

CITY OF ALAMOSA PLANNING COMMISSION

September 23, 2020
6:00 PM
Zoom Webinar

Mission Statement: We are committed to providing balanced, effective and efficient public services for our residents, visitors and businesses by cultivating a vibrant, resilient and livable city.

Any person needing reasonable accommodation to attend or participate in a public meeting, please contact the Alamosa City Clerk's office by telephone (719) 589-2593, by email cityclerk@ci.alamosa.co.us, in person at 300 Hunt Avenue, or by mail at POB 419, Alamosa, CO 81101.

AGENDA

I. Call to Order

II. Roll Call

III. Agenda Approval

IV. Approval of Minutes

- A. Approval of Minutes from 7/22/2020 Meeting

V. Public Comments

VI. Regular Business

Request for Side Setback Variance and Building Separation Variance at 1315 Lakewood Dr

Requests for Rear Setback Variance on Lots 33-C and 36-C, Block 210, Washington Addition

VII. Other Business

- A. Administrative Appeal - Order to remove fence from ROW at 2924 W Sixth St

VIII. Correspondence

IX. Adjournment

ALAMOSA PLANNING COMMISSION COMMISSION COMMUNICATION

Subject/Title:

Approval of Minutes from 7/22/2020 Meeting

ATTACHMENTS:

Description	Type
▢ Minutes 7/22/2020	Minutes

CITY OF ALAMOSA

Planning Commission Meeting Minutes

6:00 PM
ZOOM Webinar
July 22, 2020

I. Call to Order

A motion to Confirm and the motion result was Other.
The regular meeting of the Planning Commission was called to order on the above date at 6:00p.m. by Mark Manzanares.

II. Roll Call

Also present via Zoom (due to Corona Virus Outbreak) were the following members: Mark Manzanares, Darrell Cooper, David Mize, Christopher Lopez and Kindra Lambert and Reyna Martinez. A quorum was declared. Staff present: Harry Reynolds, Deacon Aspinwall, Nicole Valdez, and Steve Copley.

III. Agenda Approval

A motion to Approve and the motion result was Carried Unanimously.
Agenda Approval: M/S/C. Lopez/Cooper. Motion approved to approve agenda as presented. All approved, none opposed.

IV. Approval of Minutes

A. Approve Minutes for March 23, 2020 Planning Commission Meeting

A motion to Approve and the motion result was Carried Unanimously.
Approval of the Minutes: M/S/C. Mize/Lopez. Motion approved to approve minutes of the March 25, 2020 meeting as presented. All approved, none opposed.

V. Public Comments

None

VI. Regular Business

Introduction of New Member, Reyna Martinez

Request for Front Setback Variance at 513 Foster Ave

A motion to Discuss and the motion result was Other.
A motion to Deny and the motion result was Passed.
A motion to Approve w/ Conditions and the motion result was Failed.
Aspinwall reads staff report.

No Public Comments against request.

Rebecca Gomez, a neighbor speaks and states that she was not approached by Lopez about the variance.

Public Comments closed at 6:22p.m.

Mize makes recommendation to approve the variance with the stipulation that the structure be updated and to make sure that the run off from the structure does not encroach onto the right of way and maintains itself within the property line and if such adjustments to the structure aren't made in 3 months, it would lead to denial of the variance and the structure would have to be removed.

Martinez seconds motion, 2 approved, 3 opposed. Motion Fails.

Lopez makes motion to deny the variance request. Seconded by Lambert. Motion Carries. 3 approved, 2 opposed.

Variance has been denied by Planning Commission.

Lopez makes recommendation that the structure be removed within 30 days of the hearing.

Lambert seconds. Motion carries. (4-1)

Rezone Request for Tracts 3, 5 & 6 of the Replat of the Paterson Subdivision by Kiva Apartments, LLC

Andrea Bockman, 211 Edison Ave. Alamosa, CO 81101 speaks on behalf of Michael Patterson regarding application.

Aspinwall reads staff report.

Michael Patterson, 7506 South Brook Forest Rd. Evergreen, CO, Owner of Kiva Apartments explains application in detail.

Dr. Joe Madril, 1502 8th Street Alamosa, CO 81101 speaks against application.

Helen Taylor, 1913 Estrella Alamosa, CO 81101 speaks against application.

Public Comments closed at 7:00 p.m.

Mize makes a motion. Mize recommends Planning Commission excepts the application for rezoning request as presented.

Lopez seconds, 4-1 approved, 1-4 opposed.

Motion fails.

Lopez makes motion to recommend denial of the zoning change to City Council.

Lambert seconds. 4 approved, 1 opposed.

Recommendation for denial to City Council has been passed.

Variance for reduction of parking requirements for the Flats at Iron Horse multifamily development

John Vance, 210 West Maland Dr. Suite A Boice, ID 83706, Property Developer with Northwest Real Estate Capital Corporation. (Developer of The Iron Horse Apartments)

Aspinwall reads Staff Report.

No one speaking in support of Application.

Nicole Clark, 1333 Lakewood Dr. Alamosa, CO 81101, speaks against application.

Helen, 2905 Mimi Lane, speaks against application.

Jordan Wehe and Alan Wehe, 431 Lakewood Drive Alamosa, CO 81101 speaks against application.

Public Comments closed at 7:27 p.m.

Lopez makes motion to deny Variance for reduction of parking requirements for The Flat Irons Horse Multifamily Apartments.

Maritnez seconds. All approved, none opposed.

VII. Correspondence

None

VIII. Adjournment

After no further business, the meeting was adjourned at 7:50 p.m.

**ALAMOSA PLANNING COMMISSION
COMMISSION COMMUNICATION**

Subject/Title:

Approve Minutes for March 23, 2020 Planning Commission Meeting

ATTACHMENTS:

	Description	Type
📎	Minutes for March 23, 2020 Planning Commission Meeting	Minutes

**City of Alamosa
Planning Commission
March 25, 2020
6:00 p.m.
Minutes of the Meeting**

The regular meeting of the Planning Commission was called to order on the above date at 6:00p.m. by Mark Manzanares. Also present via Zoom (due to Corona Virus Outbreak) were the following members: Darrell Cooper, David Mize, Christopher Lopez and Kindra Lambert. A quorum was declared. Staff present: Harry Reynolds, Deacon Aspinwall and Nicole Valdez.

Agenda Approval: M/S/C. Cooper/Mize. Motion approved to approve agenda as presented. All approved, none opposed.

Approval of the Minutes: M/S/C. Mize/Lopez. Motion approved to approve minutes of the February 26, 2020 meeting as presented. All approved, none opposed.

Public Comments: None

Regular Business:

- A) Request for Rear Setback Variance at 715 Monroe Ave. Ernie Medina spoke on behalf of 715 Monroe Ave. M/S/C. Mize/Lopez. All approved, none opposed.
- B) River Trece 2 Phase 7 Subdivision Preliminary Plat. M/S/C. Mize/Cooper. All approved, none opposed.

Other Business: None

Correspondence:

After no further business, the meeting was adjourned at 6:40 p.m.

Respectfully Submitted,

Nicole Valdez
Recording Secretary

**ALAMOSA PLANNING COMMISSION
COMMISSION COMMUNICATION**

Subject/Title:

Introduction of New Member, Reyna Martinez

Background:

For some time, Planning Commission has been without a representative for Ward 1. Following interviews by City Council,

Commissioner Martinez fills Ward 1 position, with an expiration term of 6/1/2025.

Commissioner Cooper will return to his position as Alternate, and only vote in the case of an absence.

Analysis and Impact:

N/A

Recommended Action:

Welcome!

Alternatives:

N/A

Relevant Code:

Article XIV of the City Charter

**ALAMOSA PLANNING COMMISSION
COMMISSION COMMUNICATION**

Subject/Title:

Request for Front Setback Variance at 513 Foster Ave

Background:

The subject property is located at 513 Foster Avenue, otherwise known as Lot 30 of Block 212 of Montana Azul Estates Filing 2. The 8764sf site is currently improved with an existing 1274sf home and attached 460sf garage, and is located within the Residential High (RH) zone.

Mr. Lopez was contacted by City Staff upon noticing a carport which extends nearly to the sidewalk. Upon further investigation, it was determined that there was no variance issued for such construction. Additionally, the rafter span exceeds the limitations and likely does not meet the required snow load. A notice of violation was sent and delivered to the owner on March 13th stating the above facts and the required action by the owner. The owner promptly contacted the City in order to rectify the situation.

Using historical satellite imagery, it was determined that the carport was constructed at some point between and June 27th, 2018 and June 26th, 2019. This is contrary to the applicant's recollection.

Detached carports are considered an **accessory structure**. The lot standards and setbacks are excerpted from **Table 21-4-202B**, below:

Table 21-4-202B Single-Family Detached Lot and Building Standards					
Single-Family Lot Type	Minimum				
	Lot Area	Lot Width	Front Setback	Side Setback	Street Side Setback
Suburban Lot (RM & RH) (Street Access)					
Principal Building	7,000 sf.	60 ft.	25 ft.	7 ft.	25 ft.
Accessory Buildings			35 ft.	5ft. ²	25 ft.

Analysis and Impact:

The completed Land Use Application was delivered to the Public Works Department on 4/23/2020. Per **Sec. 21-8-702(b)**, variances may be granted by the Zoning Board of Adjustments when:

- (1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;
- (2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;
- (3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;
- (4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;
- (5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;
- (6) That such unnecessary hardship has not been created by the applicant;
- (7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;
- (8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.

Mailing and posting requirements have been met pursuant to **Table 21-8-511D**.

Recommended Action:

Staff recommends that Planning Commission, acting as the Zoning Board of Adjustments, deny the variance request, since **Sec. 21-8-702(b)(6)** specifically states that unnecessary hardship has not been created by the applicant. Since the carport was constructed out of accordance with the UDC, the applicant caused the hardship. Further, these lots were platted to be smaller more densely developed as is for economic reasons, and were not intended for further expansion. Finally, it is the opinion of staff that granting the variance will alter the essential character of the zone. As one looks along Foster Ave, the car port sticks out far past the building line.

Alternatives:

The following is a non-exclusive list of actions Planning Commission may take:

(recommended action) Planning Commission, acting as the Zoning Board of Adjustments, may choose to deny the variance request. The result of this decision would require the applicant to demolish the carport. Failure to do so would result in a demolition order and a lien being placed on the property.

Planning Commission, acting as the Zoning Board of Adjustments, may choose to grant the variance, should it find that the request meets the requirements of **Sec. 21-8-702(b)** as listed above. This would authorize a front accessory setback of **0** feet from 35 feet. It is reasonable to assume that the applicant was unaware of the setback requirements, and since there is at least one carport in the neighborhood with reduced setbacks (that was granted a variance by Planning Commission in 2014, application 14-05) an approval would be in line with previous requests.

Planning Commission may also choose to impose conditions on the approval of the variance, such as require the applicant to correct any structural deficiencies within a certain amount of time.

Relevant Code:**Sec. 21-8-702. - Variances**

(a) **Subdivision and Planned Unit Development Plan Variances.** The Planning Commission may authorize variances from provisions of this UDC that apply to a proposed subdivision or planned unit development plan in cases where, due to exceptional topographical conditions or other conditions peculiar to the subject property, an unnecessary hardship is placed on the applicant. Such variances shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this UDC. The variance shall be in keeping with the intent of the Comprehensive Plan.

(b) **Other Variances.** The Board of Adjustment may grant or deny variances from the provisions of this UDC when:

- (1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;
- (2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;
- (3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;
- (4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;
- (5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;
- (6) That such unnecessary hardship has not been created by the applicant;
- (7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;
- (8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.

(c) **Referral to Planning Commission.** The Zoning Board of Adjustment may request a recommendation from the Planning Commission to assist it in determining if the above requirements have been satisfied. Further, the Zoning Board of Adjustment may require that a special variance application form be completed by the appellant to ensure that the appellant fully understands the criteria on which the board must base its findings.

(d) **Prohibitions.** The Zoning Board of Adjustment may not grant variances from the provisions of this UDC covering the use or density or land or buildings, or the provisions governing planned unit developments. In granting any variance, the Zoning Board of Adjustment may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this UDC.

ATTACHMENTS:

Description	Type
❑ Owner Request Narrative	Backup Material
❑ Land Use Application	Backup Material
❑ Staff Memo to Planning Commission	Cover Memo

ERNESTO LOPEZ

513 Foster Ave., Alamosa, CO | 719.588.2179 | ernestolopez@adams.edu

3/30/2020

Mr. Steve Copley
Building Official
City of Alamosa

Dear Mr. Steve Copley:

Please consider this a formal request for a variance at our property at 513 Foster Ave. in Alamosa of the front setback requirements as set forth in table 21-4-202B for a carport installed in 2008.

This addition is essential for protecting our vehicles from the intense weather in the San Luis Valley. My truck does not fit into the existing garage. I have asked our neighbors about the carport and they do not have any concerns about it. It is not impeding any future construction and does not extend to the sidewalk simply providing a roof over the existing driveway. I will include images of the carport for your reference.

I would very much appreciate approval for the variance of the front setback requirements described above. Thank you for your time and consideration.

Sincerely,


Ernesto Lopez



City of Alamosa
Public Works Department
300 Hunt Avenue
Alamosa, Colorado, 81101
(719) 589-6631
daspinwall@ci.alamosa.co.us

LAND USE APPLICATION

This form provides the basic information about a project proposal. This application form is only one of the items required for a complete project submittal. It is the responsibility of the applicant to ensure that all other required materials are submitted. A checklist of submittal items is attached for your use. It is also the responsibility of the applicant to clearly demonstrate through narrative, visual representations, and other materials that the proposed activity complies with the City of Alamosa's Unified Development Code. Incomplete or substandard applications may cause delays. All applications shall include digital files as well as the hard copy unless otherwise determined by staff.

Project Type

☐ Annexation and Initial Zoning (\$750+\$25/acre up to \$3,000)	☐ Enclave Annexation and Initial Zoning (\$375+\$12.50/acre up to \$1,500)
☐ Conditional Use Permit (\$100)	☐ Cost Recovery Zone Application (\$50/hour + recording and publishing fees)
☐ Rezoning (\$100)	☒ Variance (\$100)
☐ Home Occupation Permit (\$50)	☐ Planned Development/Campus Master Plan
☐ Site Plan Review	☐ Preliminary/Final (\$1,200)
☐ Residential (\$0)	☐ Modification or Amendment (\$500)
☐ Non-Residential or Multifamily (\$50)	☐ Subdivision, Minor
☐ Subdivision, Major (>5 lots)	☐ 2-5 New Lots (\$150)
☐ Preliminary (\$500)	☐ Lot Line Vacation/Adjustment (\$150)
☐ Final (\$0)	☐ Replat (\$150)
☐ Encroachment Application (\$50)	☐ Vested Property Rights Plan (\$50/hour + recording and publishing fees)
☐ Temporary Use Permit (\$50)	☐ Zoning Verification (\$0)
☐ Outdoor Dining (\$50)	☐ Limited Use Permit (\$0)
☐ Other: (\$50/hour + recording and publishing fees)	☐ Non-Conforming To Conforming Special Review (\$100)

Site Information

Legal Description: _____

Project Name: _____

Project Address: _____ Current Zoning: _____

Project Description: _____

Project Contact Information

Applicant Name: _____ Mailing Address: _____

Phone: _____ Email: _____

Agent Name: _____ Mailing Address: _____

Phone: _____ Email: _____

Property Owner Name: Ernesto Lopez Mailing Address: 513 Foster Ave Alamosa CO 81101

Phone: 719-588-2179 Email: _____

ACKNOWLEDGEMENT AND AUTHORIZATION

The undersigned authorizes the Public Works Department to proceed with processing this application under the requirements of the City of Alamosa Uniform Development Code (UDC). The undersigned acknowledges that the information provided herein is accurate to the fullest extent of their knowledge. Further, it is understood that any documentation required or submitted in conjunction with this application process may become part of the public record and public domain. A complete application may require a disclosure of property ownership and agency affidavit.

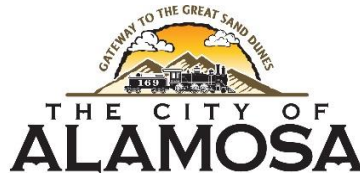
Applicant: Ernesto Lopez Date: 3-20-2020

DEPARTMENT USE ONLY

Application Received By: _____ Date: _____

Fee Required: _____ Paid On: _____ Receipt #: _____

Application accepted as complete on for processing: _____



Memo

To: Planning Commission Members, acting as the Zoning Board of Adjustments
 From: Deacon Aspinwall, Planning and Development Specialist
 Subject: Request for Front Setback Variance at 513 Foster Ave
 Date: 14 July 2020

BACKGROUND

The subject property is located at 513 Foster Avenue, otherwise known as Lot 30 of Block 212 of Montana Azul Estates Filing 2. The 8764sf site is currently improved with an existing 1274sf home and attached 460sf garage built in 2012, and is located within the Residential High zone.

Mr. Lopez was contacted by City Staff upon noticing a carport which extends nearly to the sidewalk. Upon further investigation, it was determined that there was no variance issued for such construction. Additionally, the rafter span exceeds the limitations and likely does not meet the required snow load. A notice of violation was sent and delivered to the owner on March 13th stating the above facts and the required action by the owner. The owner promptly contacted the City in order to rectify the situation.

Using historical satellite imagery, it was determined that the carport was constructed at some point between and June 27th, 2018 and June 26th, 2019. This is contrary to the applicant's recollection.

Detached carports are considered an **accessory structure**. The lot standards and setbacks are excerpted from **Table 21-4-202B**, below:

TABLE 21-4-202B SINGLE-FAMILY DETACHED LOT AND BUILDING STANDARDS					
Single-Family Lot Type	Minimum				
	Lot Area	Lot Width	Front Setback	Side Setback	Street Side Setback
Suburban Lot (RM & RH) (Street Access)					
Principal Building	7,000 sf.	60 ft.	25 ft.	7 ft.	25 ft.
Accessory Buildings			35 ft.	5ft. ²	25 ft.

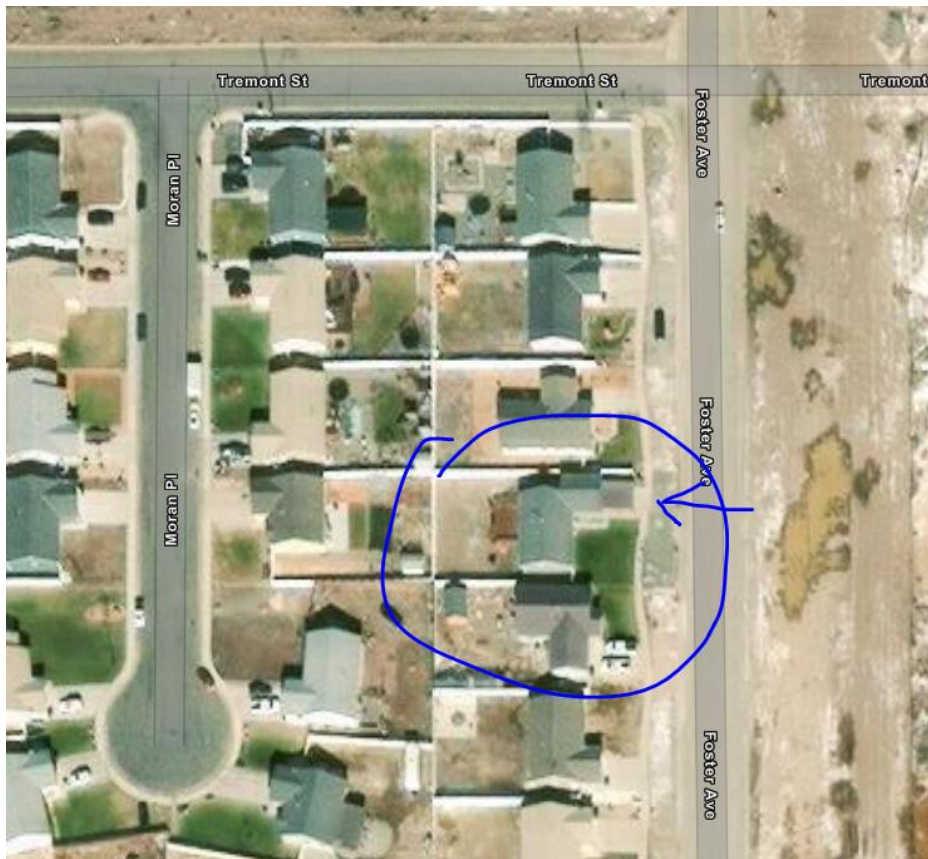


Figure 2 - Satellite Imagery clearly showing the car port, from June 26th, 2019

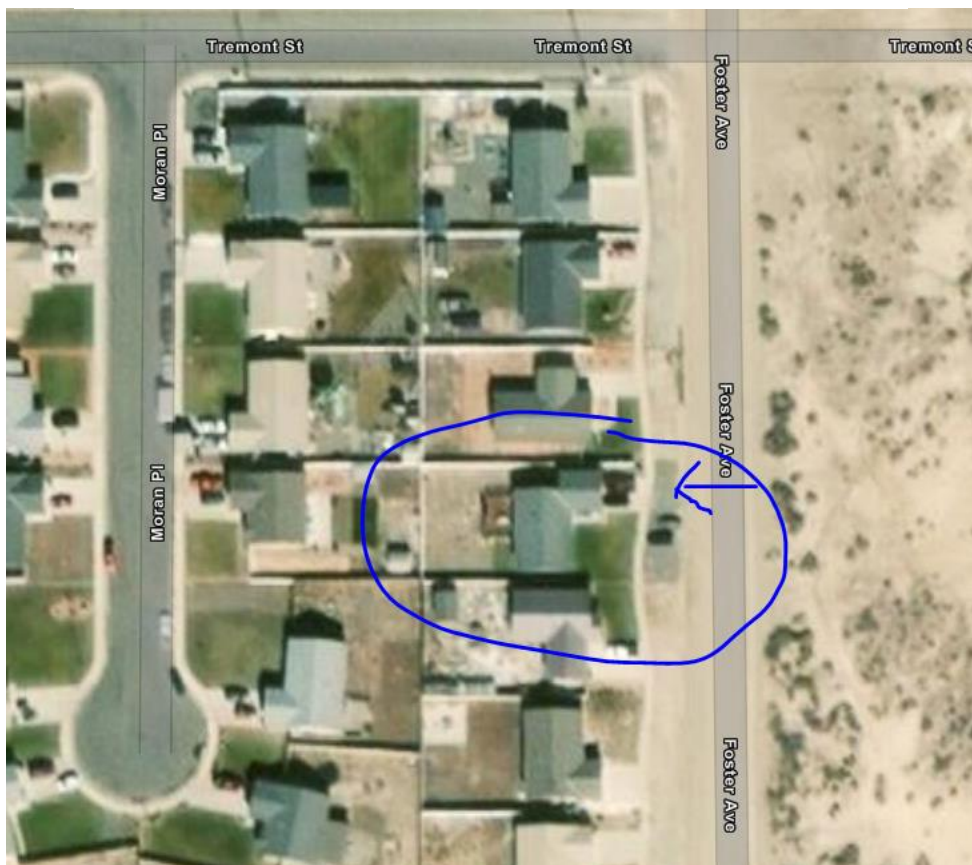


Figure 1 - Satellite Imagery clearly showing two vehicles parked in the driveway with no carport, June 27th, 2018.

ANALYSIS AND IMPACT

The completed Land Use Application was delivered to the Public Works Department on 4/23/2020. Per **Sec. 21-8-702(b)**, variances may be granted by the Zoning Board of Adjustments when:

- (1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;
- (2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;
- (3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;
- (4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;
- (5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;
- (6) That such unnecessary hardship has not been created by the applicant;
- (7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;
- (8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.

Mailing and posting requirements have been met pursuant to **Table 21-8-511D**.

RECOMMENDATION

Staff recommends that Planning Commission, acting as the Zoning Board of Adjustments, deny the variance request, since **Sec. 21-8-702(b)(6)** specifically states that unnecessary hardship has not been created by the applicant. Since the carport was constructed out of accordance with the UDC, the applicant caused the hardship. Further, these lots were platted to be smaller more densely developed as is for economic reasons, and were not intended for further expansion. Finally, it is the opinion of staff that granting the variance will alter the essential character of the zone. As one looks along Foster Ave, the car port sticks out far past the building line.

ALTERNATIVES

The following is a non-exclusive list of actions Planning Commission may take:

(recommended action) Planning Commission, acting as the Zoning Board of Adjustments, may choose to deny the variance request. The result of this decision would require the applicant to demolish the carport. Failure to do so would result in a demolition order and a lien being placed on the property.

Planning Commission, acting as the Zoning Board of Adjustments, may choose to grant the variance, should it find that the request meets the requirements of **Sec. 21-8-702(b)** as listed above. This would authorize a front accessory setback of 0 feet from 35 feet. It is reasonable to assume that the applicant was unaware of the setback requirements, and since there is at least one carport in the neighborhood with reduced setbacks (that was granted a variance by Planning Commission in 2014, application 14-05) an approval would be in line with previous requests.

Planning Commission may also choose to impose conditions on the approval of the variance, such as require the applicant to correct any structural deficiencies within a certain amount of time.

Relevant Code Provisions:

Sec. 21-8-702. - Variances

- (a) **Subdivision and Planned Unit Development Plan Variances.** The Planning Commission may authorize variances from provisions of this UDC that apply to a proposed subdivision or planned unit development plan in cases where, due to exceptional topographical conditions or other conditions peculiar to the subject property, an unnecessary hardship is placed on the applicant. Such variances shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this UDC. The variance shall be in keeping with the intent of the Comprehensive Plan.
- (b) **Other Variances.** The Board of Adjustment may grant or deny variances from the provisions of this UDC when:
- (1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;
 - (2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;
 - (3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;
 - (4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;
 - (5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;
 - (6) That such unnecessary hardship has not been created by the applicant;
 - (7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;
 - (8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.
- (c) **Referral to Planning Commission.** The Zoning Board of Adjustment may request a recommendation from the Planning Commission to assist it in determining if the above requirements have been satisfied. Further, the Zoning Board of Adjustment may require that a special variance application form be completed by the appellant to ensure that the appellant fully understands the criteria on which the board must base its findings.
- (d) **Prohibitions.** The Zoning Board of Adjustment may not grant variances from the provisions of this UDC covering the use or density or land or buildings, or the provisions governing planned unit developments. In granting any variance, the Zoning Board of Adjustment may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this UDC.

ALAMOSA PLANNING COMMISSION COMMISSION COMMUNICATION

Subject/Title:

Rezone Request for Tracts 3, 5 & 6 of the Replat of the Paterson Subdivision by Kiva Apartments, LLC

Background:

The subject properties are located generally west of Highway 285 South and bounded between West Eighth Street and West Tenth Street. A map of the area is attached. The properties are currently zoned Commercial Business.

The parent parcel, formerly known as the remainder tract of the Paterson Subdivision was recently subdivided into 5 new lots in order to further develop the property and facilitate the rezoning request. A copy of the subdivision plat is attached.

The applicant wishes to rezone Tract 3 from Commercial Business (CB) to Residential High (RH), so as to allow for the immediate construction of a new 16-unit apartment building which would include a gym for all Kiva Apartment tenants. This kind of use is not permitted in a CB zone, but is permitted by right within a RH zone. Pending the approval of this request, the applicant intends to combine Tract 3 with the existing Tract 1 so that all the apartment buildings are on the same parcel; this necessitates the two lots be the same zone.

The applicant further wishes to rezone Tracts 5 & 6 from CB to Mixed Use (MU). This zoning designation opens up multiple development opportunities, including new rental housing, such as townhomes or apartments, "big box" stores, and a new solar farm. The completed Land Use Application and required Request Narrative (attached) were delivered to the Public Works Department on 6/30/2020. Pursuant to Table 21-8-203(b), rezoning requests are heard by Planning Commission, which then makes a recommendation to City Council. Zoning changes are documented by ordinance.

Mailing, publishing, and posting requirements have been met pursuant to Table 21-8-511D. As of the time of this writing, no comments have been received by City Staff.

Analysis and Impact:

Modern planning theory has seen a shift from the segregation of land uses to an integration of land uses. These mixed-use developments provide a great deal of benefits, such as:

- Greater housing variety and density, more affordable housing (smaller units)
- More walkable neighborhoods
- Reduced distances between housing, workplaces, retail businesses, and other amenities and destinations
- Increasing socioeconomic diversity, equality, and the reduction of NIMBYism
- More compact development, land-use synergy (e.g. residents provide customers for retail which provide amenities for residents)
- Stronger neighborhood character, "sense of place", community identity

The City's 2017 Comprehensive Plan (Comp Plan), highly derived from public input, reflects the community's desire for this philosophical shift. Pages 87 and 88 specifically highlight the area being requested for rezoning as a mixed use opportunity zone.

Page 87 specifically states the vision for this area as:

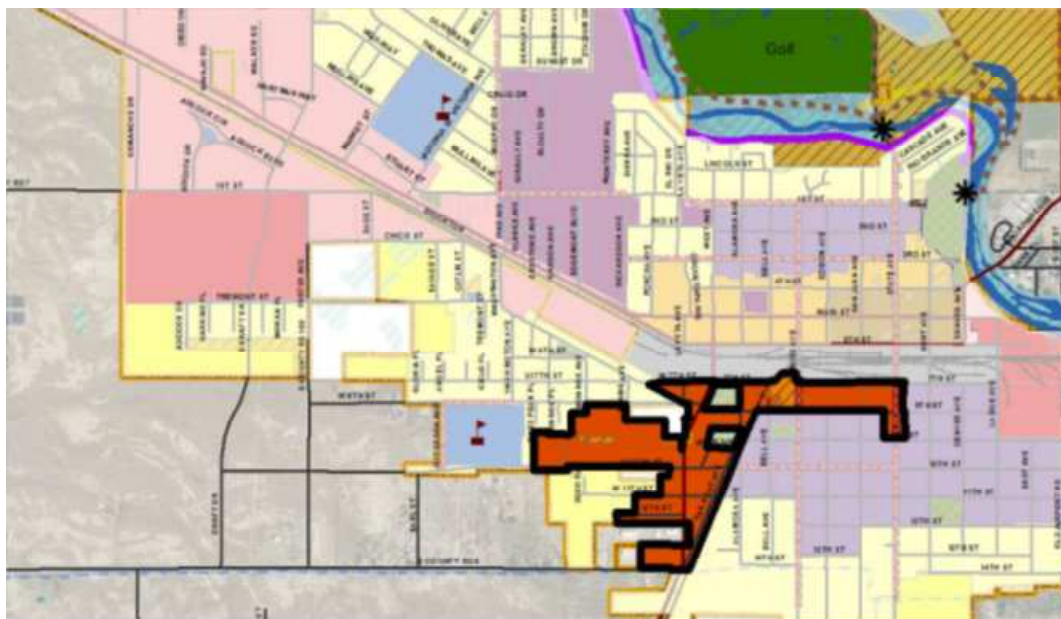
"A combination of mixed residential densities, highway commercial and local oriented commercial make sense in this location. This mixed use area presents an opportunity to rethink existing zoning and approvals. The area extending along State Avenue from 6th Street (Highway 160) south to 9th Street is a unique area consisting of a mix of neighborhood commercial uses, regional businesses, residential units, churches and non-profit facilities. This mixed use area represents an opportunity for developing a commercial hub to serve neighborhoods in the southern portion of the Historic Town Site Residential designation. This is also an area where live-work format development with work spaces and living spaces in the same unit would be viable and present an attractive option for small businesses and start-ups. The residential uses in this area may to transition incrementally to commercial uses, but pockets of mixed residential and commercial uses will also likely continue for many decades. Landscape screening and buffer fences/walls will be of key importance for adjacent commercial and residential uses to coexist."

To this end, the City has been working on a proposal to Planning Commission for a bulk rezoning of the City to better align with the Comp Plan. Due to the COVID-19 outbreak, this proposal has been put on hold until such time that substantial public input may be received.

It is important to note that as opposed to the previous land use code, any development that is either permitted or limited use is handled at the staff level. This sort of review includes site layout, grading, drainage, parking, utilities, etc. and is site-specific. Conditional uses require approval by Planning Commission and ratification by City Council. These uses (and their permissions) are tethered to the underlying zone. Any zone change needs to be evaluated not only by any proposed uses, but also the potential uses, and any potential impact they may have on the surrounding area. Rezoning this area would open up more options for development, such as those uses stated in the background. With the Uniform Development Code, mixed use development does contain many ways to mitigate adverse impacts between commercial and residential development in close proximity. All development must be able to be served by the existing infrastructure, and any additional infrastructure that is needed must be installed by the developer. Currently, the property owner must install Monroe Avenue between W Eighth St and W Tenth St for any development along Monroe Avenue or by 2030, whichever comes first. Additionally, future development will likely require a solution for conveying stormwater. As this area continues to develop, those needs will be further evaluated based on the projected impact of specific development and uses.

All rezone requests are to be handled pursuant to the standards set forth in Sec. 21-2-106. This means that all rezoning requests

MUST 1) protect historic resources and mitigate natural hazards, 2) have compatibility and provide public benefits, and 3) meet at least one of the alternative standards.



Recommended Action:

Staff finds that the request meets **Sec. 21-2-106(b) Historic Resource Protection and Hazard Mitigation** because it does not reduce the level of protection for significant historical resources that exist on the Property, and it does not expose additional people or personal property to unmitigated natural or man-made hazards that are present on the Property. Staff finds that the request meets **Sec. 21-2-106(c) Compatibility and Public Benefits** because the proposed zone is in conformance with the Comp Plan, and that due to housing needs within the city, the proposed zone will provide a benefit that cannot be provided in the CB existing zone, and that reasonable assurances (in the form of a required improvement agreement) are provided that adequate facilities will be made available to serve new development by the time the new development places demands on the facilities. This is always required by ordinance. And finally, staff finds that the request meets *Alternative Standards #1 and #3* of **Sec. 21-2-106(d) Alternative Standards** because the rezone would implement the vision for the area as set forth in the Comp Plan and that there is a greater need for MU and residential property, which promotes a balance of land uses in the City that will improve economic opportunity for City residents.

Because the request meets the requirements for rezoning as set forth in **Sec. 21-2-106**, staff suggests that Planning Commission recommend to City Council that the rezone be granted.

Alternatives:

The following is a non-exclusive list of actions Planning Commission may take:

(Recommended Option) that Planning Commission recommends to City Council that the rezone be granted.

Planning Commission may choose recommend denial of the rezone request should it find evidence that the request does not meet the rezoning standards set forth in **Sec. 21-2-106**.

Planning Commission may choose recommend partial approval of the rezone request should it find evidence that any of the tracts requested for rezoning do not meet the rezoning standards set forth in **Sec. 21-2-106**.

Relevant Code:

Sec. 21-2-106. - Standards for Rezoning

(a) Generally.

- (1) The City Council may approve an application for rezoning if it finds that:
 - i. The policy set out in Subsection B., below, is implemented;
 - ii. The standards set out in Subsection C., below, are met; and
 - iii. One or more of the alternatives set out in Subsection D., below are met.
- (2) If the proposed rezoning is to a CA Zone, the subject property shall be at least 20 acres in area and under single ownership or control.

(b) Historic Resource Protection and Hazard Mitigation

- (1) It is the policy of the City not to rezone land in a manner that would tend to create or facilitate the creation of development rights or entitlements that would either:
 - a. Reduce the level of protection for significant historical resources that exist on the Subject Property; or

- b. Expose additional people or personal property to unmitigated natural or man-made hazards that are present on the Subject Property.
- (2) This policy may be waived upon a finding by the City Council that:
- a. Alternative means have been implemented (or will be implemented as a condition of development approval) to achieve a comparable or better level of historic resource protection or hazard mitigation; or
- b. The policy is outweighed by a substantial community interest that is served by approval of the rezoning.
- (c) **Compatibility and Public Benefits.** All applications for rezoning shall meet all of the following standards:
- (1) The proposed zone is in conformance with the Comprehensive Plan's future land use map;
- (2) The proposed zone will provide a benefit (or degree of benefit) to the community or immediate area that cannot be provided in the existing zone, and which is sufficient to offset potential adverse impacts of the proposed zone, if any;
- (3) Public facilities are addressed in at least one of the following ways:
- a. Adequate public facilities are available to serve development in the proposed zone; or
- b. The proposed zone would limit demands upon public facilities more than the existing zone; or
- c. Reasonable assurances are provided that adequate facilities will be made available to serve new development by the time the new development places demands on the facilities.
- (d) **Alternative Standards.** All applications for rezoning shall meet at least one of the following four alternative standards:
- (1) *Alternative #1.* The proposed zone is more appropriate than the existing zone to implement the most recent adopted City plan that:
- a. Was developed with public input (e.g., the Comprehensive Plan or a special area, corridor, redevelopment, or strategic plan); and
- b. Includes the Subject Property.
- (2) *Alternative #2.* The proposed zone is more appropriate than the existing zone because:
- a. There has been a change in character or capacity of public infrastructure in the area (e.g., installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.); and
- b. The proposed zone allows for the reasonable development or redevelopment of the subject property in a manner that will be compatible with its existing or planned context.
- (3) *Alternative #3.* The proposed zone is more appropriate than the existing zone because:
- a. There is greater need in the City for land in the proposed zone than the existing zone; and
- b. The proposed zone will promote a balance of land uses in the City that will improve economic opportunity for City residents.
- (4) *Alternative #4.* The proposed zone is more appropriate than the existing zone because:
- a. The existing zoning for the property was erroneously assigned; or
- Development has not proceeded in reliance on the erroneous zone.

Table 21-8-511D (EXCERPTED)
Required Public Notice by Application Type

Application Type	Form of Required Public Notice for ...	
	Board or Commission Review	Council Review
Use-Oriented Permits and Approvals		
Rezoning	PUB.1; PO.1; ML.1	PUB.2; PO.1

Table 21-8-203B (EXCERPTED)
Discretionary Approvals and Permits

Approval or Permit	Required For	Timing	Exceptions	Recommendation By	Issued By	Reference ¹
Land Use / Zoning						
Rezoning	Changing the zone that applies to a subject property	Prior to the application of standards from the requested zone	N/A	PC	City Council ³	Sec. 21-2-106

TABLE NOTE:

¹ References are provided for convenience only and are not intended to limit the application of this UDC

² Documented by resolution of City Council

³ Documented by ordinance enacted by City Council

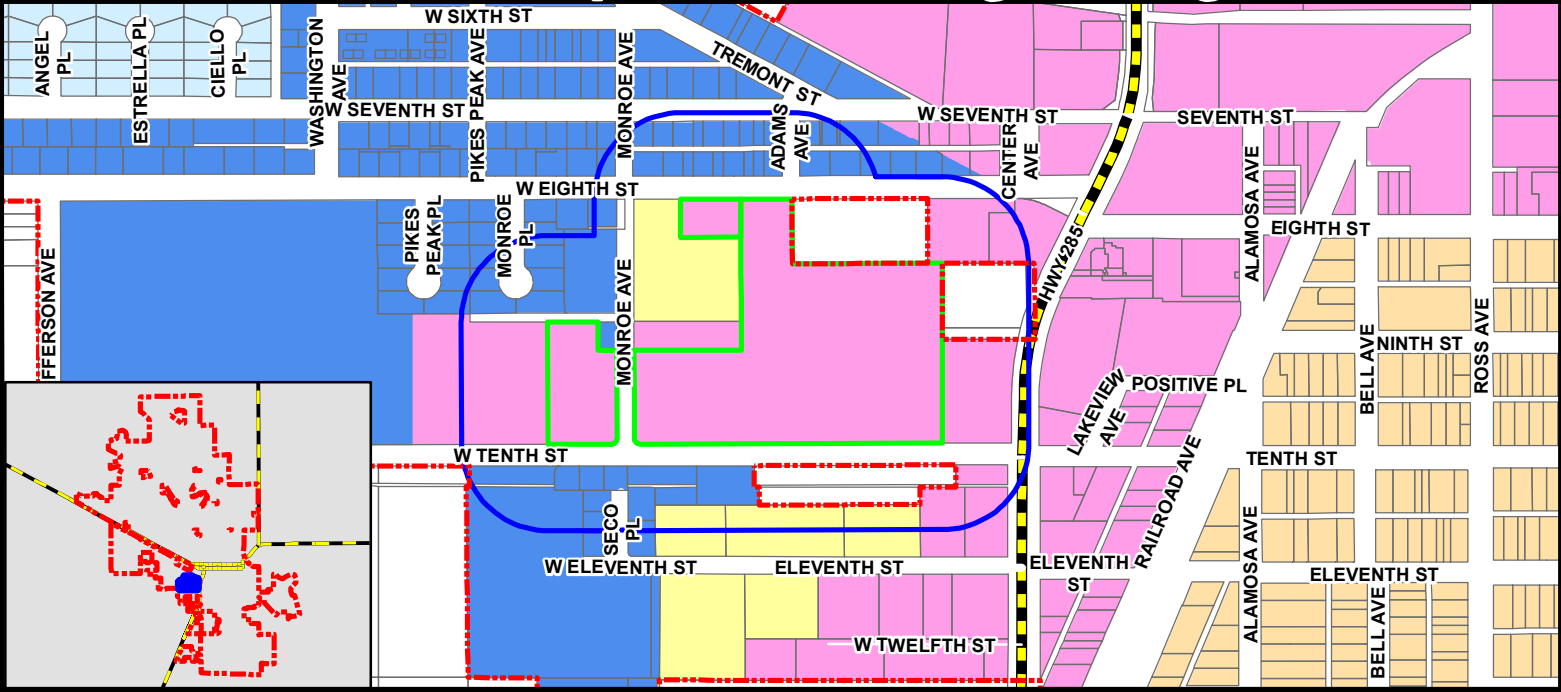
⁴ Documented by resolution of Planning Commission

⁵ Recorded in real property records of County Clerk and Recorder

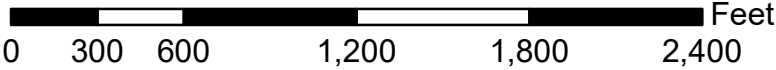
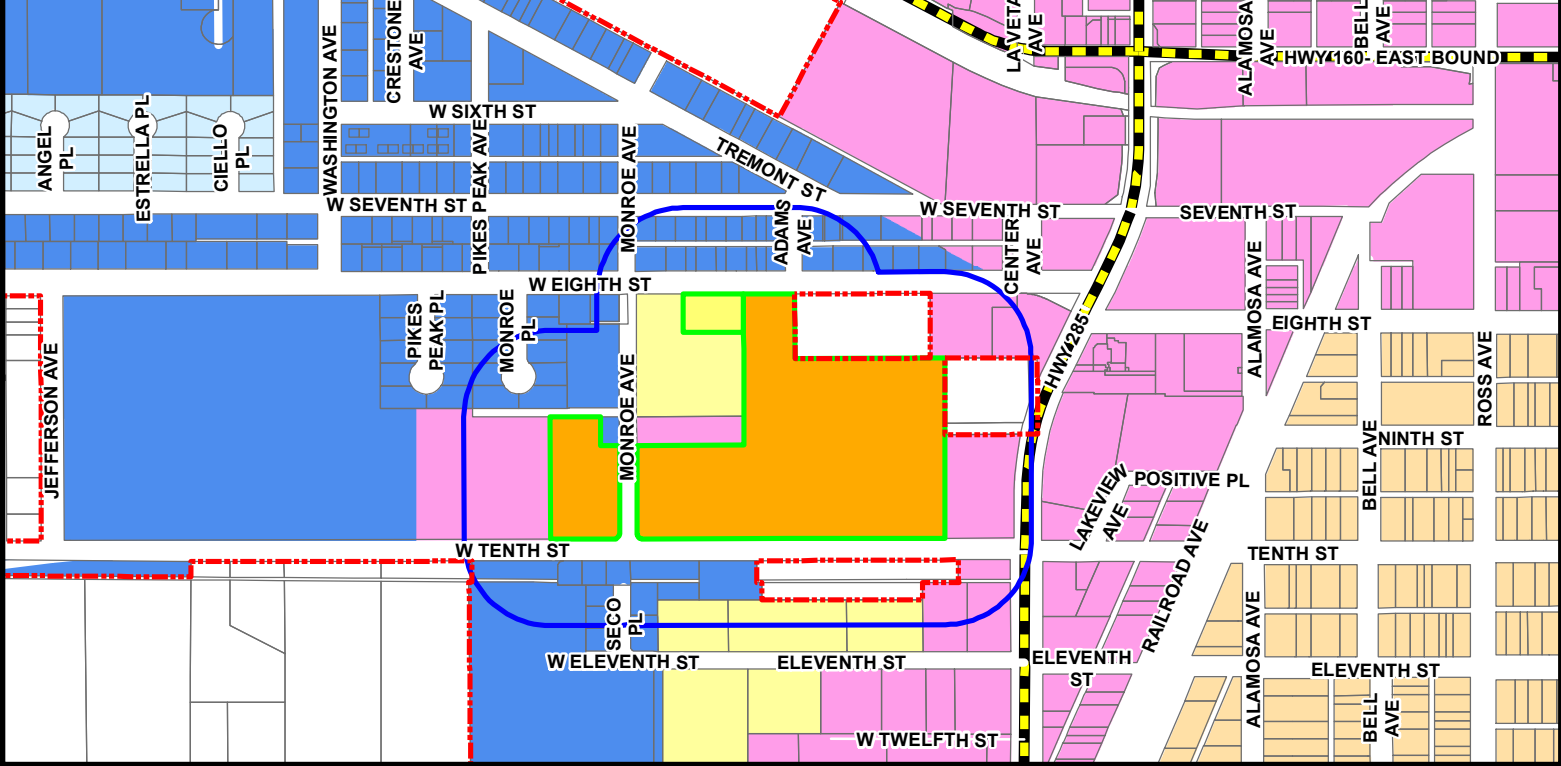
ATTACHMENTS:

Description	Type
Map of Rezone Request	Backup Material
Replat of Paterson Subdivision R#377089	Backup Material
Land Use Application and Property Disclosure	Backup Material
Owner Request Narrative	Backup Material
Comprehensive Plan Pgs. 87&88	Backup Material

Paterson Rezone Request - Existing Zoning



Paterson Rezone Request - Requested Zoning



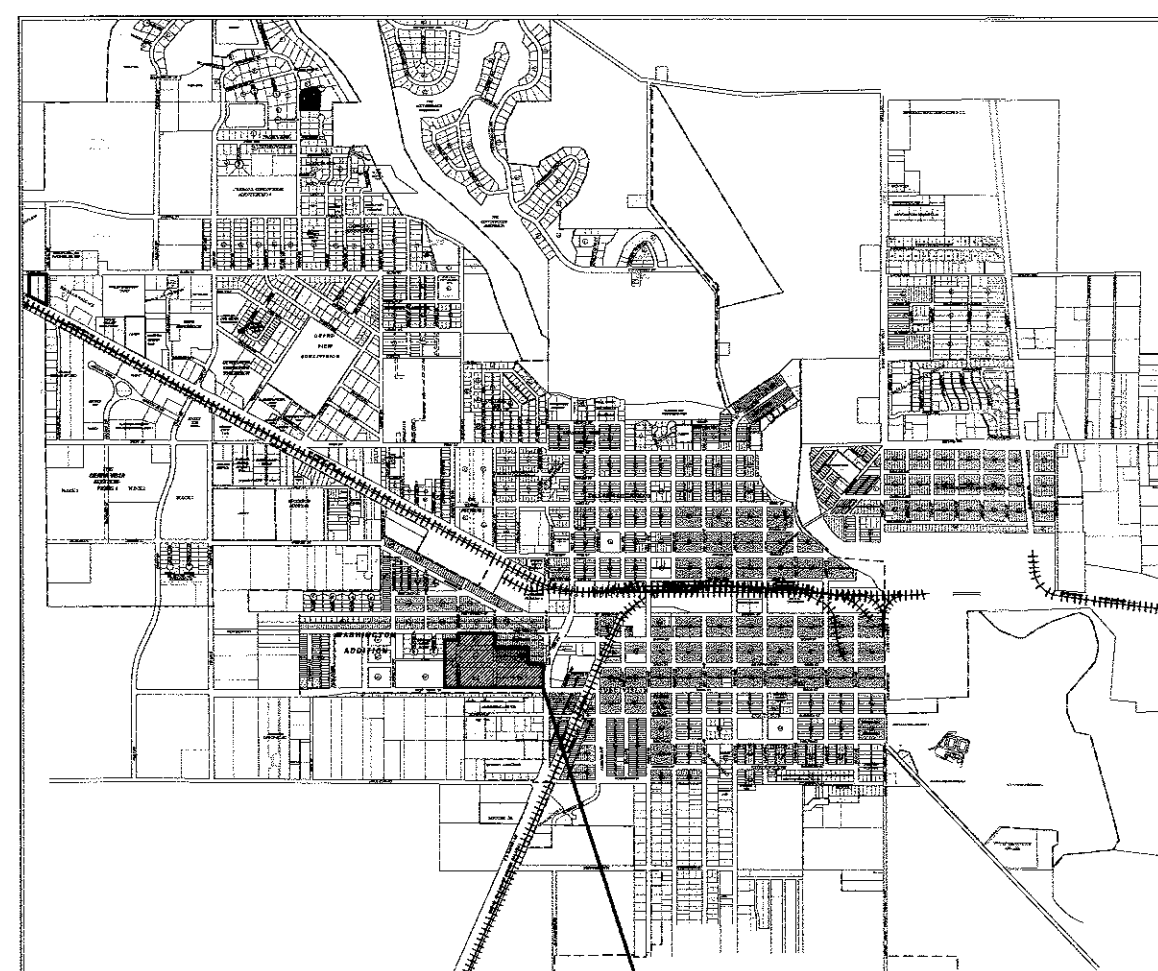
Legend

- | | | |
|----------------------------|-------------------------------|-----------------------------|
| Current City Limits | A= AGRICULTURAL | RM=RESIDENTIAL MEDIUM |
| Requested Rezoning Parcels | CA=CAMPUS | RH=RESIDENTIAL HIGH |
| 300' Notification Buffer | CB=COMMERCIAL BUSINESS | EN=ESTABLISHED NEIGHBORHOOD |
| Parcels | CBD=CENTRAL BUSINESS DISTRICT | RE= RESIDENTIAL ESTATE |
| | MU=MIXED USE | I=INDUSTRIAL |
| | RL=RESIDENTIAL LOW | |

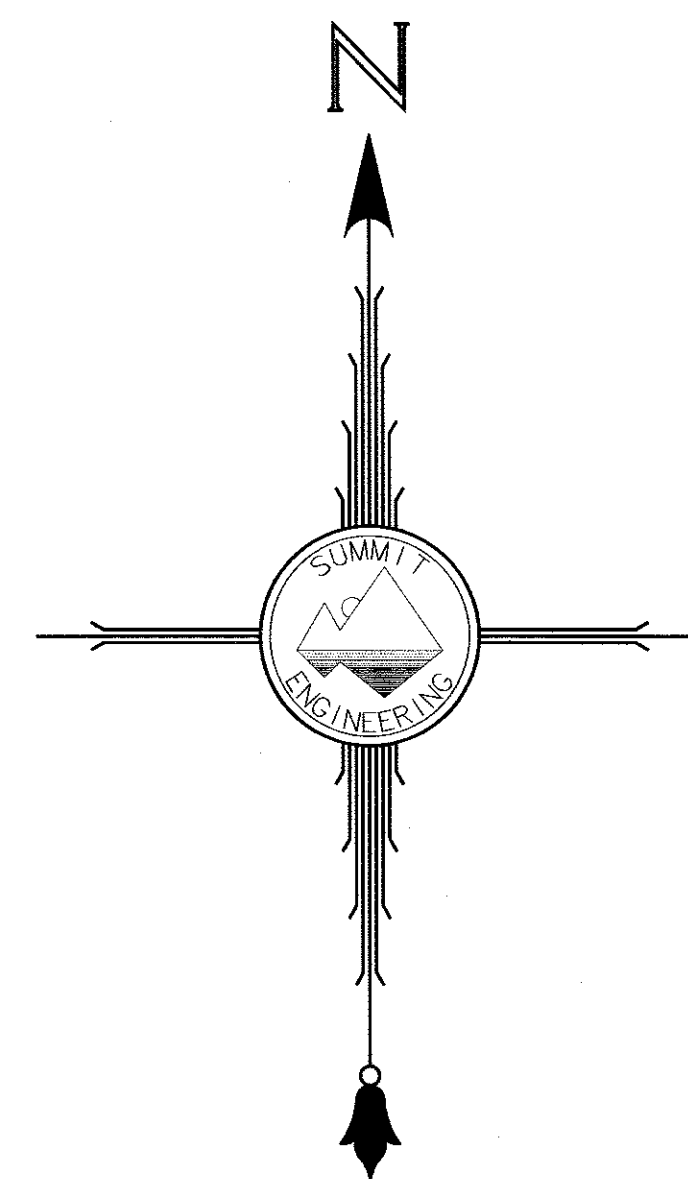


REPLAT OF THE PATERSON SUBDIVISION LOCATED IN

A FRACTION OF BLOCKS 220-221, 225-227, AND 230-232 -AND- A FRACTION OF VACATED 8TH, 9TH, ADAMS,
AND PARK STREETS IN THE WASHINGTON ADDITION TO THE CITY OF ALAMOSA, SITUATED IN THE
NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 37 NORTH, RANGE 10 EAST,
NEW MEXICO PRINCIPAL MERIDIAN
CITY OF ALAMOSA, ALAMOSA COUNTY, COLORADO



VICINITY MAP
SCALE: N.T.S.



SCALE
1" = 100'

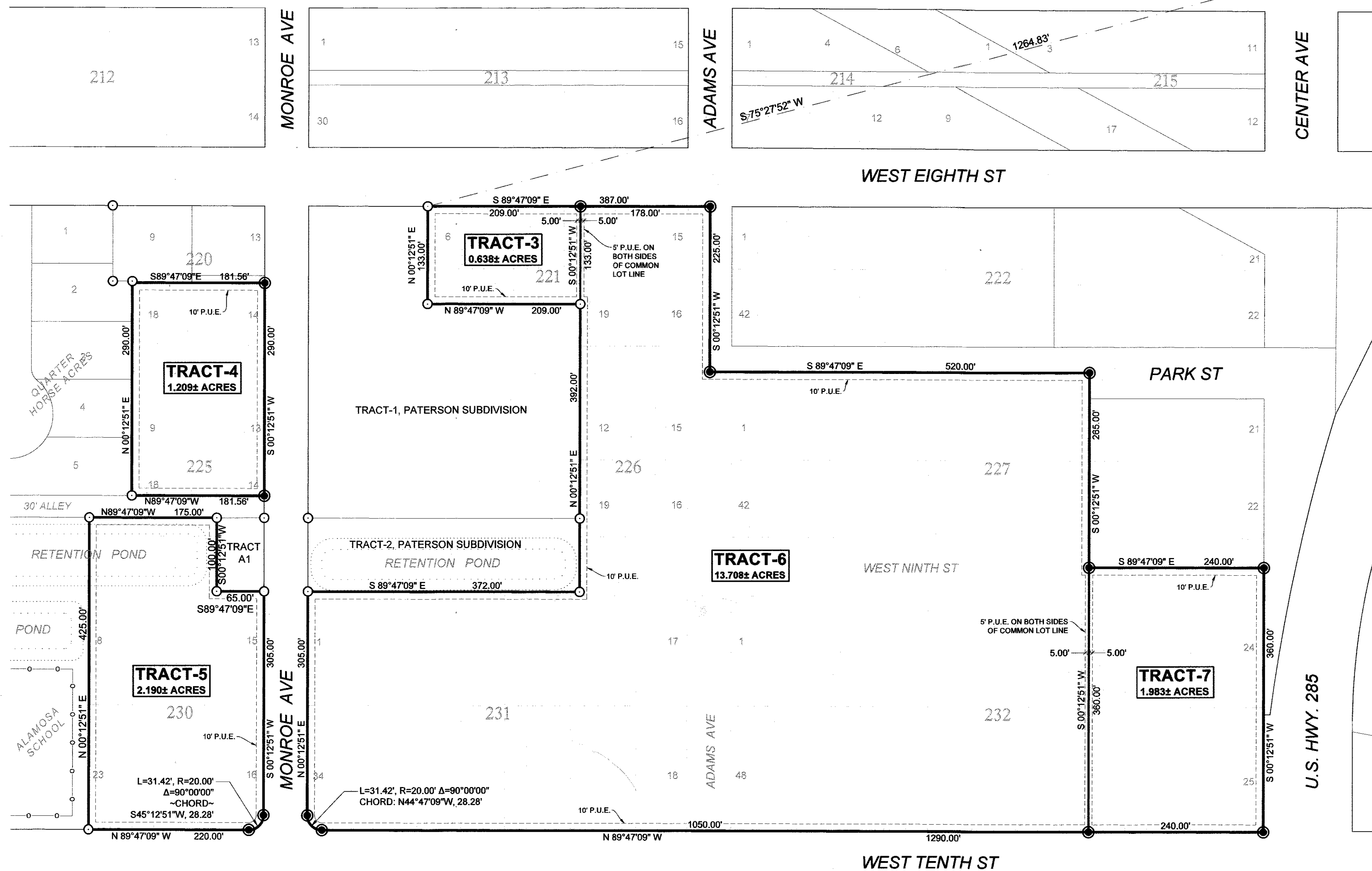
BEARING BASIS
An assumed bearing of S89°47'09"E along the South R.O.W.
line of West 8th Street, also being the North line of Tract-1 of
the Paterson Subdivision and monumented as shown hereon.

LEGEND (NOT ALL MAY BE USED)

- PROPERTY BOUNDARY
- SUBDIVISION LOT LINE
- PUBLIC UTILITY EASEMENT (P.U.E.)
- ADJACENT PROPERTY LINE
- RETENTION POND BANK EDGE
- METAL FENCE
- FOUND #4 REBAR WITH 2" ALUM. CAP
SET BY PLS 23847
- SET #5 REBAR WITH 1.5" ALUM. CAP
MARKED "SUMMIT 14840"
- FOUND MONUMENT AS DESCRIBED
HEREON

ACREAGE SUMMARY

AREA DESCRIPTION	ACREAGE (±)
TRACT-A1, PATERSON SUB. (UNALTERED)	0.149
TRACT-1, PATERSON SUB. (UNALTERED)	2.991
TRACT-2, PATERSON SUB. (UNALTERED)	0.854
TRACT-3	0.638
TRACT-4	1.209
TRACT-5	2.190
TRACT-6	13.708
TRACT-7	1.983
TOTAL ACREAGE =	23.722



DEDICATION
KNOW ALL MEN BY THESE PRESENTS:
THAT, the undersigned are the owners of that real property shown on this plat situated in the City of Alamosa, Alamosa
County, Colorado, and lying within A fraction of Blocks 220-221, 225-227, and 230-232 -and- a fraction of vacated 8th, 9th,
Adams, and Park Streets in the Washington Addition to the City of Alamosa, Situated in the North half of the Southeast
Quarter of Section 9, Township 37 North, Range 10 East, New Mexico Principal Meridian.

THAT, they have caused said real property to be laid out and surveyed as the "Replat of the Paterson Subdivision" and do
hereby dedicate and set apart all of the streets, alleys, and other public ways and places as shown on the accompanying plat
to the use of the public forever, and do hereby dedicate those portions of said real property which are indicated as easements
on the accompanying plat as easements.

IN WITNESS WHEREOF the undersigned have caused their names to be hereunto subscribed
this 29 day of June, 2020, A.D.

Signed: Michael T. Paterson, Partner
Kiva Apartments, LLC

Signed: Patricia T. Paterson, Partner
Kiva Apartments, LLC

STATE OF COLORADO } SS
COUNTY OF ALAMOSA }
The foregoing instrument was acknowledged before me this 29 day of June, A.D. 2020, by
Michael T. Paterson and Patricia T. Paterson, equal partners of Kiva Apartments, LLC witness my hand and seal.

Signed: Dan P. Aspinwall
Notary Address 2020 Mullins Ave

DEACON P. ASPINWALL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20204019195
MY COMMISSION EXPIRES MAY 8, 2024

My commission expires: 8 MAY 2024

SURVEYOR'S CERTIFICATE
I, Scott E. Johnson, a duly registered Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly
represents the results of a survey made by me or under my direct supervision.

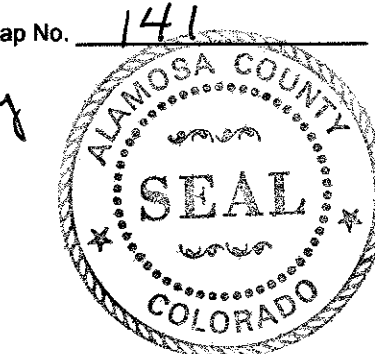
Scott E. Johnson, P.E. & P.L.S. 14840

CODE ADMINISTRATOR CERTIFICATE
Approved this 29 day of June, A.D. 2020, Director of Public Works,
City of Alamosa, Alamosa County, Colorado.

Signed: Harry Reynolds
Director of Public Works

Attest: Holly C. Martinez
City Clerk

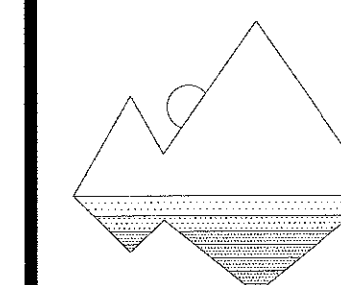
CLERK AND RECORDER'S CERTIFICATE
STATE OF COLORADO } SS
COUNTY OF ALAMOSA }
I hereby certify that this instrument was filed in my office at 2:25 o'clock P.M. this 29th day of June, A.D.
2020, and is duly recorded at
Reception No. 377089, Map Cabinet No. E, Map No. 141.
Recorder: Dixie Lee Heiman by self deputy



NOTE
All vacated streets and alleys are as depicted on the Paterson Subdivision
plat as filed at the Office of the Clerk and Recorder for the County of
Alamosa under reception number 349943

SHEET 1 OF 1

SUMMIT ENGINEERING CO.
ENGINEERS & LAND SURVEYORS



LOCATED AT
1317 STATE AVENUE ALAMOSA, CO 81101
MAIL: P.O. BOX 1897 ALAMOSA, CO 81101
PHONE: 719-589-6147 FAX: 719-589-6633
summitengco@gmail.com

DATE: 06-26-2020 DRAWN BY: KFA DRAFT: C JOB NO. 200613

REPLAT OF THE PATERSON SUBDIVISION
A FRACTION OF BLOCKS 220-221, 225-227, AND 230-232 -AND- A FRACTION OF VACATED 8TH,
9TH, ADAMS, AND PARK STREETS IN THE WASHINGTON ADDITION TO THE CITY OF ALAMOSA,
SITUATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 37
NORTH, RANGE 10 EAST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF ALAMOSA, ALAMOSA COUNTY, COLORADO



City of Alamosa
Public Works Department
300 Hunt Avenue
Alamosa, Colorado, 81101
(719) 589-6631
daspinwall@ci.alamosa.co.us

LAND USE APPLICATION

This form provides the basic information about a project proposal. This application form is only one of the items required for a complete project submittal. It is the responsibility of the applicant to ensure that all other required materials are submitted. A checklist of submittal items is attached for your use. It is also the responsibility of the applicant to clearly demonstrate through narrative, visual representations, and other materials that the proposed activity complies with the City of Alamosa's Unified Development Code. Incomplete or substandard applications may cause delays. All applications shall include digital files as well as the hard copy unless otherwise determined by staff.

Project Type	
☐ Annexation and Initial Zoning (\$750+\$25/acre up to \$3,000)	☐ Enclave Annexation and Initial Zoning (\$375+\$12.50/acre up to \$1,500)
☐ Conditional Use Permit (\$100)	☐ Cost Recovery Zone Application (\$50/hour + recording and publishing fees)
☒ Rezoning (\$100)	☐ Variance (\$100)
☐ Home Occupation Permit (\$50)	☐ Planned Development/Campus Master Plan
☐ Site Plan Review	☐ Preliminary/Final (\$1,200)
☐ Residential (\$0)	☐ Modification or Amendment (\$500)
☐ Non-Residential or Multifamily (\$50)	☐ Subdivision, Minor
☐ Subdivision, Major (>5 lots)	☐ 2-5 New Lots (\$150)
☐ Preliminary (\$500)	☐ Lot Line Vacation/Adjustment (\$150)
☐ Final (\$0)	☐ Replat (\$150)
☐ Encroachment Application (\$50)	☐ Vested Property Rights Plan (\$50/hour + recording and publishing fees)
☐ Temporary Use Permit (\$50)	☐ Zoning Verification (\$0)
☐ Outdoor Dining (\$50)	☐ Limited Use Permit (\$0)
☐ Other: (\$50/hour + recording and publishing fees)	☐ Non-Conforming To Conforming Special Review (\$100)

Site Information

Legal Description: Tr 3,5,7,6 Paterson

Project Name: Paterson

Project Address: N/A Current Zoning: Commercial Business

Project Description: Replat of the Paterson Sub Rezone

Project Contact Information

Applicant Name: MICHAEL PATENSON **Mailing Address:** 237 SMOADWAY AVE
Phone: 719 588 1400 **Email:** MIKE LEADMAN@MSJ.COM
Agent Name: Spencer Architecture **Mailing Address:** 415 San Juan Ave
studio LLC
Phone: (208) 867-7929 **Email:** andkeabbachman@gmail.com
Property Owner Name: Applicant **Mailing Address:** _____
Phone: _____ **Email:** _____

ACKNOWLEDGEMENT AND AUTHORIZATION

The undersigned authorizes the Public Works Department to proceed with processing this application under the requirements of the City of Alamosa Uniform Development Code (UDC). The undersigned acknowledges that the information provided herein is accurate to the fullest extent of their knowledge. Further, it is understood that any documentation required or submitted in conjunction with this application process may become part of the public record and public domain. A complete application may require a disclosure of property ownership and agency affidavit.

Applicant: _____

Date: 6/30/20

DEPARTMENT USE ONLY

Application Received By: Deacon Aspinwall Date: 6/30/2020
Fee Required: \$100 Paid On: 6/30/2020 Receipt #: _____
Application accepted as complete on for processing: 6/30/2020



City of Alamosa
Public Works Department
300 Hunt Avenue
Alamosa, Colorado, 81101
(719) 589-6631
daspinwall@ci.alamosa.co.us

DISCLOSURE OF PROPERTY OWNERSHIP

Owner must provide ownership and encumbrance report

- If owner is an individual; indicate name exactly as it appears on the deed.
- If owner is a corporation, partnership, limited partnership, or other business entity, name principals on a separate page. Please include the articles of organization.
- Partnership agreement, etc., as applicable. If owner is a land trust, name beneficiaries on a separate page.
- If applicant is a lessee, indicate the owner(s) on a separate page, and execute the authorized agent affidavit.
- If applicant is a contract purchaser, attach a copy of the contract, indicate the owner(s) on a separate page, and execute the authorized agent affidavit.

Please provide the name(s), mailing address(es), street address(es), and phone number(s) for all owners.

PROPERTY OWNERSHIP AFFIDAVIT TO BE SIGNED BY ALL OWNERS OF RECORD

I/We hereby certify and affirm that I am (we are) the owner(s) of the property described as Trs. 3, 5, 36
Replat of Paterson Subdivision, which is the subject of the application for
Re Zone. I (we) acknowledge that until paid, ALL LAND USE APPLICATION FEES, INCLUDING FEES
FOR PROFESSIONAL REVIEW SERVICE (S), SHALL BECOME AND REMAIN A FIRST AND PERPETUAL LIEN ON OR AGAINST
THE SUBJECT PREMISES.

Executed this 30 day of June 20 20. (To be signed by all record owners. Attach additional sheets as necessary)

Name/Title: Michael Paterson Signature: [Signature]

Address: _____ Phone: _____ Email: _____

Name/Title: Patricia Paterson Signature: [Signature]

Address: _____ Phone: _____ Email: _____

Name/Title: _____ Signature: _____

Address: _____ Phone: _____ Email: _____

AUTHORIZED AGENT AFFIDAVIT

The above signed hereby grant the following people authority to act as agent for the property with respect to this application.

Executed this _____ day of _____ 20 _____. (List all authorized agents. Attach additional sheets as necessary)

Name/Title: Spencer Architecture Studio LLC

Address: 415 San Juan Ave Phone: 208-867-7929 Email: andreaabbachman@gmail.com

Name/Title: Summit Engineering

Address: 1317 State Ave Phone: 719-589-6147 Email: summitengco@gmail.com

Name/Title: _____

Address: _____ Phone: _____ Email: _____

Paterson Rezone

The proposed property for rezoning is located in South Alamosa and owned by Michael and Patricia Paterson. It consists of a portion of several blocks, numbers 221, 226, 227, 230, 231, and 232. Block 221(replatted as tract 3) includes portions of lots 5-11 and 20-26 (see Exhibit A), and will be rezoned from Commercial Business to Residential High to accommodate a new 11,944 square foot apartment building with an incorporated manager's office and health club for use only by residents from the Kiva Apartments and Southside Rentals. This new apartment building would be an expansion of the existing adjacent Kiva Apartment complex, already zoned as Residential High.

The other portion of the property, including lots in blocks 221, 226, 227, 230, 231, and 232 (replatted as tracts 6 and 5) and seen in the attached Exhibit A, will be rezoned from Commercial Business to Mixed Use Opportunity Area (Mixed Use). This portion of the property is being rezoned to accommodate *potential* new uses, such as:

- New rental housing
 - Townhomes or apartments
- New "Big Box" Store
- New solar farm to service uses on site

While the lots under consideration for rezoning are currently designated as Commercial Business, the Alamosa Comprehensive Plan (Comp Plan) recommends that these particular parcels be rezoned as Mixed Use in the future. The Comp Plan describes this as the "area along the southern edge of the railroad right of way extending southward along US Highway 285." pg. 16. Additionally, the map titled "Future Land Use Designations", on page 17 in the Comp Plan, shows this area as future Mixed Use. Furthermore, the Alamosa Comprehensive Plan states that "this [particular] mixed use area represents an opportunity for developing a commercial hub to serve neighborhoods in the southern portion of the Historic Town Site Residential designation." pg. 87. The rezoning from Commercial Business to Mixed Use would allow new kinds of potential development, adding vibrancy and diversity in business and housing opportunities to south Alamosa.

With potential new development granted by the rezone, new public facilities will also be addressed and provided as necessary in the development of this property as described in the UDC, Sec. 21-2-106. As additional development occurs along the platted Monroe Ave, the Patersons are required to pay for the paving of Monroe Ave. Additionally, stormwater management, as well as electricity, sewage and water lines will also be considered and designed by a licensed civil engineer when new development occurs, as is required by all development.

Finally, this application to rezone meets alternatives #1 and #3 from §21-2-106 (d) Standard for Rezoning in the UDC:

Alternative #1. *The proposed zone is more appropriate than the existing zone to implement the most recent adopted city plan that:*

A. Was developed with public input (e.g., the comprehensive plan or a special area, corridor, redevelopment, or strategic plan); and

B. Includes the subject property.

As stated above, the rezone of this area from Commercial Business to Mixed Use Opportunity Area is laid out in the Alamosa Comprehensive Plan future land use. Pg 16-17.

Alternative #3. *The proposed zone is more appropriate than the existing zone because:*

A. There is greater need in the city for land in the proposed zone than the existing zone; and

B. The proposed zone will promote a balance of land uses in the city that will improve economic opportunity for city residents.

The new Mixed Use designation would give the landowner and City more opportunities to diversify the kinds of businesses and uses for the land, while also providing residents with convenience to easily walk or bike from home to new potential businesses in the area. According to the Comp Plan on page 87, "The residential uses in this area may transition incrementally to commercial uses, but pockets of mixed residential and commercial uses will also likely continue for many decades." With the new land use map (Comp Plan pg. 17), there are still many places in the City where Commercial Opportunity Areas will continue to exist, however the community has decided that in this particular area, the Mixed Use designation fits with the future needs of Alamosa.

MIXED USE OPPORTUNITY AREAS (SOUTH CENTRAL AREA)

Existing Conditions – The second mixed use opportunity area is located south of the railroad tracks. This area extends out along Highway 285, with a large piece of vacant land to the north of 10th Street. The current use in this area is interspersed residential and commercial and the land surrounding this area is primarily residential. Although many dwelling units exist in this area, the current zoning for this area is Commercial Business (CB).

Vision – A combination of mixed residential densities, highway commercial and local-oriented commercial make sense in this location. This mixed use area presents an opportunity to rethink existing zoning and approvals. The area extending along State Avenue from 6th Street (Highway 160) south to 9th Street is a unique area consisting of a mix of neighborhood commercial uses, regional businesses, residential units, churches and non-profit facilities. This mixed use area represents an opportunity for developing a commercial hub to serve neighborhoods in the southern portion of the Historic Town Site Residential designation. This is also an area where live-work format development with work spaces and living spaces in the same unit would be viable and present an attractive option for small businesses and start-ups. The residential uses in this area may to transition incrementally to commercial uses, but pockets of mixed residential and commercial uses will also likely continue for many decades. Landscape screening and buffer fences/walls will be of key importance for adjacent commercial and residential uses to coexist.

Infrastructure – Because this is a mixed use area, pedestrian and bike facilities, sidewalks and safe street/highway crossings will be of key importance. As this area builds out, commercial water users may strain the existing water and sewer capacity and line and service upgrades may be necessary. Utilization of the alleys in the northern portion of this opportunity area will provide additional parking and rear access to outbuildings.

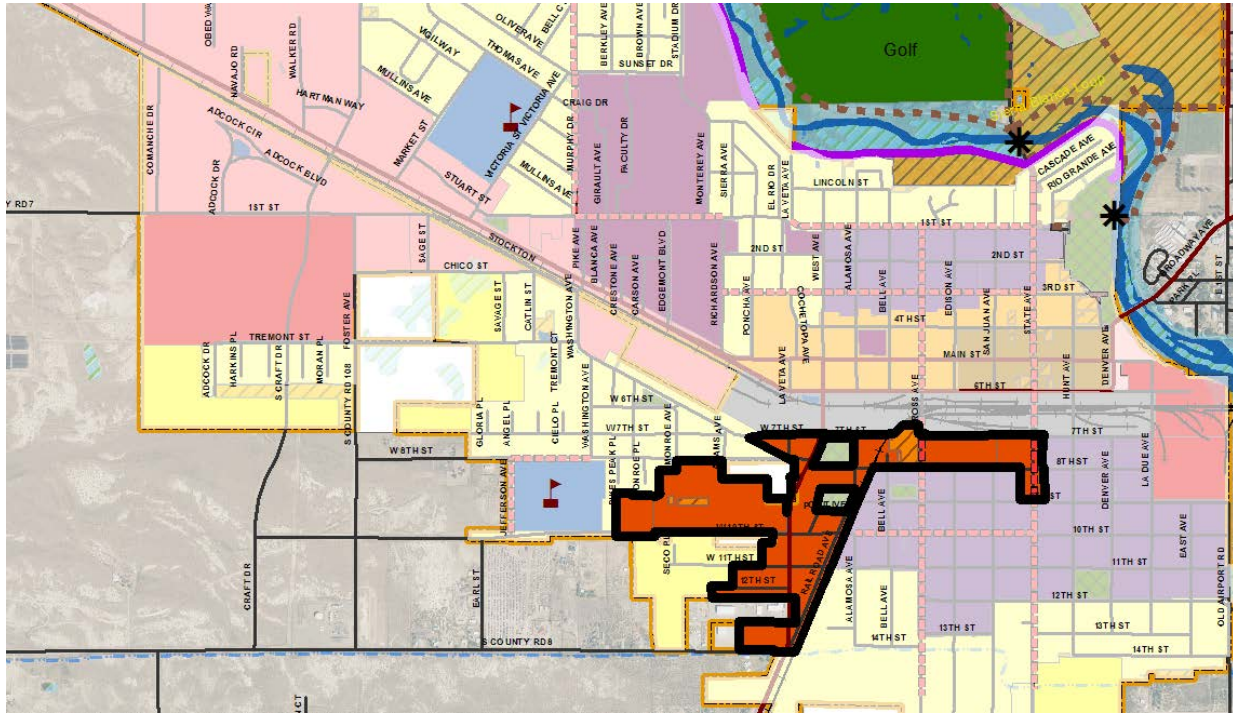


Mixed Use Opportunity Area – Looking West on 10th Street at West Avenue



Mixed Use Opportunity Area –South on State Avenue at 7th Street

Figure 57. Mixed Use Opportunity Areas (South Central Area)



**ALAMOSA PLANNING COMMISSION
COMMISSION COMMUNICATION**

Subject/Title:

Variance for reduction of parking requirements for the Flats at Iron Horse multifamily development

Background:

The subject property is located at the northwest corner of Maroon Drive and the unpaved Carroll Street extension, across the street from Alamosa High School, and situated within a tract of land more particularly described as 65.06 ac.± located within a fraction of the NE¼ Section 5, Township 37, Range 10. The site is currently unimproved, and is located within the Mixed Use zone. An exhibit map is attached.

The applicants were awarded support in the form of Low Income Housing Tax Credits (LIHTC) this late spring for a development entitled "Flats at Iron Horse". This is the first such development in the San Luis Valley in 19 years. This development offers 40 new apartments with affordable rents for individuals and families, offering one-, two-, and three-bedroom apartments for households with incomes at 30 to 60 percent of the Area Median Income, which in Alamosa County, currently ranges from \$17,040 to \$34,080 in annual gross income for a two-person household. Currently, the only other three existing LIHTC properties in Alamosa have zero vacancies. Construction on the Iron Horse project is estimated to begin in fall 2020 and be completed by the end of 2021. The press release for the award is attached.

The proposed development would include 14 - 1 BRU (bedroom units), 20 - 2 BRU, 6 - 3 BRU, and 1 - 2 Bed Manager's Unit. The applicants are requesting a reduction in parking requirements from 81 spaces to 70 spaces, or averaged out to a parking ratio of 1.75 parking spaces per 1 unit from the average required 2:1 ratio. **Table 21-5-203B** outlines the calculations for parking for this specific use, as excerpted below.

Table 21-5-203B (Excerpted) Residential and Special Residential Parking Standards	
Land Use	Parking Standard
Residential Uses	
Single-family detached (all types)	2 sp. / U
Duplex or twin house	2 sp. / U
Townhouse or rowhouse	2 sp. / U
Multiplex or multifamily	1.5 sp. / studio or 1 BRU; 2 sp. / 2 BRU; 3 sp. / 3+ BRU
Manufactured home	2 sp. / U + 1 sp. / 10 U visitor parking in manufactured home park or manufactured home subdivision
Cottage clusters or co-housing clusters	1 sp. / tiny home; 2 sp. / cottage
Live-work	3 sp. / U

The Applicant's request narrative, attached, outlines their reasoning as to why their request meets the requirements for the granting of variances, pursuant to **Sec. 21-8-702(b)**, which is found below.

Analysis and Impact:

The completed, sufficient Land Use Application was delivered to the Public Works Department on 6/30/2020, attached. Pursuant to **Sec. 21-8-702(b)**, variances may be granted by the Zoning Board of Adjustments when a request meets the following requirements:

- (1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;
- (2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;
- (3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;
- (4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;
- (5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;
- (6) That such unnecessary hardship has not been created by the applicant;

(7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;

(8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.

Mailing and posting requirements have been met pursuant to **Table 21-8-511D**.

It should be noted that the attached site plans are for demonstration only, and that all site plans are reviewed and approved at the administration level pursuant to **Table 21-8-202B** of the UDC. Any approval or non-approval merely gives staff direction as to how many parking stalls must be included in the final site plan, and does not in and of itself constitute an approval of the site layout or design.

Recommended Action:

Staff recommends denial of the request on the following grounds:

With regards to **Sec. 21-8-702(b)(1)**, the requirement of the installation of adequate parking is not an *exceptional* practical difficulty. The economic cost of development in accordance with the UDC does not place undue hardship on any applicant; any potential development may claim the required code provisions place undue financial burden, however this only undermines the intent of the UDC, which is specifically excluded in **Sec. 21-8-702(b)(2)**. Further, other factors are involved with parking needs, such as a lack of public transportation and multiple vehicles within families, including those of lower-income households in the San Luis Valley. There are no unique physical circumstances with regards to the property - **Sec. 21-8-702(b)(3)&(5)**, as the final property boundary has yet to be delineated. Finally, should Planning Commission approve this request with the cost as being an exceptional practical difficulty in its findings of fact, this will set a dangerous precedent with future development, and allow a lack of capital or cost-cutting measures to be justification to develop contrary to the UDC.

Alternatives:

The following is a non-exclusive list of actions Planning Commission may take:

(recommended decision) Planning Commission, acting as the Zoning Board of Adjustments, may choose to deny the variance request. The result of this decision would require the applicant to install the required 81 spaces. This would be enforced during the site plan review and approval process.

Planning Commission, acting as the Zoning Board of Adjustments, may choose to grant the variance as requested, should it find that the request meets the requirements of **Sec. 21-8-702(b)** as listed above. For example, the underserved demographic this development is designed for has a smaller profit margin, so that without such variances, these much-needed developments will not occur in our community. This would authorize a reduction of required parking spaces from 81 to 70.

Planning Commission may also choose to prescribe a different amount of parking spaces or ratios, thereby requiring greater or fewer spaces, provided that some rational is offered as a basis for the decision.

Relevant Code:

Sec. 21-8-702. - Variances

(a) **Subdivision and Planned Unit Development Plan Variances.** The Planning Commission may authorize variances from provisions of this UDC that apply to a proposed subdivision or planned unit development plan in cases where, due to exceptional topographical conditions or other conditions peculiar to the subject property, an unnecessary hardship is placed on the applicant. Such variances shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this UDC. The variance shall be in keeping with the intent of the Comprehensive Plan.

(b) **Other Variances.** The Board of Adjustment may grant or deny variances from the provisions of this UDC when:

(1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;

(2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;

(3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;

(4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;

(5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;

(6) That such unnecessary hardship has not been created by the applicant;

(7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;

(8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.

(c) **Referral to Planning Commission.** The Zoning Board of Adjustment may request a recommendation from the Planning Commission to assist it in determining if the above requirements have been satisfied. Further, the Zoning Board of Adjustment may require that a special variance application form be completed by the appellant to ensure that the appellant fully understands the criteria on which the board must base its findings.

(d) **Prohibitions.** The Zoning Board of Adjustment may not grant variances from the provisions of this UDC covering the use or density or land or buildings, or the provisions governing planned unit developments. In granting any variance, the Zoning Board of Adjustment may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this UDC.

Article VIII. - Administration and Enforcement

Division 8-1. - Administrative Bodies

Sec. 21-8-101. - Administrator

(a) **Generally.** The Administrator is the Public Works Director or his or her designee, or such other employee of or contractor to the City as may be designated by the City Manager from time to time.

(b) **Authority and Responsibilities.**

(1) The Administrator is designated to administer and enforce this UDC.

(2) The Administrator shall have the power to make inspections of buildings and premises to carry out the duties of the enforcement of this UDC.

(c) **Recommendations.** The Administrator shall make recommendations to the Planning Commission, Zoning Board of Adjustment, and City Council as to recommendations or decisions that said bodies are assigned under this UDC.

Table 21-8-202B (excerpted) Administrative Approvals and Permits					
Approval or Permit	Required For	Timing	Exceptions	Decision-Maker	Reference ¹
Site or Design Related Permits and Approvals					
Site Plan	All development	Prior to issuance of building permit and grading, erosion, and sediment control permit	Single-family detached or duplex buildings on individual lots; changes in the use of a building that do not involve exterior modifications or site work	Administrator	<i>passim</i>
TABLE NOTE: ¹ References are provided for convenience only and are not intended to limit the application of this UDC					

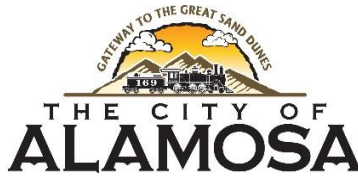
Sec. 21-8-509. - Administrative Review

(c) **Administrative Recommendation, Decision, or Referral.** Promptly after determination that a complete application addresses the comments and recommendations provided pursuant to Subsection (b), above (or, after finding that no revisions will be required):

(2) If the application is for a public hearing approval or permit, then the Administrator shall make a recommendation regarding the application and forward the recommendation and the application materials and referral comments

ATTACHMENTS:

Description	Type
 Staff Recommendation to PC	Backup Material
 Land Use Application	Backup Material
 Full Legal Description	Backup Material
 Location Map	Backup Material
 Disclosure of Property Ownership	Backup Material
 Owner Request Narrative	Backup Material
 Press Release	Backup Material
 Site Plan B&W	Backup Material
 Site Plan Rendering	Backup Material



Memo

To: Planning Commission Members, acting as the Zoning Board of Adjustments
From: Deacon Aspinwall, Planning and Development Specialist
Subject: Variance for reduction of parking requirements for the Flats at Iron Horse multifamily development
Date: July 9, 2020

BACKGROUND

The subject property is located at the northwest corner of Maroon Drive and the unpaved Carroll Street extension, across the street from Alamosa High School, and situated within a tract of land more particularly described as 65.06 ac.± located within a fraction of the NE¼ Section 5, Township 37, Range 10. The site is currently unimproved, and is located within the Mixed Use zone. An exhibit map is attached.

The applicants were awarded support in the form of Low Income Housing Tax Credits (LIHTC) this late spring for a development entitled “Flats at Iron Horse”. This is the first such development in the San Luis Valley in 19 years. This development offers 40 new apartments with affordable rents for individuals and families, offering one-, two-, and three-bedroom apartments for households with incomes at 30 to 60 percent of the Area Median Income, which in Alamosa County, currently ranges from \$17,040 to \$34,080 in annual gross income for a two-person household. Currently, the only other three existing LIHTC properties in Alamosa have zero vacancies. Construction on the Iron Horse project is estimated to begin in fall 2020 and be completed by the end of 2021. The press release for the award is attached.

The proposed development would include 14 - 1 BRU (bedroom units), 20 - 2 BRU, 6 - 3 BRU, and 1 - 2 Bed Manager's Unit. The applicants are requesting a reduction in parking requirements from 81 spaces to 70 spaces, or averaged out to a parking ratio of 1.75 parking spaces per 1 unit from the average required 2:1 ratio. **Table 21-5-203B** outlines the calculations for parking for this specific use, as excerpted below.

TABLE 21-5-203B (EXCERPTED) RESIDENTIAL AND SPECIAL RESIDENTIAL PARKING STANDARDS	
Land Use	Parking Standard
Residential Uses	
Single-family detached (all types)	2 sp. / U
Duplex or twin house	2 sp. / U
Townhouse or rowhouse	2 sp. / U
Multiplex or multifamily	1.5 sp. / studio or 1 BRU; 2 sp. / 2 BRU; 3 sp. / 3+ BRU
Manufactured home	2 sp. / U + 1 sp. / 10 U visitor parking in manufactured home park or manufactured home subdivision
Cottage clusters or co-housing clusters	1 sp. / tiny home; 2 sp. / cottage
Live-work	3 sp. / U

The Applicant's request narrative, attached, outlines their reasoning as to why their request meets the requirements for the granting of variances, pursuant to **Sec. 21-8-702(b)**, which is found below.

ANALYSIS AND IMPACT

The completed, sufficient Land Use Application was delivered to the Public Works Department on 6/30/2020, attached. Pursuant to **Sec. 21-8-702(b)**, variances may be granted by the Zoning Board of Adjustments when a request meets the following requirements:

- (1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;
- (2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;
- (3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;
- (4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;
- (5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;
- (6) That such unnecessary hardship has not been created by the applicant;
- (7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;
- (8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.

Mailing and posting requirements have been met pursuant to **Table 21-8-511D**.

It should be noted that the attached site plans are for demonstration only, and that all site plans are reviewed and approved at the administration level pursuant to **Table 21-8-202B** of the UDC. Any approval or non-approval merely gives staff direction as to how many parking stalls must be included in the final site plan, and does not in and of itself constitute an approval of the site layout or design.

RECOMMENDATION

Staff recommends denial of the request on the following grounds:

With regards to **Sec. 21-8-702(b)(1)**, the requirement of the installation of adequate parking is not an *exceptional* practical difficulty. The economic cost of development in accordance with the UDC does not place undue hardship on any applicant; any potential development may claim the required code provisions place undue financial burden, however this only undermines the intent of the UDC, which is specifically excluded in **Sec. 21-8-702(b)(2)**. Further, other factors are involved with parking needs, such as a lack of public transportation and multiple vehicles within families, including those of lower-income households in the San Luis Valley. There are no unique physical circumstances with regards to the property - **Sec. 21-8-702(b)(3)&(5)**, as the final property boundary has yet to be delineated. Finally, should Planning Commission approve this request with the cost as being an exceptional practical difficulty in its findings of fact, this will set a dangerous precedent with future development, and allow a lack of capital or cost-cutting measures to be justification to develop contrary to the UDC.

ALTERNATIVES

The following is a non-exclusive list of actions Planning Commission may take:

(recommended decision) Planning Commission, acting as the Zoning Board of Adjustments, may choose to deny the variance request. The result of this decision would require the applicant to install the required 81 spaces. This would be enforced during the site plan review and approval process.

Planning Commission, acting as the Zoning Board of Adjustments, may choose to grant the variance as requested, should it find that the request meets the requirements of **Sec. 21-8-702(b)** as listed above. For example, the underserved demographic this development is designed for has a smaller profit margin, so that without such variances, these much-needed developments will not occur in our community. This would authorize a reduction of required parking spaces from 81 to 70.

Planning Commission may also choose to prescribe a different amount of parking spaces or ratios, thereby requiring greater or fewer spaces, provided that some rational is offered as a basis for the decision.

Relevant Code Provisions:

Sec. 21-8-702. - Variances

- (a) **Subdivision and Planned Unit Development Plan Variances.** The Planning Commission may authorize variances from provisions of this UDC that apply to a proposed subdivision or planned unit development plan in cases where, due to exceptional topographical conditions or other conditions peculiar to the subject property, an unnecessary hardship is placed on the applicant. Such variances shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this UDC. The variance shall be in keeping with the intent of the Comprehensive Plan.
- (b) **Other Variances.** The Board of Adjustment may grant or deny variances from the provisions of this UDC when:
- (1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;
 - (2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;
 - (3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;
 - (4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;
 - (5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;
 - (6) That such unnecessary hardship has not been created by the applicant;
 - (7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;
 - (8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.

- (c) **Referral to Planning Commission.** The Zoning Board of Adjustment may request a recommendation from the Planning Commission to assist it in determining if the above requirements have been satisfied. Further, the Zoning Board of Adjustment may require that a special variance application form be completed by the appellant to ensure that the appellant fully understands the criteria on which the board must base its findings.
- (d) **Prohibitions.** The Zoning Board of Adjustment may not grant variances from the provisions of this UDC covering the use or density or land or buildings, or the provisions governing planned unit developments. In granting any variance, the Zoning Board of Adjustment may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this UDC.

Article VIII. - Administration and Enforcement

Division 8-1. - Administrative Bodies

Sec. 21-8-101. - Administrator

(a) **Generally.** The Administrator is the Public Works Director or his or her designee, or such other employee of or contractor to the City as may be designated by the City Manager from time to time.

(b) **Authority and Responsibilities.**

(1) The Administrator is designated to administer and enforce this UDC.

(2) The Administrator shall have the power to make inspections of buildings and premises to carry out the duties of the enforcement of this UDC.

(c) **Recommendations.** The Administrator shall make recommendations to the Planning Commission, Zoning Board of Adjustment, and City Council as to recommendations or decisions that said bodies are assigned under this UDC.

TABLE 21-8-202B (EXCERPTED)					
ADMINISTRATIVE APPROVALS AND PERMITS					
Approval or Permit	Required For	Timing	Exceptions	Decision-Maker	Reference ¹
Site or Design Related Permits and Approvals					
Site Plan	All development	Prior to issuance of building permit and grading, erosion, and sediment control permit	Single-family detached or duplex buildings on individual lots; changes in the use of a building that do not involve exterior modifications or site work	Administrator	<i>passim</i>
TABLE NOTE: ¹ References are provided for convenience only and are not intended to limit the application of this UDC					

Sec. 21-8-509. - Administrative Review

(c) **Administrative Recommendation, Decision, or Referral.** Promptly after determination that a complete application addresses the comments and recommendations provided pursuant to Subsection (b), above (or, after finding that no revisions will be required):

(2) If the application is for a public hearing approval or permit, then the Administrator shall make a recommendation regarding the application and forward the recommendation and the application materials and referral comments



City of Alamosa
Public Works Department
300 Hunt Avenue
Alamosa, Colorado, 81101
(719) 589-6631
daspinwall@ci.alamosa.co.us

LAND USE APPLICATION

This form provides the basic information about a project proposal. This application form is only one of the items required for a complete project submittal. It is the responsibility of the applicant to ensure that all other required materials are submitted. A checklist of submittal items is attached for your use. It is also the responsibility of the applicant to clearly demonstrate through narrative, visual representations, and other materials that the proposed activity complies with the City of Alamosa's Unified Development Code. Incomplete or substandard applications may cause delays. All applications shall include digital files as well as the hard copy unless otherwise determined by staff.

Project Type

☐ Annexation and Initial Zoning (\$750+\$25/acre up to \$3,000)	☐ Enclave Annexation and Initial Zoning (\$375+\$12.50/acre up to \$1,500)
☐ Conditional Use Permit (\$100)	☐ Cost Recovery Zone Application (\$50/hour + recording and publishing fees)
☐ Rezoning (\$100)	☒ Variance (\$100)
☐ Home Occupation Permit (\$50)	☐ Planned Development/Campus Master Plan
☐ Site Plan Review	☐ Preliminary/Final (\$1,200)
☐ Residential (\$0)	☐ Modification or Amendment (\$500)
☒ Non-Residential or Multifamily (\$50)	☐ Subdivision, Minor
☐ Subdivision, Major (>5 lots)	☐ 2-5 New Lots (\$150)
☐ Preliminary (\$500)	☐ Lot Line Vacation/Adjustment (\$150)
☐ Final (\$0)	☐ Replat (\$150)
☐ Encroachment Application (\$50)	☐ Vested Property Rights Plan (\$50/hour + recording and publishing fees)
☐ Temporary Use Permit (\$50)	☐ Zoning Verification (\$0)
☐ Outdoor Dining (\$50)	☐ Limited Use Permit (\$0)
☐ Other: (\$50/hour + recording and publishing fees)	☐ Non-Conforming To Conforming Special Review (\$100)

Site Information

Legal Description: Please see attached Exhibit A.

Project Name: The Iron Horse

Project Address: NWC Maroon Drive and Carroll Street Current Zoning: Mixed-Use (MU)

Project Description: 41-unit Affordable Housing Community.

Project Contact Information

Applicant Name: Northwest Real Estate Capital Corp. **Mailing Address:** 210 W. Mallard Drive, Suite A Boise, ID 83706
Phone: (208) 387-7977 **Email:** jvance@nwrecc.org; jgiuffre@nwrecc.org
Agent Name: _____ **Mailing Address:** _____
Phone: _____ **Email:** _____
Property Owner Name: Carroll Properties, LLC **Mailing Address:** 6075 Del Sol Drive, Alamosa, CO 81101
Phone: (719) 588.0021 **Email:** jane.ajmartin@gmail.com

ACKNOWLEDGEMENT AND AUTHORIZATION

The undersigned authorizes the Public Works Department to proceed with processing this application under the requirements of the City of Alamosa Uniform Development Code (UDC). The undersigned acknowledges that the information provided herein is accurate to the fullest extent of their knowledge. Further, it is understood that any documentation required or submitted in conjunction with this application process may become part of the public record and public domain. A complete application may require a disclosure of property ownership and agency affidavit.

Applicant: _____

Date: June 30, 2020

DEPARTMENT USE ONLY

Application Received By: _____ **Date:** _____
Fee Required: _____ **Paid On:** _____ **Receipt #:** _____
Application accepted as complete on for processing: _____

TOWNSHIP 37 NORTH, RANGE 10 EAST, N.M.P.M.Section 5: E $\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$

SAVING AND EXCEPTING THEREFROM beginning at a 5/8" X 2' rebar with a nylon cap marked "L.S. 18468" on the East line of said Section 5 whence the Northeast corner of Section 5 bears North 0° 52' 25" East a distance of 462.15 feet; thence South 89° 47' 07" West 862.22 feet; thence South 0° 52' 25" East, parallel to the East line of Section 5 a distance of 1,288.00 feet; thence North 89° 47' 04" East a distance of 305.70 feet; thence South 0° to the 47' 02" West a distance of 927.37 feet to a point on the North line of Brown's Subdivision; thence North 89° 47' 04" East along the North line of Brown's Subdivision a distance of 446.07 feet to the Southwest corner of West Subdivision; thence continuing North 89° 47' 04" East along the South line of West Subdivision to the Southeast corner of West Subdivision, a point on the East line of Section 5; thence North along the East line of Section 5 to the point of beginning.

ALSO SAVING AND EXCEPTING THEREFROM that portion of the following described property lying within the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 5, to-wit: Beginning at a point from which the East Quarter Corner of Section 5 bears South 80° 38' 39" East a distance of 1,802.15 feet; thence South 0° 18' 54" East a distance of 500.00 feet; thence South 86° 49' 27" West 527.00 feet; thence South 3° 10' 33" East 420.00 feet to a point on the North right-of-way line of U.S. Highway 160; thence North 61° 56' West along said right-of-way line a distance of 319.47 feet; thence North 0° 18' 54" West a distance of 855.00 feet; thence North 88° 18' 24" East a distance of 786.68 feet; thence South 0° 18' 54" East 80.00 feet, more or less, to the point of beginning.

TOWNSHIP 37 NORTH, RANGE 10 EAST, N.M.P.M.Section 5: E $\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$

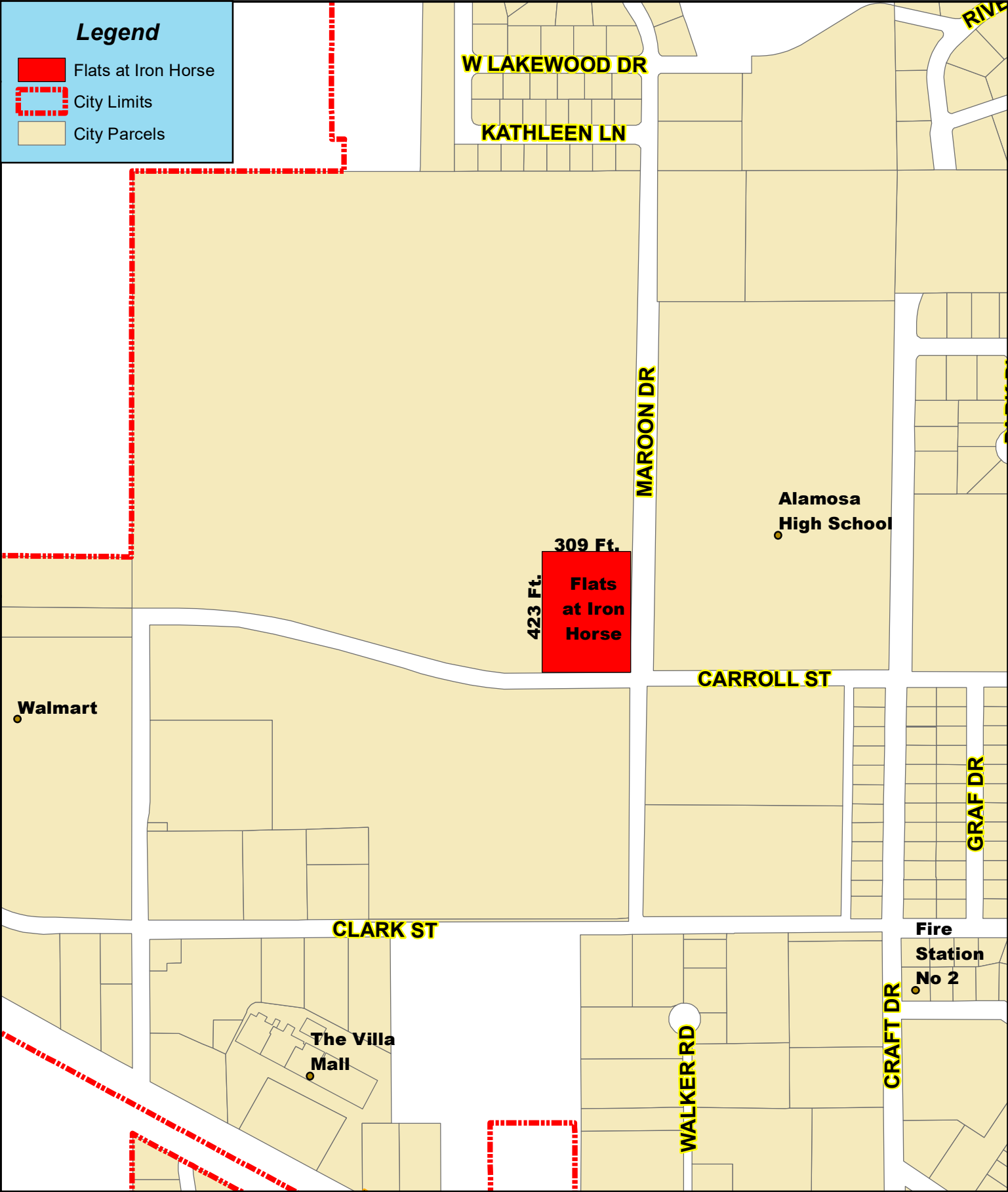
SAVING AND EXCEPTING THEREFROM beginning at a 5/8" X 2' rebar with a nylon cap marked "L.S. 18468" on the East line of said Section 5 whence the Northeast corner of Section 5 bears North 0° 52' 25" East a distance of 462.15 feet; thence South 89° 47' 07" West 862.22 feet; thence South 0° 52' 25" East, parallel to the East line of Section 5 a distance of 1,288.00 feet; thence North 89° 47' 04" East a distance of 305.70 feet; thence South 0° to the 47' 02" West a distance of 927.37 feet to a point on the North line of Brown's Subdivision; thence North 89° 47' 04" East along the North line of Brown's Subdivision a distance of 446.07 feet to the Southwest corner of West Subdivision; thence continuing North 89° 47' 04" East along the South line of West Subdivision to the Southeast corner of West Subdivision, a point on the East line of Section 5; thence North along the East line of Section 5 to the point of beginning.

ALSO SAVING AND EXCEPTING THEREFROM that portion of the following described property lying within the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 5, to-wit: Beginning at a point from which the East Quarter Corner of Section 5 bears South 80° 38' 39" East a distance of 1,802.15 feet; thence South 0° 18' 54" East a distance of 500.00 feet; thence South 86° 49' 27" West 527.00 feet; thence South 3° 10' 33" East 420.00 feet to a point on the North right-of-way line of U.S. Highway 160; thence North 61° 56' West along said right-of-way line a distance of 319.47 feet; thence North 0° 18' 54" West a distance of 855.00 feet; thence North 88° 18' 24" East a distance of 786.68 feet; thence South 0° 18' 54" East 80.00 feet, more or less, to the point of beginning.

Together with all water and water rights, ditches and ditch rights, wells and well rights, and rights of way appurtenant to and used in connection with the above described property.



Flats at Iron Horse





City of Alamosa
Public Works Department
300 Hunt Avenue
Alamosa, Colorado, 81101
(719) 589-6631
daspinwall@ci.alamosa.co.us

DISCLOSURE OF PROPERTY OWNERSHIP

Owner must provide ownership and encumbrance report

- If owner is an individual; indicate name exactly as it appears on the deed.
- If owner is a corporation, partnership, limited partnership, or other business entity, name principals on a separate page. Please include the articles of organization.
- Partnership agreement, etc., as applicable. If owner is a land trust, name beneficiaries on a separate page.
- If applicant is a lessee, indicate the owner(s) on a separate page, and execute the authorized agent affidavit.
- If applicant is a contract purchaser, attach a copy of the contract, indicate the owner(s) on a separate page, and execute the authorized agent affidavit.

Please provide the name(s), mailing address(es), street address(es), and phone number(s) for all owners.

PROPERTY OWNERSHIP AFFIDAVIT TO BE SIGNED BY ALL OWNERS OF RECORD

I/We hereby certify and affirm that I am (we are) the owner(s) of the property described as Northwest Corner of Maroon Drive and Carroll Street, Alamosa, Colorado, which is the subject of the application for Site Plan Review. I (we) acknowledge that until paid, ALL LAND USE APPLICATION FEES, INCLUDING FEES FOR PROFESSIONAL REVIEW SERVICE (S), SHALL BECOME AND REMAIN A FIRST AND PERPETUAL LIEN ON OR AGAINST THE SUBJECT PREMISES.

Executed this 30th day of June 2020. (To be signed by all record owners. Attach additional sheets as necessary)

Name/Title: Jane C. Martin Signature: [Signature]

Address: 6075 Del Sol Drive, Alamosa, CO 81101 Phone: (719) 588.0021 Email: jane.ajmartin@gmail.com

Name/Title: _____ Signature: _____

Address: _____ Phone: _____ Email: _____

Name/Title: _____ Signature: _____

Address: _____ Phone: _____ Email: _____

AUTHORIZED AGENT AFFIDAVIT

The above signed hereby grant the following people authority to act as agent for the property with respect to this application.

Executed this 30th day of June 2020. (List all authorized agents. Attach additional sheets as necessary)

Name/Title: John Vance, Property Developer, Northwest Real Estate Capital Corp.

Address: 210 W. Mallard Dr, Suite A, Boise, ID 83706 Phone: (208) 387.7977 Email: jvance@nwrecc.org

Name/Title: Jess Giuffre, Director of Development, Northwest Real Estate Capital Corp.

Address: 210 W. Mallard Dr, Suite A, Boise, ID 83706 Phone: (208) 375.9407 Email: jgiuffre@nwrecc.org

Name/Title: _____

Address: _____ Phone: _____ Email: _____



City of Alamosa
Public Works Department
300 Hunt Avenue
Alamosa, Colorado, 81101
(719) 589-6631
daspinwall@ci.alamosa.co.us

DISCLOSURE OF PROPERTY OWNERSHIP

Owner must provide ownership and encumbrance report

- If owner is an individual; indicate name exactly as it appears on the deed.
- If owner is a corporation, partnership, limited partnership, or other business entity, name principals on a separate page. Please include the articles of organization.
- Partnership agreement, etc., as applicable. If owner is a land trust, name beneficiaries on a separate page.
- If applicant is a lessee, indicate the owner(s) on a separate page, and execute the authorized agent affidavit.
- If applicant is a contract purchaser, attach a copy of the contract, indicate the owner(s) on a separate page, and execute the authorized agent affidavit.

Please provide the name(s), mailing address(es), street address(es), and phone number(s) for all owners.

PROPERTY OWNERSHIP AFFIDAVIT TO BE SIGNED BY ALL OWNERS OF RECORD

I/We hereby certify and affirm that I am (we are) the owner(s) of the property described as Northwest Corner of Maroon Drive and Carroll Street, Alamosa, Colorado, which is the subject of the application for Variance. I (we) acknowledge that until paid, ALL LAND USE APPLICATION FEES, INCLUDING FEES FOR PROFESSIONAL REVIEW SERVICE (S), SHALL BECOME AND REMAIN A FIRST AND PERPETUAL LIEN ON OR AGAINST THE SUBJECT PREMISES.

Executed this 30th day of June 2020. (To be signed by all record owners. Attach additional sheets as necessary)

Name/Title: Jane C. Martin Signature: [Signature]

Address: 6075 Del Sol Drive, Alamosa, CO 81101 Phone: (719) 588.0021 Email: jane.ajmartin@gmail.com

Name/Title: _____ Signature: _____

Address: _____ Phone: _____ Email: _____

Name/Title: _____ Signature: _____

Address: _____ Phone: _____ Email: _____

AUTHORIZED AGENT AFFIDAVIT

The above signed hereby grant the following people authority to act as agent for the property with respect to this application.

Executed this 30th day of June 2020. (List all authorized agents. Attach additional sheets as necessary)

Name/Title: John Vance, Property Developer, Northwest Real Estate Capital Corp.

Address: 210 W. Mallard Dr, Suite A, Boise, ID 83706 Phone: (208) 387.7977 Email: jvance@nwrecc.org

Name/Title: Jess Giuffre, Director of Development, Northwest Real Estate Capital Corp.

Address: 210 W. Mallard Dr, Suite A, Boise, ID 83706 Phone: (208) 375.9407 Email: jgiuffre@nwrecc.org

Name/Title: _____

Address: _____ Phone: _____ Email: _____

June 30, 2020

Deacon Aspinwall
Planning and Zoning, City of Alamosa
300 Hunt Avenue
Alamosa, Colorado 81101

RE: Parking Variance, The Iron Horse

Mr. Aspinwall;

The Iron Horse is a proposed 41-unit affordable housing community that will be built on the northwest corner of Maroon Drive and Carroll Street. There will be forty (40) units reserved for families making between 30% and 60% of the Area Median Income (AMI), financed through the Low-Income Housing Tax Credit (LIHTC) program. There will also be a unit available for a live-in property manager. There will be a mix of one-, two- and three-bedroom units available, as well as community amenities like a community lounge, computer lab, fitness room, laundry, children's play area and community garden beds.

The proposed site plan for The Iron Horse also includes a total of seventy (70) onsite parking spaces. As the developer for The Iron Horse, Northwest Real Estate Capital Corp. (Northwest) is requesting a Variance for a reduction from the eighty-one (81) parking spaces that would be required without it. The parking ratio of two (2) parking spaces per unit is extremely high for a typical LIHTC development. Colorado Housing and Finance Authority (CHFA), which administers the LIHTC program in Colorado, noted this parking ratio as being extremely high compared to other developments proposed in 2020 during its review of the funding application for The Iron Horse.

Understanding the unique community nature in the City of Alamosa, we appreciate the parking requirements that were included in the Uniform Development Code (UDC). Having a four-year university like Adams State University within a smaller community can create parking shortages in multi-family projects. However, there are restrictions for LIHTC developments that will greatly reduce the likelihood of students leasing units at The Iron Horse. There are a limited number of exceptions that would allow all occupants of a household be full-time students, most of which would only apply to households with a single adult. For example, a single parent with a dependent child could be a full-time student, but this would not change the number of parking spaces the household would use versus another household of a similar make up. The other exceptions are for households that are receiving grants through the Temporary Assistance for Needy Families (TANF), households enrolled in a Job Training Program, married households, and a Former Foster Child as Head of Household. Most of these restrictions result in a household with a single adult who would need a single parking space.

The strict application of the UDC would result in peculiar and practical difficulties for The Iron Horse. Without the Variance for the parking requirement, The Iron Horse will have increased

construction costs as the cost to building a parking space is significantly higher than the cost to build open and/or green space, which would be reduced to accommodate the increased parking. In addition, the ongoing maintenance and replacement costs for parking areas is greater than that for open/green space. Further, the creation of parking spaces decreases the permeable surface of the development and results in additional storm water detention areas that would be required to maintain storm water onsite.

The relief may be granted to The Iron Horse without substantial detriment to the public good and without substantially impairing the intent of the UDC. Providing relief to an affordable housing community would be of benefit to the public good. Reducing the initial construction costs and lowering the long-term maintenance costs for affordable housing developments increases the likelihood they are built. The relief would not substantially impair the intent of the UDC, which is designed to provide guidance for the parking that would be required for development. However, without a reduced parking allowance for affordable housing, particularly LIHTC development, the UDC lacks enough specificity for developments like The Iron Horse. The parking requirement noted in the UDC results in a parking ratio of 2 parking spaces to 1 apartment (2:1), where most affordable housing developments have parking ratios between 1 to 1 (1:1) and 1.5 to 1 (1.5:1). The requested Variance would reduce the parking ratio for The Iron Horse to 1.75 parking space to 1 apartment, which is still higher than typical for a LIHTC development.

The unusual circumstances or conditions do not exist throughout the neighborhood in which The Iron Horse is located. The unusual condition is the development of affordable housing, particularly LIHTC funded development, which restrict the tenancy of full-time student and utilize parking spaces at a lower rate than unrestricted multi-family developments. The development of more affordable housing in the neighborhood is limited based on the number of other potential land uses that are allowed in the MU zone, all of which would be more profitable than affordable housing. Unless another affordable housing development is planned in the future, the unusual circumstance or condition will not exist in the neighborhood surrounding The Iron Horse.

If granted, the Variance requested by The Iron Horse will not alter the essential character of the neighborhood or zone in which it will be located nor substantially or permanently impair the appropriate use or development of the adjoining property. The Iron Horse is a 3-acre parcel within a larger 65-acre property that is zoned MU – Mixed Use. Because the entire property is zoned MU, there is a significant probability that a large portion of the property will not be developed to be multi-family housing, especially affordable housing. A parking reduction for The Iron Horse would not create a condition where similar requests will be required for the development of the remaining property.

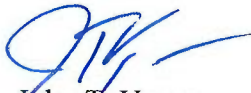
If granted, the Variance requested is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question. As noted above, the requested Variance will reduce the parking ratio from 2:1 to 1.75:1, or a reduction of eleven (11) parking spaces. This ratio is still higher than a “typical” LIHTC development would require. The parking

spaces removed would also be those that are least likely to be used, as they are not adjacent to any of the forty (40) LIHTC units.

A Variance for a parking reduction for The Iron Horse is justified. Actual usage of parking spaces will be lower at The Iron Horse than would be expected for a development that did not include the restrictions included in LIHTC funded projects. The reduction will also help lower the overall construction and operating cost for The Iron Horse while also delivering more open and/or green space within the development. Most importantly, the Variance is a minimal variation from the UDC guidelines and will not alter the essential character of the neighborhood. The Variance provides relief for the development and use of The Iron Horse without impairing the appropriate development of the surrounding property.

Please contact me directly at (208) 387.7977 should you have any questions or require additional information related to the Variance requested.

Sincerely,



John T. Vance

Property Developer

Northwest Real Estate Capital Corp.

cc: Preston Porter, Broker/Owner, Porter Realty, Inc.
Ryan Jones, President, RCH Jones Consulting
Jess Giuffré, Director of Development, Northwest Real Estate Capital Corp.



for immediate release

June 1, 2020

New Affordable Rental Housing Coming to Alamosa

(Alamosa, Colo.) – For the first time in 19 years, a new affordable rental housing development supported with Low Income Housing Tax Credits (LIHTC) will be built in the San Luis Valley. The Iron Horse, developed by Northwest Real Estate Capital Corp. (NWRECC), will be located in Alamosa and offer 40 new apartments with affordable rents for individuals and families. Colorado Housing and Finance Authority (CHFA) awarded \$1,141,509 in LIHTC to support the development.



Pictured: Conceptual rendering of The Iron Horse, courtesy of CSHQA, Inc.

"The City of Alamosa is excited to be part of a collaborative effort with CHFA, NWRECC, and all of the partners involved to build decent, safe, and affordable housing in our community! Achieving strong growth in economic development is nearly impossible without new housing development...they go hand-in-hand! This is a wonderful opportunity for growth in our community," said Ty Coleman, mayor of Alamosa.

The Iron Horse will be built across the street from Alamosa High School, less than one mile from Ortega Middle School, and near grocery, pharmacy, medical services and other local amenities. The Iron Horse will also offer a Resident Services Plan developed by NWRECC's Stepping Stones program. These free services will be based on the residents' unique needs and facilitated through partnerships with community-based organizations.

"NWRECC is thrilled to be partnering with CHFA and the City of Alamosa on The Iron Horse. Affordable housing is crucially important to the health of any community, and we are

delighted to be part of the team delivering this new housing opportunity in Alamosa,” said Jess Giuffré, director of development at NWRECC.

The Iron Horse will help meet a great need for affordable rental housing in Alamosa. Currently, the only other three existing LIHTC properties in Alamosa have zero vacancies. The Iron Horse will offer one-, two-, and three-bedroom apartments for households with incomes at 30 to 60 percent of the Area Median Income, which in Alamosa County, currently ranges from \$17,040 to \$34,080 in annual gross income for a two-person household.

“CHFA is pleased to support much-needed new affordable housing in the San Luis Valley. Supporting rural housing needs is a priority of CHFA’s and we look forward to seeing The Iron Horse open its doors, providing the opportunity for housing stability to the Alamosa community,” said Cris White, CHFA executive director and CEO.

Construction on the Iron Horse is estimated to begin in Fall 2020 and be completed by the end of 2021.

media contacts:

Megan Herrera, CHFA 303.297.7407
mherrera@chfainfo.com

John T. Vance, NWRECC 208.991.3866
jvance@nwrecc.org

Heather Brooks, City of Alamosa 719.587.2509
hbrooks@ci.alamosa.co.us

About CHFA

CHFA strengthens Colorado by investing in affordable housing and community development. Created in 1973, CHFA invests in loans to low- and moderate-income homebuyers through our network of participating lenders, and makes loans to affordable multifamily rental housing developers and small and medium sized businesses. CHFA also provides education and technical assistance about affordable housing and economic development. CHFA is a self-sustaining public enterprise. CHFA issued debt is not the obligation of the state. For more information about CHFA please visit chfainfo.com, call its Denver office at 1.800.877.chfa (2432), or its Western Slope office at 1.800.877.8450.

About NWRECC

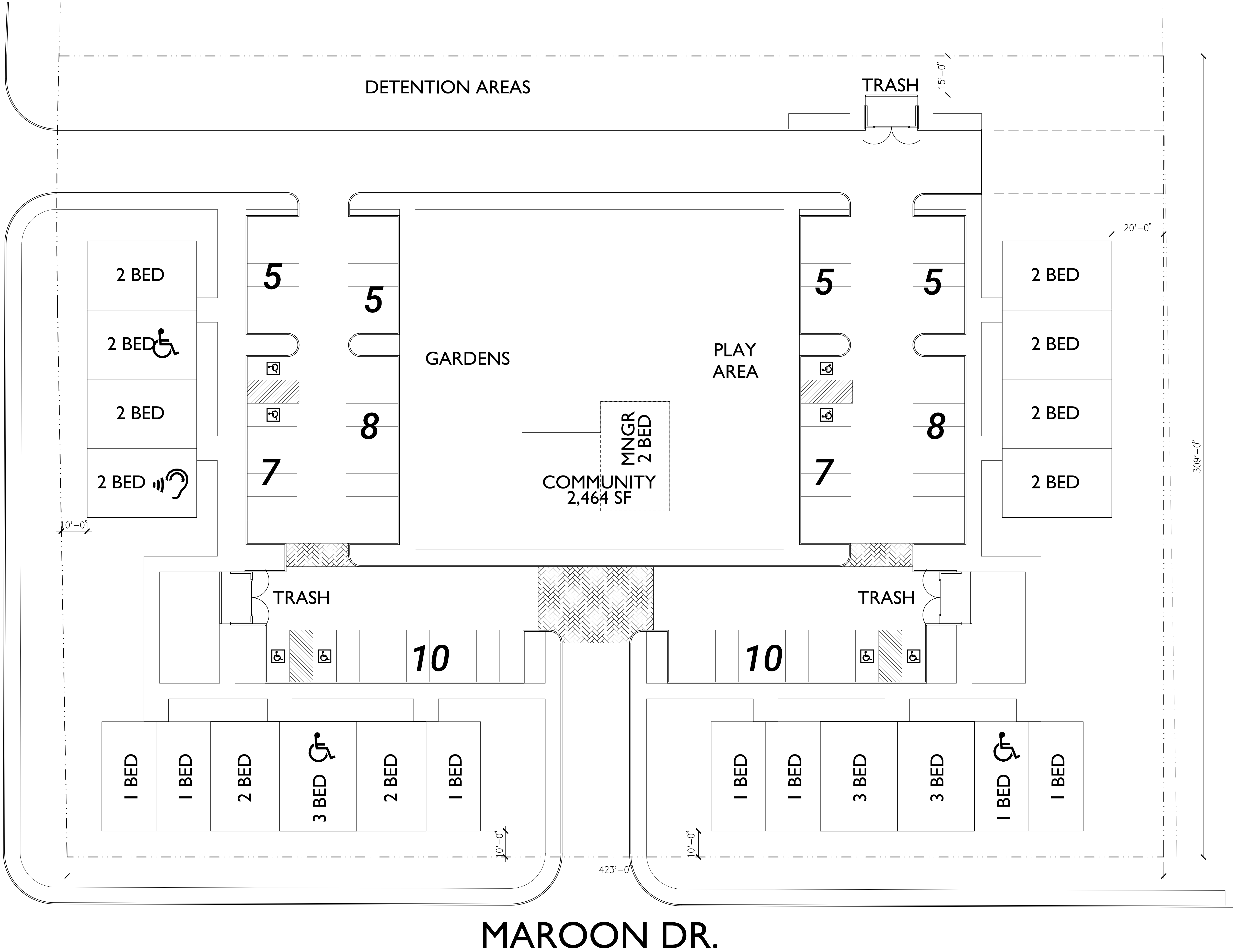
Northwest Real Estate Capital Corp. (NWRECC) is a 501(c)(3) Idaho corporation specializing in the property management and development of HUD/Section 8, Rural Development, and Tax Credit Housing. NWRECC was established in 1999 to own and manage a portfolio of properties to further the goal of providing affordable housing for everyone. We are committed to our motto of "Housing with Pride. Life with Dignity" and strive for that purpose in our day to day business. For more information about NWRECC please visit nwrecc.org.

About City of Alamosa

The City of Alamosa is a multicultural community of 9,000+ centrally located in the San Luis Valley of Southern Colorado. The City was incorporated in 1878 and is the gateway to the Great Sand Dunes National Park and Preserve where more than 525,000 visitors enjoy Colorado’s natural beauty each year. For more information, visit us at cityofalamosa.org.

###

CARROLL ST.



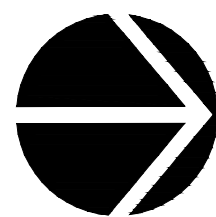
LEGEND

Parking
70 Parking Stalls Provided

Units
14 - 1 Bed/1 Bath
20 - 2 Bed/1 Bath
6 - 3 Bed/1 Bath
1 - 2 Bed/1 Bath Manager's Unit
41 - Total

ACCESSIBLE UNIT
HEARING/VISION UNIT

Setbacks:
MU Zone = 0' Setbacks
Proposed:
10'-0" at Streets
20'-0" at North
15'-0" at West





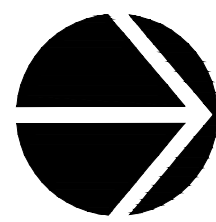
LEGEND

Parking
70 Parking Stalls Provided

Units
14 - 1 Bed/1 Bath
20 - 2 Bed/1 Bath
6 - 3 Bed/1 Bath
1 - 2 Bed/1 Bath Manager's Unit
41 - Total

♿ ACCESSIBLE UNIT
👂 HEARING/VISION UNIT

Setbacks:
MU Zone = 0' Setbacks
Proposed:
10'-0" at Streets
20'-0" at North
15'-0" at West



ALAMOSA PLANNING COMMISSION COMMISSION COMMUNICATION

Subject/Title:

Request for Side Setback Variance and Building Separation Variance at 1315 Lakewood Dr

Background:

The subject property is located at 1315 Lakewood Dr, otherwise known as Lot 14 of Block 3 of River Trece 2 Phase 3. The 14,416sf site is currently improved with an existing 1899sf home and attached 576sf garage built in 2012, and is located within a Residential Low zone.

On August 11th, 2020 City Staff received an anonymous call that a 12'x12' shed had been erected between the existing garage and fence on the subject property. The shed had been installed in two days, and due to its size (under 200sf) the shed had not required a permit. City staff made contact with the owner, and after discussions with the owner and the owner's contractor, it became clear that they were unaware of the setback requirements. Since construction of the shed was essentially complete and was set on a foundation (therefore, not easily movable), City staff gave the owner the option of removing the shed or applying for a variance for the shed. The owner promptly and diligently followed through with submitting the variance application requirements. The Applicant's request narrative, attached, outlines their reasoning as to why their request meets the requirements for the granting of variances, pursuant to Sec. 21-8-702(b), which is found below. The site plan submitted by the applicant is also attached.



Analysis and Impact:

The completed and sufficient Land Use Application was delivered to the Public Works Department on 8/18/2020. Per **Sec. 21-8-702(b)**, variances may be granted by the Zoning Board of Adjustments when:

- (1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;
- (2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;
- (3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;
- (4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;
- (5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;
- (6) That such unnecessary hardship has not been created by the applicant;
- (7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;
- (8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.

Mailing and posting requirements have been met pursuant to **Table 21-8-511D**.

Sheds are considered an **accessory structure**. The lot standards and setbacks are excerpted from **Table 21-4-202B**, below:

Table 21-4-202B (excerpted) Single-Family Detached Lot and Building Standards					
Single-Family Lot Type	Minimum				
	Lot Area	Lot Width	Front Setback	Side Setback	Street Side Setback
Suburban Lot (RM & RH) (Street Access)					
Principal Building	7,000 sf.	60 ft.	25 ft.	7 ft.	25 ft.
Accessory Buildings			35 ft.	5ft. ²	25 ft.

The shed was built approximately 2' away from the side (north) property line. Additionally, **Sec. 21-4-502(b)** of UDC requires no part of any accessory building shall be located closer than 10 feet to any other building, whether on the same lot or on an adjacent lot. The shed is currently 4' from the house.

With the application, the applicant submitted letters of support from five neighbors – four unconditional and one conditional – all of which are attached. The conditional letter of support was offered by Sastry Jayanty who lives at 2800 Grace Ct, which is the property adjacent to the requested reduced setback. He explains that he offers his support on the condition that there is no further modification or addition to a structure within the 5-foot setback zone.

Recommended Action:

Staff recommends that Planning Commission, acting as the Zoning Board of Adjustments, deny

the variance request, since **Sec. 21-8-702(b)(6)** specifically states that unnecessary hardship has not been created by the applicant. Since the shed was constructed out of accordance with the UDC, the applicant (or applicant's contractor) caused the hardship. Further, these lots were platted to be larger and less densely developed; it is the opinion of staff that granting the variance will alter the essential character of the zone. As one drives along Lakewood Drive, the shed is noticeably built within the setback area.

Alternatives:

The following is a non-exclusive list of actions Planning Commission may take:

(recommended action) Planning Commission, acting as the Zoning Board of Adjustments, may choose to deny the variance request. The result of this decision would require the applicant to remove the shed. Failure to do so would result in a demolition order and a lien being placed on the property.

Planning Commission, acting as the Zoning Board of Adjustments, may choose to grant the variance, should it find that the request meets the requirements of **Sec. 21-8-702(b)** as listed above. This would authorize a side setback reduction of 3 feet from 5 feet to **2 feet** and a building separation reduction of 6 feet from 10 feet to **4 feet**.

Planning Commission may also choose to impose conditions on the approval of the variance, such as the condition requested by the neighbor that limits the owner from further construction within the 5' side setback area or from obtaining future variances for that setback.

Relevant Code:

Sec. 21-8-702. - Variances

(a) **Subdivision and Planned Unit Development Plan Variances.** The Planning Commission may authorize variances from provisions of this UDC that apply to a proposed subdivision or planned unit development plan in cases where, due to exceptional topographical conditions or other conditions peculiar to the subject property, an unnecessary hardship is placed on the applicant. Such variances shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this UDC. The variance shall be in keeping with the intent of the Comprehensive Plan.

(b) **Other Variances.** The Board of Adjustment may grant or deny variances from the provisions of this UDC when:

- (1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;
- (2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;
- (3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;
- (4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;
- (5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;
- (6) That such unnecessary hardship has not been created by the applicant;

(7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;

(8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.

(c) **Referral to Planning Commission.** The Zoning Board of Adjustment may request a recommendation from the Planning Commission to assist it in determining if the above requirements have been satisfied. Further, the Zoning Board of Adjustment may require that a special variance application form be completed by the appellant to ensure that the appellant fully understands the criteria on which the board must base its findings.

(d) **Prohibitions.** The Zoning Board of Adjustment may not grant variances from the provisions of this UDC covering the use or density or land or buildings, or the provisions governing planned unit developments. In granting any variance, the Zoning Board of Adjustment may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this UDC.

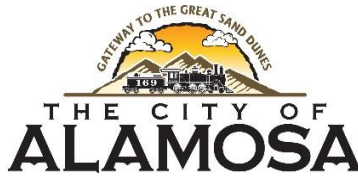
Sec. 21-4-502. - Accessory Buildings

(a) **Generally.** Accessory buildings (e.g., detached garages, storage buildings, or accessory dwelling units) shall comply with all requirements for principal buildings except where specifically modified by this Chapter.

(b) **Spacing.** No part of any accessory building shall be located closer than 10 feet to any other building, whether on the same lot or on an adjacent lot.

ATTACHMENTS:

Description	Type
▢ Staff Report	Backup Material
▢ Location Map	Backup Material
▢ Land Use Application	Backup Material
▢ Site Plan	Backup Material
▢ Owner Request Narrative	Backup Material
▢ Conditional Support Letter from Sastry Jayanty 2800 Grace Ct	Backup Material
▢ Supporting Letter from Adam Griego 2709 Marsha Ln	Backup Material
▢ Supporting Letter from Evelyn Oba 1311 Lakewood Dr	Backup Material
▢ Supporting Letter from Joanne Clayton 1312 Lakewood Dr	Backup Material
▢ Supporting Letter from Justin Cordova 2705 Marsha Ln	Backup Material



Memo

To: Planning Commission Members, acting as the Zoning Board of Adjustments
From: Deacon Aspinwall, Planning and Development Specialist
Subject: Request for Side Setback Variance and Building Separation Variance at 1315 Lakewood Dr
Date: 3 September 2020

BACKGROUND

The subject property is located at 1315 Lakewood Dr, otherwise known as Lot 14 of Block 3 of River Trece 2 Phase 3. The 14,416sf site is currently improved with an existing 1899sf home and attached 576sf garage built in 2012, and is located within a Residential Low zone.

On August 11th, 2020 City Staff received an anonymous call that a 12'x12' shed had been erected between the existing garage and fence on the subject property. The shed had been installed in two days, and due to its size (under 200sf) the shed had not required a permit. City staff made contact with the owner, and after discussions with the owner and the owner's contractor, it became clear that they were unaware of the setback requirements. Since construction of the shed was essentially complete and was set on a concrete slab (therefore, not easily movable), City staff gave the owner the option of removing the shed or applying for a variance for the shed. The owner promptly and diligently followed through with submitting the variance application requirements. The Applicant's request narrative, attached, outlines their reasoning as to why their request meets the requirements for the granting of variances, pursuant to Sec. 21-8-702(b), which is found below. The site plan submitted by the applicant is also attached.

ANALYSIS AND IMPACT

The completed and sufficient Land Use Application was delivered to the Public Works Department on 8/18/2020. Per **Sec. 21-8-702(b)**, variances may be granted by the Zoning Board of Adjustments when:

- (1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;
- (2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;
- (3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;
- (4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;
- (5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;
- (6) That such unnecessary hardship has not been created by the applicant;

(7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;

(8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.

Mailing and posting requirements have been met pursuant to **Table 21-8-511D**.

Sheds are considered an **accessory structure**. The lot standards and setbacks are excerpted from **Table 21-4-202B**, below:

TABLE 21-4-202B (EXCERPTED) SINGLE-FAMILY DETACHED LOT AND BUILDING STANDARDS					
Single-Family Lot Type	Minimum				
	Lot Area	Lot Width	Front Setback	Side Setback	Street Side Setback
Suburban Lot (RM & RH) (Street Access)					
Principal Building	7,000 sf.	60 ft.	25 ft.	7 ft.	25 ft.
Accessory Buildings			35 ft.	5ft. ²	25 ft.

The shed was built approximately 2' away from the side (north) property line. Additionally, **Sec. 21-4-502(b)** of UDC requires no part of any accessory building shall be located closer than 10 feet to any other building, whether on the same lot or on an adjacent lot. The shed is currently 4' from the house.

With the application, the applicant submitted letters of support from five neighbors – four unconditional and one conditional – all of which are attached. The conditional letter of support was offered by Sastry Jayanty who lives at 2800 Grace Ct, which is the property adjacent to the requested reduced setback. He explains that he offers his support on the condition that there is no further modification or addition to a structure within the 5-foot setback zone.

RECOMMENDATION

Staff recommends that Planning Commission, acting as the Zoning Board of Adjustments, deny the variance request, since **Sec. 21-8-702(b)(6)** specifically states that unnecessary hardship has not been created by the applicant. Since the shed was constructed out of accordance with the UDC, the applicant (or applicant's contractor) caused the hardship. Further, these lots were platted to be larger and less densely developed; it is the opinion of staff that granting the variance will alter the essential character of the zone. As one drives along Lakewood Drive, the shed is noticeably built within the setback area.

ALTERNATIVES

The following is a non-exclusive list of actions Planning Commission may take:

(recommended action) Planning Commission, acting as the Zoning Board of Adjustments, may choose to deny the variance request. The result of this decision would require the applicant to remove the shed. Failure to do so would result in a demolition order and a lien being placed on the property.

Planning Commission, acting as the Zoning Board of Adjustments, may choose to grant the variance, should it find that the request meets the requirements of **Sec. 21-8-702(b)** as listed above. This would authorize a side setback reduction of 3 feet from 5 feet to **2 feet** and a building separation reduction of 6 feet from 10 feet to **4 feet**.

Planning Commission may also choose to impose conditions on the approval of the variance, such as the condition requested by the neighbor that limits the owner from further construction within the 5' side setback area or from obtaining future variances for that setback.

Relevant Code Provisions:

Sec. 21-8-702. - Variances

- (a) **Subdivision and Planned Unit Development Plan Variances.** The Planning Commission may authorize variances from provisions of this UDC that apply to a proposed subdivision or planned unit development plan in cases where, due to exceptional topographical conditions or other conditions peculiar to the subject property, an unnecessary hardship is placed on the applicant. Such variances shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this UDC. The variance shall be in keeping with the intent of the Comprehensive Plan.
- (b) **Other Variances.** The Board of Adjustment may grant or deny variances from the provisions of this UDC when:
- (1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;
 - (2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;
 - (3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;
 - (4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;
 - (5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;
 - (6) That such unnecessary hardship has not been created by the applicant;
 - (7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;
 - (8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.
- (c) **Referral to Planning Commission.** The Zoning Board of Adjustment may request a recommendation from the Planning Commission to assist it in determining if the above requirements have been satisfied. Further, the Zoning Board of Adjustment may require that a special variance application form be completed by the appellant to ensure that the appellant fully understands the criteria on which the board must base its findings.
- (d) **Prohibitions.** The Zoning Board of Adjustment may not grant variances from the provisions of this UDC covering the use or density or land or buildings, or the provisions governing planned unit developments. In granting any variance, the Zoning Board of Adjustment may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this UDC.

(a) **Generally.** Accessory buildings (e.g., detached garages, storage buildings, or accessory dwelling units) shall comply with all requirements for principal buildings except where specifically modified by this Chapter.

(b) **Spacing.** No part of any accessory building shall be located closer than 10 feet to any other building, whether on the same lot or on an adjacent lot.

1315 Lakewood Drive Variance Request



Legend

 1315 Lakewood Dr.



Date: 8/31/2020

0 100 200 400 600 800 Feet



City of Alamosa
Public Works Department
300 Hunt Avenue
Alamosa, Colorado, 81101
(719) 589-6631
daspinwall@ci.alamosa.co.us

LAND USE APPLICATION

This form provides the basic information about a project proposal. This application form is only one of the items required for a complete project submittal. It is the responsibility of the applicant to ensure that all other required materials are submitted. A checklist of submittal items is attached for your use. It is also the responsibility of the applicant to clearly demonstrate through narrative, visual representations, and other materials that the proposed activity complies with the City of Alamosa's Unified Development Code. Incomplete or substandard applications may cause delays. All applications shall include digital files as well as the hard copy unless otherwise determined by staff.

Project Type	
☐ Annexation and Initial Zoning (\$750+\$25/acre up to \$3,000)	☐ Enclave Annexation and Initial Zoning (\$375+\$12.50/acre up to \$1,500)
☐ Conditional Use Permit (\$100)	☐ Cost Recovery Zone Application (\$50/hour + recording and publishing fees)
☐ Rezoning (\$100)	☒ Variance (\$100)
☐ Home Occupation Permit (\$50)	☐ Planned Development/Campus Master Plan
☐ Site Plan Review	☐ Preliminary/Final (\$1,200)
☐ Residential (\$0)	☐ Modification or Amendment (\$500)
☐ Non-Residential or Multifamily (\$50)	☐ Subdivision, Minor
☐ Subdivision, Major (>5 lots)	☐ 2-5 New Lots (\$150)
☐ Preliminary (\$500)	☐ Lot Line Vacation/Adjustment (\$150)
☐ Final (\$0)	☐ Replat (\$150)
☐ Encroachment Application (\$50)	☐ Vested Property Rights Plan (\$50/hour + recording and publishing fees)
☐ Temporary Use Permit (\$50)	☐ Zoning Verification (\$0)
☐ Outdoor Dining (\$50)	☐ Limited Use Permit (\$0)
☐ Other: (\$50/hour + recording and publishing fees)	☐ Non-Conforming To Conforming Special Review (\$100)

Site Information

Legal Description: LOT 14 BLOCK 3 14416 SF M/L RIVER TREE 2-PHASE 3 UND REC#
 Project Name: VARIANCE REQUEST FOR 1315 LAKEWOOD DR. 06-27-12
 Project Address: 1315 LAKEWOOD Current Zoning: RL
 Project Description: VARIANCE IN SIDESETBACK & STRUCTURE SEPARATION VARIANCE

Project Contact Information

Applicant Name: BILL GURULE **Mailing Address:** 1315 LAKEWOOD DR.
Phone: (719) 588-1100 **Email:** BILLSKILL69@GMAIL.COM
Agent Name: _____ **Mailing Address:** _____
Phone: _____ **Email:** _____
Property Owner Name: SAME AS ABOVE **Mailing Address:** " "
Phone: _____ **Email:** _____

ACKNOWLEDGEMENT AND AUTHORIZATION

The undersigned authorizes the Public Works Department to proceed with processing this application under the requirements of the City of Alamosa Uniform Development Code (UDC). The undersigned acknowledges that the information provided herein is accurate to the fullest extent of their knowledge. Further, it is understood that any documentation required or submitted in conjunction with this application process may become part of the public record and public domain. A complete application may require a disclosure of property ownership and agency affidavit.

Applicant:  _____ **Date:** 8/13/2020

DEPARTMENT USE ONLY

Application Received By: Deacon Aspinwall **Date:** 8/18/20
Fee Required: 1 **Paid On:** 8/18/20 **Receipt #:** R 66425
Application accepted as complete on for processing: _____

PROJECT NARRATIVE

RE: Variance Requests for storage shed at 1315 Lakewood Drive, Alamosa, CO., 81101

August 14, 2020

Dear Alamosa Planning Commission:

My name is Bill Gurule, and I am writing this project narrative in hopes of providing you with sufficient information with which to make an informed decision regarding my request for variance. I've recently saved enough funds to complete a home improvement project. The project includes building a 12' x 12' storage shed, placed on a newly constructed cement pad, measuring 12' x 40'. The cement pad will hold the storage shed, as well as provide space to park my boat adjacent to my garage.

In determining placement of the shed, my options were very limited. The most reasonable and cost-effective location (aesthetically and functionally speaking), was on the north side of my home/garage. This is the only location on my property that allows the shed to be "out of the way", from public view and/or obstruction. If I were forced to relocate my shed to the West, South, or East side of my home, it would be "noticeably displaced" and probably stick out like a sore thumb. Additionally, I do not want to negatively impact any of my neighbors directly, OR the overall value of the neighborhood. Moreover, having to relocate it would create a significant financial hardship for me, as I would be forced to remove several square feet of lawn, relocate my current sprinkler system, and add a new driveway. This type of expense would be too much of a financial burden for me to absorb.

Perhaps the most important consideration I contemplated in the location of my shed was avoiding any direct physical or aesthetic impact to my most immediate neighbors, and their properties. By "tucking it away" on the side of my home, I figured most neighbors would barely notice it. In talking with my next-door neighbor, located to the north side of me (closest neighbor), he does not have any issue with my shed being located there. I've also talked with the other surrounding neighbors to the East, West, and South side of my property, and they have all indicated they do not have any issues, concerns, or complaints about the location of my shed.

In closing, I am hopeful that my request for variance is considered reasonable and will be met with approval for the reasons listed above. Please let me know if you require any additional information or have any questions regarding this request. I can be reached directly at (719) 589-7585 (office), (719) 588-1100 (cell) or billskill69@gmail.com.

Thank you for your thoughtful consideration.

Respectfully submitted,



Bill Gurule

1315 Lakewood Dr.
Alamosa, CO 81101
(719) 588-1100

VARIANCE REQUEST FOR BILL GURULE

1315 LAKEWOOD DR. ALAMOSA, CO

Dear Planning Commission:

My Name is Sastry S. Jayanty, and I live at 2800 Grace Court, Alamosa, Colorado.

Bill Gurule is my neighbor, and he recently built a shed within 2 feet from my property line. Mr. Gurule visited me recently to explain the situation and requested support for a side setback variance as well as structure separation variance. I am acceptable with the new structure that my neighbor built.

However, this respite is limited to the existing structure, but any further modification or addition of a structure within 5 feet from my property line will be contested.

If you have any questions or require any additional information, I can be reached at the following:

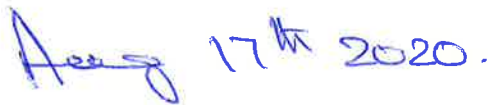
Phone: 719-480-9042

Email: sastry.jayanty@colostate.edu



Thank You

Date:



VARIANCE REQUEST FOR BILL GURULE
1315 LAKEWOOD DR. ALAMOSA, CO

Dear Planning Commission:

My name is: Adam Griego, and I live at 2709 Mansha Lane

Bill Gurule is my neighbor, and I support Bill's request for a *side setback* variance as well as a *structure separation* variance. Bill came to visit with me to explain the situation and asked for my support. I appreciate that he reached out to me, and I have no problem or concern with the new shed on his property.

If you have any questions or require any additional information, I can be reached at the following:

Phone: (719) 937-1496

Email: adgriego7@hotmail.com

Thank you for your consideration.

Sincerely,

Signed: 

Date: 8/16/20

VARIANCE REQUEST FOR BILL GURULE
1315 LAKEWOOD DR. ALAMOSA, CO

Dear Planning Commission:

My name is: EVELYN OBA, and I live at 1311 LAKEWOOD DRIVE

Bill Gurule is my neighbor, and I support Bill's request for a *side setback* variance as well as a *structure separation* variance. Bill came to visit with me to explain the situation and asked for my support. I appreciate that he reached out to me, and I have no problem or concern with the new shed on his property.

If you have any questions or require any additional information, I can be reached at the following:

Phone: 719-587-3272

Email: gundlach4u@gmail.com

Thank you for your consideration.

Sincerely,

Signed: Evelyn G Oba

Date: 8/16/20

VARIANCE REUEST FOR BILL GURULE
1315 LAKEWOOD DR. ALAMOSA, CO

Dear Planning Commission:

My name is: Joanne Clayton, and I live at Alt 1312 Lakewood Dr.

Bill Gurule is my neighbor, and I support Bill's request for a *side setback* variance as well as a *structure separation* variance. Bill came to visit with me to explain the situation and asked for my support. I appreciate that he reached out to me, and I have no problem or concern with the new shed on his property.

If you have any questions or require any additional information, I can be reached at the following:

Phone: 719 589 6925

Email: joanneclayton55@gmail.com

Thank you for your consideration.

Sincerely,

Signed: Joanne Clayton

Date: Aug 16, 2020

VARIANCE REUEST FOR BILL GURULE
1315 LAKEWOOD DR. ALAMOSA, CO

Dear Planning Commission:

My name is: Justin Cordova, and I live at 2705 MARSHAL LN ALAMOSA, 81101

Bill Gurule is my neighbor, and I support Bill's request for a *side setback* variance as well as a *structure separation* variance. Bill came to visit with me to explain the situation and asked for my support. I appreciate that he reached out to me, and I have no problem or concern with the new shed on his property.

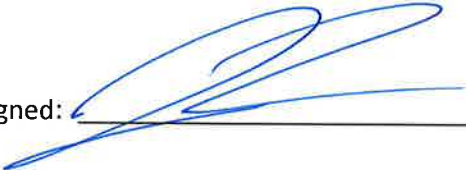
If you have any questions or require any additional information, I can be reached at the following:

Phone: 719-580-8418

Email: cordova@WHS.org

Thank you for your consideration.

Sincerely,

Signed: 

Date: 8/6/20

ALAMOSA PLANNING COMMISSION

COMMISSION COMMUNICATION

Subject/Title:

Requests for Rear Setback Variance on Lots 33-C and 36-C, Block 210, Washington Addition

Background:

The subject properties are located along W Seventh Street west of Washington Avenue and across from Cielo Place, otherwise known as on Lots 33-C and 36-C, Block 210, Washington Addition. See attached location map. The lots are identical – 105'x95' for a total lot area of 9,975sf each, located within the Residential Medium zone. These lots also include the north half of the vacated alley. **NOTE:** because the lots are adjacent, identical, under common ownership, and have two identical requests, the action and applications are combined for simplicity and clarity. Please be aware that there are technically two requests before the Commission.

On each lot, the applicant wishes to set a modular duplex, with each half of each duplex containing 2 bedrooms, 2 bathrooms, and a one car garage. Each structure is 2,592 square feet (which would yield 26% building coverage). Duplexes are permitted by right in RM zones and must meet the setback and building coverage standards set forth in **Table 21-4-203B**, as excerpted below:

Table 21-4-203B (EXCERPTED) Duplex Lot and Building Standards								
Duplex Type	Minimum						Maximum	
	Lot Area	Lot Width	Front Setback	Side Setback	Street Side Setback	Rear Setback	Stories	BCR
Side-by-Side (Street Access)								
Principal Building	8,000 sf.	80 ft.	25 ft.	5 ft.	8 ft.	20 ft.	2	40%
Accessory Building			Behind principal building	5 ft.	8 ft.	5 ft.	1	

Since the duplexes are modular and not stick-built, floor plans are not flexible. Due to the shallowness of the lots, the applicant cannot meet rear setbacks, which is what leads to this request. The applicant is requesting a **3-foot rear setback reduction** from 20 feet to **17 feet**. In other circumstances, these requests would be eligible for an Administrative Variance **Sec. 21-4-402(f)(1)&(3)** by up to 20% (or, 4 feet in this case). However, if an administrative variance were granted, the required condition in granting an administrative variance mean that the windows on the rear of these duplexes are frosted and inoperable or be at least 6 feet above the room floor, which would not meet standard ingress and egress building safety requirements and not allow for the installation of the building. The Applicant's request narrative, attached, outlines their reasoning as to why their request meets the requirements for the granting of variances, pursuant to **Sec. 21-8-702(b)**, which is found below. The site plan submitted by the applicant is also attached. The request narrative and site plan apply to both requests.

Analysis and Impact:

The completed and sufficient Land Use Application was delivered to the Public Works

Department on 8/31/2020. Per **Sec. 21-8-702(b)**, variances may be granted by the Zoning Board of Adjustments when:

- (1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;
- (2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;
- (3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;
- (4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;
- (5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;
- (6) That such unnecessary hardship has not been created by the applicant;
- (7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;
- (8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.

Mailing and posting requirements have been met pursuant to **Table 21-8-511D**.

Historically, this block has been granted 7 rear-yard variances for duplexes. Each request reduced the requirement from 25' to 20'. The rear setback requirement under the current development code for duplexes is currently 20'.

Recommended Action:

Staff recommends that Planning Commission, acting as the Zoning Board of Adjustments, **deny** the variance requests since the requests do not meet **Sec. 21-8-702(b)(5)**, because the shallowness of the lots in this neighborhood do not make it unreasonable to develop. Since nearly all of the lots developed on this block are duplexes with a 20' rear setback, it is demonstrated that this is not an undue hardship. There are no exceptional or practical difficulties in developing this lot; the only barrier is the development plan. This circumstance exists throughout the neighborhood.

Alternatives:

The following is a non-exclusive list of actions Planning Commission may take:

- (recommended action) Planning Commission, acting as the Zoning Board of Adjustments, may choose to deny the variance requests. The result of this decision would require the applicant to build the properties under the standard setbacks.
- Planning Commission, acting as the Zoning Board of Adjustments, may choose to grant the variances, should it find that the request meets requirements from **Sec. 21-8-702(b)** as listed above. This would authorize a rear setback reduction of 3 feet from 20 feet to **17 feet**. This

setback reduction would likely not alter the essential character of the neighborhood. Also, considering the setback itself would have been eligible for an administrative variance, it is not an unreasonable request.

- Planning Commission may choose to impose conditions on the approval of the variances.
- Planning Commission may choose to make different decisions about the two lots.
- Planning Commission could also grant the variance and split the reduction between the front and rear setback, resulting in a 18.5' rear setback and a 23.5' front setback.

Relevant Code:

Sec. 21-8-702. - Variances

(a) **Subdivision and Planned Unit Development Plan Variances.** The Planning Commission may authorize variances from provisions of this UDC that apply to a proposed subdivision or planned unit development plan in cases where, due to exceptional topographical conditions or other conditions peculiar to the subject property, an unnecessary hardship is placed on the applicant. Such variances shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this UDC. The variance shall be in keeping with the intent of the Comprehensive Plan.

(b) **Other Variances.** The Board of Adjustment may grant or deny variances from the provisions of this UDC when:

- (1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;
- (2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;
- (3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;
- (4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;
- (5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;
- (6) That such unnecessary hardship has not been created by the applicant;
- (7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;
- (8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.

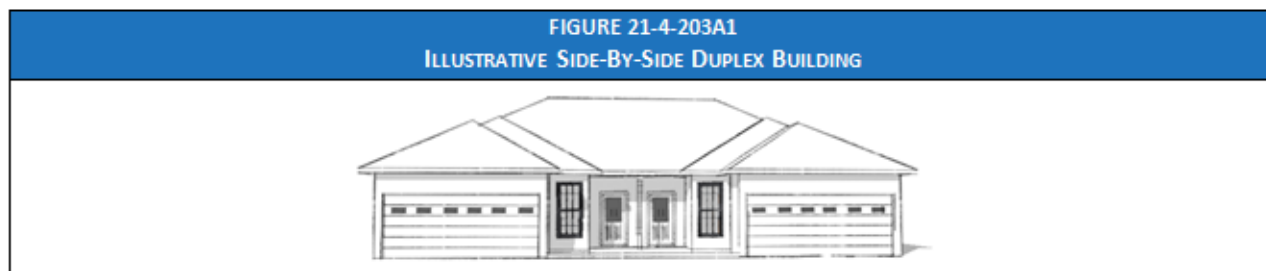
(c) **Referral to Planning Commission.** The Zoning Board of Adjustment may request a recommendation from the Planning Commission to assist it in determining if the above requirements have been satisfied. Further, the Zoning Board of Adjustment may require that a special variance application form be completed by the appellant to ensure that the appellant fully understands the criteria on which the board must base its findings.

(d) **Prohibitions.** The Zoning Board of Adjustment may not grant variances from the provisions of this UDC covering the use or density or land or buildings, or the provisions governing planned unit developments. In granting any variance, the Zoning Board of Adjustment may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of

this UDC.

Sec. 21-4-203. - Duplex Lot and Building Standards

(a) **Generally.** The duplex housing type consists of two single-family dwelling units located in a single building (either side-by-side or over-and-under). An illustrative duplex building is shown in Figure 21-4-203A1, *Illustrative Side-by-Side Duplex Building*, and Figure 21-4-203A2, *Illustrative Over-Under Duplex Building*.



(b) **Lot and Building Standards.** Table 21-4-203B, *Duplex Lot and Building Standards*, below, establishes lot and building standards for duplex buildings.

Table 21-4-203B Duplex Lot and Building Standards								
Duplex Type	Minimum						Maximum	
	Lot Area	Lot Width	Front Setback	Side Setback	Street Side Setback	Rear Setback	Stories	BCR
Side-by-Side (Street Access)								
Principal Building	8,000 sf.	80 ft.	25 ft.	5 ft.	8 ft.	20 ft.	2	40%
Accessory Building			Behind principal building	5 ft.	8 ft.	5 ft.	1	
Side-by-Side (Alley Access)								
Principal Building	8,000 sf.	80 ft.	15 ft.	5 ft.	8 ft.	25 ft.	2	40%
Garage (attached or detached)			Behind principal building	5 ft.	8 ft.	3 ft.	1	
Accessory Building			Behind principal building	5 ft.	8 ft.	3 ft.	1	
Over-Under (Alley Access)								
Principal Building			15 ft.	5 ft.	8 ft.	25 ft.	2	
Garage (attached)			Behind					

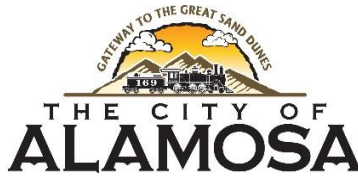
or detached)	7,000 sf.	70 ft.	principal building	Table 21-4-203B	8 ft.	3 ft.	1	45%
Duplex Lot and Building Standards								
Accessory Building Duplex Type	Minimum						Maximum	
	Lot Area	Lot Width	Behind principal building Front Setback	5 ft. Side Setback	8 ft. Street Side Setback	3 ft. Rear Setback	1 Stories	BCR

Sec. 21-4-402. - Setback Flexibility

- (a) **Generally.** Setbacks may be administratively modified as provided in this Section.
- (b) **Effect on Building Coverage.** The objective of this Section is not to allow an increase the permissible building coverage, but instead, to provide for a range of relationships between buildings and the street.
- (f) **Rear Setbacks.** Rear setbacks may be reduced by the Administrator by up to 20 percent for lots with street access, and up to 100 percent for lots with alley access, provided that:
- (1) The reduction is necessary due to the existing development of the lot, or specific physical or access constraints justify the reduction;
 - (3) If the lot is accessed from a street, windows within the reduced setback area do not face the back yards of adjoining single-family detached or duplex residential uses unless they are frosted and inoperable, or located at least six feet above the room floor of the story in which they are located

ATTACHMENTS:

Description	Type
☐ Staff Recommendation to PC	Backup Material
☐ Land Use Application	Backup Material
☐ Request Map	Backup Material
☐ Site Plan	Backup Material
☐ Owner Request Narrative	Backup Material
☐ Site Photos	Backup Material



Memo

To: Planning Commission Members, acting as the Zoning Board of Adjustments
From: Deacon Aspinwall, Planning and Development Specialist
Subject: Requests for Rear Setback Variance on Lots 33-C and 36-C, Block 210, Washington Addition
Date: 10 September 2020

BACKGROUND

The subject properties are located along W Seventh Street west of Washington Avenue and across from Cielo Place, otherwise known as on Lots 33-C and 36-C, Block 210, Washington Addition. See attached location map. The lots are identical – 105'x95' for a total lot area of 9,975sf each, located within the Residential Medium zone. These lots also include the north half of the vacated alley. **NOTE:** because the lots are adjacent, identical, under common ownership, and have two identical requests, the action and applications are combined for simplicity and clarity. Please be aware that there are technically two requests before the Commission.

On each lot, the applicant wishes to set a modular duplex, with each half of each duplex containing 2 bedrooms, 2 bathrooms, and a one car garage. Each structure is 2,592 square feet (which would yield 26% building coverage). Duplexes are permitted by right in RM zones and must meet the setback and building coverage standards set forth in **Table 21-4-203B**, as excerpted below:

TABLE 21-4-203B (EXCERPTED) DUPLEX LOT AND BUILDING STANDARDS								
Duplex Type	Minimum						Maximum	
	Lot Area	Lot Width	Front Setback	Side Setback	Street Side Setback	Rear Setback	Stories	BCR
Side-by-Side (Street Access)								
Principal Building	8,000 sf.	80 ft.	25 ft.	5 ft.	8 ft.	20 ft.	2	40%
Accessory Building			Behind principal building	5 ft.	8 ft.	5 ft.	1	

Since the duplexes are modular and not stick-built, floor plans are not flexible. Due to the shallowness of the lots, the applicant cannot meet rear setbacks, which is what leads to this request. The applicant is requesting a **3-foot rear setback reduction** from 20 feet to **17 feet**. In other circumstances, these requests would be eligible for an Administrative Variance **Sec. 21-4-402(f)(1)&(3)** by up to 20% (or, 4 feet in this case). However, if an administrative variance were granted, the required condition in granting an administrative variance mean that the windows on the rear of these duplexes are frosted and inoperable or be at least 6 feet above the room floor, which would not meet standard ingress and egress building safety requirements and not allow for the installation of the building. The Applicant's request narrative, attached, outlines their reasoning as to why their request meets the requirements for the granting of variances, pursuant to **Sec. 21-8-702(b)**, which is found below. The site plan submitted by the applicant is also attached. The request narrative and site plan apply to both requests.

ANALYSIS AND IMPACT

The completed and sufficient Land Use Application was delivered to the Public Works Department on 8/31/2020. Per **Sec. 21-8-702(b)**, variances may be granted by the Zoning Board of Adjustments when:

- (1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;
- (2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;
- (3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;
- (4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;
- (5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;
- (6) That such unnecessary hardship has not been created by the applicant;
- (7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;
- (8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.

Mailing and posting requirements have been met pursuant to **Table 21-8-511D**.

Historically, this block has been granted 7 rear-yard variances for duplexes. Each request reduced the requirement from 25' to 20'. The rear setback requirement under the current development code for duplexes is currently 20'.

RECOMMENDATION

Staff recommends that Planning Commission, acting as the Zoning Board of Adjustments, **deny** the variance requests since the requests do not meet **Sec. 21-8-702(b)(5)**, because the shallowness of the lots in this neighborhood do not make it unreasonable to develop. Since nearly all of the lots developed on this block are duplexes with a 20' rear setback, it is demonstrated that this is not an undue hardship. There are no exceptional or practical difficulties in developing this lot; the only barrier is the development plan. This circumstance exists throughout the neighborhood.

ALTERNATIVES

The following is a non-exclusive list of actions Planning Commission may take:

(recommended action) Planning Commission, acting as the Zoning Board of Adjustments, may choose to deny the variance requests. The result of this decision would require the applicant to build the properties under the standard setbacks.

Planning Commission, acting as the Zoning Board of Adjustments, may choose to grant the variances, should it find that the request meets requirements from **Sec. 21-8-702(b)** as listed above. This would authorize a rear setback reduction of 3 feet from 20 feet to **17 feet**. This setback reduction would likely not alter the essential character of the neighborhood. Also, considering the setback itself would have been eligible for an administrative variance, it is not an unreasonable request.

Planning Commission may choose to impose conditions on the approval of the variances.

Planning Commission may choose to make different decisions about the two lots.

Planning Commission could also grant the variance and split the reduction between the front and rear setback, resulting in a 18.5' rear setback and a 23.5' front setback.

Relevant Code Provisions:

Sec. 21-8-702. - Variances

- (a) **Subdivision and Planned Unit Development Plan Variances.** The Planning Commission may authorize variances from provisions of this UDC that apply to a proposed subdivision or planned unit development plan in cases where, due to exceptional topographical conditions or other conditions peculiar to the subject property, an unnecessary hardship is placed on the applicant. Such variances shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this UDC. The variance shall be in keeping with the intent of the Comprehensive Plan.
- (b) **Other Variances.** The Board of Adjustment may grant or deny variances from the provisions of this UDC when:
 - (1) The strict application of this UDC would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property;
 - (2) The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this UDC;
 - (3) There are unique physical circumstances or conditions such as exceptional irregularity, narrowness, or shallowness of a specific piece of property at the time of the enactment of this UDC, or by reason of exceptional topographic or other physical conditions, or other extraordinary and exceptional situation or condition peculiar to the affected property;
 - (4) That the unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the subject property is located;
 - (5) That because of such physical circumstances or conditions, the subject property cannot reasonably be developed in conformity with the provisions of this UDC;
 - (6) That such unnecessary hardship has not been created by the applicant;
 - (7) That the variance, if granted, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjoining property;
 - (8) That the variance, if granted, is a minimum variance that will afford relief and is the least modification possible of the provisions which are in question.
- (c) **Referral to Planning Commission.** The Zoning Board of Adjustment may request a recommendation from the Planning Commission to assist it in determining if the above requirements have been satisfied. Further, the Zoning Board of Adjustment may require that a special variance application form be completed by the appellant to ensure that the appellant fully understands the criteria on which the board must base its findings.
- (d) **Prohibitions.** The Zoning Board of Adjustment may not grant variances from the provisions of this UDC covering the use or density or land or buildings, or the provisions governing planned unit developments. In granting any variance, the Zoning Board of Adjustment may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this UDC.

Sec. 21-4-203. - Duplex Lot and Building Standards

- (a) **Generally.** The duplex housing type consists of two single-family dwelling units located in a single building (either side-by-side or over-and-under). An illustrative duplex building is shown in Figure 21-4-203A1, *Illustrative Side-by-Side Duplex Building*, and Figure 21-4-203A2, *Illustrative Over-Under Duplex Building*.

FIGURE 21-4-203A1
ILLUSTRATIVE SIDE-BY-SIDE DUPLEX BUILDING



- (b) **Lot and Building Standards.** Table 21-4-203B, *Duplex Lot and Building Standards*, below, establishes lot and building standards for duplex buildings.

TABLE 21-4-203B
DUPLEX LOT AND BUILDING STANDARDS

Duplex Type	Minimum						Maximum	
	Lot Area	Lot Width	Front Setback	Side Setback	Street Side Setback	Rear Setback	Stories	BCR
Side-by-Side (Street Access)								
Principal Building	8,000 sf.	80 ft.	25 ft.	5 ft.	8 ft.	20 ft.	2	40%
Accessory Building			Behind principal building	5 ft.	8 ft.	5 ft.	1	
Side-by-Side (Alley Access)								
Principal Building	8,000 sf.	80 ft.	15 ft.	5 ft.	8 ft.	25 ft.	2	40%
Garage (attached or detached)			Behind principal building	5 ft.	8 ft.	3 ft.	1	
Accessory Building			Behind principal building	5 ft.	8 ft.	3 ft.	1	
Over-Under (Alley Access)								
Principal Building	7,000 sf.	70 ft.	15 ft.	5 ft.	8 ft.	25 ft.	2	45%
Garage (attached or detached)			Behind principal building	5 ft.	8 ft.	3 ft.	1	
Accessory Building			Behind principal building	5 ft.	8 ft.	3 ft.	1	

Sec. 21-4-402. - Setback Flexibility

- (a) **Generally.** Setbacks may be administratively modified as provided in this Section.
- (b) **Effect on Building Coverage.** The objective of this Section is not to allow an increase the permissible building coverage, but instead, to provide for a range of relationships between buildings and the street.
- (f) **Rear Setbacks.** Rear setbacks may be reduced by the Administrator by up to 20 percent for lots with street access, and up to 100 percent for lots with alley access, provided that:
- (1) The reduction is necessary due to the existing development of the lot, or specific physical or access constraints justify the reduction;
 - (3) If the lot is accessed from a street, windows within the reduced setback area do not face the back yards of adjoining single-family detached or duplex residential uses unless they are frosted and inoperable, or located at least six feet above the room floor of the story in which they are located



City of Alamosa
Public Works Department
300 Hunt Avenue
Alamosa, Colorado, 81101
(719) 589-6631
daspinwall@ci.alamosa.co.us

LAND USE APPLICATION

This form provides the basic information about a project proposal. This application form is only one of the items required for a complete project submittal. It is the responsibility of the applicant to ensure that all other required materials are submitted. A checklist of submittal items is attached for your use. It is also the responsibility of the applicant to clearly demonstrate through narrative, visual representations, and other materials that the proposed activity complies with the City of Alamosa's Unified Development Code. Incomplete or substandard applications may cause delays. All applications shall include digital files as well as the hard copy unless otherwise determined by staff.

Project Type

☐ Annexation and Initial Zoning (\$750+\$25/acre up to \$3,000)	☐ Enclave Annexation and Initial Zoning (\$375+\$12.50/acre up to \$1,500)
☐ Conditional Use Permit (\$100)	☐ Cost Recovery Zone Application (\$50/hour + recording and publishing fees)
☐ Rezoning (\$100)	☒ Variance (\$100)
☐ Home Occupation Permit (\$50)	☐ Planned Development/Campus Master Plan
☐ Site Plan Review	☐ Preliminary/Final (\$1,200)
☐ Residential (\$0)	☐ Modification or Amendment (\$500)
☐ Non-Residential or Multifamily (\$50)	☐ Subdivision, Minor
☐ Subdivision, Major (>5 lots)	☐ 2-5 New Lots (\$150)
☐ Preliminary (\$500)	☐ Lot Line Vacation/Adjustment (\$150)
☐ Final (\$0)	☐ Replat (\$150)
☐ Encroachment Application (\$50)	☐ Vested Property Rights Plan (\$50/hour + recording and publishing fees)
☐ Temporary Use Permit (\$50)	☐ Zoning Verification (\$0)
☐ Outdoor Dining (\$50)	☐ Limited Use Permit (\$0)
☐ Other: (\$50/hour + recording and publishing fees)	☐ Non-Conforming To Conforming Special Review (\$100)

Site Information

Legal Description: Lot 33-C^{#36-C} of Block 210, Washington Add

Project Name: Lot 33-C Duplex

Project Address: #36-C Current Zoning: _____

Project Description: _____

Project Contact Information

Applicant Name: J.J. Hostetter **Mailing Address:** 8342 S. River Rd Alamosa
Phone: 719 588 3692 **Email:** J2hostetter@hotmail.com
Agent Name: _____ **Mailing Address:** _____
Phone: _____ **Email:** _____
Property Owner Name: _____ **Mailing Address:** _____
Phone: _____ **Email:** _____

ACKNOWLEDGEMENT AND AUTHORIZATION

The undersigned authorizes the Public Works Department to proceed with processing this application under the requirements of the City of Alamosa Uniform Development Code (UDC). The undersigned acknowledges that the information provided herein is accurate to the fullest extent of their knowledge. Further, it is understood that any documentation required or submitted in conjunction with this application process may become part of the public record and public domain. A complete application may require a disclosure of property ownership and agency affidavit.

Applicant: _____

Date: 8/27/20

DEPARTMENT USE ONLY

Application Received By: _____ **Date:** _____
Fee Required: _____ **Paid On:** _____ **Receipt #:** _____
Application accepted as complete on for processing: _____

LOTS 33-C & 36-C VARIANCE REQUEST

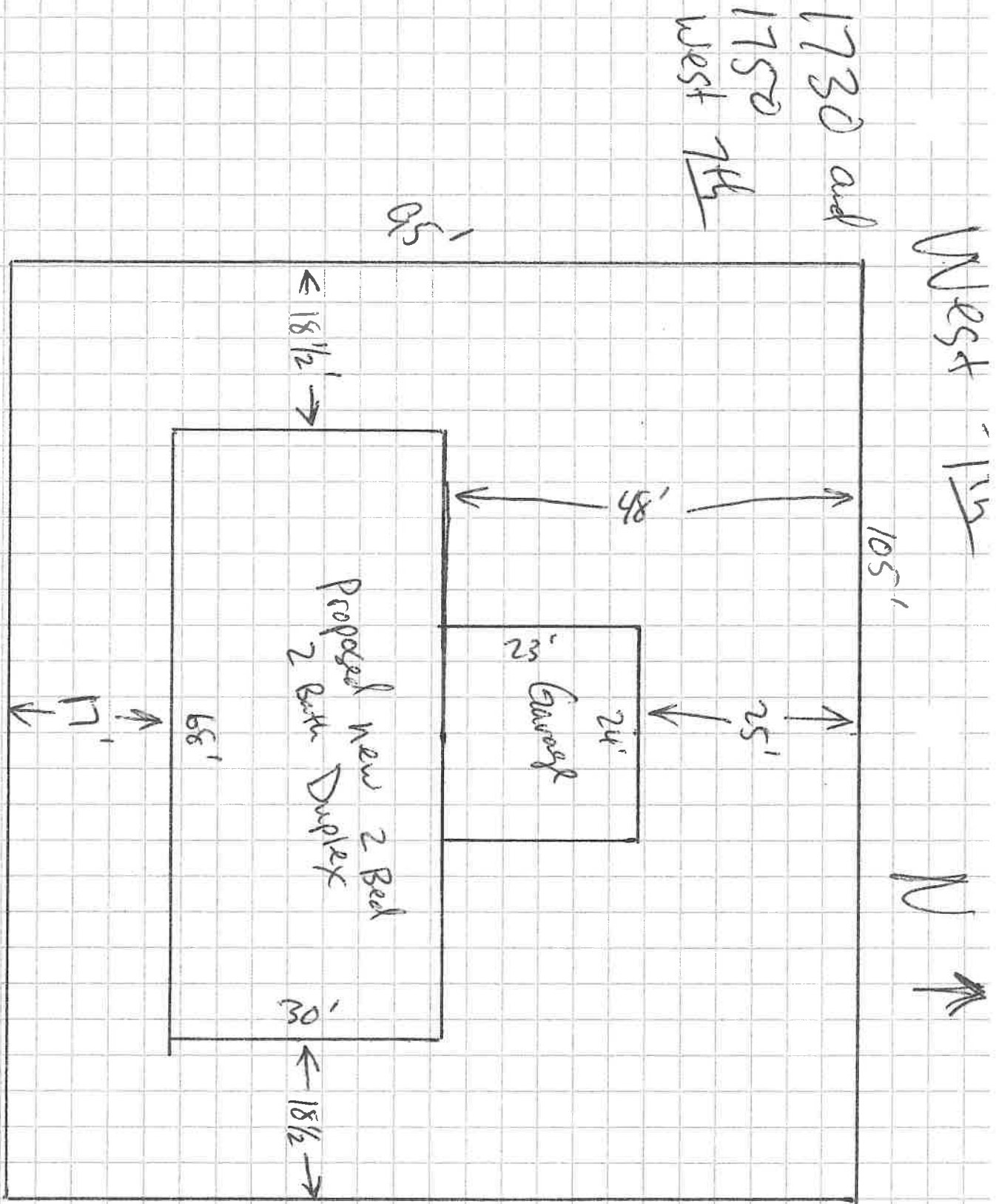


N



0 87.5 175 350 525 700 Feet

Date: 8/31/2020



Application for variance,

We would like to set 2 Karsten modular duplexes with attached garages, one on 1730 and one on 1750 west 7th street. The units that will work with our plan of attaching garages are 30'x68' overall, with each individual unit having 1020 square feet per half, 2 bedrooms, 2 bathrooms and a 1 car garage. Due to lot depth, we encroach into the rear set-back by 3' for each unit. We are asking for a variance to allow the units to be set as the site-plan shows, however encroaching into the front set-back or splitting it with half into the front and half into the rear would be more than acceptable to us also. By allowing the variance, we are able to maximize the use of the lot with what modular floor plans are available. Lot sizes are 9975 square feet per lot, currently code allows up to 40% lot coverage, and current plan including garages is 2592 square feet per building, therefore using only 26% of the lot. However, we are not able to find another floorplan with front entry utility rooms to fit into the allowable dimensions. We believe that approving the variance will improve the neighborhood, the units are spec'd out with 9' ceilings, stone and shake shingle lap siding on the garages and front porches, covered walkways along the sides of the garages and concrete parking.







ALAMOSA PLANNING COMMISSION COMMISSION COMMUNICATION

Subject/Title:

Administrative Appeal - Order to remove fence from ROW at 2924 W Sixth St

Background:**Sec. 21-8-703. - Administrative Appeals**

(a) Hearings, Appeals and Notices.

(1) Appeals to the Board of Adjustment may be taken by any person aggrieved by any administrative decision based upon or made in the course of the administration or enforcement of the provisions of this UDC.

(2) Any such an appeal must be made, within 21 days from the date the administrative decision was communicated to the applicant, which shall be the date of emailing or hand delivery, or, if the decision was communicated by mail only, three days from the date of mailing. The form or any other procedure relating thereto, shall be as specified in any rules of procedure adopted by the Board of Adjustment, but shall in any event comply with the provisions concerning the Notice of Appeal set forth below.

(b) Notice of Appeal. The appellant shall file with the Board of Adjustment a notice of appeal specifying the grounds thereof, with a copy to the Administrator. The Administrator shall promptly forward all papers constituting the record of action upon which the appeal was taken to the Board of Adjustment.

(c) Notice of Hearing. Upon receipt of the notice of appeal and record, the Board of Adjustment shall fix a time for hearing of the appeal, which shall be not less than seven nor more than 35 days from the filing of the Notice of Appeal. A notice of the hearing shall be provided as set out in Section 21-8-511, Public Notice, and written notice shall also be sent by first class mail to the party appealing and the owner of the property that is the subject of the appeal.