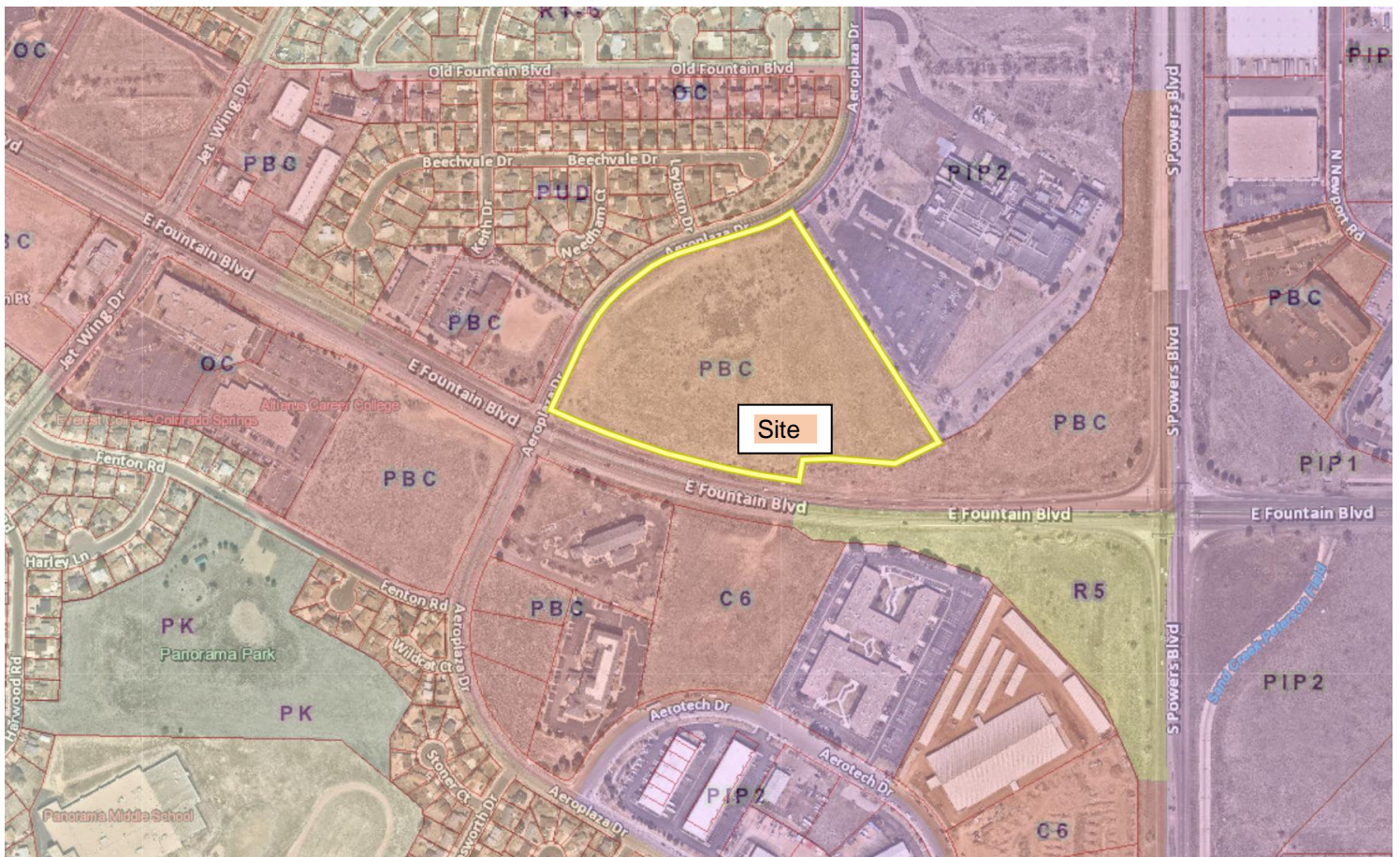


CITY PLANNING COMMISSION AGENDA  
February 18, 2021

STAFF: GABE SEVIGNY

ASSOCIATED FILES:  
CPC CU 20-00142 – QUASI-JUDICIAL  
CPC R 20-00170 – QUASI-JUDICIAL

PROJECT: East Fountain Apartments  
OWNER/APPLICANT: E Scott Family Limited Partnership  
CONSULTANT REPRESENTATIVE: Goodwin Knight



**PROJECT SUMMARY**

1. Project Description: This project is a conditional use development plan and an administrative relief to construct a multi-family development of 208 units in 4 apartment buildings, clubhouse, pool, and open space on a PBC/CR/AO (Planned Business Center with a condition of record and Airport Overlay) zoned property (**see “Conditional Use” attachment**). The subject property is 14.02 acres in size with 8.94 acres within this conditional use application and the remaining acres for future commercial development. The site is located at the northeast corner of the East Fountain Boulevard and Aeroplaza Drive intersection. The administrative relief request proposes

relief for an overall building height of fifty-five feet (55') where the maximum building height for the zone district is forty-five (45') feet from the average elevation to a point five feet (5') below the highest ridge of a gable, hipped or gambrel roof per City Code Section 7.3.204

2. Applicant's Project Statement: (see **"Project Statement" attachment**)
3. Planning and Development Team's Recommendation: Staff recommends approval of the applications subject to a technical modification.

### **BACKGROUND**

1. Site Address: No address currently exists for the site
2. Existing Zoning/Land Use: PBC/CR/AO (Planned Business Center with conditions of record and Airport Overlay)/vacant property
3. Surrounding Zoning/Land Use:
  - North: PIP-2 (Planned Industrial Park) / DPIX Industrial/Warehouse
  - South (of East Fountain Boulevard): PBC (Planned Business Center) / Holiday Inn Hotel, C6 (General Business) / Vacant
  - East: PBC (Planned Business Center) / Vacant
  - West: PBC (Planned Business Center) / Days Inn Hotel, PUD (Planned Unit Development) / Single Family Dwellings
4. Annexation: Pikes Peak Park Addition #11 May 1971
5. Master Plan/Designated Master Plan Land Use: The Gateway Park Master Plan
6. Subdivision: Lot 2 Salter Subdivision Filing 1
7. Zoning Enforcement Action: None
8. Physical Characteristics: The 14.02-acre property is currently undeveloped, and generally slopes from the west to the east.

### **STAKEHOLDER PROCESS AND INVOLVEMENT**

The public notification process consisted of providing notice to the neighbors by placing a poster for the project on-site and sending postcards to 196 property owners within 1000-feet. Ten (10) public comments were received (see **"Neighbor Comments" attachments**). Among the concerns are traffic and future expansion of operation concerns for neighboring businesses. The site will be posted before the City Planning Commission hearing and City Council hearing.

The applications were sent to the standard internal and external agencies for review and comment. Review comments were received and addressed. Review agencies for this project include Colorado Springs Airport Advisory Commission, Colorado Springs Utilities, City Traffic, City Engineering, City Fire Department and Police/E-911, Parks, Recreation and Cultural Services, as well as School District 2, and Floodplain and Enumerations.

The Parks, Recreation and Cultural Services Department stated that fees in lieu of land dedication will be required with the building permit for each multi-family unit.

School District 2 did not send comments. Staff will assume that the fee collection will be required with the building permits for each multi-family unit.

The site is located within the Airport Overlay. The Airport Advisory Commission was sent a referral for this project and was reviewed and approved with no objections at the November 18, 2020, Airport Advisory Commission meetings.

### **ANALYSIS OF REVIEW AND CONFORMANCE WITH CITY COMPREHENSIVE PLANNING**

1. Review Criteria/Design & Development
  - a. Background

The site was annexed as the Pikes Peak Park Addition #11 and zoned PBC/CR/AO (Planned Business Center with conditions of record and Airport Overlay) in 1984. The conditions of record in Ordinance Number 84-73 were to provide a forty-six foot (46')

scenic no-build easement along the Fountain Boulevard property line. The required easement is labeled on the Conditional Use Development Plan (**see “Conditional Use” attachment**).

An application to rezone the property from PBC/CR/AO (Planned Business Center with conditions of record and Airport Overlay) to PUD (Planned Unit Development) for single-family development was denied in October 2015 as single-family dwellings were found not compatible with surrounding uses. Staff worked diligently with the applicant on site design and use mix of this site within the existing allowances of the PBC zone district.

b. Conditional Use:

The property is currently zoned PBC (Planned Business Center). The PBC zone allows primarily a variety of commercial uses, however, multi-family residential is a conditional use. Conditional uses require review and determination on if the use are compatible with the surrounding uses. The City Planning Commission is the final approving authority for conditional uses.

The current proposal is a 208-unit workforce rental-housing apartment complex on 8.94 acres. As depicted on the conditional use development plan, the development will be comprised of four (4) apartment buildings with a maximum building height of fifty-five feet (55'), detached garages, a clubhouse, and a swimming pool. The three (3) commercial pad sites are depicted on the conditional use development plan as "Future Development (Not a Part of this Development)". This label will require any future development of these lots to apply and receive approval of a development plan.

The apartment units are a variety of one, two, and three-bedroom units. The site has two access points into the facility from Aeroplaza Drive. The southernmost tract of the site contains a full-spectrum detention pond. The eastern property line has five (5) parking garages that run from the northwest to the southeast. The addition of these garages will provide additional buffers between the multi-family use and the industrial use to the northeast of the subject property. In addition, open space areas for use by the residents have been provided throughout the site.

The proposed site is within the Commercial Aeronautical Zone (CAZ). The CAZ does not specifically identify permitted or prohibited uses within its boundaries, but rather it is established to provide tax incentives to new businesses in the area that support aeronautical uses. The proposed conditional use for multi-family is intended to support surrounding businesses as workforce housing that could include aeronautical uses. The continued intent for the west half of the property to be used for commercial use is anticipated to attract additional commercial uses on the proposed site that has been undeveloped to date.

The multi-family use is compatible with the surrounding uses as a form of workforce rental housing to support those uses. As stated above, neighborhood concerns included traffic along Aeroplaza Drive. Traffic Engineering required and reviewed a Transportation Impact Study (TIS) and found they agree with recommendations outlined within the report, as discussed below.

Another concern is the impact of multi-family on any future expansion of operations for the PIP2 (Planned Industrial Park) zoned property to the northeast. The setbacks for this zoning district are twenty-five feet (25') for the front and rear property lines and ten feet (10') from the side property lines. When adjacent to residential use, the setback is one-hundred feet (100'). Early discussions with the applicant for this location indicated units along the eastern boundary line. The applicant relocated the units further away, at a distance of greater than one-hundred feet (100') from the eastern boundary line and

utilizing parking garages and additional landscaping as a buffer between the uses. The separation from the property line would allow for the expansion of operations for the property at the northeast.

The site is suitable for the proposed use as it is within 0.5 miles from Penstemon Park to the north and Panorama Park and Bricker Park to the south. It is also with 0.25 miles of the Powers Trail to the east and 0.64 miles from the Sand Creek Trail to the west. There are eight (8) education centers within one (1) mile from this development. There is a bus stop on the north side of Academy within 0.43 miles from this development. The general area to the north, east, and south has office buildings and industrial uses that would benefit from the workforce housing.

Utility services for the site will be provided by Colorado Springs Utilities (CSU) except for communication facilities. On-site sanitary sewer and water systems will be private but will connect to public systems in East Fountain and Aeroplaza Drive. Water will be looped through the western half of the site to provide for a looped system. CSU has no remaining action items for this proposal and has recommended approval.

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) respectfully.

c. Administrative Relief

In association with the conditional use development plan request, is administrative relief for the building height. According to City Code Section 7.3.204, the maximum building height would be from average elevation to five feet (5') below the highest ridge of a gable, hipped, or gambrel roof. Currently the structure is at 49 feet 1 and ½ inches (49' 1 ½") meeting this definition with an overall building height of 54 feet 1 and ½ inches (54' 1 ½"). The administrative relief request proposes relief for an overall building height of fifty-five feet (55') fitting within the fifteen percent (15%) allowed for administrative relief.

d. Drainage Report

Stormwater runoff from the East Fountain Apartment development and future East Fountain Mixed-Use development will be captured within a privately owned and maintained storm sewer system. The runoff will then be conveyed to a privately owned and maintained Full Spectrum Extended Detention basin. The Full Spectrum Extended Detention basin will treat for water quality and release major (100-year) and minor (5-year) storm events, at or below pre-developed rates, into an existing public storm sewer system that flows under E. Fountain Blvd (Hwy 24).

e. Traffic

A Traffic Impact Study was provided and reviewed by City Traffic for this site. There are two (2) points of access into the site, both are off of Aeroplaza Drive. There is no direct access to East Fountain Boulevard. The study was completed in October 2020 by LSC Transportation Consultants and projects approximately 652 morning peak-hour trips, with 320 inbound and 332 outbound. Approximately 354 of the morning trips are anticipated to be pass-by trips. The study also projects 546 afternoon peak-hour trips, with 284 inbound and 262 outbound. Approximately 292 of the afternoon trips are anticipated to be pass-by trips. All site access points will function at an acceptable level of service (LOS).

No additional auxiliary lanes are required on Aeroplaza Drive other than the center left-turn lane that is part of the standard cross-section. The intersection at East Fountain Boulevard and Aeroplaza Drive is maintained by CDOT. The applicant will be required to continue to work with CDOT that would require the eastbound left-turn lane on Fountain to be lengthened to 435 feet plus 125 feet storage plus 160-foot taper.

f. Geologic Hazards

A Geologic Hazards Study was prepared by Terracon on December 14, 2020. The report was sent to Colorado Geologic Survey (CGS) for review and provided their response on January 21, 2021. The report identified hazards of considerable eolian deposits at the proposed site. The recommendations for over excavation and placement of controlled fill to minimize potential damage from collapsible soils from Terracon was accepted and emphasized by CGS. CGS also agrees that a boring should be drilled at the site of the proposed detention basin in order to assess the need for lining within that area. Finally CGS has no objection to the development of this site, provided Terracon's recommendations are strictly adhered to and the geologic hazards identified at the site are added to the plans.

2. Conformance with the City Comprehensive Plan

Staff has evaluated the proposed application for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"). According to PlanCOS, the project site is identified on the Vision Map (**see "Vision Map" attachment**), as part of the Established Suburban Neighborhood maps. The subject site and the areas to the north and east of the subject parcel and the areas south across Fountain Boulevard are identified as high areas of change on the Areas of Capacity and Change Map (**see "Areas of Change" attachment**). The site is also identified as a Spinoffs and Startups area and is also adjacent to a Cornerstone Institution and Life and Style area and Critical Support area on the Thriving Economy Framework Map (**see "Thriving Economy Framework" attachment**)

Specific policies of PlanCOS that are supported are listed below:

Strategy TE-1.C-3: Ensure an adequate supply of attainable housing for the workforce across all industries and that is conveniently located near hubs of employment and/or public transportation.

Goal VN-1: Increase neighborhood identity, inclusion, and participation throughout the city for residents, employees, and visitors.

Policy VN-2.A: Promote neighborhoods that incorporate common desired neighborhood elements.

Strategy VN-2.A-3: Support land use decisions and projects that provide a variety of housing types and sizes, serving a range of demographic sectors, and meeting the needs of residents and families through various life stages and income levels.

Some of the Spinoffs and Startups Recommendations are to cluster businesses and create campus-like environments. Also being adjacent to the Cornerstone Institutions, there are recommendations to connect amenities and infrastructure and diversify housing types.

The Community Development Division was sent a referral for this application and Steve Posey, HUD Program Manager, provided the following response:

"Earlier this year, the Community Development Division released HomeCOS, the City of Colorado Springs' affordable and attainable housing plan. HomeCOS supports Mayor Suthers' foal of building or preserving on average 1000 units of affordable housing each year. Although the proposed project doesn't include units with rent restrictions, it will increase the supply of attainable rentals for working families earning up to 80% of the 2020 area median income (AMI). The rental market in Colorado Springs is considered tight with vacancy rates in the southeast part of the City as low as 2%. Increasing supply in this area will bring a greater variety of apartments at multiple price points in the market and help address the overall shortage of available rental units in this area."

City Planning staff finds the East Fountain Apartments Conditional Use Development Plan to be in substantial conformance with PlanCOS and its guidance.

3. Conformance with the Area's Master Plan

This project site is part of the Gateway Park Master Plan, and this master plan is considered to be implemented. It means that the master plan is eighty-five percent (85%) or more built out and the remaining vacant land is zoned in conformance with the master plan. The master plan indicates this area to be commercial. This could prevent an application for a zone change from being approved. However, multi-family is a conditional use in the PBC zoning district. A conditional use by definition is "a land use which is an allowed use in a zone district but has operating and/or physical characteristics which require careful consideration and public review of the impact upon the neighborhood and the public facilities surrounding the proposed location." As such, staff has found the proposed multi-family residential land use will be compatible with the surrounding land uses in the neighborhood.

**STAFF RECOMMENDATION**

**CPC CU 20-00142 – Conditional Use**

Approve the East Fountain Apartments conditional use development plan, based upon the findings that the request complies with the three review criteria for granting a conditional use as set forth in City Code Section 7.5.704, and the development plan review criteria in City Code Section 7.5.502.E, subject to the following technical modification:

1. Add the following note to the first page of the Conditional Use Development Plan, "This property is subject to the findings, summary, and conclusions of a Geologic Hazard Report prepared by Terracon, dated December 14, 2020, which identified the following specific geologic hazard on this property: shallow groundwater and potentially collapsible soils. A copy of said report has been placed within file #CPC CU 20-00142 or within the subdivision file of the City of Colorado Springs Planning and Development Team. Contact the Planning and Development Team, 30 South Nevada Ave., Suite 701, Colorado Springs, CO, if you would like to review said report."

**CPC R 20-00170 – Administrative Relief**

Approve the administrative relief from City Code Section 7.3.204 allowing for over-all building height not to exceed fifty-five feet (55') where the maximum building height for the zone district is forty-five feet (45') from the average elevation to a point five feet (5') below the highest ridge of a gable, hipped or gambrel roof as set forth in City Code Section 7.5.1101.