

CITY PLANNING COMMISSION AGENDA
NOVEMBER 15, 2018

STAFF: HANNAH VAN NIMWEGEN

FILE NO(S):
CPC CU 17-00125 – QUASI-JUDICIAL

PROJECT: PEAKS RECOVERY CENTER
OWNER/APPLICANT: SERENITY PEAKS RECOVERY, LLC
CONSULTANT REPRESENTATIVE: N.E.S. INC



PROJECT SUMMARY

1. Project Description: This is a conditional use proposal to allow a Drug or Alcohol Treatment Facility within the R1-6000 (Single-Family Residential) zone district. The 1.7 acre site is addressed as 6440 Brook Park Drive and generally located east of the Academy Boulevard and Dublin Boulevard intersection. The facility operator, Peaks Recovery Center, is requesting an increase from eight residents to 15 residents, triggering the requirement for conditional use approval. Staff is proposing a condition of approval to cap the maximum number of residents at 15 not including domestic, supervisory or medical staff providing services on the premises. Detoxification is not an element of this site's proposed operation.
2. Applicant's Project Statement: **(FIGURE 1)**
3. Planning and Development Team's Recommendation: Staff recommends approval of the application with a condition of approval.

BACKGROUND

1. Site Address: 6440 Brook Park Drive
2. Existing Zoning/Land Use: R1-6000 (Single-Family Residential)/Drug or Alcohol Treatment Facility with eight residents
3. Surrounding Zoning/Land Use:
 - North: R1-6000 (Single-Family Residential) / Single-Family Residential & C-5 (General Business)/Commercial Pet Services
 - South: OC (Office Complex)/Religious Institution
 - East: OC (Office Complex)/Religious Institution then R1-6000 (Single-Family Residential) / Single-Family Residential
 - West: OC/CR (Office Complex with Conditions of Record)/Medical office & PF (Public Facility) / Colorado Springs Fire Station #14
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: Portions of the property were a part of two annexation requests—the Brookwood Addition Number 2 and the Dublin Addition Number 1. Both annexations took place in 1971.
6. Master Plan/Designated Master Plan Land Use: This property is part of the Dublin Business Park master plan which designates the subject property as "Residential." This master plan is considered implemented.
7. Subdivision: Lot 1 of the Dublin Business Park Subdivision Filing Number 11
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is developed with a single-family home of about 6,500 square feet in size containing seven bedrooms. The site slopes approximately ten feet from Brook Park Drive to the site's typical grade then begins to slope another ten feet down toward the single-family residential to the north. The site is vegetated along Brook Park Drive and along the northwest portion of the yard area.

STAKEHOLDER PROCESS AND INVOLVEMENT

The public notification process for the application consisted of providing notice to the neighbors by placing a poster for the project on site and sending postcards to 300 property owners within 1,000-feet of the project site. Staff received six letters detailing concerns **(FIGURE 2)**.

A neighborhood meeting was scheduled and held on November 13, 2017 at St. Patrick Catholic Church just across Brook Park Drive from the subject site. Public notification of this meeting was mailed to the same 300 property owners within 1,000-feet and a poster for the project was posted on-site. This meeting was attended by 16 individuals who expressed concerns regarding the facility's operation, compatibility with the neighborhood, potential for increased traffic, concerns of the prospective residents, and existing crime and traffic issues in the neighborhood. It was also discussed that City Planning staff would not factor discriminatory comments of the prospective residents into consideration of the proposal. Shortly after the neighborhood meeting, City Planning staff received an open letter and petition opposing the proposal containing 119 signatures **(FIGURE 3)**. Since the neighborhood meeting, staff received three additional letters of comment for the record **(FIGURE 4)**.

The same public notification process will be completed prior to the City Planning Commission meeting on November 15, 2018.

The applications were sent to the standard internal and external agencies for review and comment. All review comments which were received have been addressed. Review agencies for this project included Colorado Springs Utilities, City Traffic, City Engineering, City Fire Department, and Police/E-911.

ANALYSIS OF REVIEW AND CONFORMANCE WITH CITY COMPREHENSIVE PLANNING

1. Review Criteria/Design & Development

Background:

This is a conditional use proposal to allow a Drug or Alcohol Treatment Facility within the R1-6000 (Single-Family Residential) zone district. The subject site is addressed as 6440 Brook Park Drive, is generally located east of the Academy and Dublin Boulevards intersection, and is 1.7 acres in size. The facility operator, Peaks Recovery Center, is requesting an increase from eight residents to 15, triggering the requirement for conditional use approval. Staff is proposing a condition of approval to cap the maximum number of residents to 15 which would not include persons visiting residents, supervisory staff, or medical staff who are providing services to the residents.

The residential home located at 6440 Brook Park Drive is approximately 6,500 square feet in size between the first and basement levels and contains seven bedrooms. Peaks Recovery Center's program promotes a system of structured housing which requires all residents to have a roommate. Peak Recovery Center asserts this component to the program increases each individual's accountability and heightens the sense of community within the home which promotes continued recovery. Peak Recovery Center states the 15th resident would supplement the roommate requirement during periods of transition (such as a roommate moving out).

The land use is considered a "Drug or Alcohol Treatment Facility" defined as "an establishment that may be Colorado State licensed or certified by the appropriate State agency that provides twenty four (24) hour care, treatment, rehabilitation and counseling for persons with alcohol, narcotic or substance abuse or a combination thereof and operated under private, public or nonprofit sponsorship." This land use category was created in 2010 (Ordinance 10-107) as a part of the establishment of medical marijuana (MMJ) code regulations and in response to MMJ's required separation from any public or private elementary, middle, junior high or high school, or a residential child care facility or a drug or alcohol treatment facility.

Prior to 2010, this land use would have been considered either a "human service home" or a "human service facility" depending on the number of occupants—a "human service home" is defined as up to eight residents and a "human service facility" is defined as nine or more residents. A "human service home" is permitted by right in all residential zone districts whereas a "human service facility" requires Conditional Use approval in single-family zone districts. These land use categories and their resident quantities also aligned with the state's licensing regulations. While the current "Drug or Alcohol Treatment Facility" category does not define resident quantities—defaulting to the City's definition of a family being no more than five unrelated individuals—it was determined by the City Attorney's Office that this land use category shall preserve its right to operate with up to eight individuals in residential zone districts. Peaks Recovery Center is currently operating at the subject site with a maximum of eight residents not including supervisory or medical staff.

Alcohol or Drug Treatment Facilities are part of the definition of "Residential Care/Assisted Living Facilities" per Section 310.2 of the 2009 International Building Code (IBC) and would fall under the R-4 Occupancy Classification if the occupant load is more than five, but not more than 16, excluding staff. Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, or shall comply with the International Residential Code (IRC) provided the building is protected with an automatic sprinkler system per IBC 903.2.8. If Peaks Recovery Center were

to request an increase to the number of residents to 16 or more, it will be classified as an I-1 Occupancy and becomes a commercial building requiring NFPA 13 sprinklers.

Site Plan (FIGURE 5):

The subject property has two access points to Brook Park Drive. The first is along the southern portion of the site and leads to the building's front entrance and three parking stalls including one van accessible stall. The eastern portion of the property makes up the second access point onto Brook Park Drive. This driveway leads to two garages for a total of five standard parking spaces for shift staff. The applicant's project narrative (**FIGURE 1**) outlines the Peak Recovery Program in more depth and states that residents are not permitted their own vehicles and will rely on company vans for transportation. Colorado Springs Zoning Code section 7.4.203 states the minimum parking requirement for this land use as one parking stall per eight beds.

The majority of the mature landscape is to remain to provide a natural buffer and screening to adjacent properties. However, during review of the proposal, the Crime Prevention Office of the Colorado Springs Police Department recommended the frontage landscape along Brook Park Drive be thinned to provide better natural surveillance of the property.

There are not any building additions proposed with this request. Other site improvements include the paving of the easterly driveway, the striping of three parking spaces from the southern driveway, and the addition of a screened patio on the northern side of the residence.

Staff finds the request for conditional use approval to be in conformance with the City Code standards and criteria for the subject application. Staff is of the opinion that the subject site and existing home are of a large enough size to accommodate 15 residents without substantially impacting the surrounding residences or businesses. The home was able to accommodate the number of individuals without additions to the structure or substantial interior remodeling. The parcel is 1.7 acres (74,052 square feet) in size which is approximately 12 times larger than what is required by the zone district allowing for roughly 100 feet of separation between the structure and the adjacent residences. This lot also sits about 10 feet higher than the adjacent residences. Additionally, the property borders commercial land uses to the south and west. Staff believes this property serves as a transition and/or buffer from those land uses to the residential neighborhoods to the north and east. Staff considers the proposal to meet the intent of the zoning code as well. Colorado Springs Zoning Code section 7.2.302 defines the umbrella land use of "human service establishments" as institutions that provide the residents "an opportunity to live in as normal a residential environment as possible." This site allows occupants to live in a relatively normal residential environment while also cushioning the land use with extra land area.

2. **Conformance with the City Comprehensive Plan**

The City Comprehensive Plan identifies the subject site as General Residential per the 2020 Land Use Map.

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

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

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

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

Objective LU 4: Encourage Infill and Redevelopment

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

3. Conformance with the Area's Master Plan

This property is a part of the Dublin Business Park master plan which identifies the subject property as designated for Residential. Human Service Establishments including Drug or Alcohol Treatment Facilities are considered residential type land uses in the zoning code.

STAFF RECOMMENDATION

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Approve the conditional use for a Drug or Alcohol Treatment Facility at 6440 Brook Park Drive, based upon the findings that the Conditional Use request complies with the three review criteria for granting a conditional use as set forth in City Code Section 7.5.704, and the development plan review criteria in City Code Section 7.5.502.E with one condition:

Condition of Approval:

1. This conditional use approval is limited to 15 residents not including domestic, supervisory or medical staff providing services on the premises.