

CITY PLANNING COMMISSION AGENDA
AUGUST 20, 2020

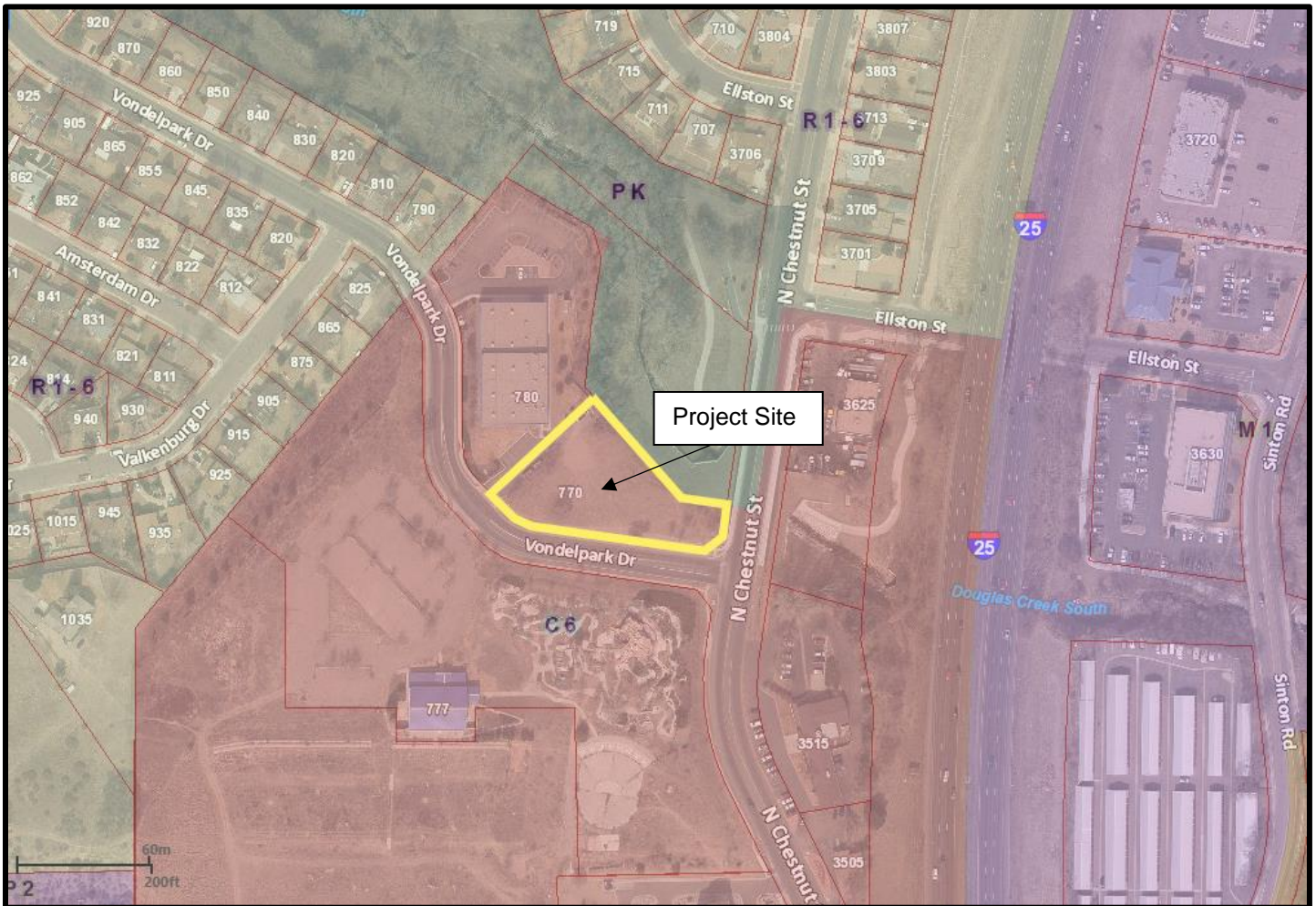
STAFF: KATELYNN WINTZ

FILE NO(S):
CPC CU 19-00039 – QUASI-JUDICIAL
CPC R 20-00106 – QUASI-JUDICIAL

PROJECT: CHESTNUTS ON THE CREEK

OWNER/DEVELOPER: FLYING MOOSE CORPORATION

CONSULTANT: TERRA NOVA ENGINEERING



PROJECT SUMMARY:

1. Project Description: The project includes concurrent applications for a conditional use development plan and administrative relief to construct an 18-unit multi-family residential apartment building (herein referred to as “Chestnuts on the Creek”) on a C-6/SS (General Business with Streamside Overlay) zoned property (**see “Conditional Use” attachment**). The subject property is located at 770 Vondelpark Drive and is .95-acre in size. The administrative relief request proposes a 15% relief to allow a 17-foot front yard building setback per City Code Section 7.3.104, along Vondelpark Drive, this information is illustrated on the Conditional Use Development Plan (**see “Conditional Use” attachment**).
2. Applicant’s Project Statement: (**see “Project Statement” attachment**)
3. Planning and Development Team’s Recommendation: Staff recommends approval of the applications.

BACKGROUND:

1. Site Address: The property associated with this project is addressed as 770 Vondelpark Drive.
2. Existing Zoning/Land Use: The property is zoned C-6/SS (General Business with Streamside Overlay) and is vacant.
3. Surrounding Zoning/Land Use:
North: PK (Public Park) and is developed as Douglas Creek Open Space.
South: C-6 (General Business) and is commercially developed.
East: C-6/SS (General Business with Streamside Overlay) and is commercially developed
West: C-6/SS (General Business with Streamside Overlay) and is commercially developed
4. PlanCOS Vision: According the PlanCOS Vision Map (**see “PlanCOS Vision Map” attachment**), the project site is identified as a Changing Neighborhood. The site is also adjacent to a Primary Trail Network Spur that links up with the Legacy Loop and Ring the Springs Trail Network.
5. Annexation: The property was annexed into the City under the Holland Park Addition Number 2 annexation (April 28, 1959, Ordinance No. 2525)
6. Master Plan/Designated Master Plan Land Use: This property is not part of an approved master plan.
7. Subdivision: This property was platted as Lot 2 of the Henrich and Zapp Subdivision.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is a vacant parcel with significant slopes down to the northeast side of the site into Douglas Creek.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public notification process consisted of a neighborhood meeting prior to submittal of the application on August 22, 2018, which was initiated by the applicant. Members of the public who attended expressed general concern in regard to traffic increases at the intersection of Vondelpark Drive and North Chestnut Street and sufficient on-site parking. The City-initiated public notification included providing notice to surrounding property owners within a 1,000 feet of the site, which included mailing postcards to 131 property owners on two occasions: during the initial review and prior to the Planning Commission hearing. This site was also posted during the two occasions noted above. City Planning staff received comments in opposition to the project generally citing increased traffic as their primary concern. Comments were also

made about the viability of development on this parcel do to its proximity to the culvert failure that resulted in the Chestnut Street Bridge emergency replacement, which was completed by the City in November 2016. The applicant has provided a neighborhood response letter addressing the concerns as noted by the public (see “**Neighborhood Response Letter**” attachment)

Staff input is outlined in the following sections of this report. Staff sent copies of the plan set and supporting documentation to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City SWENT, City Fire, City Police, and CGS. All comments received from the review agencies have been addressed. City Planning staff notes that the following review agencies provided project specific comments:

- Colorado Geological Survey (CGS) – CGS acknowledges there is a long-term risk from unstable slopes that is higher at the project location than in other areas of the city, but these risks can be reduced by strict adherence to RMG’s recommendations. As such, CGS had no objection to the approval of the project application. (see “**CGS Correspondence**” attachment)

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

1. Review Criteria / Design & Development Issues:

a. Application Summaries

i. Conditional Use Development Plan

The proposed Chestnuts on the Creek Conditional Use Development Plan (see “**Conditional Use**” attachment) consists of an infill development proposal for an 18-unit, three story, multi-family apartment building and ancillary site improvements. The site design and layout is generally compliant with City Code Section 7.3.104 *Agricultural, Residential, Special Use and Traditional Neighborhood Development Zone District Development Standards*, with the exception of the administrative relief request for a front yard building setback outlined in the following section of this report. Chestnuts on the Creek will be developed as three 1-bedroom units and 15 two-bedroom units; the units will have porches and a small common area outside of the main floor, a lounge, exercise room & top-floor open air balcony. There are two vehicle access points on-site, one on a 32-foot shared access drive at the westerly extent of the property boundary from Vondelpark Drive and the second located west of the intersection of Chestnut Street and Vondelpark Drive. City Planning staff applied the attached dwelling units use parking requirements, which are 1.5 parking spaces per one-bedroom unit and 1.7 parking spaces per 2-bedroom unit. As shown on the site plan, 35 parking spaces, including two (2) ADA parking spaces, have been provided where 30 spaces are required. A preliminary landscape plan was submitted illustrating a variety of trees, shrubs, flowers, and ornamental grasses consistent with the Streamside Overlay planting requirements; a final landscape and irrigation plan will be required within 90 days of building permit issuance.

Development of apartments in this area serve as a well-suited transition of uses from the I-25 corridor and adjacent commercial uses to the single-family residential developments to the north and west of the site. Mountain Metro Transit Route 14, Chestnut Street – Garden of the Gods Road runs along Chestnut Street with a southbound bus stop at the Chestnut Street and Vondelpark intersection and a northbound stop at the intersection of Chestnut Street and Ellston Street. The terminus of this route brings riders to the downtown terminal. The project site is about one-half mile north of the commercial development at the West Fillmore Street and Chestnut Street intersection which includes restaurants like Fuzzy’s Taco Shop, IHOP, Waffle House, and a Kum & Go convenience store and gas station. There are two grocery stores, a King Soopers on West Fillmore Street and a Safeway near the intersection of Centennial Boulevard and West Garden of the Gods Road, that are each 1.3 miles from the project site. (see “**Vicinity Map**” attachment).

City Planning staff finds the application to be consistent with the purpose of the Conditional Uses and Development Plan criteria.

ii. Administrative Relief

The administrative relief application requests relief to allow a 15% reduction of the front yard building setback to allow a 17-foot building setback along Vondelpark Drive where 20 feet is required per City Code Section 7.3.104 *Agricultural, Residential, Special Use and Traditional Neighborhood Development Zone District Development Standards (see “Conditional Use” attachment)*. A 3-foot reduction to the building setback will shift the building to the south, closer to Vondelpark Drive and shift the development away from the Streamside Overlay. The shift will create greater separation from the streamside and Sinton Trail. The areas closest to the northern property boundary and within the Streamside Overlay are the areas identified as susceptible to possible future geologic hazards. The trail is set below the project site. Providing additional separation distance from the public trail will create a more visually appealing experience for trail users because the building will not appear as large or imposing with the reduced setback.

City Planning staff finds the application to be consistent with the purpose of the Conditional Uses, as set forth in City Code Section 7.5.1101 *Administrative Relief Purpose and Intent*.

b. Streamside Overlay

The northern portion of the site falls in the outer buffer of the Streamside Overlay zone. The site has been carefully designed to minimize grading and disturbance along the northern property boundary encumbered by the overlay. The requested 3-foot reduction to the front yard building setback along Vondelpark Drive under the Administrative Relief application allows for a site layout that minimize additional impervious coverage in the outer buffer by shifting the parking area and treating unpaved areas in the buffer with landscaping plantings compliant with the streamside landscaping requirements, per City Code Section 7.3.508.(E)2-c *Streamside Protection Standards – Landscaping Requirements*. Additionally, there are seven parking spaces on the northeast portion of the site that are proposed as porous pavement, which further mitigates the amount of impervious surface in the outer buffer.

c. Geologic Hazards

The project location is west of Interstate-25 and is partially encumbered by the Streamside Overlay zone; thus requiring a geologic hazard report to be submitted with the conditional use development plan. As noted earlier in this report, the property is adjacent to the Chestnut Bridge culvert failure. The Geological Hazard Report, prepared by the Applicant’s consultant RMG, dated March 23, 2020, recognizes the presence of the following geological hazards on the site:

- Potentially expansive soil and bedrock,
- Possibly corrosive soil,
- Potentially unstable slopes,
- Erodible slopes,
- Floodplain,
- Seismicity, and
- Potential for radon gas.

The geologic hazard study acknowledges the hazards listed above and provides recommendations for development through mitigation and avoidance. In instances where artificial/uncontrolled fill, expansive soil/bedrock, and potentially collapsible soil, slope creep radon and landslide susceptibility are encountered on-site, these hazards are recommended to be “mitigated by drilled piers with structural floors and/or concrete slabs-on-grade supported atop structural fill after removal and replacement of existing soil”. CGS reviewed the report and

acknowledges while there are significant long-term risks associated with development of the property, they have no objection to the development as proposed so long as the development recommendations outlined in the geological hazard study are strictly adhered to during construction. The Conditional Use Development Plan includes notes acknowledging the subsurface drainage system planned for the base of the infill and the foundations are to be restricted to drilled piers to further reinforce the recommendations in the report.

d. Traffic

Although the project site and proposed development did not warrant the preparation of a traffic impact study, City Traffic Engineering (herein referred to as "Traffic") reviewed the conditional use development plan. Traffic determined that the site design and proposed access points allow for adequate traffic circulation and the existing road infrastructure has adequate capacity to accommodate the vehicle trips generated through the development of this site.

City Planning staff finds the proposed project addresses all the applicable review criteria set forth in City Code.

2. Conformance with the City Comprehensive Plan:

Staff has evaluated the proposed project for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to the PlanCOS Vision Map, the project site is identified as a Changing Neighborhood (**see "PlanCOS Vision Map" attachment**). The project aligns with PlanCOS Chapter 2 Policy UP-2.A, which states

"Support infill and land use investment throughout the mature and developed areas of the city."

Strategies UP-2.A-1, UP-2.A-4 and UP-2.A-5 reinforce the projects conformance with PlanCOS as these strategies highlight the desire to encourage active support and design flexibility of infill redevelopment.

The city is renowned for its majestic landscapes, the project is situated adjacent to a City-owned Open Space and trail along Douglas Creek. In PlanCOS Chapter 7, Majestic Landscapes, several "Big Ideas" discuss the importance of connecting residents to the outdoors, engaging with our landscapes, and providing easy access to our parks, open space, trails and outdoor spaces. Goal ML-2 specifically highlights the need to activate and expand the community use and interaction with open spaces. Development of a multi-family residential use adjacent to Sinton Trail and Douglas Open Space provides future residents easy access to interact with our landscape.

3. Conformance with the Area's Master Plan:

The project site is not part of an approved master plan; therefore, staff did not consider conformance with an approved master plan.

STAFF RECOMMENDATION:

CPC CU 19-00039 – Conditional Use Development Plan

Approve the Chestnuts on the Creek conditional use development plan, based upon the findings that the request complies with the review criteria for granting a conditional use set forth in City Code Section 7.5.704, and the development plan review criteria in City Code Section 7.502(E).

CPC R 20-00106 – Administrative Relief

Approve the administrative relief request to allow a 17-foot front yard setback where 20-feet is required per City Code Section 7.3.104, based upon the findings that the request complies with the administrative relief criteria set forth in City Code Section 7.5.1101.