

CITY PLANNING COMMISSION AGENDA
August 10, 2022

STAFF: TAMARA BAXTER

FILE NOs:
CPC CU 22-00059, QUASI-JUDICIAL
CPC NV 22-00061, QUASI-JUDICIAL

PROJECT: 2525 CONCORD STREET
OWNER: FRONT ROW PROPERTIES, LLC
DEVELOPER: DHN DEVELOPMENT, LLC
CONSULTANT: URBAN LANDSCAPES



PROJECT SUMMARY:

1. **Project Description:** The project includes concurrent applications for a conditional use development plan and a nonuse variance for 0.8-acres of land located at 2525 Concord Street. The project is herein referred to as “2525 Concord Street”. The conditional use development plan envisions the development of 21-unit multi-family development in four buildings and ancillary site improvements in a OR (Office Residential) zone district. The nonuse variance request is for a reduction of the front yard setback to 10 feet where the minimum is 20 feet along North Cascade Avenue, West Harrison Street and Concord Street. **(see “Conditional Use Development Plan” attachment).**

A concurrent waiver of replat application is being administratively reviewed.

2. **Applicant’s Project Statement:** **(see “Project Statement” attachment)**
3. **Planning and Development Team’s Recommendation:** City Planning staff recommends approval of the project applications.

BACKGROUND:

1. **Site Address:** The project site is addressed at 2525 Concord Street.
2. **Existing Zoning/Land Use:** The subject property is zone OR (Office Residential) and contains a single-family home and detached garage.
3. **Surrounding Zoning/Land Use:**
 - North: R-5 (Multi-Family Residential) and consists of multi-family and single-family residential development.
 - South: OR (Office Residential) and consists of the Van Burn Channel/Rock Island Trail future alignment and commercial development.
 - East: R-4 / NNA (Multi-Family Residential with North Nevada Overlay-South Sector and consist of single-family and commercial development.
 - West: R-4 (Multi-Family Residential) and consists of multi-family development.
4. **PlanCOS Vision:** According to the PlanCOS Vision Map **(see “PlanCOS Vision Map” attachment)**, the project site is identified as an Established Historic Neighborhood.
5. **Annexation:** The subject property was annexed into the City under Roswell Addition (January 8, 1950; Ordinance Unknown).
6. **Master Plan/Designated Master Plan Land Use:** The project site is not part of a master planned area.
7. **Subdivision:** The property consists of various lots. A concurrent waiver of replat application for site is being administratively reviewed.
8. **Zoning Enforcement Action:** None
9. **Physical Characteristics:** The property consists of a single-family residential home with a detached garage. The property is encompassed on three sides with public right-of-way (Concord Street, West Harrison Street and North Cascade Avenue) and the Van Buren Channel/Rock Island Trail future trail alignment along the south. The site consists of mostly grass with delicious trees adjacent to the existing structures and along the Van Buren Channel. There are two existing access points to the site. One off West Harrison Street and another on Concord Street. There are public improvements along North Cascade Avenue and none along West Harrison Street or Concord Street. The on-site slopes range from one percent (1%) to greater than twenty-five percent (25%) and flows from east to west. The site is encompassed by Cascade Avenue, Harrison Street and Concord Street on three sides, and the Van Burn Channel/Rock Island Trial future alignment along the south.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public notification process consisted of providing notice to adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 241 property owners on two (2) occasions; during the internal review stage and prior to the Planning Commission hearing. The site was also posted during the two occasions noted above. City Planning staff one (1) written comments in favor of this project and received eight (8) written comments in opposition of the project. All comments received in opposition were generally opposed to the project citing concerns with traffic, on-street parking, and neighborhood compatibility (see **“Public Comment” attachment**). The Applicant provided a response letter to address the public comment (see **“Public Comment Response” attachment**).

Staff and review agencies input is outlined in the following sections of this report. Staff sent the conditional use development application plan to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Bike Program, Colorado Springs Park, Recreation and Cultural Services, Colorado Springs Fire Department, City Engineering, Stormwater Enterprise, and City Traffic Engineering. City Planning staff notes that the following review agencies provided project specific comments:

- City Bike Program - It was requested that the proposed parking spaces along North Cascade Avenue be consistent with the developed striping plan for North Cascade Avenue between Jackson and Fillmore (to be implemented when North Cascade Avenue is resurfaced). The parking spaces have been identified on the development plan.
- SWENT -Stormwater Enterprise (SWENT) had no major review comments for this project. The Drainage Letter was approved by SWENT on June 28, 2022.
- City Traffic - The City's Traffic Engineering Division comments on the development plan were addressed. Traffic Engineering noted that a Traffic Impact Analysis was not required based on the size, number of units, of this development.

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

1. Review Criteria / Design & Development Issues:

a. Conditional Use Development Plan Proposal

The Applicant's proposal is for a Conditional Use Development Plan to permit the development of a new multi-family residential development consisting of 21-units with associated site improvements within four buildings on a site. (see **“Conditional Use Development Plan” attachment**). According to City Code Section Permitted, Conditional and Accessory Uses, the multi-family residential use is conditionally permitted within the OR (Office Residential) zone district. As an infill development, the project proposal fits the surrounding area which consists of a combination of single-family, multi-family and commercial development. The property is also directly adjacent to the North Nevada Avenue Overlay, specifically the south sector, and redevelopment opportunities are anticipated to spill-over into surrounding areas.

Public improvements exist along North Cascade Avenue and are required to be installed along Concord Street and West Harrison Street. Vehicle access to the project site will be afforded off Concord Street. Site improvements include outdoor amenities, landscaping, on-site parking, pedestrian ways, trash/recycling enclosure and bike shed.

In accordance with City Code Section 7.3.205(Q)(1), residential dwelling units in the OR (Office Residential) zone district shall comply with the R-5 (Multi-Family Residential) Zone District standards. The maximum building height in the R5 (Multi-Family Residential) zone district is 45 feet and the proposed heights of the proposed buildings are below this height standard even with the topography of the site. The required front yard setback that applies to this site is 20 feet along Concord Street, West Harrison Street and North Cascade

Avenue (refer to proposed nonuse variance review below in this memorandum for additional details). There is no side yard setback for this site and rear yard setback of 25 feet is applied along the south property boundary.

Parking on-site is by a surface parking lot that is located behind the proposed buildings. The proposed buildings and site landscaping regime will provide screening of the parking lot. The parking spaces provided for the conditional use development plan are following City Code Section 7.4.203 (Parking Space Requirements). Parking for multi-family residential development is based on bedroom count. This project requires 38 parking spaces. City Code Section 7.4.204(B) (Alternative Parking Options) allows for consideration of on-street parking. This project has requested seventeen (17) spaces immediately adjacent to the site: six (6) parking spaces along Concord Street, eight (8) parking spaces along West Harrison Street and three (3) along Cascade Street. In addition, the project qualifies for parking reductions by providing motorcycle spaces (two motorcycle spaces is equivalent to one standard parking space) and the property is located four hundred feet (400') by direct pedestrian of a public transit stop along North Cascade Avenue allowing a 5 percent parking reduction per City Code. Parking has been provided per City Code standards.

Landscaping for the 2525 Concord Street project is designed to not only meet the standards, but to adequately screen parking, trash enclosure and similar project elements and soften the impact of the new building to the streetscape. Alternative compliance to the landscape standards has been requested which would allow a reduction of area of landscaping along the public rights-of-ways and provide a 50 percent increase of planting material for this project.

The only site lighting that is proposed is outdoor safety lighting on the buildings. Typical details were provided. Light fixtures are full cut off to direct all light downward and on to the site. This also helps to make the better fit into the surrounding area.

The development is also located proximate to places of employment, schools, parks/trails, services, and entertainment. All are characteristics that make it a good fit for residential development as proposed. These are similar reasons as to why the Roswell neighborhood are desirable place to live within the city. This site is a good fit for multi-family development (see **“Context Map” attachment**).

b. Findings for Granting a Conditional Use Development Plan

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

City Planning staff finds that the request will not injure the value and quality of the surrounding neighborhood, as the immediate area is currently developed with a broad mix of commercial, multi-family residential and single-family residential uses. While concurrent applications have been requested to vary certain dimensional standards, those requests only enhance how the proposed development is appropriate for the site and surrounding area.

- ii. *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.*

Based on City Code Section 7.3.201 *Purpose*, commercial zone districts are intended to provide “...areas for commercial retail, service, and office uses required by the residents of the City in a manner consistent with the Comprehensive Plan.” Commercial zone districts are also envisioned to allow for and/or accommodate other land uses should certain standards be met and approvals be granted.

The OR (Office Residential) zone district is a “*transitional zone district accommodates a variety of residential unit types and offices.*” The applicant’s request to develop a multi-family residential development is consistent with the additional standards set forth in City Code Section 7.3.205(Q)(2) for residential units in the OR (Office Residential) zone district, which are structured to mitigate potential impacts that apply to certain uses conditionally permitted in commercial zone districts; thus, ensuring the intent and purpose of City Code to promote public health, safety and general welfare is met. This is further reinforced by the requirement that residential uses in the OR (Office Residential) zone district must comply with the R-5 (Multi-Family Residential) zone district.

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

The proposed multi-family residential use conforms to the goals and policies of the City Comprehensive Plan (herein referred to as “PlanCOS”). Refer to ‘Conformance with the City Comprehensive Plan’ in this memorandum below for additional details.

c. Reduction of Front Yard Setback for Granting a Nonuse Variance

A concurrent request for a nonuse variance to reduce the front yard building setbacks along North Cascade Avenue, West Harrison Street and Concord Street to 10 feet where the minimum is 20 feet. The request to reduce the front yard setback is due to placement of the proposed buildings due to the existing topography of the site. The decrease of the front yard setbacks allows the buildings to shift closer to the rights-of-ways and allow for site amenities, such as on-site parking to be located on-site. The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district and such conditions will not allow a reasonable use of the property in its current zone in the absence of relief.

- i. *The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district*

The site has a grade change of 20 feet from east to west. In addition, the design of the project is being conscientious to fitting the project both to the topography and surrounding properties and neighborhood. Reducing the front yard setbacks shifts the buildings closer to the rights-of-way, allowing the project to level with adjacent sidewalks along West Harrison and Concord Streets. The buildings have been designed to reduce the front yard spaces to allow usable space behind the buildings for parking, bike storage and passive recreation spaces on the property.

- ii. *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.*

The granting the nonuse variance to the front yard setback will not result in adverse impact on surrounding properties. Strict application of the front yard building setback standard in this case is unreasonable as the measures taken with the design of the proposal creates a project that is more compatible with the surrounding area.

- iii. *That the granting of the variance will not have an adverse impact upon surrounding properties.*

The granting of a nonuse variance to reduce the front yard building setback along North Cascade Avenue, West Harrison Street and Concord Street from 20 feet to

10 feet does not make this project less compatible with surrounding properties. The front yard building setbacks of the multi-family units to the west is approximately 12 feet along West Harrison Street. Placing the building allows for ancillary elements of the property to be located behind the buildings allowing for this project to be harmonious with the existing adjacent single-family and multi-family residential neighborhood and is consistent with PlanCOS.

Staff finds the proposed residential use to be consistent with the purpose for uses in commercial zone districts, as set forth in City Code Section 7.3.201, the standards for residential dwelling units where allowed in commercial zone districts, as set forth in City Code Section 7.3.205(Q)(1), the criteria for granting conditional use development plan, as set forth in City Code Section 7.5.704, the criteria for nonuse variance, as set forth in City Code Section 7.5.802, and a development plan, as set forth in City Code Section 7.5.502(E).

2. Public Comment

Staff received several comments during the initial review of this project, which included traffic, on-street parking, and neighborhood compatibility (see **“Public Comments”**). The Applicant adequately addressed the concerns raised by the general public (see **“Public Comment Response”**). City planning provides the following responses to the above referenced comments:

- Traffic: Traffic Engineering noted that based on the number of units proposed, a Traffic Impact Analysis (TIA) was not required, as the traffic impact from 21-units would be minimum to the area. From a traffic standpoint, this project is also located on a minor arterial and residential street, a transit route, adjacent to a bus stop, and existing pedestrian ways (sidewalks) and future bike lanes to be stripped along North Cascade Avenue, north of East Jackson Street. The location provides for diverse travel options, and this should be viewed as a benefit to future traffic volumes.
- On-Street Parking: In accordance with City Code Section 7.4.204, minimum off street parking may be adjust by means of on-street parking and reduction to minimum parking space requirements based on public transit, bike routes/city trails and share parking arrangements. Based on comments provide by City Traffic Engineering and City Engineering, and per City Code, the request for on-street parking, seventeen (17) spaces are considered acceptable, with remaining required off-street parking being provided on-site. The property is located within 400 feet by direct pedestrian access to a public transit stop which allows for a five percent reduction toward to off-street parking standards. The project also provides two motorcycle spaces on-site. Thus, parking requirements have been addressed for this project.
- Neighborhood Compatibility: The Roswell neighborhood consists of a mix of commercial, multi-family and single-family residential development. The property is immediately adjacent to the North Nevada Overlay-South Sector per the *Renew North Nevada Avenue Master Plan* is intended to “*create an area that transitions to the older part of the City.*” The project provides a suitable transition property is north of the old railroad alignment/Van Burn Channel and provides a suitable transition and provides the neighborhood with a broader range and high quality of design in new residential development. The architectural design of the buildings reflects the architecture and characteristics of the existing neighborhood.

3. Conformance with the City Comprehensive Plan:

City Planning staff has evaluated the proposed application for conformance with the City’s current comprehensive plan (“PlanCOS”), adopted in January 2019. According to PlanCOS Vision Map (see **“PlanCOS Vision Map” attachment**) and Vibrant Neighborhood Framework Map, the project site is identified as an ‘Changing Neighborhood’. Neighborhoods within the city should expect

some degree of infill and redevelopment. Changing Neighborhoods can expect to see more opportunities for infill and redevelopment than other areas of the city.

The 2525 Concord Street project is consistent with three (3) PlanCOS vision themes, as follows:

- Vibrant Neighborhood - Housing for All
GOAL VN-2: 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.
Policy VN-2.A: Promote neighborhoods that incorporate common desire neighborhood elements.
Strategy VN-2.A-3: Support land use decision and projects that provide a variety of housing types and sizes, service a range of demographic sectors, and meeting the needs of residents and families through various life stages and income levels.
GOAL VN-3: Through neighborhood plans, associations, and partnerships, empower neighborhoods to reinvest in order to create community, vibrancy, and to address their specific vision and needs.
- Unique Places – Embrace Creative Infill, Adaptation, and Land Use Change
GOAL UP-2: Embrace thoughtful, targeted, and forward-thinking changes in land use, infill, reinvestment, and redevelopment to respond to shifts in demographics, technology, and the market.
Policy UP-2.A: Support infill and land use investment throughout mature and developed areas of the city.
Strategy UP-2.A-3: Continue to implement infill supportive Code changes including provisions tailored for older developed areas.
- Strong Connections – Connect Multimodal Transportation
GOAL SC-1: Multimodally connect people and land uses throughout the city and region.
Policy SC-1.D: Establish and maintain convenient multimodal connections between neighborhoods, local destinations, employment and activity centers, and Downtown.
Strategy SC-1.D-1: Encourage well-connected systems of streets, sidewalks, bike facilities, and off-system trails in areas defined by Recent Suburban (Typology 3) and by Future Streets (Typology 4) typologies for new developments and redevelopment areas.

City planning staff finds the project in question and its associated applications to be substantially in conformance with PlanCOS and its guidance.

4. Conformance with the Area's Master Plan:

The project site is part of a master planned area. Although the property does not directly lie within the North Nevada Overlay ('NNA'), it is immediately adjacent to the south sector boundary of the NNA overlay which envisioned that redevelopment would spill-over onto adjacent properties. The Roswell area consists of a mix of commercial, multi-family and single-family residential and park land uses (see "**Context Map**" attachment). This development is complimentary and supportive to the land use pattern for the area. Through staff's review of the requested conditional use development plan and nonuse variance and in consideration of the applicable review criteria, the overall area impacts of the project were analyzed.

STAFF RECOMMENDATION:

CPC CU 22-00059 – CONDITION USE DEVELOPMENT PLAN

Approve the Conditional Use Development Plan for the 2525 Concord Street project in the OR (Office Residential) 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 the review criteria for granting a Development Plan, as set forth in City Code Section 7.5.502(E).

CPC NV 22-00061 – NONUSE VARIANCE – REDUCED FRONT YARD SETBACKS

Approve the Nonuse Variance to City Code Section 7.3.104 for the 2525 Concord Street project to allow a reduction of the front yard setback to be 10 feet where the minimum is 20 feet, 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.