

**CITY PLANNING COMMISSION AGENDA
NOVEMBER 19, 2020**

STAFF: GABE SEVIGNY

**FILE NO(S):
CPC CU 20-00108 – QUASI-JUDICIAL**

PROJECT: ACADEMY HEIGHTS APARTMENTS

OWNER: DBG PROPERTIES LLC

DEVELOPER: DBG PROPERTIES LLC

CONSULTANT: KIMLEY-HORN



PROJECT SUMMARY

1. Project Description: This project is a conditional use development plan to allow a 201-unit apartment complex within 3 buildings, club house, pool, and dog park in the Planned Business Center (PBC) zone district (**see “Development Plan” attachment**). The site is 6.69 acres and is located at the northwest corner of the Academy Park Loop and Fountain Boulevard intersection.
2. Applicant’s Project Statement: (**see “Project Statement” attachment**)
3. Planning and Development Team’s Recommendation: Staff recommends approval of the application.

BACKGROUND

1. Site Address: No address currently exists for the site.
2. Existing Zoning/Land Use: PBC (Planned Business Center)
3. Surrounding Zoning/Land Use:
North: PF (Public Facility)/Police sub-station
South: C5 (Intermediate Business)/auto sales
East: SU (Special Use)/Religious Institution
West: PBC (Planned Business Center)/Offices
4. Annexation: The property was annexed in 1967 as part of the Pikes Peak Park Addition #9.
5. Master Plan/Designated Master Plan Land Use: Gateway Park Master Plan/Commercial
6. Subdivision: The site is currently not platted.
7. Zoning Enforcement Action: None
8. Physical Characteristics: The site is currently vacant and slopes from north to south.

STAKEHOLDER PROCESS AND INVOLVEMENT

Upon submittal, public notice was provided to 19 property owners within a 1000-foot buffer of the site identifying the submittals the City received. The site was also posted with these notifications. Additional posting and public notice will be sent to neighbors prior to public hearing. There were no comments received by staff in association with this proposal.

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 Engineering, City Traffic, City Landscape, City Fire Department, Floodplain and Enumerations, Police, E-911, CDOT (Colorado Department of Transportation) and Colorado Springs Airport. Fees for schools and parks will be required at time of building permit for the multi-family development. The Colorado Springs Airport recommended no objection at the August 26, 2020 Colorado Springs Airport Advisory Committee Meeting.

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

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

The site was annexed as the Pikes Peak Park Addition #9 in July of 1967. The site has remained unplatted and undeveloped. The site is also a part of the original Gateway Park Master Plan, adopted in 1980 with the most recent approval in 1994. The Gateway Park Master Plan shows the general area as commercial.

The current proposal is a 201-unit workforce rental-housing neighborhood. The development will be comprised of three (3), 4-story buildings and a single-story clubhouse. The intent of Academy Heights Apartments is to establish a well-designed, innovative development that will be harmonious with the surrounding land uses. The goal of the applicant is to revitalize the surrounding area by providing rental housing near established regional and neighborhood scaled facilities.

Currently, there are a few other non-residential properties in close proximity to the Academy Heights Apartments site that are currently vacant. These sites have not been redeveloped into commercial sites but are potential sites for commercial development.

One site to the north of Academy Parks Loop, Chapel Heights CPC PUZ 19-00078, was recently approved for a Zone Change, Planned Unit Development (PUD), Development Plan, and Final Plat for a mixed-unit development with a density range of 8-11.99 dwellings per acre. There is a Chapel Heights Phase 2 under review for the remainder of the site to be developed.

The current application is for a Conditional Use and Development Plan only. City Zoning Code Section 7.5.702.B – Conditional Uses, Application and Review Process states “An application for a conditional use or an amendment to a conditional use shall be filed in a manner consistent with the requirements contained in Part 2 of this article. The application shall be accompanied by a development plan as described in Part 5 of this article, reviewed to ensure consistency with the intent, purpose, and requirements of the zone district in which the use will be located, of this part, and of this Zoning Code.”

If approved, the applicant will apply, receive approval, and record a final plat in association with Article 7, Subdivision Regulations, of the Zoning Code.

Economic Opportunity Zone

The Tax Cuts and Jobs Act of 2017 created a new initiative known as Opportunity Zones that utilizes tax incentives to draw long-term investment to communities with high unemployment and poverty rates. The Pikes Peak Region has a total of eight (8) Opportunity Zones designated by the U.S. Department of Treasury, and the Academy Heights site is located within the Economic Opportunity Zone – 63.02 area (**see “EOZ Map” attachment**).

The purpose of the economic opportunity zone allows for interested investors to defer their capital gains taxes by investing them in Opportunity Funds that provide needed long-term investments in our region’s Opportunity Zones to promote economic vitality. Those possible investment opportunities could include the following: 1. Real estate development and significant rehabilitation in Opportunity Zones; 2. Opening new businesses and expansions of businesses already within Opportunity Zones; 3. Investing in startup businesses that have the potential for rapid increases in scale; and 4. Workforce and affordable housing projects.

Economic Opportunity Funds can be established as a partnership or corporation to invest in eligible opportunities in an Opportunity Zone and will be required to meet U.S. Department of Treasury guidelines, which are still yet to be established. Further information on the guidelines and would be to contact Economic Development Department.

The applicant for Academy Heights was asked to consider utilizing the Economic Opportunity Zone (EOZ) and Opportunity Zone (OZ) for their project. The applicant has remained in contact with Colorado Springs Economic Department in regards to the process as the applicant intends to utilize some funding of the OZ and currently is utilizing the Rapid Response program because of the OZ status. The Rapid Response program allows, those that qualify, a shorter review period.

b. Conditional Use:

The property is currently zoned PBC (Planned Business Center). Within the PBC zone district a variety of uses are allowed. The uses are primarily commercial; however, multi-family is a conditional use. Conditional uses require staff to review the project and determine if the use is compatible with the surrounding uses. The City Planning Commission is the final approving authority for all conditional uses.

The multi-family use is compatible with the surrounding uses as a form of workforce rental housing to support those uses.

The conditional use development plan illustrates the location of the 201 apartment units within the three (3) apartment buildings, a clubhouse and pool area, and enclosed dog park area. The apartment units are a variety of one, two and three bedroom units. The site has two access points into the facility from Inverness Drive. The southeastern portion of the site contains a full-spectrum detention pond. The northwest corner contains a fenced-in dog park, while a second turf area that is not fenced for dogs located adjacent to Building 3. In addition, open space areas for use by the residents have been provided throughout the site.

The site is suitable for the proposed use as it is within 0.5 miles from the Leon Young Sports complex, Roy Benavidez Park to the west, and the Wildflower Park to the east. It is also with 0.5 miles of the Sand Creek Trail. To the south across Fountain Boulevard is Atlas Preparatory School, which recently received approval for an expansion to the site. There is a bus stop on the east side of Academy within walking distance from this development. The general area has office buildings and industrial uses that would benefit from the workforce housing.

In addition to the Sand Creek Division Police Department located across the street, and City of Colorado Springs Fire Station 8 located at the southwest corner of South Academy Boulevard and Airport Road, the Academy Heights development for a new large multi-family residential project proposes a club house to serve these residents. The project also provides for a minimum of 1.7 acres of private open space for the 6.65-acre residential development. The open space includes a dog park and community garden. Additional open space is provided throughout the site around the buildings.

Utility services for the site will be provided by Colorado Springs Utilities (CSU) with the exception to communication facilities. On-site sanitary sewer and water systems will be private, but will connect to public systems in Inverness Drive and Academy Park Loop. Water will be looped through the eastern half of the site to provide for looped system. 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.

a. Drainage Report

A Final Drainage Report was reviewed and accepted by City Engineering. The drainage report documents the flows from this project site will be treated for water quality and detained to historic rates in the proposed private extended detention basin (EDB). The EDB will release flows into the existing public storm sewer system, where they will be carried to Sand Creek approximately 2,050 feet to the east.

c. Traffic

A Traffic Impact Study was provided and reviewed by City Traffic for this site. The study showed that the site is projected to generate about 1,105 new driveway vehicle trips on the average weekday. During AM peak hour, 20 vehicles would enter the site while 56 vehicles would exit, during PM peak hour 56 vehicles would enter the site while 36 vehicles would exit. All site access points will function at acceptable level of service (LOS).

The expected traffic by this development will not have a negative effect on the nearby intersections; however, the intersection of Fountain Boulevard/Academy Park Loop is maintained by CDOT and CDOT are looking at different options to improve traffic at this intersection. The options that CDOT is considering include installing a signal or restrict the left out movements.

The intersection of Academy Boulevard/Academy Park Loop experiences delays during traffic peak hours. These delays are occurring with our without the new site traffic. In the future, the city is looking to signalize the intersection to the north (Academy

Boulevard/Wentworth Drive). This signal would provide another turning movements option at this intersection and more gaps for turning traffic at Academy Boulevard/Academy Park Loop intersection.

Concerns were raised about pedestrians crossing Fountain Boulevard. Traffic Engineering has stated there are no plans for a traffic signal at the intersection of Academy Park Loop and Fountain Boulevard. Fountain Boulevard is under Colorado Department of Transportation (CDOT) and they have stated that a pedestrian crossing would not be supported here. The applicant has proposed to place a sign at the intersection of Academy Park Loop and Fountain Boulevard stating “Do not cross” and “Use cross-walk located at Academy and Fountain”. The applicant has also stated they will work with Atlas Preparatory School to establish a bus stop along Iverness Drive. Staff finds these proposal as the ‘best case’ scenario for the proposal as the applicant has no jurisdiction of Academy Park Loop and Fountain Boulevard.

2. Conformance with PlanCOS

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 “PlanCOS Vision Map” attachment**), as on the border of the Mature/Redeveloping and part of the Established Suburban Neighborhood maps. The site is identified on the Vibrant Neighborhoods Framework Map (**see “PlanCOS Vibrant Neighborhoods Framework Map” attachment**) as an Established Suburban Neighborhood.

The subject site and the areas to the south across Fountain Boulevard and to the west across Academy is identified as Changing Neighborhood on the Areas of Capacity and Change Map (**see “PlanCOS Areas of Capacity and Change Map” attachment**). The site is also identified as a Cornerstone Institution and Life and Style area on the Thriving Economy Framework Map (**see “PlanCOS Thriving Economy Framework Map” attachment**)

Specific policies of PlanCOS that are supported are listed below:

Life and Style Recommendations: Locate supporting housing nearby.

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.

City Planning staff finds the Academy Heights Apartments Conditional Use Development Plan to be in substantially 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 (CPC MP 80-198-A2(94)), and this master plan is considered to be implemented. It means that the master plan is eight-five percent (85%) or more built out, and in addition 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 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 20-00108 – CONDITIONAL USE DEVELOPMENT PLAN

Approve the Academy Heights 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.