



DEVELOPMENT

December 29, 2020

Re: **East Fountain – Development Plan Submittal Project Statement**

On behalf of Goodwin Knight, LLC, HR Green is requesting a Development Plan approval (including a Conditional Use approval for the multi-family/apartments and variance for building height) for the 13.54 acres of land generally located northeast of the Aeroplaza Drive and E. Fountain Boulevard intersection in Colorado Springs, CO. The following project statement includes justification for the proposed Development Plan and general compliance with the newly adopted PlanCOS. For the Conditional Use approval criteria the following is required: *The Planning Commission may approve and/or modify a conditional use application in whole or in part, with or without conditions, only if all three (3) of the following findings are made:*

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

These items as well as other City criteria are shown in italic and underlined in this document. The applicant’s responses are shown in bold text.

1. A clear description of the proposed development.

**Response: The Development Plan proposes commercial uses on roughly half of the site (west side) and multi-family (apartments) on the east half. Access to the site will be via two access points on Aeroplaza Dr. The property will also include a clubhouse with multiple amenities such as a pool, exercise room, and showers. There will be four apartment buildings with the 208 units on the apartment parcel with 358 parking stalls are required and provided (see parking table). The commercial area specific uses are not finalized however are planned for uses such as a convenience store/gas station, hotel and an in-line commercial/retail building. The south access point labeled “Street B” will be a primary access point for the commercial and for the apartment complex.**

Describe the changes proposed from the currently approved plan

**Response: The applicant is proposing commercial uses on the west part of the site and multi-family/apartments on the east part of the site. The commercial uses meet the intent of the PBC zoning and the Employment Center designation for this site. The multi-family (apartments) are allowed as a Conditional Use in the PBC zoning and are allowed as a secondary use within the Employment Center designation. See more detailed explanation of this further below in this document. Overall, this proposed Development Plan and associated uses meets the intent of the City’s plans and ordinance and fits within the context of the area very well so no significant changes from the approved and City’s planned are needed.**

2. A Justification based on the review criteria addressing why the proposed project should be approved;

**Response:**

**This project should be approved for the following reasons:**

- a) Meets intent of the City’s Employment Center designation – This proposal of commercial on the west half of the site and multi-family on east half meets the intent of the Employment Center designation which allows commercial and high density residential. The City’s**

Comprehensive Plan calls for “higher density residential” in the Employment Center designations. Also, proposed commercial and multi-family land use fits well into the surrounding existing uses and character of the area which is a mix of residential and non-residential uses. See Strategy LUM 207c listed below:

Strategy LUM 207c: Employment Center Secondary Uses

*Include supporting uses that complement the primary workplace uses such as restaurants, hotels, childcare, convenience shopping, **and residential uses if part of an overall planned development.***

Therefore, residential is allowed in the Employment Center designation and there is significant residential development in the immediate area of this site (see yellow and dark brown colored areas on Figure 1). The following land uses are designated by color on the exhibit.

- Com/non-residential – red color
- Multi-family/attached – brown color
- Park/open space – green
- Schools/Institutions – blue
- Residential – yellow

It is clear significant residential uses exist in the area and many parcels that are zoned PBC or planned for commercial uses remain vacant likely due to low demand for this type of land use (see cross-hatched areas on Figure 1 for vacant parcels). Additionally, this area has a mix of land uses that mesh well with the proposed multi-family such as:

- Attached/Multi-family residential
- Parks and Schools
- Library
- Sand Creek open space corridor
- Regional Trail
- Churches
- Single-family residential
- Good transportation/roads
- Bus routes

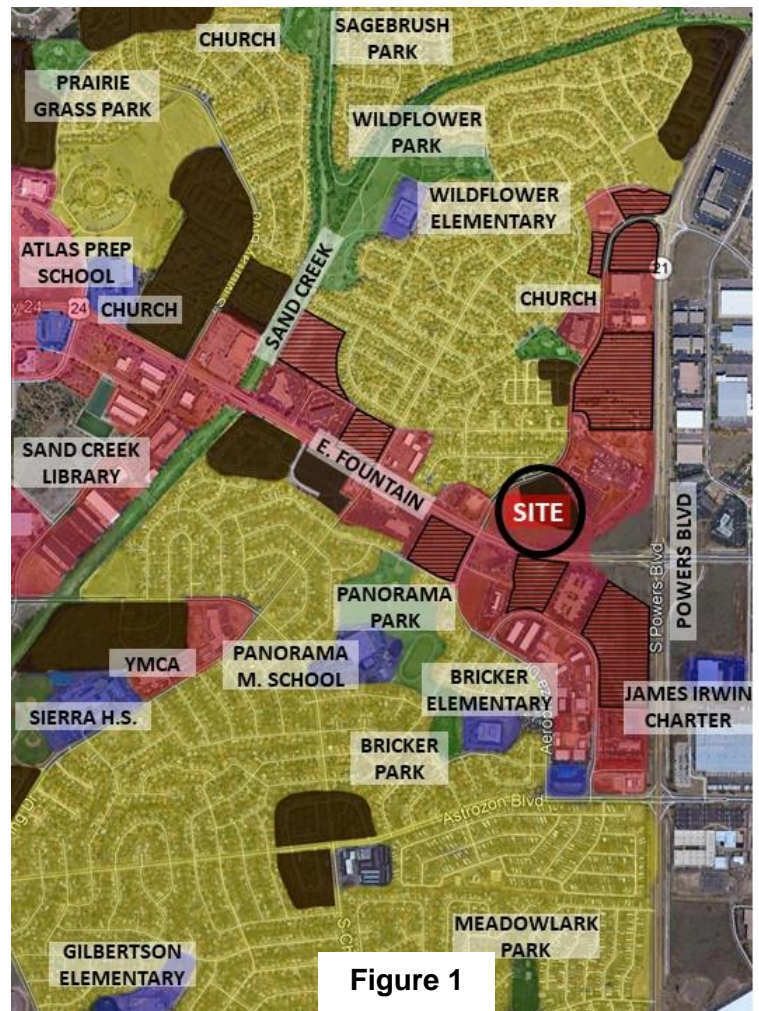


Figure 1

b) Meets intent of the City’s Gateway Master Plan - This proposal includes commercial (per the original Gateway Master Plan) on half of the site and multi-family (allowed as a secondary use in this existing PBC zoning and per the Employment Center designation) which meets the intent of City plans and City Code. The residential portion of the Master Plan was designed to be on interior streets, not adjacent to major streets which is what this proposal is showing. The Gateway Master Plan is considered implemented and therefore no amendment is needed.

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c) **Proposal is compatible with the existing zoning and land uses/zoning in the area** – PBC zoning and commercial/residential land uses surround this site and are throughout the immediate region of this property, therefore this proposal is compatible with the area. PBC zoning exists in this area of the City and on this site. The existing zoning will stay PBC per this proposal so **no re-zoning is requested**. A conditional use is requested on the east half of the site for multi-family which is an allowable secondary use in the Employment Center designation.

**Zoning and Land Use Table:**

CATEGORY	DESCRIPTION	APPLICANT COMMENT
Existing Zoning	PBC zoning	This proposal is not changing the existing zoning, will stay PBC zoning.
Proposed Zoning	PBC zoning (Conditional use for Multi-family for east half of the property)	Overall proposal generally meets PBC zoning per City Code
Surrounding Zoning/Land Use	North: PUD zoning - single family residential land use South: PBC/C-6 zoning - hotel/vacant land use East: PIP-2 zoning - manufacturing land use West: PBC zoning - vacant/hotel land use	Proposed commercial and residential (multi-family) uses fits well in the surrounding area and region. Manufacturing is existing east of the site, however, buildings and parking is sited to minimize impact. Also a 25' setback/buffer will be planted heavily on the east property line.
Building Height	PBC zoning building height is 45'	Request made for 57' building heights for the apartments and future commercial building (potential hotel)
Comprehensive Plan/Designated 2020 Land Use:	Employment Center	Proposed uses of commercial and multi-family are allowed in the City's Employment Center designation

d) **Need for multi-family housing in this area** - There is a need for more housing in the southeast part of the City and multi-family housing in this specific area due to the significant employment/jobs around the region. Residents of these apartments can walk or bike to adjacent places of employment minimizing additional vehicle trips. This part of the City is lacking adequate housing choices and needs more affordable and livable residential options that are close in proximity to existing jobs and potential large employers who are moving to the area.



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- e) **Existing setback and separation from the manufacturing building and land use to the northeast of this site** – As mentioned previously, in the immediate area there are schools, parks, churches, commercial, and employment centers for a mix of many uses. There is also single family residential (west/northwest) of this site and manufacturing use to the north. The single family to the northwest already has a significant buffer that exists between the proposed multi-family and that residential use as see in this photo. This will help significantly with the transition from single family to multi-family which is a logical land use transition.



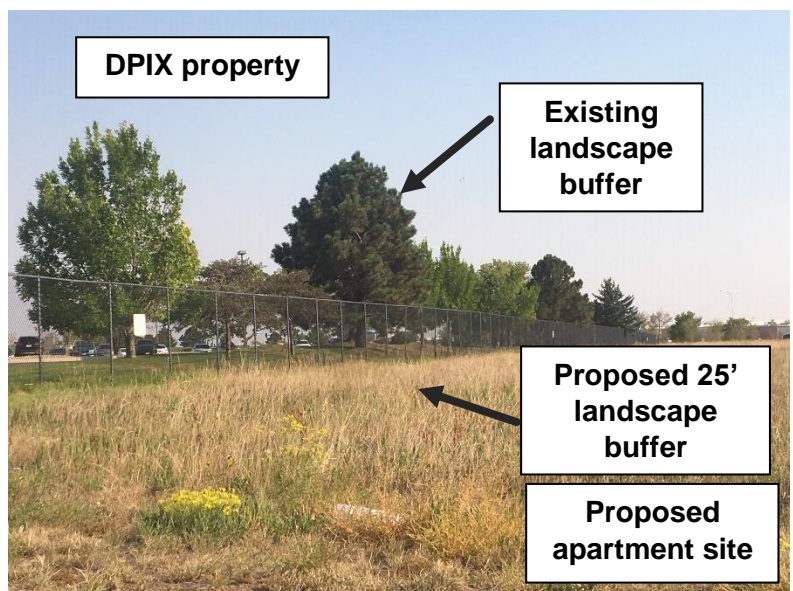
Single family detached homes are barely visible from the proposed apartment site to the existing single family detached homes located west/northwest of this subject site. This existing buffer will help provide separation and screening from the proposed apartments on the opposite side of Aeroplaza Drive



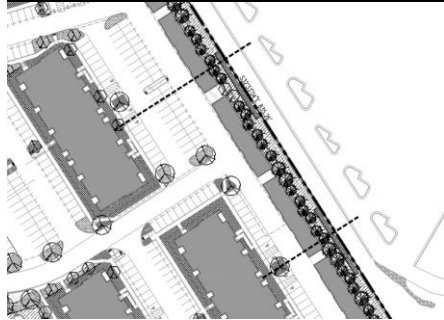
Concern has been expressed by the property owner of the manufacturing facility (Dpix) located east/northeast of this property. It is important to note that the operations are located inside the building and the building is approximately 325'-585' away from the proposed multi-family buildings. See Figure 2. Additionally, a large parking lot on the Dpix site already serves as a buffer or separation between the two uses. See exhibit below:



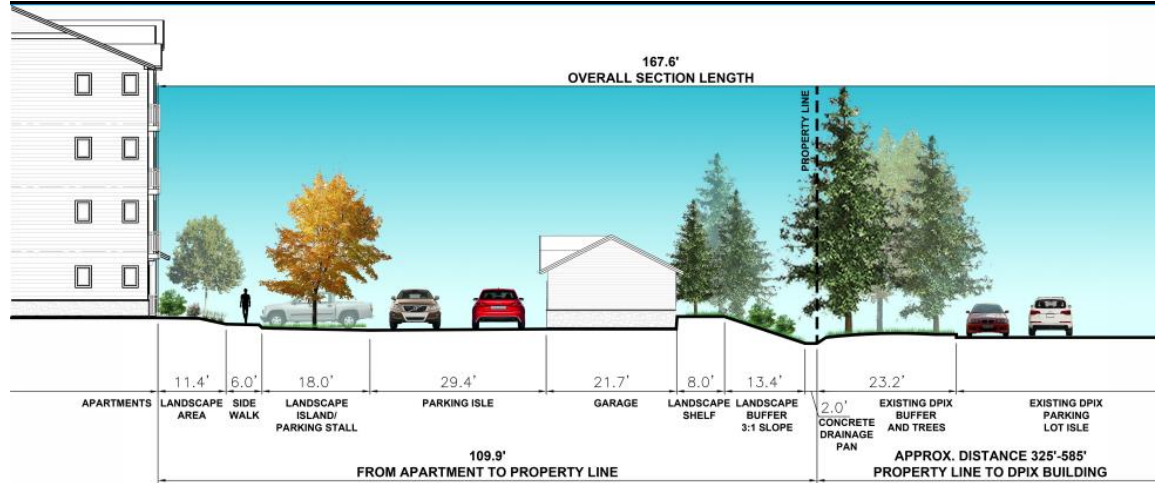
Also, an existing landscape buffer with mature landscape plantings provide a natural screen between the proposed apartments and existing DPIX site as shown in this photo. On the proposed apartment site the applicant is providing a 25' landscape buffer as shown in the two cross sections below. The garages for the apartment site have been purposely sited along the east property line to serve as a buffer or screen to the DPIX site. Additionally, a berm is proposed on the east side of the parking garages planted heavily with evergreens as shown in the cross sections.



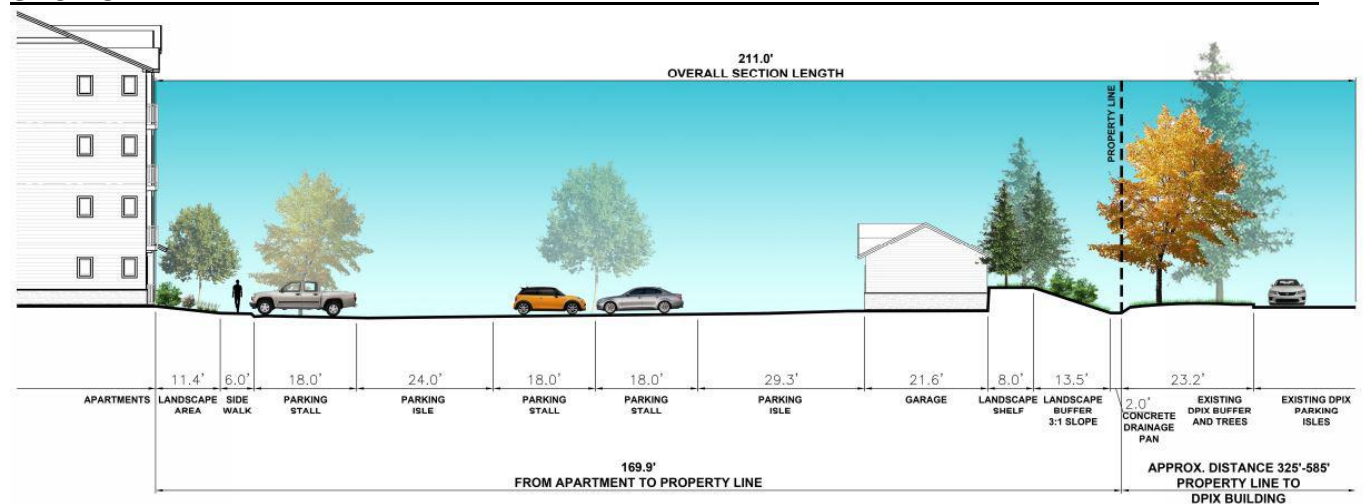
**SECTION PLAN VIEW**



**SECTION 1**



**SECTION 2**





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f) PBC, PIP, OC and C6 zoned parcels remain vacant in the surrounding area - Majority of parcels zoned PBC are vacant and have been for many years due to minimal demand and overall trend across the United States of less need for commercial zoned land. This site still proposes some commercial but also brings much needed housing in the area. Demand for housing is much greater than the need for commercial uses. Additionally, the real estate adage that “retail follows rooftops” holds true here as well; the majority of the residential has been developed and the remaining commercial and industrial ground has been vacant due to low- to no-demand. Providing additional housing options within the area will help the existing commercial development. Currently, in the parcels highlighted on the exhibit (Figure 3), about 69.5 acres are zoned for commercial or industrial use and are currently vacant.

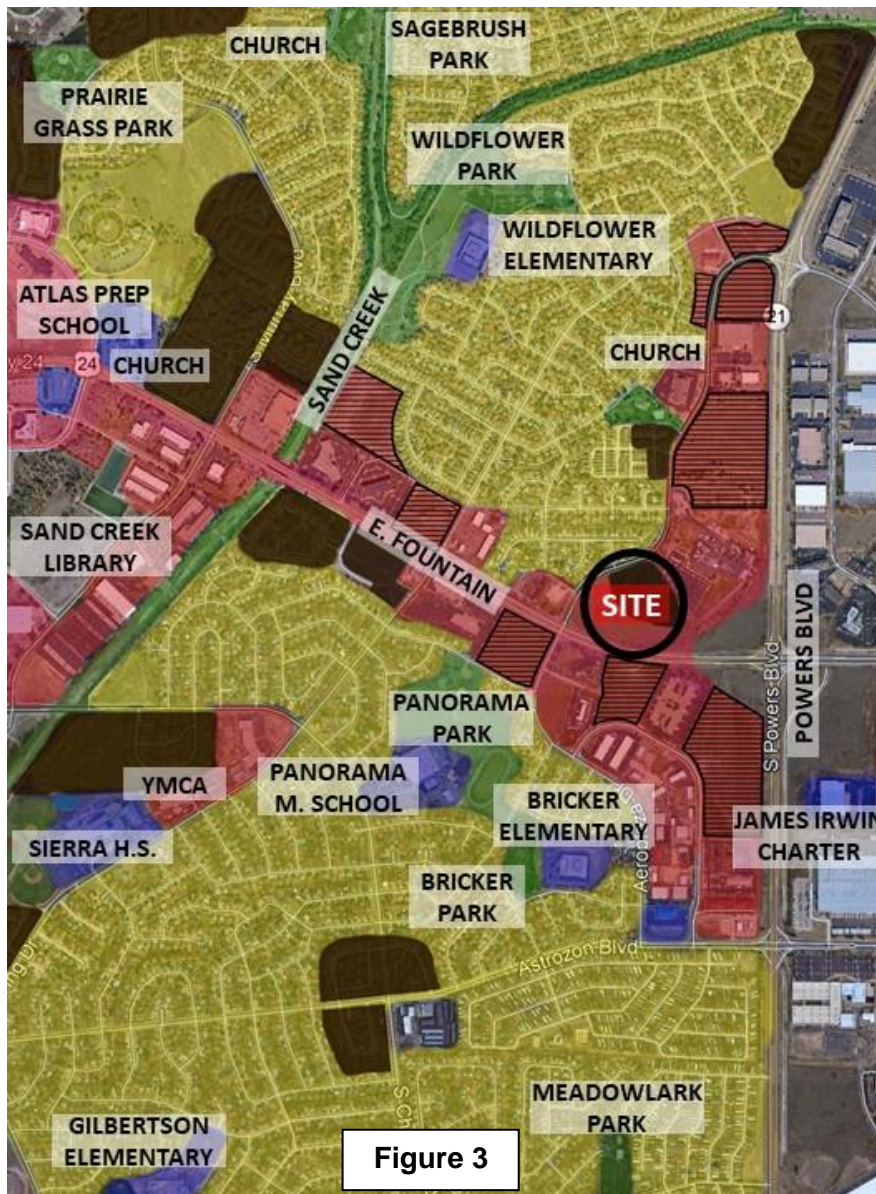


Figure 3

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- g) **Proposed land uses and Development Plan promotes a walkable community** – Residents can walk or bike to regional employment and to the proposed commercial uses on the west half of the site. Also, Panorama Park is approximately 0.25 miles and Penstemon Park is nearby. Panorama Middle School and Bricker Elementary School are approximately 0.5 miles away. The Sand Creek trail is accessible within 0.7 to 1 mile directly west of this site.
- h) **Multi-family is an appropriate land use in this area** - Multi-family is appropriate land use for this area and along a principal arterial (i.e. good transportation access) and other multi-family and single-family residential uses exist in the immediate area. The Single Family residential (shown in yellow color on Figure 3) is immediately northwest of this property. Other multi-family residential uses are also in the area as highlighted on the exhibit (dark brown color).
- i) **Proposed use supports the intent of the PlanCOS** - The proposed land use and plan aligns with PlanCOS, specifically the statement that “housing demands point to more infill”. This property is an ideal infill site for commercial uses and apartments as proposed.
- j) **Appropriate Site Design** - The proposed design is carefully integrated on the property and will offer Colorado Springs residents housing choices in this region of the City. Blending PBC-designated uses along with multi-family residential creates a true mix of uses for the community. Also, as described previously, the Site Plan demonstrates a 25’ setback/buffer on the east property line. Garage buildings have also been placed along that corridor thus providing a good buffer from the land use to the east of the apartment complex.
- k) **Open space and amenities for residents** - For the multi-family section an amenity center, plentiful walkways and over 20% will be in open space for residents to enjoy. This amount of open spaces exceeds City requirements for this type of land use.

3. An Issue List stating how each of the pre-application issues, as communicated to the applicant/owner by the reviewing planner, has been addressed in the approved development plan.

**Response:**

Pre-application issues communicated to the applicant/owner are below in italic with the responses following in bold:

- *The applicant is proposing the use of the site as half multi-family and half commercial. This would require a development plan for the commercial portion and a conditional use development plan with final approval or denial by City Planning Commission.*

**Noted and submitted accordingly.**

- *Ordinance 84-73 applies to this site. This requires a 46 foot scenic no build easement along Fountain Boulevard property line.*

**Noted and shown/respected on the submittal drawings.**

- *This site is master planned as part of the Gateway Park Master plan and is master planned for commercial.*

**Noted, residential uses can be permitted as a conditional use within the Employment Center designation and multi-family is allowed in the PBC commercial zoning as a conditional use.**



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- *The PlanCOS Comprehensive Plan calls out this area as Established Suburban Neighborhood and is next to a reinvestment area.*

**Noted, these proposed land uses and the design of the property fits well into the surrounding area which has many mixed uses. There is a need for more multi-family residential housing in this area. It is a very established community with schools, parks, churches, trails, bus routes, etc. which is idea for a multi-family use.**

- *In 2015 CPC PUZ 15-00031 and CPC PUP 15-00032 were denied by CPC and City Council. The request was for 80 single-family lots. Staff recommended denial because the proposal did not meet the comprehensive plan or the master plan and did not utilize the commercial aeronautical zone to support businesses related to the aeronautical industry by exempting them from sales & use tax.*

**Noted. This application is not for single family lots (detached homes). This proposal is for a mix of uses including about half of the site in commercial and half of the site in multi-family (apartments). These land uses fit well into the mixed-uses in the area and the multi-family is a logical land use adjacent to the proposed commercial. Many parcels in the commercial/aeronautical zone are vacant and have remained vacant over many years due to the lack of demand for that type of use.**

- *A proposal of mixed commercial and residential would be supported by staff. The mixed use is a permitted use in the PBC zone district and would require a development plan and final plat. To be mixed use, the uses will need to be combined in one building not separate uses on the site.*

**This proposal is for a mix of uses (commercial and multi-family residential). As noted, these uses are permitted in the PBC zoning district and this proposal meets that intent. There is minimal or no market demand for a building with mixed uses in the same building, especially in this location. Many parcels in the immediate area are vacant because of minimal market demand. For example, it is not feasible for this entire site be commercial uses as the demand is low. This proposal of splitting the site into commercial and multi-family is very appropriate for this site.**

- *Staff is unsure of support for multi-family due to compatibility with the industrial use to the north. Multi-family will require a conditional use and final plat. The master plan is considered implemented, so it would not have to be amended; however, the change from commercial to residential would be reviewed with the conditional use review.*

**This is an infill site adjacent to residential and non-residential uses so as proposed this will fit the surrounding area very well. Furthermore, single family detached homes are existing (built) immediately to the west/northwest of this property. Residential apartments are a good transition or related land use to single family detached.**

**North of the site there is the light industrial use and all of the operations are actually inside of the building. We are aware of the concern by the property owners to the north. We have reached out on multiple occasions via email and phone with minimal response and desire to meet. Copies of our correspondence have been provided to Staff.**

**As noted previously, it is important to note that the operations are located inside the building and the actual building is approximately 325'-585' away from the proposed multi-family buildings. Additionally, a large parking lot on the manufacturing site serves as a buffer or separation between the two uses. If necessary, the applicant is willing to build a significant buffer along the eastern property line and has shown this on the proposed Development Plan.**

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1. Will the proposed development have a detrimental effect upon the general health, welfare and safety or convenience of persons residing or working in the neighborhood of the proposed development?

**Response: No.** The proposed development should not have detrimental effect upon the general health, welfare and safety or convenience of persons residing or working in the neighborhood. The proposed development will follow appropriate development standards (code, etc.) required by the City to improve the general health, welfare and safety of the residents and the surrounding area. The proposed use of commercial and multi-family and keeping the PBC zoning designation fits well into the immediate area and surrounding region.

2. Will the proposed density, types of land uses, and range of square footages permit adequate light and air both on and off site?

**Response: Yes.** The proposed density, types of land uses and range of square footages permit adequate light and air both on and off site. Within the existing zoning these uses are appropriate and compatible. The proposed building square footages and heights are appropriate for the area as they are very comparable to heights of surrounding buildings. The applicant has placed the apartments on the east part of the site to provide an appropriate land use transition from the commercial. Also, ample open space and buffers are provided throughout the project and setbacks are significant between buildings and from off-site uses and structures providing adequate light and air on and off the site. The project will be landscaped with primarily Colorado native street trees and open space areas will be stabilized with native vegetation further adding a positive effect to adequate light and air on and off the property. For these reasons the proposed density, land uses and square footages are consistent and compatible with the established adjacent developments.

3. Are the permitted uses, bulk requirements and required landscaping appropriate to the type of development, the neighborhood and the community?

**Response: Yes.** The proposed uses are compatible with the surrounding neighborhood and area. The proposed use, bulk requirements and landscaping is very similar to the adjacent developments. The proposed building square footages, heights, lot coverage, etc. are appropriate for the area and this site. Landscape requirements will be per the City Landscape Policy and Codes with street trees, streetscape improvements and open space stabilized with native vegetation. This will be appropriate to the type of development, the surrounding neighborhood and community.

4. Are the proposed ingress/egress points, traffic circulation, parking areas, loading and service areas and pedestrian areas designed to promote safety, convenience and ease of traffic flow and pedestrian movement both on and off the site?

**Response: Yes.** Ingress / egress is proposed at two location onto Aeroplaza Drive. Aeroplaza Drive is a three lane collector that has a two-way left turn lane through the center which allow southbound left turning vehicles to safely enter the site. There is an existing sidewalk on the north side of the road and striped bicycle lane in both directions. The proposed development will provide pedestrian connection to these facilities with the addition of sidewalk along the frontage of both East Fountain and Aeroplaza Drive. Traffic circulation, parking areas, and pedestrian areas are designed to promote safety, convenience and ease of traffic flow and pedestrian movement both on and off the site. The Development Plan proposes two uses which are residential and commercial, each with distinct access points. Pedestrian and vehicular



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connectivity between the uses promotes a walkable community. Residents of the apartments can easily walk to the commercial uses.

Proposed parking stalls and lots will be configured to meet or exceed the City design standards and codes. Proposed parking ratios will meet the city required spaces for the proposed use. Access to the proposed parking areas will be safe and convenient.

5. Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?

**Response: No.** The proposed development should not overburden the capacities of existing streets, infrastructure, utilities, parks, schools and other public facilities. The development will tie into the existing public facilities and utilities in the immediate area that are more than sufficient.

**Water:** There are existing water mains along the project frontage of both Aeroplaza and E. Fountain Blvd. There are two existing stubbed connection points that were intended for use on this property.

**Sanitary Sewer:** There are sanitary sewer mains along the project frontage of both Aeroplaza and E. Fountain Blvd. CSU has indicated that this project could connect to either of these mains. A Wastewater Facilities Master Report has been submitted to CSU Planning department to further evaluate the system capacity based on this projects proposed uses.

**Stormwater:** The Peterson Field Drainage Basin Master Plan Update determined that downstream detention ponds #1 and #2 contain adequate volume for the future developed condition of the basin. However, it could not be determined if all recommended conveyance facilities from the DBPS have been completely constructed. Therefore, the site will provide onsite water quality and detention in accordance with City requirements. By following these requirements, the development will not overburden the downstream public facilities.

**Streets:** Based on the Traffic Impact Study, the level of service are anticipated to be acceptable for all turning movements in all scenarios at the proposed site access points. The intersection of Fountain Boulevard/Aeroplaza Drive is anticipated to operate at LOS B during both peak hours and all scenarios. All turning movements are projected to operate at acceptable levels of service. The development will construct auxiliary lanes in accordance with the recommendations of an approved Traffic Impact Study.

**Transportation:** There is very good transportation access to this site and bus routes are in the near area. Therefore, this location provides convenient walking and driving to bus routes, trails and parks. The City's Metro Transit system (Bus Route 22 Southborough via Murray Blvd) has a stop within 0.4 miles at the intersection of E. Fountain Blvd. & Jetwing Dr. providing connections to downtown Colorado Springs and the greater region. Bike lanes run along Aeroplaza Drive and connects to the greater Colorado Springs area.

6. Does the proposed development promote the stabilization and preservation of the existing properties in adjacent areas and surrounding residential neighborhoods?

**Response:**

**Yes.** The proposed development (mixed use) fits well into the surrounding neighborhood which is a mix of uses and fairly established. Schools, churches, parks, trails, and shopping all existing in this region. This development will further the stabilization and preservation of existing properties in the area.

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7. Does the Development Plan show how any potentially detrimental use to use relationships (e.g. commercial use adjacent to single-family homes) will be mitigated?

**Response:**

The proposed commercial uses are very appropriate for this area and are sited along Aeroplaaza and Fountain Boulevard. The apartments are a logical and good land use transition east of the proposed commercial uses. The detention pond is a good buffer between the commercial and multi-family. Lastly, the multi-family is possibly a better land use relationship between this site and the existing single-family homes to the northwest of the site. Placing more manufacturing or commercial on the east part of this site would not be a good use relationship to the adjacent single family homes. This project does not have potentially detrimental use to use relationships.

Does the development provide a gradual transition between uses of differing intensities?

**Response:**

Yes. The proposed uses of commercial and multi-family provides a gradual land use transition. Furthermore, these two uses are appropriate for an infill site such as this subject site. Commercial, multi-family, office buildings and residential zoned areas surrounding provide multiple land use mixes and intensities.

8. Is the proposed Development Plan in conformance with all requirements of this Zoning Code, the Subdivision Code and with all applicable elements of the Comprehensive Plan?

**Response:**

Yes. The Development Plan meets the intent of the PBC zoning (with a conditional use for the multi-family), is consistent with the Gateway Master Plan and is consistent with the Employment Center designation as noted above.

Zoning Code

The proposed uses fit the existing zoning on the property and the development. A variance is requested for building height up to 57' for the apartments and the commercial use anticipating a hotel use on one of the parcels.

Subdivision Code

The project will meet requirements of the Subdivision Code.

Comprehensive Plan – PlanCOS

The Development Plan, proposed land uses and intent aligns with many of the goals and strategies of the City's recently approved PlanCOS. PlanCOS focuses on several themes such as: Vibrant Neighborhoods, Thriving Economy, Majestic Landscapes, and Design stormwater infrastructure as an integral and connected part of new development. Provided below is description on how this development supports and integrates the concepts of those items.

*Plan COS goal-Vibrant Neighborhood:*

The surrounding area is vibrant with a mix of uses. The areas is also well developed with the exception of the vacant commercial zoned/planned parcels. This proposal of a mix of commercial and multi-family residential will add to the vibrancy of the area. In the area there are employment opportunities, commercial/retail, multi-family and single family detached residential, schools, churches, parks and open space. This proposed commercial/multi-family site will fit well within the vibrant neighborhood. On the site itself this community will be a safe and vibrant neighborhood with quality apartment buildings and the commercial will offer convenient access for the residents on the property and the surrounding area.





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*PlanCOS goal-Strong Connections:*

**This community will provide good vehicular and pedestrian connections to the surrounding area. Sidewalks will connect the surrounding neighborhood to this site and connect to regional destinations. This development will provide vehicular connections to Fountain Boulevard and Aeroplaza Drive and there is a bus route and stops nearby. The Sand Creek open space and trail system is very close to the west of this site. Overall, this community and project will be well connected to the neighborhood and larger region.**

*PlanCOS goal-Thriving Economy:*

**This community encourages and compliments the established mixed uses in the region and positively responds to the goals and objectives of the thriving economy concept. PlanCOS clearly identifies the concept of infill sites and building the heart of the City, not only downtown, but existing urban areas of the city. This site is a perfect example of an infill site should include a mix of uses such as commercial and multi-family as proposed. This approach supports the theme and ideas of a Thriving Economy in PlanCOS.**

*PlanCOS goal-Majestic Landscapes, Community focal points for open space and recreation; Amenities for park and recreation users;*

**The proposed plan fits well into the PlanCOS Majestic Landscape goal. The proposed site layout provides a design that is functional, sustainable, and provides for public safety, flood hazard mitigation, and long term maintenance of all associated facilities. This proposed development will utilize Colorado drought tolerant plants that also look very good aesthetically. There will be plentiful landscape around the site and open space for residents of the apartments. The detention pond will be well landscaped and provide a nice amenity feature with the pond between the commercial and apartments. Lastly, an amenity center, and walking paths are sited throughout the community.**

*Policy SC-3.B: Design stormwater infrastructure as an integral and connected part of new development and redeveloping areas and preserve or incorporate naturalistic stream profiles and features where feasible and Strategy SC-3.B-1: Design and construct stormwater improvements to incorporate recreational opportunities and protect infrastructure.*

**The stormwater design for this site includes a water quality and detention basin centrally located within the site that will be well landscaped. The open space area and detention pond will be designed in accordance with City requirements to protect downstream infrastructure. The central location of the basin will provide stormwater outfalls integral to each adjacent lot within the development as well as provide open space buffering between residential and commercial uses.**

Per the reasons and justification provide above we respectfully request approval of the Development Plan and Conditional Use for the Apartment parcel. Should you require additional information please contact me at [pstuepfert@hrgreen.com](mailto:pstuepfert@hrgreen.com) or at (720)-602-4941.

Respectfully submitted,

**Phil Stuepfert**  
**Principal/Sr. Project Manager**  
**HR GREEN DEVELOPMENT, LLC**