

**CITY PLANNING COMMISSION AGENDA
JULY 13, 2022**

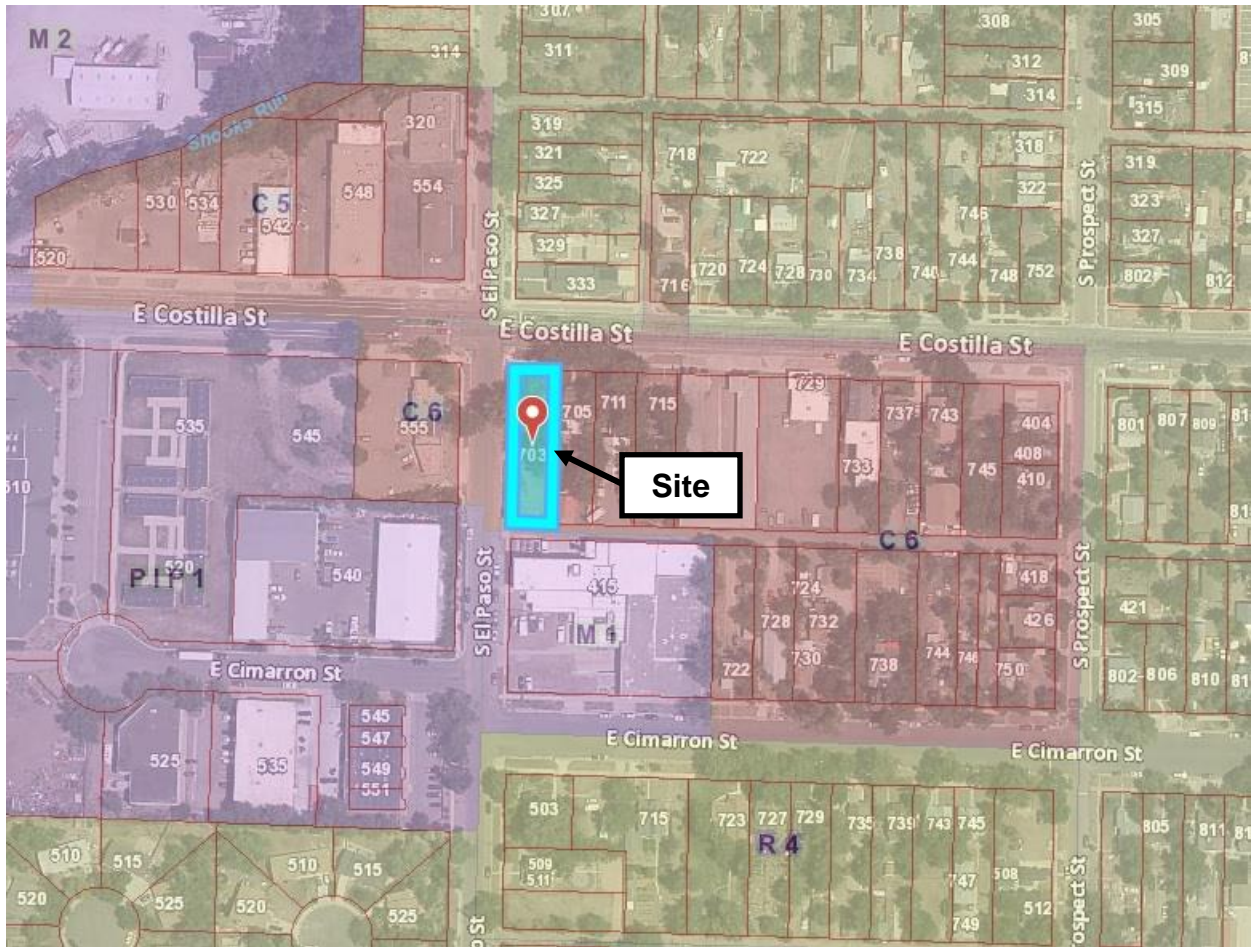
STAFF: MATTHEW ALCURAN

FILE NO(s):
CPC CU 22-00030-QUASI-JUDICIAL
CPC NV 22-00031-QUASI-JUDICIAL

PROJECT: COSTILLA 10-PLEX

OWNER/DEVELOPER: LOTT, LLC.

CONSULTANT: ECHO ARCHITECTURE + INTERIORS



PROJECT SUMMARY:

1. Project Description: The project applications are for approval of the Costilla 10-Plex conditional use development plan application proposing a three-story 10-unit

apartment complex to include off-site improvements and a nonuse variance application to allow a 17'-10" corner front yard setback where 20-feet is the minimum required. The site is zoned C6 (General Business) and located at 703 East Costilla Street consisting of an approximate 0.22-acre-lot. **(see "Development Plan" attachment).**

2. Applicant's Project Statement: **(see "Project Statement" attachment)**
3. Planning and Development Recommendation: City Planning staff recommends approval of the applications as proposed.

BACKGROUND:

1. Site Address: The project site is addressed 703 East Costilla Street.
2. Existing Zoning/Land Use: The property is currently zoned C6 (General Business) and currently is vacant undeveloped land.
3. Surrounding Zoning/Land Use: **(see "Context Map" attachment)**
 - North: R-2 (Two-Family Residential) across from East Costilla Street and currently developed with residential uses.
 - East: C-6 (General Business) adjacent and currently developed with residential uses.
 - South: M-1 (Light Industrial) adjacent and currently developed with commercial/industrial uses.
 - West: C-6 (General Business) across South El Paso Street and currently developed with commercial/medical uses.
4. PlanCOS Vision: According to the PlanCOS Vision Map **(see "PlanCOS Vision Map" attachment)**, the project site is identified as an Established Traditional Neighborhood.
5. Annexation: The property was annexed into the City on September 1, 1872 under the Town of Colorado Springs.
6. Master Plan/Designated Master Plan Land Use: The project site is part of the Shooks Run Redevelopment Plan Master Plan (Publicly Initiated).
7. Subdivision: Lot 1 Block 3 Hillside Addition.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The project site is currently vacant undeveloped land.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public process included posting the site and sending postcards to 209 property owners within 1,000 feet of the site, on two occasions: during the internal review stage and before the Planning Commission hearing. The site was also posted during the two occasions noted above. Eight public comments were received by staff **(see "Public Comments" attachment)**. Interested residents cited concerns about lack of

compatibility, traffic, detrimental to the area, lighting, tree preservation, and limiting the number of units per off-site parking spaces. Further details related to these areas of concern are covered below as part of the findings of this report.

The applicant provided a written response to the received public comments, in a document dated June 28, 2022 (see “**Applicant’s Response Letter**” attachment).

Staff input is outlined in the following section of this report. Staff sent plans to the standard internal and external review agencies for comments. All comments received from the review agencies are addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Stormwater, City Parks and Recreation, Engineering, City Traffic, City Fire, and Police. Agreements between the City of Colorado Springs and the surrounding military installations establish a two-mile buffer for land use application review. This application is not within the two-mile buffer for military notification.

ANALYSIS OF REVIEW CRITERIA, COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria / Design & Development:

a. Background

The site was annexed into the City on September 1, 1872, under the Town of Colorado Springs with a zone designation of C6 (General Business) and per City Code Section 7.3.203 Permitted, Conditional and Accessory Uses table requires a conditional use approval for multi-family dwelling to be reviewed by the City Planning Commission.

b. Conditional Use Development Plan

The property is zoned C6 (General Business) and a multi-family dwelling use is permitted subject to review and approval of a conditional use application. A conditional use requires review and determination on if the use is compatible with the surrounding uses. The City Planning Commission is the final approving authority for conditional uses.

The current proposal is a three-story 10-unit apartment complex with a total gross residential area of 8,760 square feet. The first floor will consist of seven (7) covered parking spaces and one (1) accessible dwelling unit. The second and third floors will consist of the remaining nine (9) units and outdoor stair access. The site dimensional standards including building setbacks, landscape setbacks and heights are within the C6 zone district requirements, however, the applicant is requesting a nonuse variance to reduce the front yard setback for a corner lot.

The project will have ten (10) units requiring 12 parking spaces. A total of 13 parking spaces will be provided (six (6) covered parking spaces, one (1) covered ADA parking space, two (2) compact parking spaces, and four (4) on-street parking spaces per City Code Section 7.4.204.B. The applicant has provided the required written project statement detailing the request addressing

how the site meets the applicable conditions (**see “On Street Parking Credit Submittal Request” attachment.**) The 10-unit residential infill project will improve the value and quality of the neighborhood by providing enhanced exterior building material and on-site amenities. The exterior building materials include a capped brick wing wall, brick siding, ribbed fiber cement panel siding and metal mesh guardrail for exterior balconies. The project also provides an 8-case bicycle storage locker for residents as well as guest bike parking, is proposed to have minimal impacts to the surrounding neighborhood. All exterior lighting will be full cut-off and kept low to the ground provided for safety for the tenants. No excessive noise or odors are anticipated minimizing any potential impact to the general welfare.

Furthermore, the project meets the conditional use review criteria because the multi-family residential use is an appropriate transition from surrounding single-family residential uses in the area. The multi-family residential use will improve current negative impacts as this is a new infill construction project on current vacant land. In addition, the conditional use is consistent with the intent and purpose of the Comprehensive Plan of the City because the new multi-family residential project is providing a viable housing opportunity.

Staff finds that the proposed plan meets the review criteria for a Conditional Use and Development as set forth in City Code Sections 7.5.704 and 7.5.502 (E) respectively.

c. Nonuse Variance

- *The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning*
- *That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief.*
- *That the granting of the variance will not have an adverse impact upon surrounding properties*

As a guide to applying any of the criteria for nonuse variance applications, City Planning staff has considered the applicable criteria as set forth in City Code Section 7.5.802(E) (1-3) for the nonuse variance request to the front yard setback. The property was annexed into the City on September 1, 1872, under the Town of Colorado Springs and the lot size is limited based on the existing 9,500 square foot (0.22 acres) lot size. The current requirement for a 20-foot front yard setback combined with the 15-foot landscape buffer to the east significantly reduces the viability of the site. Furthermore, the proposed nonuse variance will not have an adverse impact upon surrounding properties because the application provides a viable building on a corner lot near the downtown area and within close proximity to Shooks Run Creek, a bike route, and public transit.

d. Traffic

City Traffic Engineering only had no comments on either application request.

e. Drainage Report

The applicant was required to show and label any private and public easements as well as submit a Drainage Letter. After review of all submittal documents, City Stormwater Engineering is in support of the applications.

f. Parks, Recreation and Cultural Services

This project is subject to the Park Land Dedication Ordinance (PLDO) and PLDO fee information will be provided.

g. Geologic Hazards

The applicant is not required to submit a Geotechnical Report per City Engineering. Additional comments will be made on the forthcoming construction plans.

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

2. Conformance with the City Comprehensive Plan:

City Planning 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 an Established Traditional Neighborhood (**see "PlanCOS Vision Map" attachment**). This project is consistent with one of the core values of PlanCOS, which reinforces the importance of redevelopment in older neighborhoods. One of the "Big Ideas" in the Vibrant Neighborhood Chapter 2 of PlanCOS is entitled "Reclaim Neighborhood Space", which has goal VN-3 that states: *"Through neighborhood plans, associations, and partnerships, empower neighborhoods to reinvest in order to create community, vibrancy, and to address their specific vision and needs."*

A "Big Idea" from Chapter 4, entitled "Embrace Sustainability", has Goal TE-4 that states: *"Focus on productively developing and redeveloping areas already in, nearby, or surrounded by the city in order to preserve open spaces, maximize investments in existing infrastructure, limit future maintenance costs, and reduce the impacts of disinvestment in blighted areas."* Adaptive and responsive land use change is one of the core values of PlanCOS. On balance with this perspective, City Planning staff has determined that the project's land use and location meet the overall intent of this idea.

Furthermore, PlanCOS Chapter 2, Vibrant Neighborhoods, identifies in Goal VN-2 to: *"Strive for a diversity of housing types, styles, and price points distributed throughout our city through a combination of supportive development standards, community partnerships and appropriate zoning and density that is adaptable to*

market demands and housing needs.” The new growth opportunity will be a benefit to the city as a logical establishment for residential growth. For the reasons provided in this overall staff report, City Planning staff finds that this use variance proposal and its associated applications to be in substantial conformance with PlanCOS and its guidance.

3. Conformance with the Area’s Master Plan:

The project site is located within the adopted Shooks Run Redevelopment Plan master plan area. The master plan’s status is “Operative” and the project site is located with an area designated as commercial. The proposed multi-family residential project does not change the underlying zoning. In addition, a Shooks Run Corridor Facilities Master Plan (FMP) was conducted in 2017, and the project site is located within the study area of the FMP. After review of the FMP, it was determined that the project site is outside of the FMP focus area. Furthermore, the neighborhood surrounding the project are developed with comparable residential land uses and adjacent commercial uses. The applicant’s multi-family residential use proposal is complementary and supportive of the current land use patterns.

STAFF RECOMMENDATION:

CPC CU 22-00030 – CONDITIONAL USE DEVELOPMENT PLAN

Approve the Costilla 10-Plex conditional use development plan proposing a new 10-unit three-story apartment complex in the C6 (General Business) zone district, based upon the findings that the request meets the review criteria for granting a conditional use as set forth in City Code Section 7.5.704. and meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E).

CPC NV 22-00031 – NONUSE VARIANCE

Approve the nonuse variance application to City Code Section 7.3.104.A to allow for a 17’-10” corner front yard setback where twenty (20) feet is the minimum allowed, based upon the findings that the request meets the review criteria for granting a nonuse variance as set forth in City Code Section 7.5.802(B).