

**CITY PLANNING COMMISSION AGENDA  
APRIL 12, 2023**

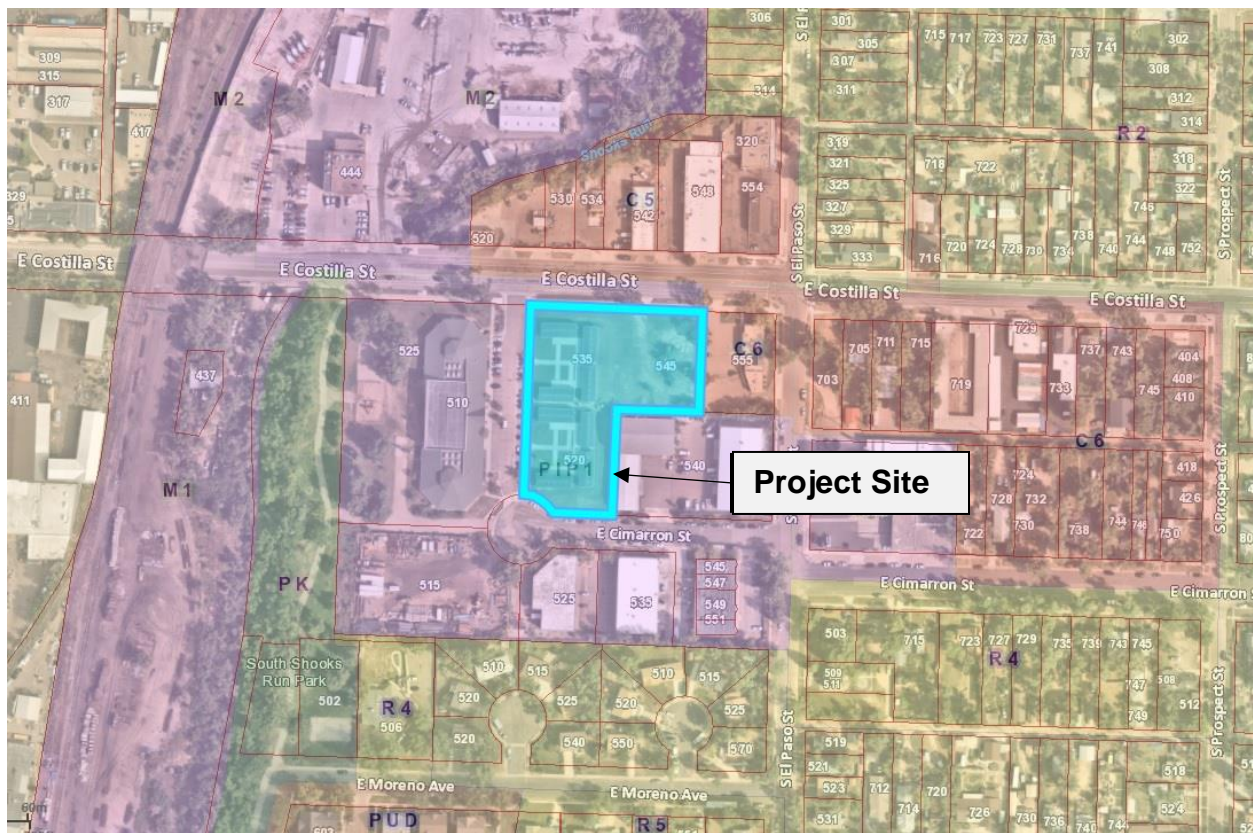
**STAFF: MATTHEW ALCURAN**

**FILE NO:**  
**ZONE-22-0019 – QUASI-JUDICIAL**  
**COPN-22-0019 – QUASI-JUDICIAL**

**PROJECT:** 535 EAST COSTILLA STREET MULTI-FAMILY

**OWNER/APPLICANT:** BLUE TRUCK CAPITAL, LLC.

**CONSULTANT:** MATRIX DESIGN GROUP



**PROJECT SUMMARY:**

- **Project Description:** This project includes concurrent applications for approval of a zone change and concept plan for the 535 East Costilla Street Multi-Family project, located at 535 East Costilla Street. The proposal consists of a zone change from PIP-1/CR (Planned Industrial Park/Condition of Record) to C-5 (Intermediate Business (to be known as MX-M (Mixed-Use Medium Scale)) and a concept plan application proposing multi-family residential development with a density of 30-40 dwelling units per acre (**see attached "Zone Change and Concept Plan"**).
- **Applicant's Project Statement:** (**see attached "Project Statement"**).

- Planning and Development Department Recommendation: City Planning staff recommends approval of these applications.

**BACKGROUND:**

1. Site Address: The property address is 535 East Costilla Street
2. Existing Zoning/Land Use: The subject property is currently zoned PIP-1/CR (Planned Industrial Park/Condition of Record) and includes eight (8) single-story modular classrooms with open space to the east.
3. Surrounding Zoning/Land Use:
  - North: C-5 (Intermediate Business) across East Costilla Street and commercially developed.
  - South: PIP-1 (Planned Industrial Park) and is commercially developed.
  - East: C-6 and M-1 (General Business and Light Industrial) and is commercially and industrially developed.
  - West: PIP-1 (Planned Industrial Park) and is developed with a charter school (K-8).
4. PlanCOS Vision: According to the PlanCOS Vision Map (**see attached “PlanCOS Vision Map”**), the project site is identified as an Established Traditional Neighborhood.
5. Annexation: The subject 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.
7. Subdivision: The property is currently platted as Lot 1 A.L.C.S. Filing No. 1.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The 1.779-acre property is located near the southwest corner of East Costilla Street and South El Paso Street Drive. The surrounding neighborhood consists of a mix of commercial, industrial and residential uses with Shooks Run Trail to the west.
10. Applicable Code: This request was submitted prior to the Unified Development Code (UDC) effective date of June 5, 2023, and as such was processed and reviewed under Chapter 7 standards. All established requirements in Chapter 7 have been met and therefore should be reviewed by this body under those standards. As a following step to the City Council adoption of the UDC to further the establishment of new standards tied to zone districts, existing commercial and industrial zone districts will be renamed through a legislative process. Due to the timing and submittal of some rezoning applications and the transition to the new UDC, some zone change requests will be impacted by this change, including this application. This site is currently proposed to be zoned C-5 (Intermediate Business) under Chapter 7 and will transition to the MX-M (Mixed-Use Medium Scale) zone district under the new UDC. It should be noted that no rights of the property owner will be revoked with the zone district rename process, but rather expanded upon. This zone change will not go into effect until June 5, 2023 (UDC effective date).

**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 180 property owners on two occasions; during the internal review stage and prior to the Planning Commission hearing. The site was also posted during the two occasions noted above. One written correspondence with a general comment concerning the “...blowing dust and debris are generated by the concrete plant at 444 E. Costilla...” was received (**see attached “Public Comment”**). No further public comments have been received.

The applicant provided a written response to the received public comment, in an email dated March 16, 2023 (**see attached “Public Response”**).

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. City Planning staff notes that the following review agencies provided project specific comments:

- City Traffic – The City's Traffic Engineering Division stated they agree with the Traffic Impact Analysis (TIA) findings and recommendations.
- City Fire – The City's Fire Department (CSFD) stated they did not have any exceptions with the zone change or concept plan as submitted.
- City Engineering – The City's Engineering Development Review (EDRD) stated they did not have any exceptions with the zone change or concept plan as submitted.
- SWENT – Stormwater Enterprise (SWENT) has reviewed and approved the required Drainage Letter (STM-REV22-1401).
- CSU – Colorado Springs Utilities (CSU) will have additional review comments once the development plan is submitted.
- City Landscape Architect – The City's Landscape Architect required the following note "Landscaping requirements (including landscape buffers and setbacks) will be determined at the time of Development Plan application based upon the City's adopted zoning code for each type of use."

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

1. Review Criteria / Design & Development Issues:

a. Zone Change

The 1.779-acre site is located near the southwest corner of East Costilla Street and South El Paso Street Drive. The proposed zone change (see attached "Zone Change Exhibit") will amend the property's zone designation to change from PIP-1/CR (Planned Industrial Park/Condition of Record) to MX-M (Mixed-Use Medium Scale).

The parcel was established in 1872 under the Town of Colorado Springs . The zoning established for this property is illustrated by the Envision Shooks Run Corridor Facilities Master Plan, which included a wide variety of land uses over site, including residential, commercial, industrial, and public facilities. The project site is east of the existing Shooks Run Creek and most of the consists of multi-family and single-family residential uses. The applicant's project statement explains the reason for the zone change is to provide for the option of additional residential development on an infill site, which helps meet the city's current housing need. The proposed zone change to a residential development would be compatible with the surrounding zones and uses.

In addition, the applicant is requesting to remove the Condition of Record associated with this specific parcel. Ordinance No. 80-91 was approved on May 16, 1980, which included industrial park property consisting of over 10 acres. The ordinance states "Require buyers of said Industrial Park property (not including Cooper) to provide one (1%) percent of the land price to a fund to be used to finance and construct a work or works of art which will be prominently placed within the Industrial Park." A recent site visit confirms no work or works of art exist on this specific project site and based on the land use change from industrial to residential, this requirement is no longer applicable. Furthermore, city staff research confirmed that City Council has approved the removal of the Condition of Record from the adjacent property to the east in the relatively recent past.

For the reasons stated above, as well as the discussion within the applicant's project statement, staff finds that the proposed zone change meets the review criteria for a zone change, as set forth in City Code Section 7.5.603(B), as well as the review criteria for a concept plan, as set forth in City Code Section 7. 5.501(E).

b. Concept Plan

The submitted concept plan for the 535 E. Costilla Street Multi-Family project proposes a multi-family residential development consisting of approximately 30-40 dwelling units per acre. The project site is currently zoned PIP-1/CR (Planned Industrial Park/Condition of Record) and the associated zone change application will change the property zoning designation to MX-M (Mixed-Use Medium Scale). The project site is 1.779 acres in size (**see "Concept Plan" attachment**). A multi-family residential use is a permitted use in the MX-M (Mixed-Use Medium Scale) zone district, pursuant to the City's newly adopted Unified Development Code (UDC).

The project involves removing four (4) existing educational buildings to allow for the future construction of multi-family residential dwelling units. The concept plan includes new full-movement access from Costilla Street, and adherence to the 20-foot building and a landscape setback from Costilla Street. The concept plan proposes a 15-foot landscape setback and 25-foot building setback to the southern boundary line. A 15-foot landscape setback is proposed along the eastern boundary line, which is adjacent to existing commercial development. The remaining southern 0.77-acre lot will remain unchanged. There are four (4) existing modular structures which are expected to continue to be used as an educational use permitted in the MX-M (Mixed-Use Medium Scale) zone district.

Future site improvements will include compliance with current off-site street improvements to include new curb, gutter, and ADA pedestrian access, if needed. All existing access and utility easements will be maintained and are notated on the concept plan. Access to the site is from the existing private drive along Costilla Street as well as the new full-movement access along Costilla Street. As required by the City Landscape Architect, a note has been added to the concept plan stating, "Landscaping requirements (including landscape buffers and setbacks) will be determined at the time of Development Plan application based upon the City's adopted zoning code for each type of use."

The applicant anticipates submitting the required development plan application in the summer of 2023 for the future residential units before any construction can take place. The new development plan will be reviewed administratively under the City's newly adopted Unified Development Code (UDC). The applicant has submitted a final plat application under SUBD-22-0094 which is currently under City agency review proposing to subdivide the 1.779-acre lot into two (2) new separate lots. In addition, the new development plan application will be subject to all applicable City fees, including Parkland Dedication Ordinance (PLDO) fees and Citywide Development Impact (CDI) fees.

City Planning staff finds that the proposed plan is in conformance with the purpose for establishing a concept plan as set forth in City Code Section 7.5.501(E).

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"), adopted in January 2019. According to PlanCOS, the project site is identified as an Established Traditional Neighborhood (**see "PlanCOS Vision Map" attachment**).

The 535 E. Costilla Street Multi-Family project is consistent with one of the core values of PlanCOS, which reinforces the importance of encouraging infill development proposals. One of the "Big Ideas" in the Vibrant Neighborhood Chapter 2 of PlanCOS is entitled "Embrace Creative Infill, Adaptation and Land Use Change", 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.”

To do this, PlanCOS suggests, “New development should focus on safe connections into and within these neighborhoods.”

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.”

A policy for this goal further reinforces that development should “Prioritize development within the existing City boundaries and built environment (not in the periphery).”

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, location and site design meet the overall intent of this idea.

For the reasons provided in this overall staff report, City Planning staff finds that this infill development 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 2017 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**. Although the proposed zone change and concept plan applications associated with the future multi-family residential use changes the underlying zoning, both will be compatible with surrounding land uses. In addition, a Shooks Run Corridor Facilities Master Plan (FMP) was adopted 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 zone change and concept plan applications for the future multi-family residential use are complementary and supportive of the current land use patterns.

**STAFF RECOMMENDATION:**

**ZONE-22-0019 – ZONE CHANGE**

Recommend approval to the City Council the zone change of 1.779 acres from PIP-1/CR (Planned Industrial Park/Condition of Record) to C-5 (Intermediate Business (to be known as MX-M (Mixed-Use Medium Scale)) based upon the findings that the change of zoning request complies with the three (3) criteria for granting a zone change as set forth in City Code Section 7.5.603(B).

**COPN-22-0019 – CONCEPT PLAN**

Recommend approval to City Council a Concept Plan for the 535 E. Costilla Street Multi-Family project, based upon the findings that the request meets the review criteria for approving a Concept Plan, as set forth in City Code Section 7.5.501(E).