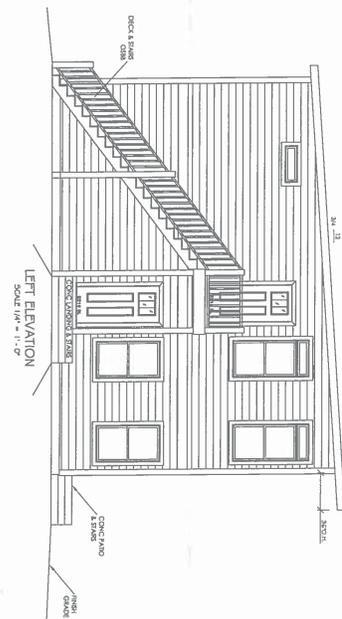
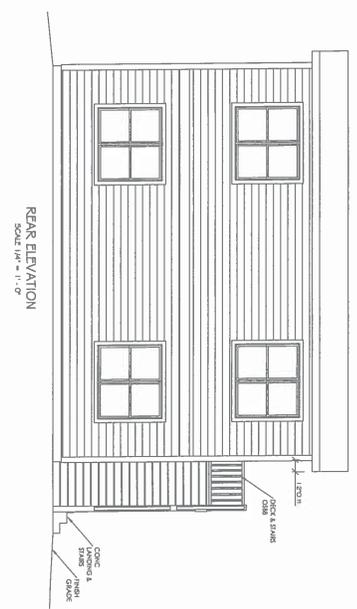
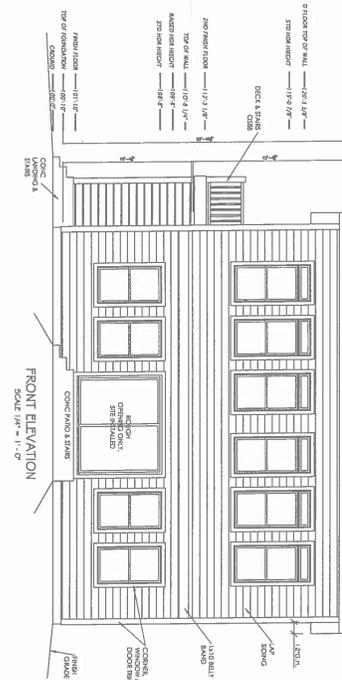
looking Northeast from the rear of the subject property







**NOT A CONSTRUCTION DOCUMENT**  
 THIS PLAN SHALL NOT BE USED FOR CONSTRUCTION PURPOSES. IT IS PREPARED FOR THE CITY OF COLORADO SPRING DEVELOPMENT PLAN APPROVAL PROCESS ONLY. IT IS REQUIRED THAT ANY SUBSEQUENT CONSTRUCTION PLANS ADHERE TO THE APPROVED DEVELOPMENT PLAN.



CPC CU 14-00110



DESIGNED BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 APPROVED BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_

525 E. KIOWA  
 Duplex Residences  
 Conditional Use  
 Development Plan  
 Architectural Elevations  
**DP13**  
 MVE PROJECT: 51330  
 MVE DRAWING: DEV-PUP  
 November 18, 2014  
 SHEET 4 OF 6

FIGURE 6

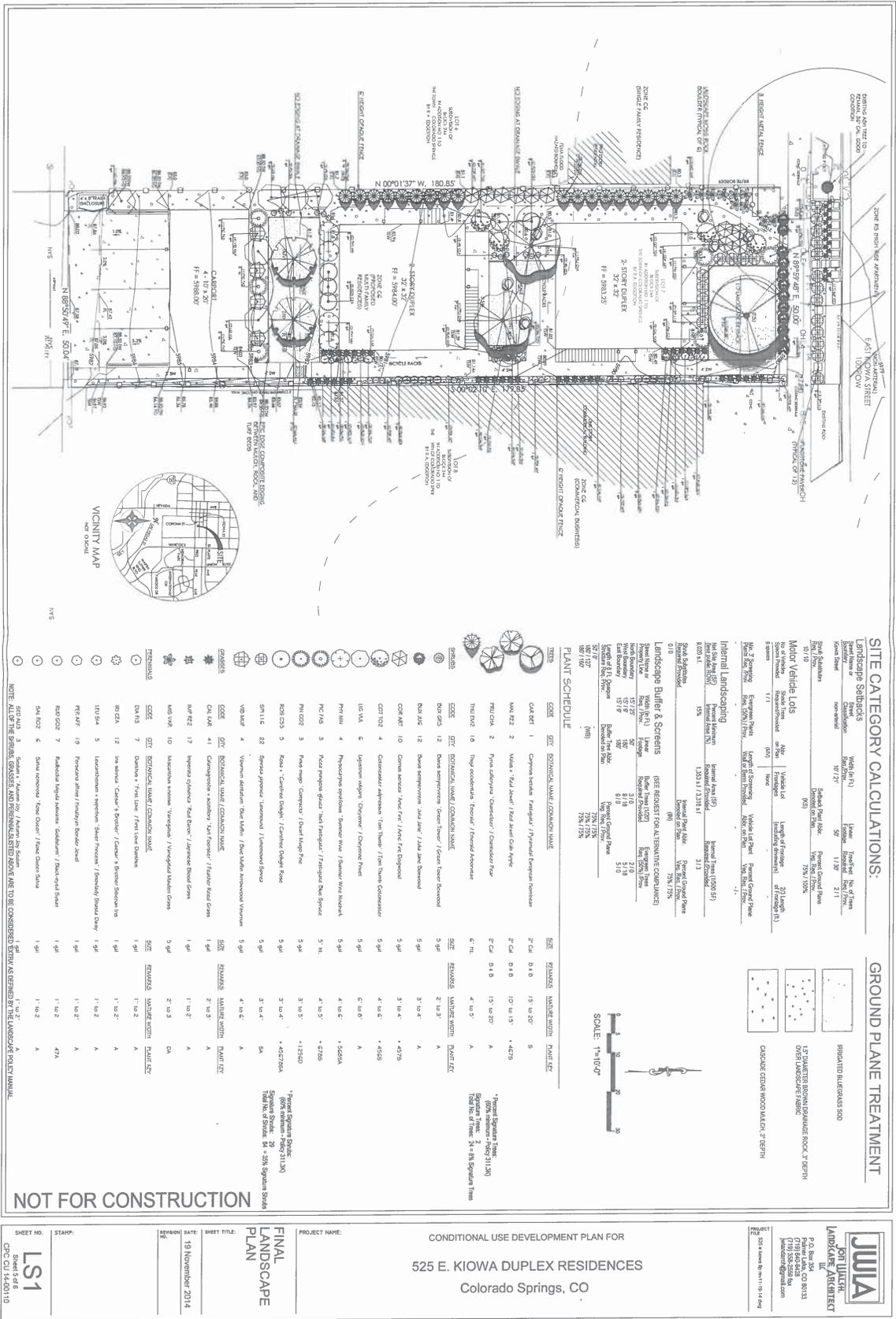


FIGURE 6

**JULIA LANDSCAPE ARCHITECT**  
 P.O. Box 354  
 1719 64th Ave  
 Fort Collins, CO 80504  
 (970) 225-2525  
 www.julialandscape.com

**PROJECT NAME:** CONDITIONAL USE DEVELOPMENT PLAN FOR 525 E. KIOWA DUPLEX RESIDENCES, COLORADO SPRINGS, CO

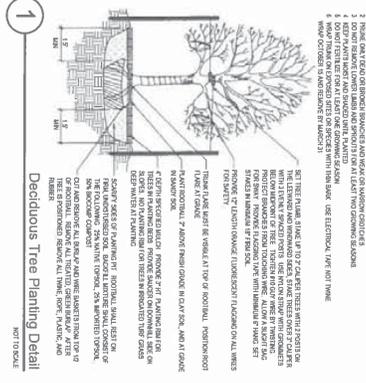
**FINAL LANDSCAPE PLAN**

**SHEET NO.:** LS1  
 SHEET TITLE: FINAL LANDSCAPE PLAN  
 SHEET DATE: 19 November 2014  
 SHEET SCALE: AS SHOWN  
 SHEET NUMBER: 28

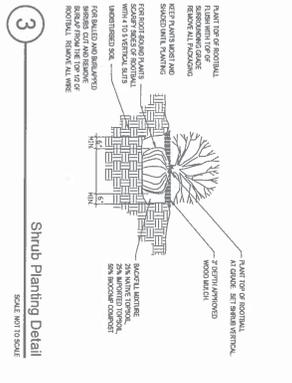
**NOT FOR CONSTRUCTION**

**PLANTING DETAILS**

**1**



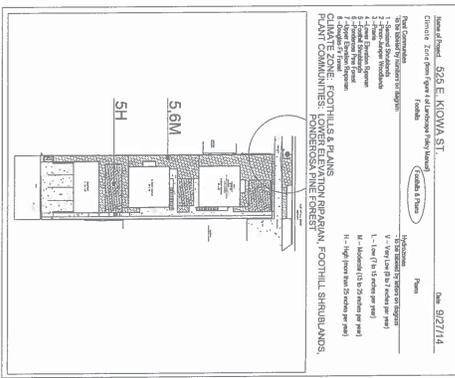
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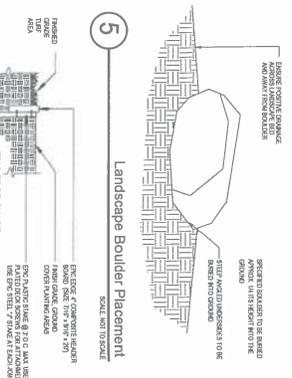
**3**



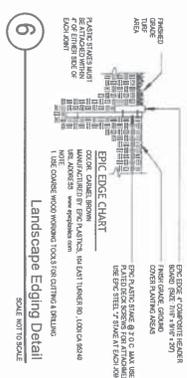
**Schematic Landscape Diagram**



**4**



**5**



**6**



**GENERAL NOTES**

1. ALL SITEWORK IS TO BE COMPLETED PRIOR TO LANDSCAPE CONSTRUCTION UNLESS OTHERWISE NOTED.
2. CONSTRUCTION IS TO BE COMPLETED PRIOR TO LANDSCAPE CONSTRUCTION UNLESS OTHERWISE NOTED.
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10. CONSTRUCTION IS TO BE COMPLETED PRIOR TO LANDSCAPE CONSTRUCTION UNLESS OTHERWISE NOTED.

**PROJECT NOTES**

1. THE GRADING TO BE PROVIDED BY LANDSCAPE CONSTRUCTION IS TO BE COMPLETED PRIOR TO LANDSCAPE CONSTRUCTION UNLESS OTHERWISE NOTED.
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10. THE GRADING TO BE PROVIDED BY LANDSCAPE CONSTRUCTION IS TO BE COMPLETED PRIOR TO LANDSCAPE CONSTRUCTION UNLESS OTHERWISE NOTED.

**SOIL PREPARATION NOTES**

1. ALL EXISTING LANDSCAPE AREAS SHALL BE REMOVED AND THE SOIL TO BE REPLACED WITH A MINIMUM OF 12 INCHES OF TOPSOIL AND 6 INCHES OF SUBSOIL.
2. ALL EXISTING LANDSCAPE AREAS SHALL BE REMOVED AND THE SOIL TO BE REPLACED WITH A MINIMUM OF 12 INCHES OF TOPSOIL AND 6 INCHES OF SUBSOIL.
3. ALL EXISTING LANDSCAPE AREAS SHALL BE REMOVED AND THE SOIL TO BE REPLACED WITH A MINIMUM OF 12 INCHES OF TOPSOIL AND 6 INCHES OF SUBSOIL.
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9. ALL EXISTING LANDSCAPE AREAS SHALL BE REMOVED AND THE SOIL TO BE REPLACED WITH A MINIMUM OF 12 INCHES OF TOPSOIL AND 6 INCHES OF SUBSOIL.
10. ALL EXISTING LANDSCAPE AREAS SHALL BE REMOVED AND THE SOIL TO BE REPLACED WITH A MINIMUM OF 12 INCHES OF TOPSOIL AND 6 INCHES OF SUBSOIL.

NOT FOR CONSTRUCTION

SHEET NO. 152  
 SHEET TITLE: FINAL LANDSCAPE PLAN  
 PROJECT NAME: 525 E. KIOWA DUPLEX RESIDENCES  
 COLORADO SPRINGS, CO  
 DATE: 19 NOVEMBER 2014  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]  
 SCALE: AS SHOWN  
 PROJECT NO.: [Number]  
 SHEET NO.: 152 OF 152  
 SHEET TITLE: FINAL LANDSCAPE PLAN  
 PROJECT NAME: 525 E. KIOWA DUPLEX RESIDENCES  
 COLORADO SPRINGS, CO  
 DATE: 19 NOVEMBER 2014  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]  
 SCALE: AS SHOWN  
 PROJECT NO.: [Number]

FIGURE 6

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# **APPENDIX**

## **Development Application Review Criteria**

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## DEVELOPMENT APPLICATION REVIEW CRITERIA

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### **MASTER PLAN REVIEW CRITERIA:**

#### **7.5.408: REVIEW CRITERIA:**

Master plans and major and minor amendments to approved master plans shall be reviewed for substantial conformance with the criteria listed below. Minor amendments are not subject to review criteria in subsection F of this section.

- A. Comprehensive Plan: The Comprehensive Plan and the 2020 Land Use Map are the context and the benchmark for the assessment of individual land use master plans. The proposed land use master plan or the amendment conforms to the policies and strategies of the Comprehensive Plan. The proposed land use pattern is consistent with the Citywide perspective presented by the 2020 Land Use Map.
- B. Land Use Relationships:
  - 1. The master plan promotes a development pattern characterizing a mix of mutually supportive and integrated residential and nonresidential land uses with a network of interconnected streets and good pedestrian and bicycle connections.
  - 2. Activity centers are designed so they are compatible with, accessible from and serve as a benefit to the surrounding neighborhood or business area. Activity centers also vary in size, intensity, scale and types of uses depending on their function, location and surroundings.
  - 3. The land use pattern is compatible with existing and proposed adjacent land uses and protects residential neighborhoods from excessive noise and traffic infiltration.
  - 4. Housing types are distributed so as to provide a choice of densities, types and affordability.
  - 5. Land use types and location reflect the findings of the environmental analysis pertaining to physical characteristics which may preclude or limit development opportunities.
  - 6. Land uses are buffered, where needed, by open space and/or transitions in land use intensity.
  - 7. Land uses conform to the definitions contained in article 2, part 2 of this Zoning Code.
- C. Public Facilities:
  - 1. The land use master plan conforms to the most recently adopted Colorado Springs parks, recreation and trails master plan.
  - 2. Recreational and educational uses are sited and sized to conveniently service the proposed population of the master plan area and the larger community.
  - 3. The proposed school sites meet the location, function and size needs of the school district.
  - 4. The land use master plan conforms to the adopted plans and policies of Colorado Springs Utilities.
  - 5. Proposed public facilities are consistent with the strategic network of long range plans.
  - 6. The master development drainage plan conforms to the applicable drainage basin planning study and the drainage criteria manual.
- D. Transportation:
  - 1. The land use master plan is consistent with the adopted intermodal transportation plan. Conformity with the intermodal transportation plan is evidence of compliance with State and local air quality implementation and maintenance plans.
  - 2. The land use master plan has a logical hierarchy of arterial and collector streets with an emphasis on the reduction of through traffic in residential neighborhoods and improves connectivity, mobility choices and access to jobs, shopping and recreation.
  - 3. The design of the streets and multiuse trails minimizes the number of uncontrolled or at grade trail crossings of arterials and collectors.
  - 4. The transportation system is compatible with transit routes and allows for the extension of these routes.

## DEVELOPMENT APPLICATION REVIEW CRITERIA

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5. The land use master plan provides opportunities or alternate transportation modes and cost effective provision of transit services to residents and businesses.
6. Anticipated trip generation does not exceed the capacity of existing or proposed major roads. If capacity is expected to be exceeded, necessary improvements will be identified, as will responsibility, if any, of the master plan for the construction and timing for its share of improvements.

### E. Environment:

1. The land use master plan preserves significant natural site features and view corridors. The Colorado Springs open space plan shall be consulted in identifying these features.
2. The land use master plan minimizes noise impacts on existing and proposed adjacent areas.
3. The land use master plan utilizes floodplains and drainageways as greenways for multiple uses including conveyance of runoff, wetlands, habitat, trails, recreational uses, utilities and access roads when feasible.
4. The land use master plan reflects the findings of a preliminary geologic hazard study and provides a range of mitigation techniques for the identified geologic, soil and other constrained natural hazard areas.

### F. Fiscal:

1. A fiscal impact analysis and existing infrastructure capacity and service levels are used as a basis for determining impacts attributable to the master plan. City costs related to infrastructure and service levels shall be determined for a ten (10) year time horizon for only the appropriate municipal funds.
2. The fiscal impact analysis demonstrates no adverse impact upon the general community and the phasing of the master plan is consistent with the adopted strategic network of long range plans that identify the infrastructure and service needs for public works, parks, police and fire services.
3. The cost of on site and off site master plan impacts on public facilities and services is not borne by the general community. In those situations where the master plan impacts are shown to exceed the capacity of existing public facilities and services, the applicant will demonstrate a means of increasing the capacity of the public facilities and services proportionate to the impact generated by the proposed master plan. Mitigation of on site and off site costs may include, but is not limited to, planned expansions to the facilities, amendments to the master plan, phasing of the master plan and/or special agreements related to construction and/or maintenance of infrastructure upgrades and/or service expansions. Any special agreements for mitigation of on site and off site impacts for public improvements, services and maintenance are shown to be workable and supported by financial assurances. Preexisting and/or anticipated capacity problems not attributable to the master plan shall be identified as part of the master plan review.
4. Special agreements for public improvements and maintenance are shown to be workable and are based on proportional need generated by the master plan.
5. Any proposed special districts are consistent with policies established by the City Council. (Ord. 84-221; Ord. 87-38; Ord. 91-30; Ord. 94-107; Ord. 97-109; Ord. 01-42; Ord. 02-51)

## DEVELOPMENT APPLICATION REVIEW CRITERIA

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### 7.5.501 (E): CONCEPT PLAN REVIEW CRITERIA:

- D. Concept Plan Review Criteria: A concept plan shall be reviewed using the criteria listed below. No concept plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the existing and proposed land uses surrounding the site.
1. Will the proposed development have a detrimental effect upon the general health, welfare and safety or convenience of persons residing or working in the neighborhood of the proposed development?
  2. Will the proposed density, types of land uses and range of square footages permit adequate light and air both on and off the site?
  3. Are the permitted uses, bulk requirements and required landscaping appropriate to the type of development, the neighborhood and the community?
  4. Are the proposed ingress/egress points, traffic circulation, parking areas, loading and service areas and pedestrian areas designed to promote safety, convenience and ease of traffic flow and pedestrian movement both on and off the site?
  5. Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?
  6. Does the proposed development promote the stabilization and preservation of the existing properties in adjacent areas and surrounding residential neighborhoods?
  7. Does the concept plan show how any potentially detrimental use-to-use relationships (e.g., commercial use adjacent to single-family homes) will be mitigated? Does the development provide a gradual transition between uses of differing intensities?
  8. Is the proposed concept plan in conformance with all requirements of this Zoning Code, the Subdivision Code and with all applicable elements of the Comprehensive Plan? (Ord. 94-107; Ord. 01-42; Ord. 03-157; Ord. 09-78)

## DEVELOPMENT APPLICATION REVIEW CRITERIA

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### **7.5.502 (E): DEVELOPMENT PLAN REVIEW CRITERIA:**

- E. Development Plan Review Criteria: A development plan shall be reviewed using the criteria listed below. No development plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the land uses surrounding the site. Alternate and/or additional development plan criteria may be included as a part of an FBZ regulating plan.
1. Will the project design be harmonious with the surrounding land uses and neighborhood?
  2. Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?
  3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties?
  4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off site negative influences and to buffer adjacent properties from negative influences that may be created by the proposed development?
  5. Will vehicular access from the project to streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption?
  6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?
  7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic?
  8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?
  9. Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design?
  10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?
  11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?
  12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design? (Ord. 94-107; Ord. 95-125; Ord. 01-42; Ord. 02-64; Ord. 03-74; Ord. 03-157; Ord. 09-50; Ord. 09-78)

## DEVELOPMENT APPLICATION REVIEW CRITERIA

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### **7.5.603 (B): ESTABLISHMENT OR CHANGE OF ZONE DISTRICT BOUNDARIES:**

- B: A proposal for the establishment or change of zone district boundaries may be approved by the City Council only if the following findings are made:
1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.
  2. The proposal is consistent with the goals and policies of the Comprehensive Plan.
  3. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with a zone change request.
  4. For MU zone districts the proposal is consistent with any locational criteria for the establishment of the zone district, as stated in article 3, "Land Use Zoning Districts", of this Zoning Code. (Ord. 94-107; Ord. 97-111; Ord. 01-42; Ord. 03-157)

## DEVELOPMENT APPLICATION REVIEW CRITERIA

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### **CONDITIONAL USE REVIEW CRITERIA:**

#### **7.5.704: AUTHORIZATION AND FINDINGS:**

The Planning Commission may approve and/or modify a conditional use application in whole or in part, with or without conditions, only if all three (3) of the following findings are made:

- A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.
- B. Intent Of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.
- C. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.

The approved conditional use and development plan shall be binding on the property until an amendment is approved changing the use of the property. Except as otherwise recommended by the Planning Commission, the development of a conditional use shall conform to the applicable regulations of the district in which it is to be located. (Ord. 80-131; Ord. 82-247; Ord. 91-30; Ord. 94-107; Ord. 01-42)

## DEVELOPMENT APPLICATION REVIEW CRITERIA

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### **NONUSE VARIANCE REVIEW CRITERIA:**

#### **7.5.802 (B): CRITERIA FOR GRANTING A NONUSE VARIANCE:**

- B. Criteria For Granting: The following criteria must be met in order for any nonuse variance to be granted:
1. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district; and
  2. 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; and
  3. That the granting of the variance will not have an adverse impact upon surrounding properties.

Nonuse variances to the parking and storage regulations (article 4, part 2 of this chapter) and to the sexually oriented business separation requirements (part 13 of this article) are subject to additional criteria set forth in subsections C and D of this section.