

**City of Colorado Springs Planning Commission Minutes
THURSDAY JUNE 15, 2017**

**CITY HALL CHAMBERS, 107 N. NEVADA AVE,
COLORADO SPRINGS, COLORADO 80903**

PRESENT:

Phillips, Henninger, Markewich, Shonkwiler, Walkowski, Smith, Graham, McDonald

ABSENT:

None

ALSO IN ATTENDANCE:

Mr. Peter Wysocki, Planning Director

Mr. Marc Smith, City Senior Corporate Attorney

NEW BUSINESS CALENDAR

File #: CPC ZC 17-00033; CPC CP 17-00070

Project Name: Monument Apartments

Planner: Hannah Van Nimwegen

Staff presentation:

Hannah gave a PP presentation

- I. Property location
 - a. Pikes Peak Greenway Trail and Monument Creek run through the property
- II. Surrounding Business types
- III. Discussed site details
 - a. Size
 - b. Current zone
 - c. Discussed site layout
 - d. Site currently is being use CSU contractor to store items being used for the Mark Dabling Culvert with the owner's permission
 - i. Contract will end in August 2017
 - e. Type of applications being requested
- IV. Notification area
 - a. One in support
 - i. Property uniqueness
 - ii. Preferred land use adjacent to the trail
 - b. One in opposition
 - c. Concerns
 - i. Incompatible land use
 - ii. Traffic congestion from insufficient of onsite parking and more intense land use
- V. Parking
 - a. Total parking requirements are accommodated on site .
- VI. Traffic
 - a. Two access points
 - b. No analysis required
- VII. Stream and Trail Dedication
 - a. A tract of Monument Creek and Pikes Peak Greenway Trail to be dedicated to the City

- b. Parks Department and Stormwater in support of the city having control of the stream and trail
- VIII. Trail realignment
 - a. Lessen trails encroachment on the buildable area
 - b. Review by Parks
 - i. Parks Department agrees to work with the applicant to acquire a detour permit prior to any work.
 - ii. Work to coordinated with Special Events Office so no conflict during races or events
- IX. Easement encumbrances
 - a. Large utility, sanitary, and drainage easement
 - i. Leaves small area available for building location
 - ii. Easements are not able to be vacated
 - b. CSU review the clubhouse and apartment building and conceptually approved the location
- X. Shows where Trail will be realigned
- XI. Displays building envelope
 - a. Fits within easements
- XII. What cannot be done due to easement encumbrances
 - a. Water quality and detention onsite
 - b. Underground features conceptually accepted by Water Resources Engineering Division
- XIII. Geohazard
 - a. Reviewed in 1980 with a previous project
 - b. Information with Geohazard Report
 - i. A small amount of fill along Monument Creek bank in the general area of the proposed project
 - ii. Site specific reports would be necessary to identify all potential hazards
 - iii. No issues precluding the site for development
 - iv. Update report will be completed and reviewed at the time of the development plan submittal
 - 1. Colorado Geological Survey will be consulted when updated report submitted
- XIV. Streamside overlay
 - a. Overlay places additional restrictions on land uses
 - b. Streamside manual
 - i. Discusses land use hierarchy for guidance for the best land uses next this type geography
 - ii. Top land uses desired
 - 1. Multi-family
 - iii. What OC zone district allows
 - 1. Allows the top four land uses
 - a. Multi-family residential
 - b. Restaurant
 - c. Interactive Commercial
 - d. Office
 - 2. Limits less desirable land uses
- XV. Recommend approve
 - a. Meets all criteria

Applicant Presentation:

Brian Fleer, CO President of America West Housing, 501c3, dedicated to affordable and workforce housing. They work extensively with CHFA. With this project funding has come from the El Paso County Housing Authority, Colorado Springs Housing Authority and Colorado Division of Housing. We need for affordable workforce housing. This project will serve a need but will not make a dent into what is needed. They talked exhaustively to everyone in this business park. They have an application in with CHFA and will make presentations in August so the timeline is tight.

Questions:

Commissioner Shonkwiler verified this was on west side of Monument Creek and asked if it was in Urban Renewal area for University Village. Mr. Fleer stated it was on the west side and didn't believe it was in the Urban Renewal area.

Commissioner Shonkwiler asked if the trail has an access to cross the creek to get to the University Village and the campus. Mr. Fleer stated it did.

Commissioner Shonkwiler asked if workforce housing or affordable housing had any prohibition on someone who was either working at or going to UCCS from living there. Mr. Fleer stated a strict student housing living situation could not live there. Commissioner Shonkwiler asked if a student was working full-time and going to school full-time could they live there. Mr. Fleer stated if they're a full-time student under regulations they couldn't live there. If they were a part-time student they would be eligible, but must meet the definition of a part-time student according to the university. That is how CHFA distinguishes part-time and full-time. UCCS could have a credit distinction per semester. Commissioner Shonkwiler asked about other colleges or trade schools within the city. Mr. Fleer, in any institution of higher education it would be their definition of a part-time or full-time student.

Commissioner Shonkwiler stated there were schools within a mile of the site and if they had access to affordable housing while attending school and working that would be a key issue. Mr. Fleer said there was a distinction for veterans. If you have a veterans status there is no prohibition even if a full-time student. Mr. Fleer stated there were two to three thousand employees in University Village and many may be students. Depending on their status for school if part-time they'd be eligible to live here. The information received from the Housing Authority was they wanted affordable housing in the central north Colorado Springs. There is a void of any type of workforce housing. Considering the average rental price for a one bedroom apartment is \$1,000 a month and their rents will range from \$400-\$850 for their workforce housing.

Commissioner Markewich asked who's responsible for private drive off Mark Dabling. Mr. Fleer said the HOA, however that HOA is basically inactive. There's been a friendly agreement between the co-property owners. What they want to do is make this a little more rigid a maintenance plan for the drive. It's an emergency access. Commissioner Markewich said there is an entity HOA but it doesn't function. Mr. Fleer said that was correct. Commissioner Markewich stated if it were to get back up and running you'd be a part of, Mr. Fleer said it was correct. Commissioner Markewich asked if there would be 24/7 onsite management. Mr. Fleer said yes.

Commissioner Walkowski stated the trail heavily used so will there be separation between the apartment and the trail. Mr. Fleer said they'd have some fence or landscaping some type of decorative wall or some type of combination of both. They will come up with a satisfactory fence.

Supporters:

George Christian owner of Colorado Constructors and owner of the site. Mr. Christian said he once belonged to the HOA but it hasn't been active for a long time. He discussed the uniqueness of the property and why it's a good place to have something built.

John Adams owns a property across the road. Overall they're in support of development. The only concern is traffic. Since it'd be a residential development would the city take over the ownership of the private road for the maintenance and could the city take ownership of the private drive. He's not sure it makes much difference if it's residential or just another commercial lot.

Opponents:

Cathy Archeletta is the property owner of 5385 Mark Dabling Blvd. The change zone is detrimental of the "Class A" environment that their portion of part of Pikes Peak Research Park was designed for and will have an adverse financial impact to them. Those who built and developed did so with the expectation that the "Class A" profession level of Pikes Peak Research Park would continue. The expectation was the park would maintain of the professional business environment and high tech companies and envision a tenant of the same quality. There's no bus stop along Mark Dabling Blvd. The closest grocery store is 2.7 miles and if using public transportation it will take you more time after walking to get to the public transit stop. This complex will be designed for families it will cause safety issues for children due to the traffic and Monument Creek close by along with the railroad tracks on Mark Dabling that are not fenced. Since their lot is right across from the site she foresees children playing in her parking lot since that is the only place where there is grass. She has a tenant who's stated they will leave property if this is built.

Bob Collaun owns property at the end of the street. He agrees with Ms. Archuletta. This is incompatible with the existing use. There are only six properties affected by this proposal and three of the six are opposed to this project. It will change the nature of the park. He will have tenants that will leave which will hurt him financially. This use is inconsistent with this site. He agrees we need moderate income properties but this is the wrong place for this. There is been issues of homeless people setting up camps in the creek area.

David Kumstole is the attorney for Roy Kirmer who is the owner of Lot 3 in the subdivision. He shows the location of the site and where the lots are located on the site. There is quite a bit of distance between the apartments and creek. This rezone will cause disharmony within the park. Right now there is harmonious use. What is allowed in a PIP-2 zone are not allowed in an OC zone. The current proposal is for multi-family, but if it's not developed and the rezone happens any of those allowed uses in an OC zone could be allowed to be developed and they are inconsistent with what exists right now. Consistency is part of the requirements for a rezone. Covenants have been brought up and the Planning Commission doesn't deal with covenant however they don't think it's been resolved. Office park has been developed based on these covenants. Zone change will make lot 6 inconsistent with surrounding properties.

Questions of Staff:

None

Rebuttal:

Mr. Fleer stated they'd spoken to all 13 property owners. He feels they successfully amended the covenant, even though that isn't under your purview. He had submitted a document that had 10 of the 13 property owners agreeing the amended covenants. The comprehensive plan supports this project. This is an infill as well and they know not to go above certain number of units. Hundreds of users

cross the property to the trail and they want to accentuate the use of the adjoining trail. Office use generates more traffic than an apartment. They will be part of any maintenance agreements. Transients' use of creek is well known but with their staff onsite they will tighten security in the area. It will be quiet setting. We will fit in nicely and be compatible.

Commissioner Markewich asked the easement under the parking lot. How address it if utilities needs to access it for repairs. Mr. Fler said they will have a plan and what would need to be done and they will follow what needs to be done per CSU's requirements.

Commissioner Markewich asked the private road, your property, would be half of the private road. Mr. Fler said they will do the right thing and won't leave the road in disrepair. They intend to have good communication with all the other property owners. There are three property owners here today in opposition and they will reach out to them to work together.

Commissioner Markewich asked if the aforementioned covenants contain the maintenance agreement. The owner stated the covenants do not address anything to do with maintenance. The HOA never was established and no dues collected. The association would be responsible to maintain that road. The HOA doesn't exist and the corporation doesn't exist but there's no authority to do any type of maintenance. He stated the area is zoned PIP-2 and if he doesn't change the zone and redevelops this he will put in a construction yard which is allowed by the code.

Commissioner Markewich asked if they approve the zone change there are other uses that's acceptable so would the owner be amenable to a condition of record that multi-family be the only thing allowed on the property if the zone change is approved. The owner said no.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Smith said this is an unusable property for the most part. It could not be used for office complex. There aren't many uses for this site. They have approval from parks department, it's a good infill plan and we need affordable housing and this is a place that can help with that. The Comp Plan supports it and encourages uses and design for infill project and this does that. We need workforce housing in our community so he will be in support.

Commissioner Shonkwiler said this project checks off every box of Infill and Redevelopment Plan which is part of the Comprehensive Plan. Providing workforce housing next to office is ideal. The limitations of the site he hopes it will be built. It meets the zone change criteria. It meets the criteria in the Comprehensive Plan. He will be in support.

Commissioner Henninger stated was impressed with the concept of the proposal of having housing at this site. All the amenities that are available at this site could allow you to ask for higher rent. But mixing this with this type of area is appropriate. Opportunities for the residences are good and complying with infill is a good thing. It meets with the criteria of the comprehensive plan and he will be in support.

Commissioner Markewich said he concurs with the other commissioners. He thinks it's a very creative use. This property is vacant and we are very interested in infill. The use will be beneficial to the area. There is a mobile home park a little way away. It isn't as though there isn't any residential around the area. He didn't believe the multi-family use will change the character neighborhood. It will enhance the area. This could be a very different plan and things that it's zone for that could be much worse.

Agrees this is a good plan and meets the criteria for a zone change and concept plan as well as infill and comprehensive plan. You will see encouragement of more mixed use in the future.

Motion by Commissioner Smith, seconded by Commissioner Graham to recommend approval to City Council the rezoning of 5.41 acres from PIP-2/CR/SS (Planned Industrial Park with Conditions of Record and a Streamside Overlay) to OC/SS (Office Complex with Streamside Overlay), based upon the findings that the zoning request complies with the review criteria set forth in City Code Section 7.5.603.B.

Aye: Phillips, Henninger, Markewich, Shonkwiler, Walkowski, Smith, Graham, McDonald

No: None

Motion passed 8-0-0

Motion by Commissioner Smith, seconded by Commissioner Graham Recommend approval to City Council the Monument Creek Apartments Concept Plan based upon the findings that the concept plan meets the review criteria for granting approval of a concept plan as set forth in City Code Section 7.5.501.E.

Aye: Phillips, Henninger, Markewich, Shonkwiler, Walkowski, Smith, Graham, McDonald

No: None

Motion passed 8-0-0