

**DOWNTOWN REVIEW BOARD AGENDA
JUNE 2, 2022**

STAFF: RYAN TEFERTILLER

**FILE NO:
CPC DP 22-00019 – QUASI-JUDICIAL**

PROJECT: CIMARRON APARTMENTS

OWNER: CIMARRON WEBER OWNER, LLC AND THE HUNTER TRUST

DEVELOPER: FORMATIV

CONSULTANT: DAVIS PARTNERSHIP



PROJECT SUMMARY:

1. Project Description: The subject application was submitted to allow construction of a new seven-story, 214-unit apartment building, with 214 off-street parking stalls within an enclosed parking structure. The 1.31 acre site is located on the southwest corner of E. Cimarron St. and S. Weber St., is zoned FBZ-T2B (Form-Based Zone – Transition Sector 2B), and is currently vacant (though it has recently be used for construction staging for an unrelated project to the east). The project

requires use of Density Bonus points to allow 6-stories in the Transition 2B Sector as well as a Building Height Warrant to add a 7th story, and a Parking Warrant to allow just over 60% of the parking stalls to be compact where 40% is the limit. **(FIGURE 1)**

2. Applicant's Project Statement: **(FIGURE 2)**

3. Planning and Development Team's Recommendation: **Approval of the application with technical modifications.**

BACKGROUND:

1. Site Address: 225 E. Cimarron St.

2. Existing Zoning/Land Use: FBZ-T2B (Form-Based Zone – Transition Sector 2B) **(FIGURE 3)**

3. Surrounding Zoning/Land Use:

North: FBZ-T2B / commercial and lodging uses

South: FBZ-T2B / commercial and office uses

East: FBZ-T2B / multifamily residential uses (under construction)

West: FBZ-COR / commercial and office uses

4. PlanCOS Vision: Downtown Activity Center

5. Annexation: Town of Colorado Springs (1872)

6. Master Plan/Designated Master Plan Land Use: Experience Downtown Master Plan (2016) / General Mixed-Use

7. Subdivision: Town of Colorado Springs (1871) – A replat of the property to create one lot is currently being reviewed administratively.

8. Zoning Enforcement Action: None

9. Physical Characteristics: The site is relatively flat and has frontage on both E. Cimarron St. and S. Weber St. The site is largely vacant with a few elm trees near the southern portions. The site is currently being used for construction staging for the project immediately east across Weber St.

STAKEHOLDER PROCESS AND INVOLVEMENT: The public notice for this application included the display of posters on the site and 125 postcards mailed to surrounding property owners when the application was first submitted to the City. These notices included information on how to review the plans and provide comments. Staff received limited input from stakeholders regarding the project; one letter and one email are included as **FIGURE 4**. The site will be posted and postcards mailed prior to the DRB hearing. Any formal communications received by Staff just prior to the hearing will be made available at the hearing.

The application was reviewed by all standard City agencies including, Public Works, Traffic Engineering, Colorado Springs Utilities, Water Resource Engineering, Parks and Recreation, and others. All reviewers support the project; any remaining technical concerns are included as Technical Modifications at the end of this report.

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

1. Background

The subject property is located on the southwest corner of S. Weber St. and E. Cimarron St., totals 1.31 acres in size, and is zoned FBZ-T2B (Form-Based Zone – Transition Sector 2B). The area is a mix of commercial, lodging, and office uses; a large multi-family residential project is currently under construction immediately east of the site across Weber St. Multiple similar apartment projects are planned in the immediate area.

The eastern edge of the Form-Based Zone, what the Experience Downtown Master Plan refers to as “the New South End – a quirky mix of historic and rejuvenated industrial, commercial, and residential properties,” has seen intense interest from multiple residential developers over the last few years. The South Weber and Wahsatch corridors have over 1,000 apartment units currently under construction with more projects, including the subject project, likely to begin construction in 2022. While many properties in the area are redeveloping, older residential, office, service, and even light industrial uses are still common in the area. The area has been attractive for redevelopment efforts due in large part to the ability to assemble larger sites, but also due to area's proximity to multiple destinations and employment centers in the south half of Downtown.

2. Review Criteria / Design & Development Issues:

a. Project Details

The proposed project includes the construction of a new 7-story, 214-unit apartment building with 214 off-street, structured parking stalls, with additional on-street public parking along S. Weber St. The project also includes public improvements along both public-facing sides of the site including landscape, hardscape, and street furnishings.

b. Form-Based Code

The Downtown Colorado Springs Form-Based Code implements physical standards that result in the development of a pedestrian-friendly, high-density, mixed-use area. New buildings are required to be constructed in close proximity to the sidewalk and building facades must include high levels of glazing to maximize pedestrian interest. Parking requirements are reduced compared to other zone districts but surface lots are required to be located at the rear of the site largely screened from the public realm.

The Downtown Form-Based Zone is divided into a number of Sectors, each of which have specific standards. The subject property is within the Transition 2B Sector, which has the lowest density and building height allowances. While multi-family residential use and apartment buildings are permitted within the Sector, the maximum building height by right is only 4-stories. The intent of this limit is to provide a transition in bulk and scale to traditionally zoned properties on the edge of Downtown. Projects may exceed the 4-story building height by one of two methods: gain approval of adequate density bonus points or gain approval of a building height Warrant. The proposed project is requesting density bonus points based on a range of socially beneficial actions that are incorporated into the project in order to exceed the 4-story limit and build a 6-story structure. During final design and preliminary review of the plans it became known that a notable portion of a first-floor mezzanine level would need to be enclosed and must therefore be counted as an extra story. While this physical change to the portion of the building's interior space did not increase the height of the building and was not perceptible from the building's exterior, Staff directed the applicant that both Planning and Regional Building would consider the project a 7-story building and therefore a building height Warrant would be necessary on top of the previously described density bonuses.

It was also realized during application review that the project was utilizing a high proportion of compact parking stalls within the proposed parking garage in order to provide one stall for each dwelling unit and comply with the Code's minimum parking standard. While the Form-Based Code regulating plan doesn't specifically describe standards for parking stall dimensions, or a limit to the number of "compact" parking stalls used to meet minimum parking requirements, the Code does include language stating that the City-wide Zoning Code continues to be applicable to issues not covered by the Form-Based Code except where City-wide provisions conflict with the Purpose of the Form-Based Code. Therefore, Staff has taken the position that a maximum of 40% of the required parking stalls can be compact (i.e. less than 9' x 18') without the granting of relief. The proposed project includes 133 compact parking stalls which is approximately 62% of the 214 off-street stalls provided within the proposed building.

c. Analysis

The proposed apartment project is well aligned with the Experience Downtown Master Plan, the Form-Based Code, and is consistent with multiple other residential projects in the New South End district of Downtown. The project was designed by Davis Architects out of Denver and meets many of the high-level goals of the Form-Based Code. The proposed building is considered an "apartment building" which is permitted in the T2B Sector. The building meets building envelope standards covering nearly 100% of the site and creates a pedestrian friendly street level façade with adequate glazing along both public facing frontages. The parking garage is accessed only via the alley reducing vehicle/pedestrian conflict points. Adjacent public spaces along S. Weber St. and E. Cimarron St. will be improved with wide sidewalks, street trees, benches, bike racks, and landscape amenities. The proposed public trees will benefit from a below grade structural

planting system that allows tree roots to spread beneath the public sidewalk and other hardscape areas; this system will be permitted via a private maintenance agreement and should significantly improve the long-term viability of the street trees adjacent to the site.

The project does, however, require Downtown Review Board action due to two building elements related to building height and one related to parking. When the Form-Based Zone was initially drafted, some stakeholders requested height limits at the edges of the zone that would provide a transition from the Central Sector where there is no limit on building height to the surrounding areas outside of the Form-Based Zone where most buildings are one or two stories in height. As such the Transition 1 and Transition 2 Sectors were established on the edges of Downtown, specifically, along the N. Tejon corridor, as well as the northeast and southeast edges of the zone. The subject property is zoned FBZ-T2B, which limits the height of most buildings to 4-stories. However, project proponents can utilize Section 3 of the Code to earn Density Bonus points and increase building height to 6 stories.

As discussed above, Density Bonus points can be earned when a project includes “socially beneficial building elements.” The proposed project includes a wide range of elements that earn more than enough density bonus points to allow a 6-story building; examples include: alley improvements; market rate housing units; bicycle storage; and a number of green building techniques. In total, the project qualifies for at least 50 density bonus points where only 5 points are needed for the two additional stories.

Under the current Code, Density Bonus points can only be awarded by the Downtown Review Board. The Board must verify that the required number of Density Bonus actions are reflected on the development plan and that the additional building height is justified. The public hearing is also an opportunity for stakeholders to provide input to the Board whether they are supportive or have concerns about the proposal.

A number of recent projects in the Form-Based Zone have included partial mezzanine levels on one or more floors of the proposed building. These areas are open (i.e. unenclosed) to the primary floor and are not treated as a separate floor by Pikes Peak Regional Building Department. The mezzanine levels have been used by other projects for ground floor residential unit sleeping quarters or for common meeting or work space for residents. The initial designs of the proposed apartment project included an area of open mezzanine for co-working and meeting uses. However, during the final stages of building design it was determined that a portion of the mezzanine area needed to be fully enclosed to accommodate specific uses (e.g. fitness area, and private meeting rooms). While the enclosure of a portion of the mezzanine level would not impact the perception of the building from the exterior and wouldn't add any height to the building itself, both City Planning and Pikes Peak Regional Building determined that this action would necessitate identifying the building as being 7-stories, not 6-stories. Since density bonus points can only add two stories to a 4-story building in the FBZ-T2B Sector, a building height Warrant is needed in order to properly entitle this project.

One other issue arose during the review of the initial plans that also requires Downtown Review Board action. As described above, the proposed project includes 214 off-street, structured parking stalls for the proposed 214 apartment units. This meets the one stall per dwelling requirement within the Form-Based Code. Although the Form-Based Code doesn't provide specific standards regarding parking stall width or depth, the Code does include some general language in the Applicability section that empowers the City-wide Zoning Code for issues that are not covered by the Form-Based Code except where the City-wide Code would be in conflict with the purpose of the Form-Based Code. City-wide, standard parking stalls are required to be 9 feet wide and 18 feet deep (2 feet of overhang is permitted at the nose of the stalls); up to 40% of the required parking stalls may be “compact” which allows stalls as narrow as 8 feet and as shallow as 16 feet (2 feet of overhang is also permitted for compact stalls). The proposed plan illustrates that in order to provide the necessary number of stalls (214 total), a significant portion of the stalls must be “compact.” The plan included as **FIGURE 1** illustrates 133 compact stalls,

which equates to 62% of the total stalls provided. It is important to note, however, that all compact stalls shown on the plan are 8.5 feet wide where they could be as narrow as 8 feet. Upon consultation between Staff and applicant it was determined that providing the necessary one stall per unit was more important than stall size. Staff also determined that the proposed percentage of compact stalls could only be permitted through the review and approval of a Warrant by the Downtown Review Board.

Any project that requires relief from a Form-Based standard must gain approval of a Warrant by the Downtown Review Board. Warrants are reviewed using the five criteria found in Section 5.4 of the Form-Based Code. The criteria are:

1. Is the requested Warrant consistent with the intent of the Form-Based Code?
2. Is the requested Warrant, as well as the project as a whole, consistent with Section 4 – Design Guidelines of the form-based code?
3. Is the requested Warrant reasonable due to the proposed project's exceptional civic or environmental design?
4. Is the requested Warrant consistent with the Downtown Master Plan?
5. Is the requested Warrant consistent with the City's Comprehensive Plan?

As discussed above, the building height warrant is largely justified by the fact that it is imperceptible from the exterior of the building. The Form-Based Code does not limit floor to ceiling height, just the number of stories within a building. This is intentional in order to minimize the chance of numerous new buildings of identical height within a specific area. Allowing flexibility in floor to ceiling heights will create more diversity in building height on adjacent properties. How the internal area is utilized for specific projects is up to design architects and developers and mezzanine space, elevated ceilings, and other approaches are common. The enclosure of previously planned mezzanine space for the proposed project will allow for a more robust set of tenant amenities all without changing the bulk or scale of the building. This is certainly consistent with the intent of the Form-Based Code as well as the Experience Downtown Master Plan.

The proposal to utilize slightly smaller parking stalls within the project's parking structure is also supported by the intent of the Form-Based Code and the Experience Downtown Master Plan. Both encourage urban residential projects in order to increase the urban population of the City. More people downtown result more demand for downtown restaurants, retailers, and entertainment uses. More urban residents also increase the supply of potential employees for many employers who may be considering moving to the City's core. Providing private, off-street, structured parking is a significant cost to urban projects. Allowing a slightly smaller parking stall dimension supports efficiencies in the design of the parking structure. Drive aisle width, ADA parking provisions, and other parking requirements are all met by the proposed design.

Staff finds that the proposed project design is well aligned with the intent of the Form-Based Code, the design guidelines found in Section 4 of the regulating plan, and the Downtown Master Plan. The project is also well aligned with the City's Comprehensive Plan. Planning Staff finds that the required Warrant criteria are met and recommends approval of the proposed design.

d. Technical Issues

The development plan for this project has gone through three rounds of City review (initial submittal and two resubmittals). While some technical issues remain, the majority of initial comments have been fully resolved. City Staff is confident that all these issues can be resolved without any major changes to the plan presented to the Downtown Review Board. All required technical modifications that must be addressed prior to final approval are listed below.

3. Conformance with the City Comprehensive Plan:

The proposed project is consistent with a number of provisions within the City's Comprehensive Plan. The new residential units will help establish Downtown as a vibrant neighborhood in addition to the

economic and cultural heart of the City. The proposed improvements will transform the subject properties into high density designs with significant public improvements and place-making. This is an outstanding example of an infill project that will benefit the surrounding area as well as the City as a whole. The proposed project is well aligned with nearly every goal of PlanCOS.

4. Conformance with the Area's Master Plan:

The subject property falls within the 2016 Experience Downtown Master Plan. The proposed use, building and density are all well aligned with the Plan. The project adheres to many of the 8 primary plan goals, including: Goal 1 – Economic and Cultural Heart of the Region; Goal 2 – Diverse and Inclusive Place to Live, Integrated with Adjacent Neighborhoods; Goal 4 – A Place for Healthy and Active Lifestyles; Goal 5 – A Walkable and Bike-Friendly Center Connected Through Safe and Accessible Multi-Modal Networks; and Goal 6 – A Leader in Innovative Urban Design and Sustainability.

STAFF RECOMMENDATION:

Item No: CPC DP 22-00019 – CIMARRON APARTMENTS

Approve the Cimarron Apartments Form-Based Zone development plan with Density Bonus Points to allow a seven-story building and Warrants for building height and parking stall size, based upon the findings that the application includes adequate density bonus provisions and complies with the criteria for granting Warrants, subject to compliance with the following conditions of approval and technical plan modifications:

Technical and Informational Modifications to the Form-Based Zone Development Plan:

1. Gain acceptance of the project's drainage report and ensure that the development plan accurately reflects any necessary stormwater details.
2. Gain acceptance of a private maintenance agreement for the tree planting system within the public right-of-way.
3. Gain approval of a revocable permit for all private encroachments into the public right-of-way.
4. Update the revocable permit plan note to specifically list all encroachments covered by the project's revocable permit.
5. Clarify the plan labels and details to document that City standards are met for color, material, and scoring of the pedestrian way.
6. Update the parking plan to document that the necessary number and type of ADA parking stalls are provided.
7. Provide a dog run detail regarding subsurface drainage within the facility.