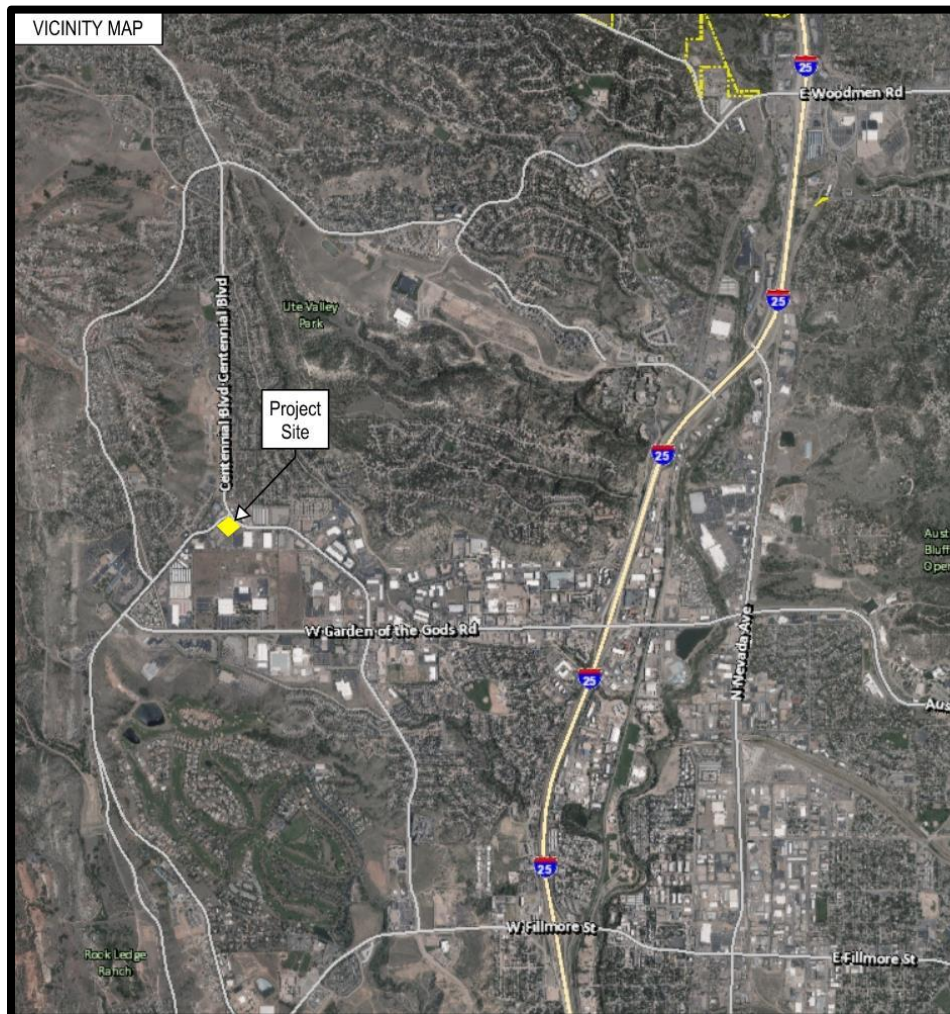


CITY PLANNING COMMISSION AGENDA
July 13, 2022

STAFF: WILLIAM GRAY

FILE NOs:
CPC CU 22-00072 - QUASI-JUDICIAL
AR R 22-00340 - QUASI-JUDICIAL
AR R 22-00341 - QUASI-JUDICIAL
AR R 22-00342 - QUASI-JUDICIAL
AR R 22-00403 - QUASI-JUDICIAL

PROJECT: N 30th STREET APARTMENTS
OWNER: G LIGHT EQUITY, LLC
DEVELOPER: G LIGHT EQUITY, LLC
CONSULTANT: ATWELL, LLC



PROJECT SUMMARY:

1. **Project Description:** The North 30th Street Apartments project includes applications approval of a conditional use development plan and four (4) administrative relief applications for the land located at 5075 North 30th Street. The plan will allow the development of a new, four-story, 85-unit multi-dwelling in a PBC (Planned Business Center) zone district (**see “Conditional Use Development Plan” attachment**).

A concurrent final subdivision plat application for the North Thirtieth Street Apartments Filing No. 1 subdivision is being administratively reviewed.

2. **Applicant’s Project Statement:** (**see “Project Statement” attachment**)
3. **Planning and Development Team’s Recommendation:** City Planning staff recommends approval of the application.

BACKGROUND:

1. **Site Address:** The project site is addressed at 5075 North 30th Street.
2. **Existing Zoning/Land Use:** The subject property is zone PBC (Planned Business Center) and is vacant.
3. **Surrounding Zoning/Land Use:** North: PBC (Planned Business Center) and PIP-2 (Planned Industrial Park) and commercially and industrially developed.
South: PIP-2 (Planned Industrial Park) and is industrially developed.
East: PIP-2 (Planned Industrial Park) and is industrially developed.
West: PBC (Planned Business Center) and PIP-2 (Planned Industrial Park) and is commercially developed.
4. **PlanCOS Vision:** According to the PlanCOS Vision Map (**see “PlanCOS Vision Map” attachment**), the project site is identified as an Established Suburban Neighborhood.
5. **Annexation:** The subject property was annexed into the City under Pope’s Bluff Addition Annexation Plat (November 1, 1965) and Pope’s Bluff Addition No. 3 Annexation Plat (March 1, 1971).
6. **Master Plan/Designated Master Plan Land Use:** The project site is part of the Pinon Valley Master Plan. The master plan designates the land use for this site as Planned Business Center. Pinon Valley Master Plan is an implemented plan.
7. **Subdivision:** The property is platted as Lots 1, 2 and 3, Centennial Centre Subdivision Filing No. 1 Amended (to be platted as Lot 1, North Thirtieth Street Apartments Filing No. 1).
8. **Zoning Enforcement Action:** None
9. **Physical Characteristics:** The property is a vacant, undeveloped parcel that consists of a grass landscape. Along the perimeter of the site is curb and gutter, and sidewalk. The on-site slopes range from one percent (1%) to nine percent (9%) and flows from west to east. located at the southeast corner of the Centennial Boulevard and North 30th Street intersection

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public notification process consisted of providing notice to adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 81 property owners on two (2) occasions; during the internal review stage and prior to the Planning Commission hearing. The site was also posted during the two occasions noted above. City Planning staff received seven (7) written comments for the project. All comments received were generally opposed to the project citing concerns over building height, traffic, limited park space, emergency evacuation (**see “Public Comment” attachment**). The Applicant provided a response letter to address the public comment (**see “Public Comment Response” attachment**).

Staff input is outlined in the following sections of this report. Staff sent the conditional use development application plan to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Fire Department, City Engineering, Stormwater Enterprise, and City Traffic Engineering. City Planning staff notes that the following review agencies provided project specific comments:

- City Traffic - The City's Traffic Engineering Division stated they have no comments on the development plan and agree with the Traffic Impact Analysis (TIA) findings and recommendations.
- City Fire – The City's Fire Department (CSFD) commented on on-site fire access and turning movements, which have been addressed.
- City Engineering – The City Engineering Development Review (EDR) had no comments with the project.
- SWENT -Stormwater Enterprise (SWENT) had no major review comments for this project. They have approved the variance for underground detention and the Final Drainage Report
- CSU – Colorado Springs Utilities (CSU) had comments water meter sizing, water line sizes and additional easements around the hydrant. The review comments issued by CSU have been addressed

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

1. Review Criteria / Design & Development Issues:

a. Background

The site has had previously approved development plans that have not been implemented. In 2014, the site was approved for a Kum and Go Convenience Store and before that in 2011, an indoor sports and recreation facility.

b. Conditional Use Development Plan Proposal

The Applicant's proposal is for a Conditional Use Development Plan to permit the development of a new multi-family apartment building on a site that is zoned PBC (Planned Business Center) in the accordance with City Code Section 7.3.203 (**see "Conditional Use Development Plan" attachment**). The N 30th Street Apartments project consists of a 2.75-acre site, that is a corner lot, with vehicle and pedestrian access from Centennial Boulevard and North 30th Street, a new 4-story, 85-unit multi-family building and associated site improvements, The improvements include an outdoor amenity area, landscaping, on-site parking, pedestrian ways, and trash dumpster enclosure.

The proposed four (4) story multi-family dwelling has a proposed building height of 49' -5" with architectural features extending to a height of 50' - 9". The maximum building height in the zone district is 45 feet and ornamental features are permitted to exceed the base height limitation by 5' (refer to proposed administrative relief review in Section 1.d and 1.e below for additional details). The building is designed with varied roof lines and articulation of the façade to give the building more architectural character and make it more compatible with the buildings in the area. The design gives special consideration or deference to the variety of residential buildings in the surrounding neighborhood to further make it a good fit. The site also slopes 14' from west to east across the site. The building height as proposed is also due to site topography and the applicant attempting to fit the building to the grade. The same applies to the placement of the building, and this results in the northeast corner of the building being 22.6' from the front property line and the southeast corner being 20.3' The required front yard setback that applies to this site is 25' (refer to proposed administrative relief review in Section 1.f and 1.g below for additional details).

Parking on-site is by surface parking lot that is located behind the proposed building. This design element of the project was to ensure a better street facing view of the project from both Centennial Boulevard and North 30th Street. Not only does the building screen the parking, but it is also screened by the landscaping. The parking spaces provided for the conditional use development plan are following City Code Section 7.4.203. The project also qualified for parking reductions that are allowed by code for its proximity to a city bike route and city bus stop, which reduced required number of spaces by 10% or from 129 required spaces down to 117. The project is, however, providing a total of 123 parking spaces. **(see “Conditional Use Development Plan” attachment)**

Landscaping for the N 30th Street Apartments project is designed to not only meet the standards, but to adequately screen parking, trash enclosure and similar project elements and soften the impact of the new building to the streetscape. The landscaping for the project includes street frontage trees and shrubs adjacent to Centennial Boulevard and North 30th Street to enhance the streetscape of this corridor and internal and motor vehicle lot trees and shrubs to improve the on-site environmental aesthetics for the residents and reduce visual impacts from adjacent properties and public rights-of-ways **(see “Conditional Use Development Plan” attachment).**

Site lighting incorporates lighting fixtures that are full cut off to direct all light downward and on to the site. As a result, there should be little to no light trespass off the site. This also helps to make the better fit into the surrounding area. It is a benefit to the nearby residential because they are higher in elevation than the project site. In addition, the approach to site lighting helps to mitigate off-site lighting, which is already high due to the nature of the surrounding commercial and industrial uses **(see “Conditional Use Development Plan” attachment).**

There are no street improvements planned for the project as the existing street system is adequate to handle the new traffic volumes associated with the project. This is supported by a Traffic Study by LSC Transportation Consultants, LLC and accepted by City Traffic Engineering. From a traffic standpoint this project is also located on principal and minor arterial streets, a transit and bike route, adjacent to a bus stop, and existing pedestrian ways (sidewalks). The location provides for diverse travel options, and this should be viewed as a benefit to future traffic volumes.

Overall, the development is also located proximate to places of employment, schools, parks, groceries, services, and entertainment. All are characteristics that make it a good fit for residential development as proposed. These are similar reasons as to why the Pinecliff and Mountain Shadows neighborhoods are both desirable places to live within the city. This site is a good fit for multi-family development **(see “Context Map” attachment).**

To this final point, the PBC (Planned Business Center) zone district is proposed to be changed to the MX-M (Mixed Use Medium) zone district with the forthcoming rewrite of the City Code, Chapter 7, Planning, Development and Building (ReToolCOS). With this change, the multi-family dwelling use becomes a permitted use, front setbacks are 20 feet and maximum building height is 50'. The proposed use and the requested relief from development standards aligns with ReToolCOS as it is envisioned.

c. Findings for Granting a Conditional Use Development Plan

- i. *Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.*

City Planning Staff finds that the request will not injure the value and quality of the surrounding neighborhood, as the immediate area is currently developed with a broad mix of commercial, industrial, multi-family residential and single-family residential uses. While concurrent applications have been requested to vary

certain dimensional standards, those requests only enhance how the proposed development is appropriate for the site and surrounding area.

- i. *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.*

Based on City Code Section 7.3.201, Purpose, commercial zone districts are intended to provide "...areas for commercial retail, service, and office uses required by the residents of the City in a manner consistent with the Comprehensive Plan." Commercial zone districts are also envisioned to allow for and/or accommodate other land uses should certain standards be met and approvals be granted. The applicant's request to develop a multi-family residential development is consistent with the additional standards set forth in City Code Section 7.3.205(Q)(2) for residential units in the PBC (Planned Business Center) zone district, which are structured to mitigate potential impacts that apply to certain uses conditionally permitted in commercial zone districts; thus, ensuring the intent and purpose of City Code to promote public health, safety and general welfare is met. This is further reinforced by the requirement that residential uses in the PBC (Planned Business Center) zone district must comply with the R-5 (Multi-Family Residential) zone district.

- ii. *Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.*

The proposed multi-family residential development use, as illustrated by the conditional use development plan conforms to the goals and policies of the City Comprehensive Plan (herein referred to as "PlanCOS").

d. Building Height Findings for Granting Administrative Relief

- i. *The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district and such conditions will not allow a reasonable use of the property in its current zone in the absence of relief.*

The site has a grade change of 14 feet from west to east. In addition, the design of the project is being conscientious to fitting the project both to the topography and surrounding properties and neighborhood. The placement of the building improves the buildings orientation to the Centennial Boulevard and North 30th Street and helps to reduce or minimize the visibility of the off-street parking creating a more aesthetically pleasing design. The height of the building is partly a result of designing the building to fit into the topography but also allowing the architecture to be compatible with and enhance the quality of the area. Strict application of the maximum building height standard in this case is unreasonable as the measures taken with the design of the proposal creates a project that is more compatible with the surrounding area.

- ii. *The intent of this Zoning Code and the specific regulation in question is preserved.* The intent of this zoning code, specifically the regulations for maximum building height are preserved with the granting of the administrative relief requests.

The additional building height is primarily for the varied roof lines of the building, which have been incorporated into the design to add architectural variety and interest to a building that may have otherwise been a flat roofed building to meet code.

- iii. *The granting of the administrative relief will not result in an adverse impact on surrounding properties.*

The granting the administrative relief to maximum building height will not result in adverse impact on surrounding properties.

- iv. *The granting of the administrative relief will not allow an increase in the number of dwelling units on a parcel. Administrative relief shall not be used to create or modify lots to the extent that they no longer meet the minimum lot size for the zone district in which they are located.*

The granting of administrative relief to maximum building height will not and does not allow an increase in the number of dwelling units or to create a lot that does not meet minimum lot size standards of the zone district.

e. Height Exception for Ornamental Features Findings for Granting Administrative Relief

- i. *The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district and such conditions will not allow a reasonable use of the property in its current zone in the absence of relief.*

Based on City Code Section 7.4.101, Purpose, general development standards have been enacted to ensure that new development will produce a stable, desirable character which is harmonious with existing and future development and is consistent with the City's Comprehensive Plan. This section includes standards to height exceptions for ornamental features, which includes "any other structures not used as floor space or for human occupancy, which are an integral part and architecturally compatible with the building." In the case of this project, it includes multiple variations in roof lines. The purpose of this design element is to make it more compatible with surrounding properties and neighborhood, especially the residential buildings in the area. A distinguishing characteristic of both the single and multi-family residential buildings in this area is roof form variety. Strict application of the height exceptions for ornamental features standard in this case is unreasonable as the measures taken with the design of the proposal creates a project that is more desirable and in character with the surrounding area.

- ii. *The intent of this Zoning Code and the specific regulation in question is preserved.*
The intent of this zoning code, specifically the regulation for height exceptions for ornamental features are preserved with the granting of the administrative relief requests.

The varied roof lines of the building, which have been incorporated into the design, add architectural variety and interest to a building that may have otherwise been a flat roofed building. The design meets the purpose of City Code Section 7.4.101 as this proposed variation to code creates a more desirable building and a building that is more in character with the residential buildings of the neighborhood.

- iii. *The granting of the administrative relief will not result in an adverse impact on surrounding properties.*

The granting the administrative relief to height exceptions for ornamental features will not result in an adverse impact on surrounding properties.

- iv. *The granting of the administrative relief will not allow an increase in the number of dwelling units on a parcel. Administrative relief shall not be used to create or modify*

lots to the extent that they no longer meet the minimum lot size for the zone district in which they are located.

The granting of administrative relief to height exceptions for ornamental features will not and does not allow in an increase in the number of dwelling units or to create a lot that does not meet minimum lot size standards of the zone district.

f. Centennial Boulevard Front Yard Setback Findings for Granting Administrative Relief

- i. *The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district and such conditions will not allow a reasonable use of the property in its current zone in the absence of relief.*

The site has a grade change of 14 feet from west to east. It is located on a corner lot. In addition, the design of the project is being conscientious to fitting the project both to the topography and surrounding properties and neighborhood. The placement of the building improves the buildings orientation to the Centennial Boulevard and North 30th Street and helps to reduce or minimize the visibility of the off-street parking creating a more aesthetically pleasing design. The relief requested is only for a 25 square feet area of the building, otherwise it meets the 25' front yard setback standard from the Centennial Boulevard property line. Strict application of the front yard setback standard in this case is unreasonable as the measures taken with the design of the proposal creates a project that is more compatible with the surrounding area.

- ii. *The intent of this Zoning Code and the specific regulation in question is preserved.*

The intent of this zoning code, specifically the front yard setback is preserved with the granting of the administrative relief request.

- iii. *The granting of the administrative relief will not result in an adverse impact on surrounding properties.*

The granting the administrative relief to the front yard setback will not result in adverse impact on surrounding properties.

- iv. *The granting of the administrative relief will not allow an increase in the number of dwelling units on a parcel. Administrative relief shall not be used to create or modify lots to the extent that they no longer meet the minimum lot size for the zone district in which they are located.*

The granting of administrative relief to the front yard setback will not and does not allow in an increase in the number of dwelling units or to create a lot that does not meet minimum lot size standards of the zone district.

g. N 30th Street Front Yard Setback Findings for Granting Administrative Relief

- i. *The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district and such conditions will not allow a reasonable use of the property in its current zone in the absence of relief.*

The site has a grade change of 14 feet from west to east. It is located on a corner lot. In addition, the design of the project is being conscientious to fitting the project both to the topography and surrounding properties and neighborhood. The placement of the building improves the buildings orientation to the Centennial

Boulevard and North 30th Street and helps to reduce or minimize the visibility of the off-street parking creating a more aesthetically pleasing design. The relief requested is only for a 6 square feet area of the building, otherwise it meets the 25' front yard setback standard from the North 30th Street property line. Strict application of the front yard setback standard in this case is unreasonable as the measures taken with the design of the proposal creates a project that is more compatible with the surrounding area.

- ii. *The intent of this Zoning Code and the specific regulation in question is preserved.*
The intent of this zoning code, specifically the front yard setback is preserved with the granting of the administrative relief request.
- iii. *The granting of the administrative relief will not result in an adverse impact on surrounding properties.*
The granting the administrative relief to the front yard setback will not result in adverse impact on surrounding properties.
- iv. *The granting of the administrative relief will not allow an increase in the number of dwelling units on a parcel. Administrative relief shall not be used to create or modify lots to the extent that they no longer meet the minimum lot size for the zone district in which they are located.*
The granting of administrative relief to the front yard setback will not and does not allow in an increase in the number of dwelling units or to create a lot that does not meet minimum lot size standards of the zone district.

Staff finds the proposed use to be consistent with the purpose for uses in commercial zone districts, as set forth in City Code Section 7.3.201, the standards for residential dwelling units where allowed in commercial zone districts, as set forth in City Code Section 7.3.205(Q)(1), the criteria for granting conditional use development plan, as set forth in City Code Section 7.5.704, the criteria for administrative relief, as set forth in City Code Section 7.3.1102, and a development plan, as set forth in City Code Section 7.5.502(E).

2. Conformance with the City Comprehensive Plan:

City Planning staff has evaluated the proposed application for conformance with the City's current comprehensive plan ("PlanCOS"), adopted in January 2019. According to PlanCOS Vision Map (see "**PlanCOS Vision Map**" attachment) and Vibrant Neighborhood Framework Map, the project site is identified as an 'Established Suburban Neighborhood'. New development should focus on safe connections into and within these neighborhoods. In the case of this project being at the periphery both the Pinecliff and Mountain Shadows neighborhoods it benefits from a network of safe and existing connections in and out of, as well as through the neighborhoods. These connections include the primary street system, sidewalks and bike paths/routes, regional and community parks, local schools, and transit.

The N 30th Street Apartments project is consistent with three (3) PlanCOS vision themes, as follows:

- Vibrant Neighborhood - Housing for All
GOAL VN-2: Strive for a diversity of housing types, styles, and price points distributed throughout our city through a combination of supportive development standards, community partnerships, and appropriate zoning and density that is adaptable to market demands and housing needs.
Policy VN-2.A: Promote neighborhoods that incorporate common desire neighborhood elements.

Strategy VN-2.A-2: Support land use decision and projects that provide a variety of housing types and sizes, service a range of demographic sectors, and meeting the needs of residents and families through various life stages and income levels.

Policy VN-3.F: Enhance mobility and connectivity between neighborhoods across Colorado Springs and with surrounding jurisdictions.

Strategy VN-3.F-1: Increase transportation recreation choices for all neighborhoods by improving or adding bike lanes, sidewalks, off-street neighborhood trails, and greenways that connects to larger system trails...

- Unique Places – Embrace Creative Infill, Adaptation, and Land Use Change

GOAL UP-2: Embrace thoughtful, targeted, and forward-thinking changes in land use, infill, reinvestment, and redevelopment to respond to shifts in demographics, technology, and the market.

Policy UP-2.A: Support infill and land use investment throughout mature and developed areas of the city.

- Strong Connections – Connect Multimodal Transportation

GOAL SC-1: Multimodally connect people and land uses throughout the city and region.

Policy SC-1.D: Establish and maintain convenient multimodal connections between neighborhoods, local destinations, employment and activity centers, and Downtown.

Strategy SC-1.D-1: Encourage well-connected systems of streets, sidewalks, bike facilities, and off-system trails in areas defined by Recent Suburban (Typology 3) and by Future Streets (Typology 4) typologies for new developments and redevelopment areas.

City planning staff finds the project in question and its associated applications to be substantially in conformance with PlanCOS and its guidance.

3. Conformance with the Area's Master Plan:

The project site is part of the Pinon Valley master planned area ("Pinon Valley Master Plan"). Pinon Valley Master Plan totals 280-acres in area and consists of a mix of commercial, industrial, research and development, multi-family and single-family residential and park land uses (**see "Context Map" attachment**). The project site is presently identified as a planned business center in the master plan and remains complimentary and supportive to the land use pattern for the area. The master plan is considered implemented pursuant to City Code as it is more than 85% built out. Through staff's review of this project, it has been found to be in general conformance with the long-range vision of the Pinon Valley Master Plan. Through staff's review of the requested conditional use development plan and administrative relief and in consideration of the applicable review criteria, the overall area impacts of the project were analyzed.

4. Stormwater Design

The project Drainage Report (including Drainage Plan) and a Variance for an underground full-spectrum detention facility has been reviewed by Stormwater Enterprise. The Drainage Report and variance have been approved. As a part of this process, Pueblo County is also required to review the proposed variance and they have recommended approval of the variance.

5. Wildland Urban Interface

The development is in the wildland urban interface and has been reviewed by the Division of the Fire Marshall. The project is subject to disclosure because of its location within the WUI and fuels management requirements. Both the disclosure and fuel mitigation requirement are noted on the development plan as is required by city code.

STAFF RECOMMENDATION:

CPC CU 21-000193 – CONDITION USE DEVELOPMENT PLAN

Approve the Conditional Use Development Plan for the N 30th Street Apartments project in the PBC (Planned Business Center) zone district, based upon the findings that the request meets the review criteria for granting a Conditional Use as set forth in City Code Section 7.5.704 and the review criteria for granting a Development Plan, as set forth in City Code Section 7.5.502(E).

AR R 22-00340 – ADMINISTRATIVE RELIEF BUILDING HEIGHT

Approve the Administrative Relief to City Code Section 7.3.204 for the N 30th Street Apartments project to allow a building height of 49'-5" in the PBC (Planned Business Center) zone district where the maximum allowed is 45', based upon the findings that the request meets the review criteria for granting Administrative Relief as set forth in City Code Section 7.5.1102.

AR R 22-00341 – ADMINISTRATIVE RELIEF CENTENNIAL BOULEVARD FRONT YARD SETBACK

Approve the Administrative Relief to City Code Section 7.3.204 the N 30th Street Apartments project to allow a 20'3' front yard setback at the southeast corner of the multi-family building in the PBC (Planned Business Center) zone district where the minimum required is 25', based upon the findings that the request meets the review criteria for granting Administrative Relief as set forth in City Code Section 7.5.1102.

AR R 22-00342 – ADMINISTRATIVE RELIEF NORTH 30TH STREET FRONT YARD SETBACK

Approve the Administrative Relief to City Code Section 7.3.204 for the N 30th Street Apartments project to allow a 22.6' front yard setback at the northeast corner of the multi-family building in the PBC (Planned Business Center) zone district where the minimum required is 25', based upon the findings that the request meets the review criteria for granting Administrative Relief as set forth in City Code Section 7.5.1102.

AR R 22-00403 – ADMINISTRATIVE RELIEF ORNAMENTAL FEATURE

Approve the Administrative Relief to City Code Section 7.4.102.C.2 for the N 30th Street Apartments project to allow an ornamental feature to exceed the base height limitation by 5'-9" in the PBC (Planned Business Center) zone district where the maximum allowed is 5', based upon the findings that the request meets the review criteria for granting Administrative Relief as set forth in City Code Section 7.5.1102.