

COMMENT RECEIVED FROM PUBLIC CITIZEN
(NO ADDRESS PROVIDED BY BRENDA CATRON)

RE: CPU CU 21-00046 and AR WR 21-00195

Almagre Community Housing 3725 Verde Dr / 1609 Zebulon Dr

Waiver Application, page 4, 2nd paragraph: See addendum A.

“anticipate the need for a minimal height variance to allow for the Finished “Flat” Roof (3’-0”) and Roof Top Access for Fire (7’-0”).” Page 6: “**Major modification** granted by the conditional use allowed by zoning; we request a *small height variance* to accommodate fire access to the roof. Is the “small” height variance for a total of 10 feet or more? Ten feet is the equivalent of another story in height and should not be considered a “small” height variance.

Response: The height variance [Nonuse Variance] is for non-occupiable space only and is anticipated to accommodate the 4’-10” necessary to screen mechanical and venting, and the 9’-10” height variance is only for a roof access stair, located within the interior of the site, where the project is four-stories on grade to minimize the effect to either commercial or neighboring communities.

Waiver Application, page 4, Project concept:

“Construction documentation for a 5-story,”” apartment building”
Is the project a 5-story building as reference in this statement or 4-story as referenced on page 13 of replat application?

Response: This is a five-story building; however, it is important to note that it is only five stories to accommodate the fall in grade along Zebulon Drive. At the corner of Zebulon and Verde and along Verde Drive, the building is four-stories on grade.

Waiver Application, page 6, Justification:

“We believe the density is in line with the conditional use allowed by zoning and consider the proposed density to reflect community zoning” Page 6: “**Major modification** granted by the conditional use”

From the city zoning web site (<https://coloradosprings.gov/page/property-zoning-and-what-it-means>)
“The OR and OC zones are generally located adjacent to residential developments and serve as a buffer to the more commercial zone of PBC”. **See addendum B.**

The conditional use zoning change directly from current PBC zone to purposed R-5 zone is not consistent with city’s referenced buffer zones between commercial and residential projects.

Applicants own words are “major modification . . . conditional use”. Project has 137 apartments and 173 parking spaces 8 of which are handicap. There are no allowances for visitor parking and larger moving or repair vehicles. Parking overflow should not be allowed onto private business properties. This will create significant safety and dangerous traffic flow problems. A structural solid fence barrier is needed to separate residential and commercial properties.

Application states that there is a vacant property west of subject that is zoned R-5. However, this property is owned by a church and is bordered on the west and south by other residential properties

PUBLIC COMMENT/RESPONSE

and does not touch any commercial properties. Subject property is directly bordered by commercial to the east and south zoned PBC.

Are all residential setbacks allowed for in applicant's proposal?

Response: As the conditional use of R5 Zoning is provided for under PBC zoning, the use of "Major modification" was incorrectly used by the applicant and has been removed in the project description. It is important to note that the property immediately West of Zebulon Drive is likewise zoned as R5, thereby the allowance of multi-family R5 zoning is currently serving as a buffer between single family residential (R1-6000) and Commercial (PBC). As such, we believe our design, with focus towards Zebulon Drive and Verde, falls within this transition, especially utilizing both green space and surface parking as an additional buffer between the Private Drives and existing Commercial [along South Academy Boulevard].

Working with the rules provided by zoning, in coordination with the City, we have provided sufficient parking (180 spaces in total) for the 137-units being served, and do not foresee overflow parking being a concern.

Given the addition of programmed interior green space, lighting, R5 zone provided setbacks, landscaping and site detention along private drives, a physical barrier is not required to separate residents of our proposed multi-family residence or the existing community West of Zebulon, there is no evidence that an additional barrier is needed. We appreciate the comment and will be aware of this concern as we move forward with Design.

Geological Investigation, page 4 (2), Purposed Construction:

"Exterior improvements will include asphalt paved parking, access areas, and a fire lane."

Please point out the fire lane on one of the plat maps. I do not see it marked on map.

Response: Fire lane indicated within our site and reflected within Site Plan graphics.

Geological Investigation, page 16 (14), Pavement:

"We anticipate the *access driveways* could be subjected to *occasional heavy vehicle loads* such as trash and delivery trucks. We considered a daily traffic number (DTN) of 2 for the auto parking areas and 10 for the access driveways."

Interior private access drives are not constructed wide enough nor in current condition to carry heavy vehicle loads. The Verde/internal access drive is 30 feet wide. Zebulon Drive is 70 feet wide and could obviously handle more large, heavy traffic created by the apartment project.

Response: Please note that existing commercial properties are only accessed from noted private drives, and thereby will equally serve both commercial properties and our proposed multi-family program. As such, the 30 feet provided is greater than the 24 feet required for internal two-way traffic, and both fire and service vehicle traffic has been designed to allow for internal circulation and access from private drives and a curb cut at Zebulon Drive.

Lots 2 and 4 have a utility and access easement from Zebulon that should be utilized for apartments. Applicant wants to vacate access & utility easements on lots 2 and 4 to maximize buildable space.

This would be done to the benefit of applicant and detriment of existing businesses.

Response: The existing easement between lots 2 & 4 is not currently being utilized by existing businesses and will be abandoned to allow the proposed project.

PUBLIC COMMENT/RESPONSE

Traffic study, page 6 (3) map: Shows “Access A” from Zebulon directly into apartment site. It also shows “Access B” from apartment site via internal commercial access road. Development plan, page 3: shows a third access at the southeast corner that is not referenced in other drawings.

See addendum E Yet a fourth access is show on page 20 of the Geological study. See addendum F.

Response: Please note, geological studies are conducted within early evolving planning stages. Site access is correctly reflected in development plans.

Traffic Study, page 13 (10), paragraph 3, Future traffic conditions:

“The city has no plans to signalize the intersection of S Academy Blvd and Verde Drive.” **This clearly states that there are no plans to signalize this intersection, yet the traffic study is calculated as if there was a signal at Academy & Verde. No such assumption should be made. This assumption works to the benefit of applicant and detorment of commercial properties. The paragraph goes on to state:** “the minor street (Verde Drive) traffic suffers undue delay when entering or crossing the major street (S Academy Boulevard). intersection should be monitored further by City Staff as area development occurs to determine if or when signalization installation is appropriate.”

SM Rocha Response:

We agree that currently there exists no plan for the signalization of S Academy Boulevard & Verde Drive, and to clarify, the Traffic Impact Study is not assuming signalization will occur, but rather was considered in order to review the potential for signalization.

III. Future Traffic Conditions Without Proposed Development

Background traffic is the traffic projected to be on area roadways without consideration of the proposed development. Background traffic includes traffic generated by development of vacant parcels in the area.

To account for projected increases in background traffic for Years 2023 and 2041, a compounded annual growth rate was determined using traffic data provided by CDOT's Online Transportation Information System (OTIS) for the adjacent segment of E Fountain Boulevard (U.S. Highway 24), which anticipates a 20-year growth rate of approximately one percent. Therefore, in coordination with City Staff, a growth rate of one percent was applied to existing traffic volumes along Verde Drive and Zebulon Drive, and a conservative growth rate of two percent was applied to existing traffic volumes along S Academy Boulevard.

It is understood that the City has no plans to signalize the intersection of S Academy Boulevard and Verde Drive. However, from a traffic volume perspective and due to poor intersection level of service results reported during existing conditions, a signal warrant analysis, using Year 2023 background traffic volumes, was conducted for the intersection in order to review potential for traffic signal control. Analysis results conclude that the intersection was found to be above the minimum vehicle volumes required to meet Warrant 3 – Peak Hour, from the Manual on Uniform Traffic Control Devices (MUTCD), for the installation of a traffic signal. As such, the S Academy Boulevard and Verde Drive intersection was analyzed under traffic signal control. Warrant study worksheets are provided for reference in Appendix D.

Warrant 3 is intended for use at locations where traffic conditions are such that for a minimum of one hour on an average day, the minor-street (Verde Drive) traffic suffers undue delay when entering or crossing the major street (S Academy Boulevard). This assumption provides for a conservative analysis. Said intersection should be monitored further by City Staff as area development occurs to determine if or when signalization installation is appropriate.

Please see the referenced section copied below: The traffic study is not calculated as if there was a signal at Academy & Verde but recommends: “monitoring by the City to determine if or when signalization installation is appropriate” as a part of the Future Conditions analysis:

PUBLIC COMMENT/RESPONSE

Page 17 (14), paragraphs 1, 2 3: “**without the proposed development** the signalized intersection of S Academy Boulevard with Verde Drive shows overall operations at LOS A during the morning peak traffic hours and LOS B during the afternoon peak traffic hour.” “The stop-controlled intersection of S Academy Boulevard with Existing Access 2 **projects** turn movement operations at LOS C during the morning peak traffic hour and LOS F during the afternoon peak traffic hour.” “The stop-controlled intersection of S Academy Boulevard with Bridgewood Lane” *(Note: no such intersection exists. Bridgewood Lane terminates at the intersection with Zebulon. The current offset internal access road is much narrower than Bridgewood. The city does not maintain this access.)*

SM Rocha Response:

Although there is a slight offset of the Bridgewood Lane alignment across Zebulon Drive, the section of public roadway between Zebulon Drive and S Academy Boulevard is still referred to as Bridgewood Lane. Analysis within the June 2021 Traffic Impact Study remains valid.

See addendum D “projects turn movement operations at LOS C during the morning peak traffic hour and LOS F during the afternoon peak traffic hour.”

These two statements combined with the city’s statement that there are no plans to signalize the Academy/Verde intersection make the case for not allowing connection by apartments to the current businesses via 30 feet internal private drives. Apartments need to have their own independent accesses that do not create safety issues for pedestrians, pets and vehicles.

Interior access drives do not have sidewalks and are not suitable for residential foot traffic. Interior roads are not plowed or maintained by the city.

SM Rocha Response:

Zebulon Residential is proposing two private access drives and is planning to improve the north-south roadway. There is no requirement for Apartments to have their own independent access.

It is important to note that the site plan is conceptual in nature. Due to the intent of the Traffic Impact Study, per the FHWA’s Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations, and assuming all roadways and intersections will be constructed pursuant to City of Colorado Springs standards, pedestrian safety is not anticipated to be an issue. Please refer to the development’s Civil Engineer for pedestrian access design.

Kiowa Engineering Response (Civil Engineer):

The site pedestrian access has been conceptually designed to allow safe routes around and through the site. All pedestrian access is compliant with all jurisdictional code & requirements. All public right of way and required ADA pedestrian routes are ADA compliant for both width and grades. Vehicle access through the site has been designed to allow for safe vehicle travel. Drive lanes through the site are design to allow for fire department apparatus to have safe and clear access to the building per current building codes.

Traffic Study, Automobile Loss of service, page 51, appendix B:

PUBLIC COMMENT/RESPONSE

“LOS F Describes operations with control delay exceeding 80 s/veh or a volume-to-capacity ratio greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is very high, progression is very poor, and the cycle length is long.”

Connection to the current internal access drives under LOS C to F shows conditions will impede business operations for all businesses already established. Commercial traffic free movement would be greatly impaired by high density residential traffic feed onto private access roads.

SM Rocha Response:

Figure 9 – Site Development Distribution – from the June 2021 Traffic Impact Study shows minimal site-generated traffic projected to utilize the existing internal roadways in order to access S Academy Boulevard. Furthermore, comparison of Table 3 – Background Traffic Year 2041 versus Table 7 – Total Traffic Year 2041, concludes that **site-generated traffic from the proposed residential development is not expected to negatively impact operations of the S Academy Boulevard intersections.**

Please see Section VII. Conclusion on Page 30 of the report:

Analysis of future traffic conditions indicates that the addition of site-generated traffic is expected to create no negative impact to traffic operations for the existing and surrounding roadway system upon roadway and intersection control improvements assumed within this analysis. With all conservative assumptions defined in this analysis, the study intersections are projected to operate at future levels of service comparable to Year 2041 background traffic conditions. Proposed site accesses have long-term operations at LOS B or better during peak traffic periods and upon build-out.

An evaluation of auxiliary lane requirements reveals that right and left turn deceleration lanes at Access A are not required.

No significant vehicle queues at the proposed site accesses were indicated. The greatest on-site queue length anticipated at Access A occurs during either peak hour. The queue length is approximately one vehicle for the westbound turn movement. The greatest on-site queue length anticipated at Access B occurs during either peak hour and is approximately one vehicle for the eastbound turn movement.

CONCLUSION:

Without a physical barrier such as privacy fence on east and south project lines, I have concerns for parking overflowing onto commercial/business property thereby causing traffic and safety problems.

I also have concerns for child, pedestrian and pet safety via internal private access drives without a barrier fence as a buffer and sound barrier.

Applicant property has extensive street frontage along Zebulon and Verde Drives. As such, private access into apartments is obtainable and warranted without using interior commercial access.

Modifying access for the apartments via Zebulon (utilizing the access and utility easements currently platted on north section of the subject site), using proposed access point from Zebulon on SW end of property and/or Verde will provide reasonable direct access to apartment site. This along with a privacy fence buffer will help eliminate adverse internal access to businesses and alleviate safety and traffic flow issues. Apartment access via internal private drive on commercial property should not be approved. Applicant states project is part of Academy-Verde Subdivision for access but wants variances for height and zoning density.

PUBLIC COMMENT/RESPONSE

I request that the housing project request for major modifications/variance to zoning, use variance, height variance, access connections and replat waiver that vacates utility and access easements not be approved as it currently stands. I request clarification and reconsideration of these key issues. I request the traffic, safety, access points and buffer zone issues and solutions be appropriately addressed and reviewed by fire and transportation departments as well.

I request that all of the above comments be seriously considered.

I further ask that I be notified and included in all future discussions and meetings that apply to this project.

Response: Thank you for your inquiry. We believe the requested conditional use R5 zoning, and our design solution allowing for 137 affordable housing units is a much-needed answer for both the community and the commercial entities which will be served by future residents. We have taken into consideration your noted concerns and hope our responses to each point will help alleviate any concerns you may have moving forward.

Sincerely,
Brenda
Catron 719-
229-6038
bcatron@aol.com

7.5.502: DEVELOPMENT PLANS:

A. Description And Purpose: Each zoning district is primarily intended for a predominant type of land use or mix of land uses, with specific minimum and maximum development standards which **regulate the structure height**, bulk and placement on the site and the amount and location of landscaping and **buffer** between uses. All combinations of permitted uses and development standards in a zoning district may not be appropriate at a particular location. It is necessary to require a development plan in order to review the specific **impacts of the proposed land use and site design on the adjacent properties, neighborhood, schools, parks, road systems, and existing and planned infrastructure**. The proposed site design can be evaluated against all the circumstances weighing upon this individual case. The purposes of the development plan review are:

1. To ensure use to use **compatibility** between the proposed land use and site design with the surrounding area.
2. To **minimize objectionable and adverse effects and to eliminate potential hazards** of the proposed land use by proposing specific site design solutions.
3. To ensure **points of access**, internal circulation and **pedestrian movement to all** proposed lots, land uses and **adjacent properties**.
4. To ensure that all zone district development standards are met.
5. To ensure, when used in conjunction with a preliminary or final subdivision plat, that all subdivision requirements including, but not limited to, easement and public facility dedication requirements can be met.
6. To establish the approval of specified uses, square footages, site design and other conditions; and
7. To **evaluate existing** and proposed **road systems**, utilities, schools, parks and other public facilities to determine if they are adequate to serve the proposed project.

This review may indicate the most appropriate land use development is one which is less intensive than the maximum allowed by the zone and that the most appropriate site design is one which requires greater than minimum standards.

Addendum B

From the City zoning website:

The City features five (5) office and commercial zones:

- OR (Office Residential)
- OC (Office Complex)
- PBC (Planned Business Center)
- C-5 (Intermediate Business); and
- C-6 (General Business).

Each commercial zone allows certain uses from the less intense Office to the more intense Automotive. The OR and OC zones are generally located adjacent to residential developments and serve as a buffer to the more commercial zones of PBC, C-5 and C-6.

PBC - Planned business center: This zone district accommodates commercial land uses and preserves and enhances areas for a range of retail sales and service establishments.

R-5 - Multi-Family Residential: This zone district accommodates lots primarily for high density attached multi-family residential use.

Achieve a compatible land use relationship with the surrounding area which will protect businesses from excessive noise, traffic and foot traffic.

Addendum C

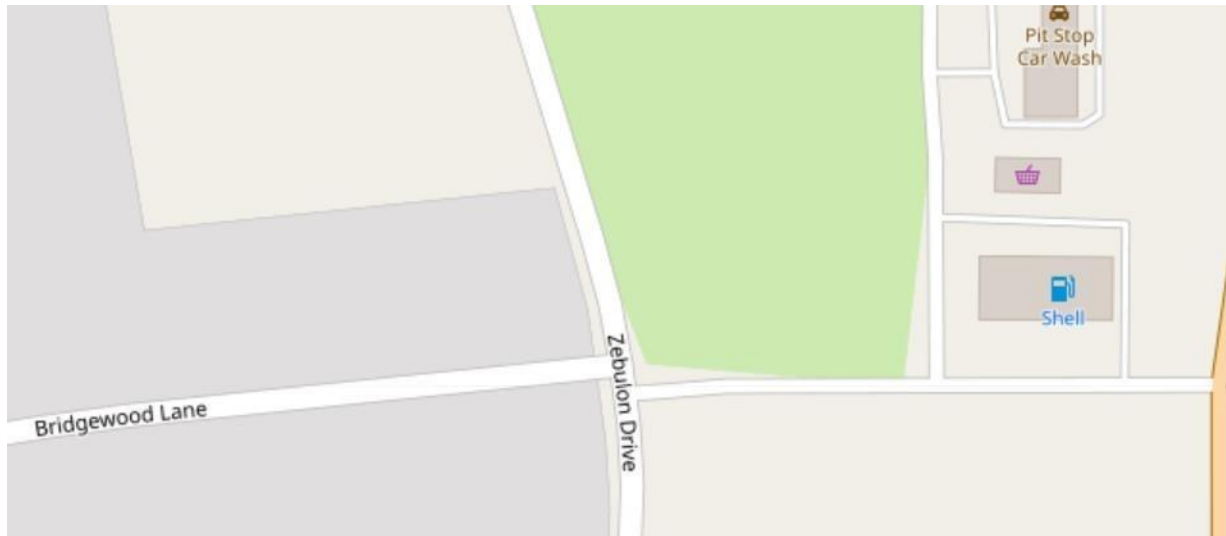
View of current access, business & application site:



PUBLIC COMMENT/RESPONSE

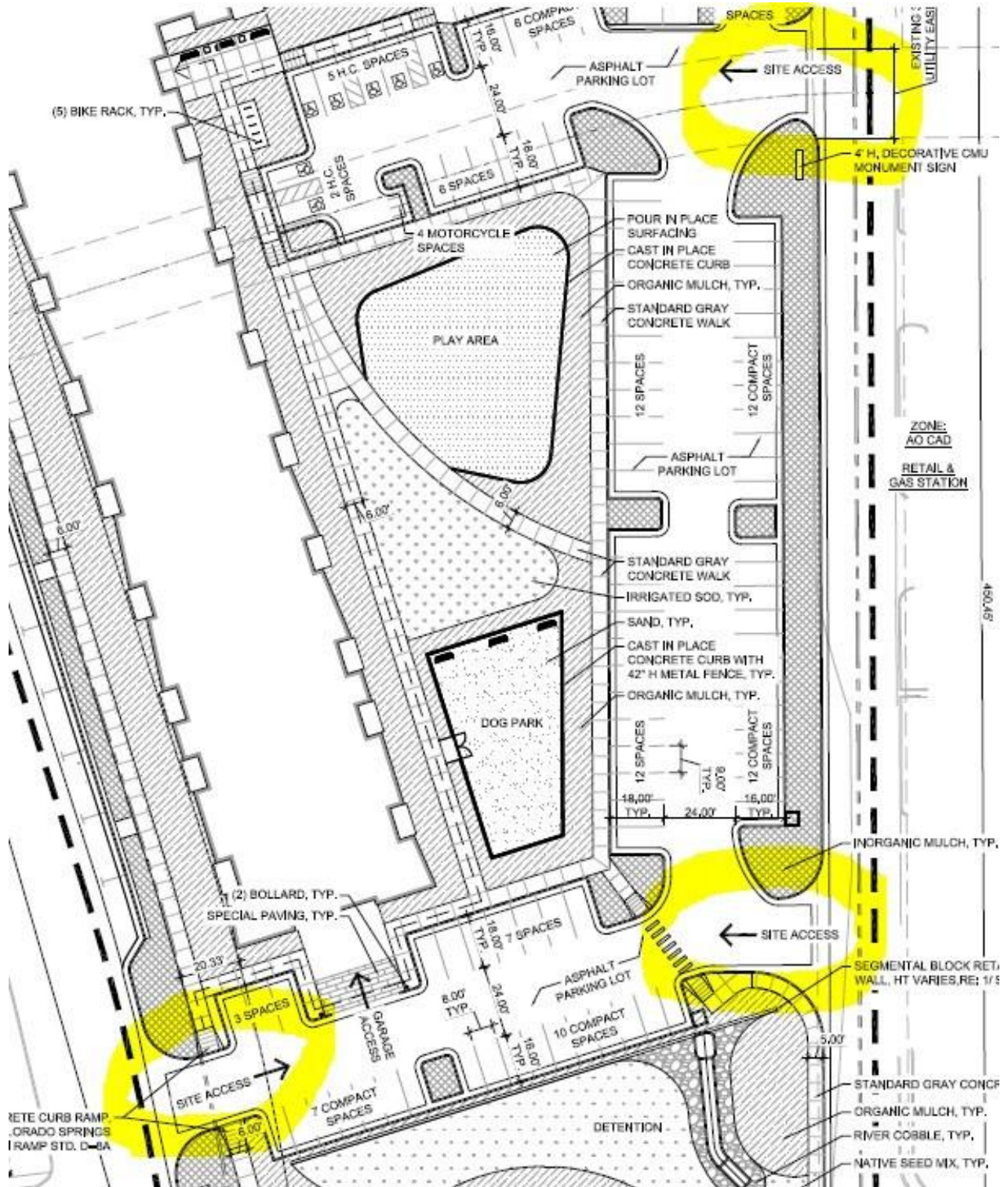
Addendum D

Bridgewood is not aligned with access road to Academy



Addendum E:

Development Plans shows 3 access points for housing



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Addendum F:

Geological study, shows a different access point on south side and different catchment pond configuration



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PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
Land Use Review Division

