

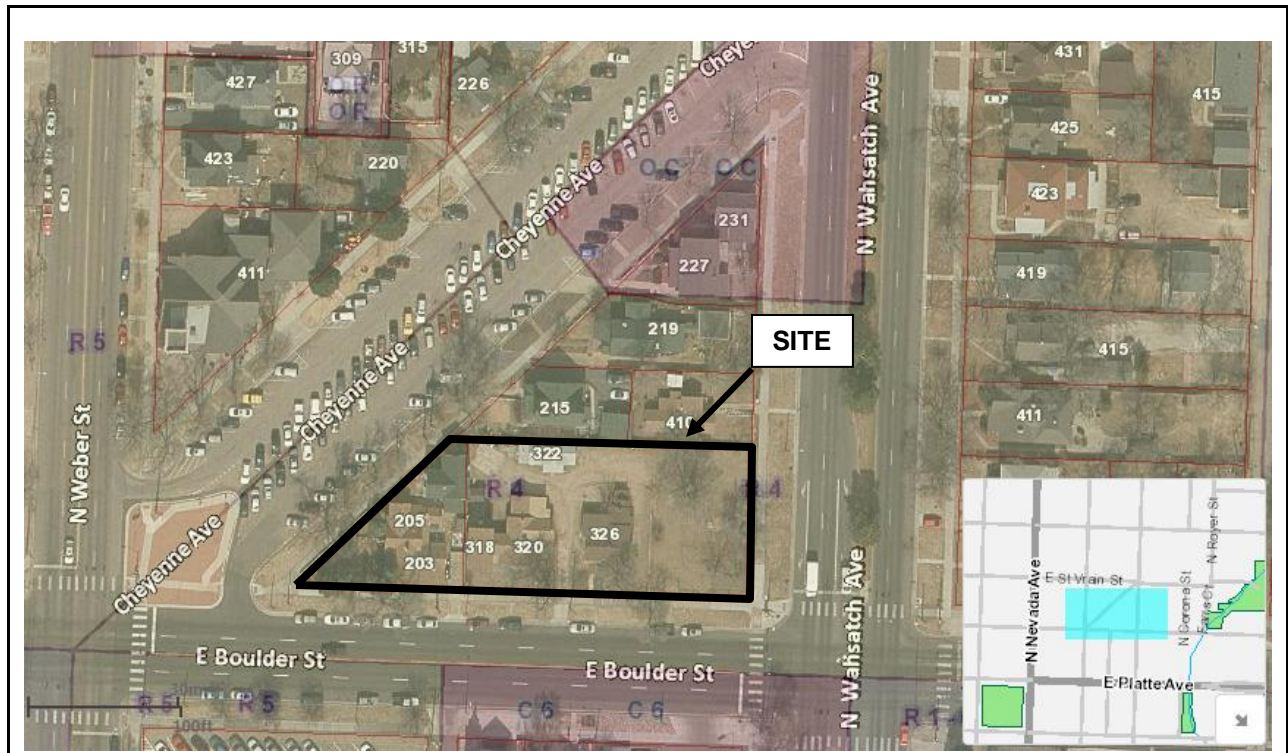
CITY PLANNING COMMISSION AGENDA
APRIL 18, 2019

STAFF: RYAN TEFERTILLER

FILE NO(S):

A. - CPC PUZ 18-00131 – QUASI-JUDICIAL
B. - CPC PUD 18-00132 – QUASI-JUDICIAL

PROJECT: 326 E. BOULDER APARTMENTS
OWNER: PATRICK MIERITZ
DEVELOPER: PATRICK MIERITZ
CONSULTANT: ALTITUDE LAND CONSULTANTS



PROJECT SUMMARY:

1. Project Description: The project includes three applications: 1) a zone change from R4 (multi-family residential) to PUD (Planned Unit Development), 2) a PUD development plan illustrating the construction of an apartment building with 16 dwelling units, and 3) a subdivision application (which is being reviewed administratively). While the rezone and development plan apply to both existing parcels covering a total of 25,000 square feet, only the eastern portion of the site (roughly 15,000 square feet) are proposed for redevelopment; the western 10,000 square feet are proposed to remain undisturbed (**FIGURE 1**)
2. Applicant's Project Statement: (**FIGURE 2**)

3. Planning and Development Team's Recommendation: City Planning staff recommends approval of the applications with minor technical modifications.

BACKGROUND:

1. Site Address: 203, 205 and 209 Cheyenne Ave., 318, 320 and 326 E. Boulder St.
2. Existing Zoning/Land Use: R4 (Multi-Family Residential) / Single- and Multi-Family (**FIGURE 3**)
3. Surrounding Zoning/Land Use:
North: R4 (Multi-Family Residential) and OC (Office Complex) / single-family and multi-family residential
South: R5 (Multi-Family Residential) and C6 (General Business) / commercial, multi-family residential and educational uses
East: R4 (Multi-Family Residential) / single-family, and multi-family residential
West: R5 (Multi-Family Residential) / civic (religious and educational) uses
4. Annexation: Town of Colorado Springs, 1872
5. Master Plan/Designated Master Plan Land Use: Experience Downtown Master Plan (2016)
6. Subdivision: Town of Colorado Springs, 1871
7. Zoning Enforcement Action: none
8. Physical Characteristics: the eastern portion of the site is vacant, while multiple single family residential structures exist on the western portion of the site; the site slopes notably from west to east.

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 208 property owners on three occasions: at the pre-application stage to announce a pre-application neighborhood meeting, during the internal review stage, and prior to the Planning Commission hearing. The site was also posted during the three occasions noted above. Approximately 30 people attended the pre-application neighborhood meeting held on July 19, 2018. The primary concerns expressed at that time were: displacement of existing tenants; parking supply and demand; historic preservation; and bulk/scale. During the pre-application stage as well as the internal review stage, Staff received numerous emails from stakeholders regarding the project. Copies of all the written comments received by staff are attached for reference (**FIGURE 4**). The applicant provided written responses to those stakeholder comments that had been received after the formal submittal of the applications at the conclusion of their resubmittal / response letter dated January 23, 2019. (**FIGURE 5**)

Staff's analysis of the proposed applications is outlined in the following sections of this report. The applications were sent to all standard review agencies including: City Engineering, Traffic Engineering, the Fire Department, Colorado Springs Utilities, Stormwater, Landscaping, Parks and Recreation, Streets, and others. The vast majority of the initial agency comments have been addressed; the few unresolved issues re included as Technical Modifications at the conclusion of this report.

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

1. Review Criteria / Design & Development Issues:
 - a. Background
The subject property is just northeast of the City's central business district, immediately northeast of Palmer High School. The property was part of the original town plat which created two 50' x 190' east/west lots with frontage on N. Wahsatch Ave. and one triangular lot with frontage on both E. Boulder St. and Cheyenne Ave. Most of the residential structures that still exist on the site today were built in the late 1800's though most have been significantly modified and none are listed on either the State of Federal Historic Register. Both parcels within the subject property have been owned by the applicant for nearly 20 years. And while he has leased the residential structures to numerous tenants over the years, he has long held the idea of redeveloping the site into higher density residential units.
 - b. Planning and Zoning Context

The subject property is just over a block from the edge of the Downtown Form-Based Zone (FBZ), and immediately across N. Weber St. from the edge of the Downtown Development Authority (DDA) taxing district. The site falls within the planning context area of the Experience Downtown Master Plan, though most of the Plan's details focus on the DDA area.

The site is zoned R4, which is a multi-family residential zone district, and while the proposed use is permitted in the R4 zone, the bulk standards of the district (e.g. setbacks, lot coverage limits, and lot area per dwelling unit limitations) make the proposed project infeasible within the existing zone. Early discussions with Planning Staff led the applicant to pursue a zone change to Planned Unit Development (PUD) to establish setbacks, density limits, building height limits, and parking requirements that took into consideration the site's urban context and adjacent land uses. While the change of zone application required additional process and delay, the applicant agreed that establishing a zone that suited the project was preferable to requesting multiple variances for a number of key project elements.

c. Zone Change to PUD

The zone change application associated with this project is to replace the existing R4 zone with a new Planned Unit Development (PUD) zone. The specific use type, height and density of the proposed PUD is: multi-family residential; maximum height of 40 feet; maximum density of 37 dwelling units per acre. The proposed density limit takes into consideration not only the proposed structure which includes 16 apartment units, but also the existing five dwelling units that are proposed to remain on the western portion of the site.

City Code requires that the following criteria are used to evaluate a change of zone application:

1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.
2. The proposal is consistent with the goals and policies of the Comprehensive Plan.
3. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with a zone change request.
4. For MU zone districts the proposal is consistent with any locational criteria for the establishment of the zone district, as stated in article 3, "Land Use Zoning Districts", of this chapter.

Staff finds that the first three criteria are met and that the fourth is not applicable. Specifically, the proposed apartment project is not detrimental to the public interest, health, safety, convenience, or general welfare. The subject property has historically had a relatively high density of dwelling units on it and it is located in a higher density, mixed-use area. The project will have adequate access to utilities and the site can be adequately served by the City's emergency responders. One element of the project that has been a concern to some stakeholders is the relatively small number of off-street parking stalls that are proposed; some believe that the project's dependence on public on-street parking will be detrimental to their interest and convenience. This issue is discussed in more depth within the development plan section of this report.

Staff also finds that the project is consistent with the City's newly adopted comprehensive plan – PlanCOS. The site falls within the Downtown “Activity Center” and just one block off the Nevada Ave. “City Priority Corridor.” (**FIGURE 6**). The project also falls within the “Downtown” typology within the Unique Places Chapter of the Plan. Downtown is described in the Plan as “encompassing an increasing mix of higher density housing options... along with additional high quality walkable destination elements, institutional centers, retail, lodging, and a full range of supportive uses.” In fact, Staff finds that all five Goals within the Unique Places Chapter support this project. The five goals are:

1. Enrich the texture and livability of the city as a tapestry of unique, vibrant, and walkable places.
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.
3. Continue to grow and support Downtown as an inclusive, mixed use, cultural, and economic heart of the region.
4. Strengthen our overall community identity and better serve the needs of residents and businesses within our large metropolitan area by developing active, unique, and connected centers and corridors.
5. Develop and support unique places and centers as models of resilience and sustainability.

Lastly, Staff finds that the proposed project is well aligned with the Experience Downtown Master Plan adopted in 2016. Specifically, the project meets the following goals:

Goal 1 – Economic and Cultural Heart of the Region

Goal 2 – Diverse and inclusive Place to Live, Integrated with Adjacent Neighborhoods

Goal 5 – A walkable and Bike-Friendly Center Connected Through Safe and Accessible Multi-modal Networks.

Goal 6 – A Leader in Innovative Urban Design and Sustainability.

d. PUD Development Plan

The development plan for the project provides details on key issues such as: bulk/scale, parking, architecture, landscape design, access, grading, and utilities. The project has evolved since it was first presented to the stakeholders at a pre-application neighborhood meeting in July of 2018. Specifically, the density was slightly decreased and the supply of off-street parking was increased in response to both stakeholder and Staff input.

The resulting plan illustrates a single new building with a footprint measuring in at 5,620 square feet. Because the site slopes relatively significantly from west to east, the building appears as a 2-story building when viewed from N. Weber St. looking east, and a 3+ story building when looking west from N. Wahsatch Ave. (the top floor corner unit is shown with “loft” level above the primary unit). The building is designed with a the historic character of the area in mind (the site falls just outside the southern extent of the North Weber/Wahsatch Historic District), using similar materials and design elements as the higher quality historic structures that can found in the area.

The proposed structure is located on the eastern portion of the overall site, coming within five to eight feet of the north, east and south property lines. This is a somewhat more urban design than is typically allowed for new development in the R4 zone, but is fairly consistent with most of the building setbacks on the same block as well as on adjacent properties to the south. The area between the sidewalk and the building will include two primary elements: 1) the existing stone wall along the south and east edges of the site will be retained, and 2) the area will be landscaped with trees, shrubs and ornamental grasses. These elements will help tie the project to the site's history while also softening the aesthetics of the site.

The area to be developed wraps around the east and north side of the existing residential structure at 320 E. Boulder St. (which is also owned by Mr. Mieritz and is included within the PUD zone change). This area of the site will be developed with seven private, off-street parking stalls – two of which are ADA stalls. The relatively small number of private, off-street parking stalls has been a significant issue with some of the stakeholders in the area, many believing that reliance on public, on-street stalls will result in the new residents parking in front of their homes or businesses. Many argue that at least one private stall should be incorporated into the project for each dwelling unit. Conversely, the applicant has provided data that suggests that Cheyenne Ave., just northeast of the site has an ample supply of parking for existing residents, new residents, and Palmer High School students – many of which use Cheyenne during school hours.

Evidence provided by the applicant as well as evidence gathered by Staff suggest that on-street parking is generally available within one block of the site. The applicant submitted a parking table (**FIGURE 7**) that documents that during school hours in November and December of 2018 between 30% and 50% of the 123 public stalls on Cheyenne Ave. between Weber and Wahsatch were unoccupied. Occupancy rates during the evening hours, which most students have left the area and when parking demand is highest for adjacent residents, are considerably lower. However, Staff's review of aerial photography of the area taken in 2018, 2016, 2014, 2012 and 2010 (**FIGURE 8**) appear to show considerably higher usage rates on Cheyenne than the applicant's data would indicate. That said, it should also be noted that both E. Boulder and N. Wahsatch, which are also adjacent to the site, have significant capacity for public parking; the aerial photos in Figure 8 document that cars are rarely parked on the west side of N. Wahsatch Ave. just north of the subject property.

Because the proposed parking provisions are being incorporated into the proposed PUD zone district, neither a non-use variance, nor use of the relatively new alternative parking options found in Section 7.4.204 of City Code are required. However, if credit were given for on-street stalls adjacent to the site as is allowed for other projects, it should be noted that as many as 19 on-street stalls could be used to off-set parking demand for this project (13 parallel stalls along E. Boulder and 6 angled stalls on Cheyenne). Those stalls, taken together with the 7 off-street stalls, could be used to justify City-wide parking requirements under City Code.

The last element of the project that warrants discussion is the possibility that between 2 and 4 of the new units will be designated as certified affordable housing units. While discussions continue between the owner and the City's Community Development Staff, and nothing has been finalized, this issue may be of interest to decision makers in that any new affordable housing units help address the challenges of work-force housing and homelessness within the City.

City Code requires that a development plan for a project within a PUD zone meet the standard development plan review criteria found in Section 7.5.502.E. as well as the criteria specifically applicable to PUD developments plans found in Section 7.3.606. The criteria cover a wide range of issues such as: the appropriateness of the use, bulk requirements, and landscaping; appropriate transitions; land use relationships; mobility; connectivity; parking; open space; preservation of natural features; adequate provision of utilities; off-site impacts; and others.

Staff has carefully considered all the necessary criteria, and consulted with other City agencies regarding many of the issues that are evaluated. While some stakeholders believe that the bulk and scale of the proposed building are out of character with the surrounding properties, and that the site should provide additional off-street parking, Staff has concluded that the proposed plan is consistent with the PlanCOS and the Experience Downtown Master Plan and will provide additional residential units within walking

distance of the City's Central Business District, and that the project has been designed to mitigate impacts to neighbors, and that therefore, the City should approve the applications.

2. Conformance with the City Comprehensive Plan:

As discussed above in the PUD zone change section of this report, the proposed project is highly compliant with the City's newly adopted Comprehensive Plan - PlanCOS. The project is a higher density infill project creating new residential units in close proximity to the City's core. The project will likely include a number of formally designated affordable units, and will help establish a walkable environment.

3. Conformance with the Area's Master Plan:

As discussed above in the PUD zone change section of this report, the proposed project is highly compliant with the 2016 Experience Downtown Master Plan. The project uses unique, context-sensitive design to establish new residential units within a short walk to the City's central business district.

STAFF RECOMMENDATIONS:

Item: CPC-PUZ 18-00131 – PUD ZONE CHANGE

Approve the proposed PUD zone (37 dwelling units per acre of multi-family residential use, 40' maximum building height) for the 326 E. Boulder Apartments project, based upon the finding that the request complies with the zone change review criteria in City Code Section 7.5.603.B, subject to compliance with the following conditions technical and/or informational modifications:

Technical and Informational Modifications to the Zone Change:

1. Update the zoning exhibit to add bearings and distances for the northerly and easterly boundaries of Exhibit B

Item: CPC-PUD 18-00132 – PUD DEVELOPMENT PLAN

Approve the proposed PUD development plan for the 326 E. Boulder Apartments project, based upon the finding that the request complies with the review criteria in City Code Sections 7.5.502.E, and 7.3.606 subject to compliance with the following technical and/or informational plan modifications:

Technical and Informational Modifications to the Master Plan Amendment:

1. Update the development plan to clarify the location and extent of all fence types, including the "ornamental hand rail" identified in the plan's legend.
2. Confirm that Colorado Springs Utilities has approved the necessary Wastewater Master Facilities Report and Hydraulic Grade Line analysis.
3. Finalize and gain acceptance of the project's Drainage Letter.
4. Submit and gain acceptance of Alternative Compliance for the proposed landscape setbacks.