

January 23, 2019

Hannah Van Nimwegen, Senior Planner  
Planning and Community Development  
Land Use Review  
30 S. Nevada, Suite 105  
Colorado Springs, CO 80901

Re: 1715-1719 Torin Point, For Rent Residential Development – Fountain Springs Filing No. 3 -  
Development Plan, Conditional Use, Use Variance and Final Plat.

Dear Ms. Van Nimwegen:

On behalf of Goodwin Knight, LLC, Land Patterns, Inc., is requesting approval of a proposed for rent residential development for a 7.12 acre parcel located at 1715 – 1719 Torin Point, Colorado Springs, CO. The following Project Statement, including our responses to the Development Plan, Conditional Use and Use Variance criteria are provided below for your review and consideration.

**Description:** The proposed property, located at 1715-1719 Torin Point, consist of 7.12 acres. The property is zoned PBC/Cr/Hr/AO – Planned Business Center with Conditions of Record, High Rise and Aviation Overlay. The property is currently vacant. The proposed Multi-family development is considered a Conditional Use under the parcel’s PBC zone and must be approved by the City Planning Commission.

The property lies southwest of the intersection of Fountain Blvd. (to the north) and Jet Wing Drive to the east. Torin Point, a private drive, loops through the site, connecting Fountain Blvd. and Jet Wing Drive. Torin Point also provides access to the apartment complex to the west (via a cross access easement).

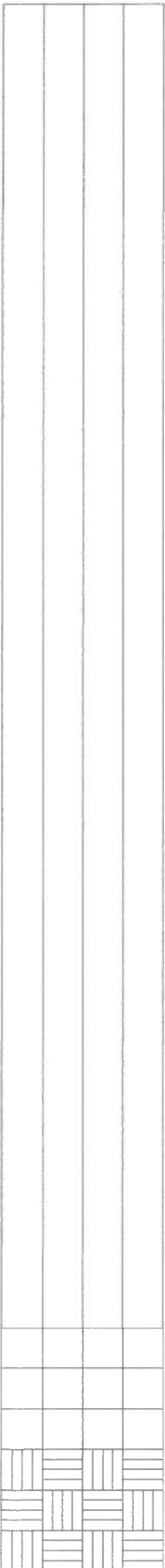
The property is surrounded by an apartment complex to the west (zoned OC – Office Complex). The apartment complex is included as part of the original Plat Filing (Filing No. 1) which includes the parcels being re-plated for the proposed project. The property to the north (on the north side of Fountain Blvd.) is occupied by the Harris Corporation, a light industrial and research facility (zoned OC – Office Complex), as is the vacant lot to the east of the facility. The property directly to the west of the proposed project is occupied by a gas and convenience store (zoned PBC). The property to east of Jet Wing Drive is a vacated office building (zoned OC-Office Complex). Parcels along the south property lines are single family residential lots (zoned R1-6- Single Family residential – 6000 acre lots).

The development is proposing 58 structures consisting of 116 for rent units and a Clubhouse/Management Office. The unit types consist of 4 model duplex types, a single story two-bedroom unit, a single story one-bedroom double unit, a single-story studio unit, and a two-story unit consisting of one bedroom on the main floor and a two-bedroom unit on the second floor. Unit sizes vary from 348 square feet to 900 square feet. All Units will be for rent and be maintained by the owner and /or owner’s management company. The Clubhouse/Management Offices is approximately 900 square feet and is strategically located within the project.

The site will be landscaped to meet the current City Landscape Code for setbacks, parking, internal and buffer requirements. A small play area will also be provided for the residences. The Clubhouse will provide an exercise and game room.

The property’s zoning includes Conditions of Record (Ordinance No. 86-84). The conditions are as follows:

1. Maximum building height - high rise: 180' (not to exceed elevation 6322)
- maximum building height – non-high rise: 30 feet



2. Landscape setback along Fountain Blvd: 50 feet
3. Maximum total square footage of improvements of within high rise overlay established by Ordinance No. 86-84 shall not exceed 425,000 square feet.
4. Maximum floor area ratio 1.0
5. Maximum lot coverage:
  - by buildings 30%
  - by buildings and parking 75%
6. Petitioner shall grant an avigation easement and the same shall be recorded with El Paso county Clerk to be a burden on the title to the property included in this request.
7. No man-made or no-man-made obstructions be allowed to penetrate the 40:1 Approach Surface
8. All exterior lighting plans be approved by the director of Aviation to prevent hazard to aircraft.
9. No electromagnetic, light, or any physical emission which might interfere with aircraft, aviation, communications or navigational aids be allowed.
10. Except as emended above, all other provisions of the applicable zoning regulation shall apply.

**Non-Use Variance:** The application includes the request of a Use Variance that will allow for a decrease in the required side lot building setback of 25' along the east property line adjacent to the existing gas and convenience store to a 5' width and south of the gas and convenience store along Torin Point to a 15 width++. The 25' side setback is specific to a commercial application (in this case PBC) whereas the 5' side building setback is more common with residential zoned properties including multi-family zoned properties. The applicant will provide a 6' high opaque structure along the property lines in addition to the required buffer plant material.

**Justification: Development Plan Review Criteria**

1. Will the project design be harmonious with the surrounding land uses and neighborhood?

*Response: Yes. The proposed one and two-story multi-family units will provide a mixed-use style of architecture and harmony to the surrounding neighborhood. The design of the project will bring continuity and connectivity to the single-family residential neighborhood to the south, apartment complex to the west and the light industrial office complex to the north.*

2. Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?

*Response: Yes, the proposed land use will be compatible with the surrounding neighborhood. The proposed multi-family residential component (as opposed to the allowable commercial or high-rise uses) will provide a soften interface with the single-family residential properties to the south) and the light industrial complex to the north and blend in with the multi-family apartment complex to the west. Density will be dramatically decreased from the intended high-rise component currently allowed under the existing zoning.*

*Torin Point, an existing private drive, provides the infra structure, existing utilities and access to the project, negating additional burden to these services. The proposed low density of the project will not overburden the neighborhood parks or schools.*

3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties?

*Response: Yes, most of the proposed units are single story. The majority of the 2 story structures will be located to the north along Fountain Blvd. Torin Point and the existing trail*



*along the south property line provide a buffer between the proposed development and the residential properties to the south.*

4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off-site negative influences and to buffer adjacent properties from the negative influences that may be created by the proposed development?

*Response: Yes, landscape buffer requirements and screening are proposed along the perimeters of the lot. The existing concrete privacy fence along the entire length of the south property line will remain. Conditions of record require a 50' wide landscape buffer along Fountain Blvd. (a 25' additional width requirement of the City Landscape Code for a major arterial). The proposed landscape meets or exceeds all other landscape code requirements.*

5. Will vehicular access from the project to the streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption?

*Response: Torin Point is an existing private drive that connects to Fountain Blvd. to the north and Jet Wing Drive to the east providing limited ingress and egress to the proposed development. Design of the projects' proposed drives and parking areas will tie into Torin Point minimizing traffic friction and promoting traffic flow.*

6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?

*Response: Yes (see Criteria # 5 above).*

7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic?

*Response: Where Torin Point intersects into Fountain Blvd., traffic exiting the development, are forced to make a right-hand turn. A median separates the east and west bound lanes of Fountain Blvd. thus discouraging cut-through traffic from Jet wing Drive.*

8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?

*Response: The number of proposed parking spaces provided meet the City requirements for multi-family units.*

9. Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design?

*Response: Yes. ADA accessible pedestrian routes provide accessibility throughout the entire project including the connection to the public ROW. Standard handicap parking spaces are provided that meet the City's requirements in quantity and dimension.*

10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?

*Response. Yes, proposed access drives and parking lots represent approximately less than 30% of the total site.*

11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?

*Response: Yes, pedestrian walkways are functionally separated from parking and vehicular traffic. Pedestrian crossings are strategically provided throughout the project to provide connectivity internally and externally to the public ROW.*

12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design?

*Response: Currently there are no significant features within the property boundaries. The lot is currently vacant. Along the south property line an existing concrete trail (to remain) connects the apartment complex (to the west) to Jet Wing Drive (to the east).*

**Conditional Use Review Criteria:**

The proposed multifamily dwelling unit development is considered a conditional use under the current property's zone PBC. The applicant is requesting the conditional use for the multifamily development and has the following responses to the Conditional Use Review Criteria:

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

*Response: The proposed multi-family development does not injure the values and qualities of the neighborhood. It will tie into and interface more favorably with the existing residential developments to the south and west than the allowable (PBC zone) commercial use. The proposed development will decrease the density versus the allowable (condition of record) high-rise use.*

- 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.

*Response: The proposed multi-family development is an allowable conditional use under the existing PBC zone.*

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

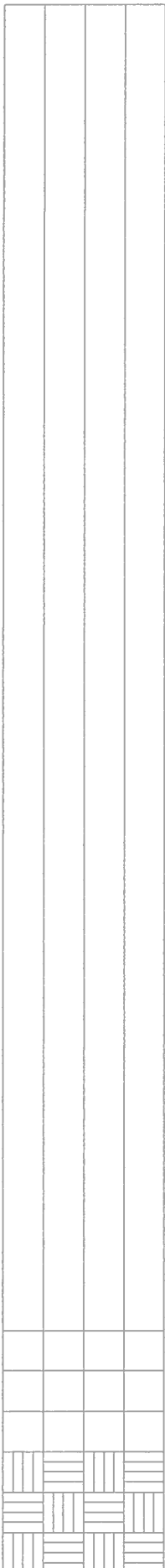
*Response: The proposed development's multi-family conditional use is consistent with the Comprehensive Plan of the City.*

**Use Variance Review Criteria:**

Variance Request: Building setbacks are required to be 25' from the property line along the side of the lot for properties zoned PBC. The applicant proposes that a 5' side lot setback be allowed along the east side of the property that is adjacent to the gas and convenience store and 15' side setback along Torin Point south of the gas and convenience store. The applicant's response to use variance criteria is as follows:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same zone so that a denial of the petition would result in undue property loss;

*Response: The applicant is proposing a Conditional Use - Multi-family residential development on a property currently zoned as a commercial use (PBC). Commercial properties require a 25' side lot building setback. Typically, under the city's multi-family zoned properties, side lot building setbacks require a 5' building setback. Further, the*



*reduction in building setback is for only that portion of the property that is adjacent to an existing commercial use and not a residential property. Denial of the petition would result in the reduction of the number of proposed units.*

2. That such variance is necessary for the preservation and enjoyment of a property right of the petitioner;

*Response: the applicant wishes to maximize the development of the parcel without hindering the values or qualities of the neighborhood. The reduction of the side lot building setback preserves the property owners' rights without hindering the adjacent neighborhood values and qualities.*

3. That such variance will not be detrimental to the public welfare or convenience nor injurious to the property or improvements of other owners of property.

*Response: the request has no impact on the public's welfare or convenience to adjacent property owners.*

**Issue List:**

On October 1, 2018 a Pre-Application Summary was prepared by the City Planner, Hannah Van Nimwegen, Senior Planner. Pre application comments and issues were standard comments. No outstanding concerns were brought to the applicant's attention. All of Ms Van Nimwegen concerns have been addressed in the submittal.

For these reasons, we respectfully request approval of the 1975 Chelton Residential Community Development Plan, Streamside application and Non-use Variance. Should you require additional information do not hesitate to contact me at 719-578-8689.

Respectfully submitted  
**Land Patterns, Inc.**



David T. Morrison, MLA, RLA  
President

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