

CITY PLANNING COMMISSION AGENDA

STAFF: RYAN TEFERTILLER

FILE NOS:

CPC CU 18-00029 – QUASI-JUDICIAL

CPC NV 18-00030 – QUASI-JUDICIAL

PROJECT: 430 WEST PIKES PEAK APARTMENTS

APPLICANT: TREMMEL DESIGN GROUP

OWNER: TJ & I LLC



PROJECT SUMMARY

1. Project Description: This project includes concurrent applications for a conditional use development plan and a nonuse variance for the property located at 430 West Pikes Peak Avenue. The applications were submitted to allow for the construction of a 3-story, 11-unit apartment project on a 10,500 square foot, C-6 zoned (General Business) property. The site is located on the northeastern corner of North Walnut Street and West Pikes Peak Avenue.
2. Applicant's Project Statement: (Refer to FIGURE 1)

3. Planning and Development Team's Recommendation: Staff recommends approval of the conditional use development plan (**FIGURE 2**) and nonuse variance.

BACKGROUND

1. Site Address: 430 West Pikes Peak Avenue
2. Existing Zoning/Land Use: C-6 (General Commercial) / vacant – parking lot
3. Surrounding Zoning/Land Use:
 - North: C-6 (General Commercial) / Single-Family Residential
 - South: C-6 (General Commercial) / Civic/Religious and Commercial uses
 - East: C-6 (General Commercial) / Residential, Office and Commercial uses
 - West: R-5 (Multi-Family Residential / Single-Family Residential)
4. Comprehensive Plan/Designated 2020 Land Use: Mature Redevelopment Corridor
5. Annexation: Town of Colorado Springs (1872)
6. Master Plan/Designated Master Plan Land Use: Westside Master Plan (1980)/Commercial General
7. Subdivision: Parrishs Addition (1874)
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is paved and developed as a parking lot; there are no structures on the site.

STAKEHOLDER PROCESS AND INVOLVEMENT

The public process included posting the site and sending postcards to 192 property owners within a 1,000-foot buffer as well as to the Organization of Westside Neighbors (OWN) and the Downtown Partnership at the time of application submittal. However, the original submittal was for a less dense project of only 2-stories and 8 apartment units. When the resubmittal was made for the project with the current height and density (3 stories and 11 units), staff implemented a second public notice to ensure all stakeholders were aware that the project had been modified. A third mailing will be sent to a 1,000-foot buffer prior to the Planning Commission hearing notifying residents of the public hearing.

Staff received input from three stakeholders during the internal review process: two are neighbors and the third is the Downtown Partnership. While the Downtown Partnership supports the project as it helps achieve additional residential density in and surrounding Downtown Colorado Springs (**FIGURE 3**), the other two stakeholders have expressed concern about the project due to bulk/scale, density, parking, traffic, and other concerns (**FIGURE 4**).

Original plans as well as the revised plans were sent to all standard internal and external review agencies for comments. A number of review agencies had significant technical comments upon first review. While most items were resolved with the revised resubmittal, there are a number of technical issues that need additional attention; all remaining items are described within the technical modifications section of Staff's recommendation at the conclusion of this report. Commenting agencies included City Engineering, Traffic Engineering, Colorado Springs Utilities, Water Resource Engineering, the City Surveyor, the Colorado Springs Fire Department, and others.

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

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

The project site totals 10,500 square feet of C-6 (General Business) zoned land on the northeastern corner of West Pikes Peak Avenue and North Walnut Street. For the last 16+ years the site has been utilized as a parking lot via a development plan that was approved by the City in February of 2002 (AR MDP 01-00481). That approval required a number of site improvements including landscaping, masonry wall, access control gate, new driveways and lighting that appear to have never been implemented. Ownership of the property has changed multiple times since 2002. The current owner has submitted a conditional use development plan, setback variance, and a waiver of replat application to legalize the current legal description; the waiver of replat is being reviewed administratively concurrent to the other two applications.

b. Conditional Use Development Plan

The current owner of the site, TJ & I, LLC, has requested the ability to develop the site for a 3-story, 11-unit apartment building. Multi-family residential uses are only allowed on a C-6 property if the City's Planning Commission grants a conditional use permit. Although the majority of the block is zoned C-6, as are the blocks to the south and southwest, the subject property is surrounded by a mix of residential, civic and commercial uses. In 2015 the 22 Spruce Apartment Project was approved by the City allowing 46 apartment units within a 4-story building just northeast of the subject site on the same block. That project was recently completed and is currently leasing units.

The proposed apartment building at 430 West Pikes Peak Avenue is pushed westward toward North Walnut Street, while the 12 space off-street parking lot is located to the east of the building. Landscape improvements are proposed along the north, west, and southern edges of the site. The existing driveway directly to North Walnut Street will be removed while the two West Pikes Peak Avenue driveways will be consolidated into one. While a number of technical items remain to be resolved, the applicant is hoping to gain Planning Commission approval of the conditional use while the final revisions to the plan are being completed.

The City's parking regulations require a total of 16 parking stalls for 11 1-bedroom apartment units (1.5 stalls per unit = 16.5, which rounds down according to Section 7.4.203.A. of City Code). While 12 off-street stalls are provided, the City's relatively new Alternative Parking Options within Section 7.4.204 of City Code allow 5 immediately adjacent on-street parking stalls to be used to meet minimum parking requirements if specific standards and criteria are met. After careful consideration, Staff has determined that all quantifiable standards for use of the on-street parking credit are met. Additionally, Staff finds that the more subjective criteria are met regarding the finding that no additional off-street parking options are available and that the use of the on-street stalls will not "generate significant off site impacts upon neighboring properties."

As a multi-family residential project in the C-6 zone, the Planning Commission must find that the three conditional use criteria found in Section 7.5.704 of City Code are met. The criteria are:

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

B. 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.

C. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.

Staff finds that the proposed project meets all three conditional use criteria. The proposed use, as well as the bulk, scale, and site design are well suited in this transitional area. A mix of single-family and multi-family residences are in close proximity to the project as well as more intense commercial, office and civic uses. The project will provide new housing opportunities to residents and employees who are within walking distance to the City's core. Architectural design, landscaping, and appropriate site design will help buffer the apartments from adjacent uses. This project represents a high-quality example of urban infill in the City's core.

As a development plan, the project must also meet the 13 review criteria found in Section 7.5.502.E. of City Code. Those criteria cover a wide range of issues including compatibility, compliance with neighborhood plans, compliance with dimensional standards, adequate infrastructure, adequate parking, adequate landscaping, ADA compliance, and the mitigation of off-site impacts. Similar to Staff's findings regarding the required conditional use criteria, Staff finds that the proposed project meets the required development plan review criteria.

c. Nonuse Variance

The size and dimensions of the proposed apartment building, as well as the need to provide adequate off-street parking, demands some relief to the site's front setback requirement along North Walnut Street and West Pikes Peak Avenue. The C-6 zone does not have minimum setback requirements for commercial or office uses; non-residential structures can be located immediately adjacent to the front, side and rear property lines. However, residential structures within the C-6 zone are required to meet R-5 (Multi-Family Residential) zone bulk standards. This is a significant issue as the R-5 zone requires a 20-foot front setback, a 25-foot rear setback, and a 5-foot side setback.

The proposed site plan illustrates the apartment building being located 10 feet east of the front property line along North Walnut Street and 6 feet, 4 inches north of the front property line along West Pikes Peak Avenue (corner lots have two front property lines). Therefore, approval of a nonuse variance for front setbacks along both North Walnut Street and West Pikes Peak Avenue must accompany the Conditional Use Development Plan given the proposed site layout.

The requested front setback relief must meet the nonuse variance criteria found in Section 7.5.80.B. of City Code. The criteria are:

1. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district; and
2. 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; and

3. That the granting of the variance will not have an adverse impact upon surrounding properties.

After careful consideration, Staff finds that the required nonuse variance criteria are met. The proposed structure could be approved without a nonuse variance for setbacks if it were to be used for office or commercial purposes. However, application of the R-5 zone setbacks on the corner lot would extremely limit the size and location of the proposed residential structure. Furthermore, full compliance with the R-5 setbacks would either severely limit the ability to provide adequate off-street parking or force a design where the off-street parking is in front of the building, which is not a preferred site design for walkability or aesthetics.

2. Conformance with the City Comprehensive Plan

The City's recently adopted Infill and Redevelopment chapter of the City Comprehensive Plan values integrating a mix of land uses within the infill boundary of the City. "Context-appropriate increases in density and changes in land use should be supported, particularly in identified infill priority areas such as the downtown, economic opportunity zones and high frequency transit corridors."

<https://coloradosprings.gov/planning-and-development/page/infill-and-redevelopment?mlid=33866>

The Infill Supplement cites the following goals:

- "Density achieves context-sensitive increases in density."
- "Connectivity contributes to multimodal viability allowing for a range of choices for traveling between destinations in the community."
- "Support of neighborhoods and placemaking encourages better integration between neighborhoods and their adjoining communities for a more interconnected and livable city."

2001 Comprehensive Plan – Staff cites and recognizes the following strategies and objectives that support the proposed conditional use development plan and nonuse variance.

Vision Statements

- Is truly a city of neighborhoods – with affordable housing, walkable destinations, convenient parks, and quality schools;
- Establishes positive connections between different land uses and achieves a well-designed balance between their location and mix, encourages innovation and creativity in development and the creation of an aesthetically appealing community;
- Successfully integrates the uses and activities that meet the daily needs of residents, including housing, shops, work places, schools, parks, and civic facilities;

Objective LU 3: Develop A Mix of Interdependent, Compatible, and Mutually Supportive Land Uses

Over the past several decades, the location and design of development have created a pattern of isolated, disconnected, single-purpose land uses. An alternative to this type of

land use pattern is one that integrates multiple uses, shortens and reduces automobile trips, promotes pedestrian and bicycling accessibility, decreases infrastructure and housing costs, and in general, can be provided with urban services in a more cost-effective manner.

Strategy LU 301a: Support Mixed-use Development in Neighborhoods

Support mixed-use development through neighborhood plans and zoning revisions. Develop zoning guidelines and standards that support mixed-use development and pedestrian access by facilitating the integration of residential and non-residential land uses.

Objective LU 4: Encourage Infill and Redevelopment

Encourage infill and redevelopment projects that are in character and context with existing, surrounding development. Infill and redevelopment projects in existing neighborhoods make good use of the City’s infrastructure. If properly designed, these projects can serve an important role in achieving quality, mixed-use neighborhoods. In some instances, sensitively designed, high quality infill and redevelopment projects can help stabilize and revitalize existing older neighborhoods.

Objective N 3: Vary Neighborhood Patterns

Integrate a variety of housing types and densities with amenities, services, and retail uses to generate opportunities and choice for households. When the character, context and scale of the surrounding neighborhood are taken into account, mixed-use developments can provide unique opportunities for employment, shopping, housing choice, and public gathering space, while having a positive impact on the neighborhood.

Staff finds that the proposed project is well aligned with the City’s 2001 Comprehensive Plan as well as the 2016 Comprehensive Plan Supplement on Infill.

3. Conformance with the Area’s Master Plan: The subject property is located within the “Near West Commercial” subarea of the 1980 Westside Master Plan. One goal of this area in the Master Plan reads: “Plan for much of the area as a downtown-support area and facilitate certain conversions, mixed uses and multi-family housing utilizing additional land use controls such as a development plan review.” The plan supports higher density residential projects on vacant residentially-planned properties.

Staff finds that the proposed project is largely compliant with the Westside Master Plan.

STAFF RECOMMENDATIONS

CPC CU 18-00029 – CONDITIONAL USE DEVELOPMENT PLAN

Approve the 430 West Pikes Peak Apartments Conditional Use Development Plan based on the findings that this project meets the conditional use and development plan review criteria in City Code Sections 7.5.704 and 7.5.502(E), subject to the following technical modifications:

1. Modify the plan to address the following minor technical issues
 - a. Correct the waiver of replat file number in the legal description note
 - b. Ensure that the construction schedule listed on sheet 1 is realistic
 - c. Ensure that the building footage calculations accurately reflect the new livable and covered space within the proposed building.
 - d. Correct the required parking figure to reflect that 16 parking stalls are required for the project.

- e. Update the building setback note to accurately reflect the requested setback variance.
- f. Add the required geologic hazard waiver statement on the cover page.
2. Update the accessible route information to address ADA compliance needs.
3. Address all necessary Utility Plan needs.
4. Revise the Fire Department Connection (FDC) design to meet City standards.
5. Finalize acceptance of the drainage letter
6. Confirm the status of existing or needed utility easements for the overhead electric lines at the northeastern corner of the site.

CPC NV 18-00030 – NONUSE VARIANCE

Approve the nonuse variance request relating to front setbacks for the 430 West Pikes Peak Apartments project based on the findings that the request meets the nonuse variance review criteria in City Code Section 7.5.802(B).