

CITY PLANNING COMMISSION AGENDA
DECEMBER 16, 2021

STAFF: RYAN TEFERTILLER

FILE NOS:

A. - CPC MP 97-00261-A7MN21 – QUASI-JUDICIAL

B. - CPC ZC 21-00084 – QUASI-JUDICIAL

C. - CPC DP 21-00085 – QUASI-JUDICIAL

PROJECT: WEBER AND DALE REZONE

OWNER: COLORADO COLLEGE

DEVELOPER: COLORADO COLLEGE

CONSULTANT: N.E.S. INC.



PROJECT SUMMARY:

1. **Project Description:** The subject applications were submitted to establish the SU (Special Use) zone district on nine parcels within the block bound by N. Nevada Ave., E. Cache la Poudre St., N. Weber St., and E. Dale St. All nine parcels are owned by Colorado College and will be used for College-related uses; no demolition or new construction are proposed as part of these applications. The properties total 1.57 acres in size and are currently zoned C5 (Intermediate Business) and R4 (Multi-Family Residential). **(See FIGURE 1 for the project's Development Plan)**
2. **Applicant's Project Statement:** **(FIGURE 2)**
3. **Planning and Development Team's Recommendation:** **Approval of the applications with technical modifications.**

BACKGROUND:

1. **Site Addresses:** 802, 810, 812, 816, 818, 820, and 822 N. Weber St., 801 and 809 N. Nevada Ave., and 222 and 228 E. Dale St.
2. **Existing Zoning/Land Use:** 801 and 809 N. Nevada Ave. are currently zoned C5 while the other 7 parcels are currently zoned R4 / the properties are currently used for a mix of residential, commercial, and institutional uses **(FIGURE 3)**
3. **Surrounding Zoning/Land Use:**
North: C5, R4, and SU / mix of commercial, residential, office, and institutional uses
South: C5, R4, R5, OR and OC / mix of commercial, residential and office uses
East: R4 and OR / residential and office uses
West: C5 and FBZ-T2A / Robson Arena as well as some limited residential and commercials uses
4. **PlanCOS Vision:** The subject properties are found within the Downtown Activity Center and Downtown Neighborhood, and adjacent to notable transit and cultural centers. **(FIGURE 4)**
5. **Annexation:** Town of Colorado Springs (1872)
6. **Master Plan/Designated Master Plan Land Use:** Experience Downtown Master Plan (2016) / General Residential (note that this project includes a Master Plan amendment to expand the Colorado College Master Plan to include the subject properties).
7. **Subdivision:** Addition No. 1 to the Town of Colorado Springs (1873)
8. **Zoning Enforcement Action:** none
9. **Physical Characteristics:** The properties are flat and developed with a mix of residential, commercial and office buildings.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The initial department review comments were included in the Planning and Community Development review letter of July 27, 2021. Revised plans were submitted on October 5, 2021. For the most part the concerns and issues raised have been addressed by the revised plans and additional submittal information. Any outstanding issues are addressed in the required technical and informational modifications set out below.

The public process involved with the review of these applications included posting of the site and sending 263 postcards on two separate occasions to all property owners within a 1,000-foot buffer area. Numerous e-mails and communications were received in response to these notifications **(FIGURE 5)**. While most stakeholder comments express opposition to the applications, Staff also received letters of support and letters expressing support if certain conditions or restrictions are applied. Concerns relate to a range of issues, but primarily due to concerns with Colorado College expanding into adjacent neighborhoods.

Two virtual pre-application neighborhood meetings were held on March 10th and March 11th, 2021 (one in the AM and one early evening meeting) where stakeholders could hear from the College and their representatives about their desired change of zone. Participation was limited, but key neighbors and neighborhood representatives were able to participate.

In addition to general concerns about campus expansion, stakeholders have expressed the following concerns:

- Threat to historic buildings on the block

- Ample supply of SU zoned properties to the east of campus
- Destruction of neighborhood characteristics
- Wide range of uses that are permitted by right in the SU zone
- Uncertainty of future RetoolCOS changes to the SU zone and its bulk standards or permitted uses.

The application was reviewed by all standard City agencies including, Public Works, Traffic Engineering, Colorado Springs Utilities, Water Resource Engineering, Parks and Recreation, and others. All reviewers support the project; any remaining technical concerns are included as Technical Modifications at the end of this report.

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

1. Background

Colorado College was established in 1874 on 20-acres of land that was set aside by General William Jackson Palmer specifically for higher education. The first class at the College was held on May 6, 1874, two years prior to Colorado officially becoming a State. Over the last 147 years the College has grown, expanded, planned, and replanned many times. Currently, the College has just over 2,000 students on a roughly 90-acre campus. The vast majority of the campus has the SU (Special Use) zone, though there are a few properties that have other zones including: FBZ-T2A, C6, R-1-9000, and R-1-6000 (as well as the subject properties which currently have C5 and R4 designations). Uses on the campus include fairly typical college uses such as dormitories, classrooms, faculty offices, research facilities, sports/recreation, support services, and cultural facilities. The vast majority of the campus, as well as a number of City blocks east of campus, have been zoned SU since the zone was initially established in 1965.

2. Review Criteria / Design & Development Issues:

a. Project Details

Most applications that are submitted to the Planning and Community Development Department are initiated to allow new construction or to establish a new use type. However, the proposed applications do neither; no new construction or new uses are illustrated on the project's development plan. On the contrary, these applications were submitted with the sole intent of consolidating College owned properties under the SU zone and within the College's previously approved master plan.

While the College has a stable student population and has not stated any desire to increase the number of students or facility on campus, there is always an eye on necessary campus improvements and real estate opportunities at the edge of campus. As such, the College has acquired the subject properties over the last 7 years, using them in conformance with their respective zone districts. In at least one case, Staff has reviewed and approved a development plan to modify properties within their existing zone. Specifically, approvals were issued for 810-818 N. Weber St. to demolish a highly blighted home and construct a shared parking lot in 2018.

The current applications include: a) an amendment to the Colorado College Master Plan to expand the plan boundary to include the subject properties; b) a zone change to establish the SU zone; and c) a development plan which documents existing building locations, uses, and densities, as well as public and private improvements on the site.

b. Master Plan Amendment

Colorado College has had its own City-approved master plan since the mid-1990's. The plan includes traditional master plan elements including maps showing building locations, uses, access, and parking. Somewhat unique to the College's plan is a lengthy and detailed narrative that describes the College's goals and strategies to bring success to the institution. The City has processed numerous amendments to the College Master Plan over the last 15

years; most amendments were initiated to support significant changes to campus land uses, while others supported campus expansions and zone changes.

The proposed amendment does not affect the broader plan narrative, instead only updating the three primary maps sheets within the plan (**FIGURE 6**). The updates accomplish the singular goal of adding the nine subject parcels, totaling 1.57 acres of land, to the plan area. The graphics illustrate the full extent of the existing College campus as well as the expanded area to the south of Cache La Poudre and east of S. Nevada Ave. The zoning and use of the properties is shown to ensure compatibility with the rest of campus as well as with adjacent neighborhood areas.

An amendment to an existing master plan must be evaluated using the review criteria found in Section 7.5.408 of City Code. The criteria cover a wide range of issues including consistency with PlanCOS, positive land use relationships, adequate public facilities including recreation, education and utility services, organized and sufficient transportation opportunities, and consistency with the City’s environmental goals. The last master plan criterion, fiscal considerations, is not applicable for minor master plan amendments.

Planning Staff have reviewed the required master plan criteria. Given the small size of the subject properties (1.57 acres) relative to the entire campus (roughly 90 acres) as well as the fact that the plan does not illustrate any immediate or planned land use change, it is clear that the application is consistent with the required criteria.

c. Existing / Proposed Zoning

As stated above, the vast majority of the College’s 90+ acre campus currently has the SU zone. While the zone is primarily used for College and University educational uses, a range of other uses are permitted including most residential use types, bed and breakfasts, all office uses, cultural services, daycares, and religious institutions. The zone has relatively liberal bulk standards compared to other residential zones. Though required setbacks are

	C-5	R-4	SU
Multi-Family Density*			
1-story	1,400 sf	2,500 sf	1,000 sf
2-story	1,100 sf	2,000 sf	800 sf
3-story	900 sf	1,500 sf	700 sf
4-story	800 sf	N/A	600 sf
Townhome Product	2,200 sf	3,000 sf	N/A
Setbacks			
front	20'	20'	25'
rear	20'	5'	25'
side	0	25'	5'
Lot Coverage	N/A	35%	50%
Max Height	45'	40'	60'
Uses	Wide range of residential, office, commercial, civic, educational, and light industrial	Residential, educational, daycare homes, religious institutions	Educational, residential, B & B, office, cultural, daycare, religious institutions
*minimum sf per DU; C5 figures are via R5 Zone			

significant (25' front and rear with a 5' side setback), SU zoned sites are permitted to have up to 50% lot coverage and buildings as tall as 60'. Multi-family residential density limits are also relatively high with maximum densities slightly higher than the R5 zone district.

Conversely, the existing R4 zoned properties along N. Weber St. have slightly lower density limits, have similar setbacks (though only 20' are required for a front yard setback), but limit lot coverage to 35% and limit building height to 40'. Additionally, the R4 district permits a more limited range of uses than the SU zone, including single-family, two-family, or multi-family residential uses, educational uses, daycare homes, and religious institutions.

Two properties fronting N. Nevada Ave. within the requested zone change are currently zoned C5, a commercial zone district. C5 permits a much wider range of uses including: all residential uses, all office uses, a wide range of commercial uses, as well as civic, educational, and even some light industrial uses. C5 also has relatively liberal bulk standards including 20-foot front and rear setbacks, no side setback, no maximum lot coverage, and a 45' maximum building height. Residential uses in the C5 zone must utilize the bulk standards for the R5 zone.

A change of zone application (**FIGURE 7**) must be evaluated with the following criteria found in Section 7.5.603.B:

1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.
2. The proposal is consistent with the goals and policies of the Comprehensive Plan.
3. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with a zone change request.

While there are a few notable differences between the existing zone districts and the proposed SU zone, the proposed zone is generally considered a transitional zone district that is appropriate in a relatively mixed-use area. While much of the SU zone in the area covers the Colorado College campus, a significant area to the east is owned by a wide range of individuals and includes a mix of residential, office, and service uses. Adding the subject properties to this larger SU zoned area will not have detrimental impacts to the public interest, health, safety, convenience or general welfare of the area.

Furthermore, the proposed zone has been found to be consistent with PlanCOS, the City's Comprehensive Plan. The site is identified on the PlanCOS Vision Map as being within the Downtown Activity Center and Downtown Neighborhood, and adjacent to notable transit and cultural centers. The map as well as the plan itself supports the proposed zone district. Numerous strategies, goals, and policies from most of the Plan's chapters support the SU designation. See the Comprehensive Plan section of this report below for more details on Plan compliance.

The final zone change criterion demands that the proposed application comply with the applicable master plan. Although the current version of the Colorado College Master Plan doesn't include the subject properties, this project includes a concurrent request to amend College's Master Plan to include the subject properties (see above for discussion and analysis). Should the Master Plan amendment be approved, then the third zone change criteria will be met.

d. Development Plan

The development plan (**FIGURE 1**) includes three sheets of information showing the existing parcel boundaries, building locations, parking areas, and basic public improvements. The plan includes notes that document existing and proposed zoning designation, list development standards, and describe basic parking and ADA compliance. Specific uses of each property and building are described with plan labels as well as a table on sheet 1. As

opposed to architectural renderings for each building, photographs are provided to document existing conditions; no changes are currently proposed for the existing buildings. The plan does label the mobile classrooms on the corner of Dale and Nevada as “temporary structure” as those are subject to a temporary use permit and will be removed next year.

All development plans must be evaluated with the criteria found in Section 7.5.502.E. The criteria cover a wide range of issues including access, parking, landscaping, grading, provision of utilities, impacts to traffic, and ADA compliance. Additionally, the criteria require analysis on high-level issues like “harmoniousness” with the surrounding neighborhood, compliance with City-wide adopted plans, and mitigation of significant off-site impacts.

Given the fact that the proposed development plan illustrates no changes to the existing conditions, that it was submitted only to support the proposed zone change, and that there are few known compatibility concerns (see next paragraph) with the existing uses on the site, it is easy to find that the required development plan criteria are met.

Some stakeholders have expressed concern that once the SU zone is approved, the College will have full use of SU bulk standards and use provisions. However, it is the development plan that ultimately governs the use of the subject property. Any future redevelopment or change in use on the site will trigger development plan amendments. Public notice will be provided to neighboring property owners and stakeholders, and staff will evaluate the applications for conformance with development standards and review criteria. If stakeholders conclude that future redevelopment efforts (if any) are not compatible or harmonious with their vision for the area they can participate in the process and affect the final outcome of the review.

Staff has exchanged occasional communications with representatives of the Near North End Neighborhood Association about the use of the internal parking lot on 812-818 N. Weber St. That parking lot was approved administratively in 2018 and is restricted to use via the College’s campus wide permit parking program. Concerns regarding lighting and event use have been expressed by stakeholders and addressed by College representatives. Staff continues to conclude that the parking improvements were constructed according to the approved plan and are utilized in a way that is consistent with code and review criteria.

e. Stakeholder Concerns

There has been notable stakeholder interest regarding this project, particularly from the leaders of Near North End Neighborhood Association and the newly formed Historic Neighborhoods Partnership. While a few individual property owners in the area have shared their thoughts with staff, the number of individuals not associated with local neighborhood groups who have voiced concerns has been minimal. That said, Staff is certain that local neighborhood representatives have been communicating with their members and coordinating concerns into a comprehensive opinion.

Figure 5 includes all the written input received by Staff regarding the proposed project. Concerns span a wide range of issue including the College’s continued encroachment into adjacent neighborhoods, historic preservation concerns, the value in transitional land uses and densities in a mixed-use area on the edge of downtown, and the uncertainty of the RetoolCOS process on the future of the SU zone.

For roughly two years, the City has been engaged in a process to update the City’s Zoning and Subdivision code; this process is referred to as RetoolCOS. One element of this effort has been to analyze existing zone districts and to make changes to the list of permitted uses and bulk standards where appropriate. One point of discussion, among many, has been the future of the SU given its relative limited use across the City. The “consolidated draft” of the City’s new code was released in September 2021 and based on feedback received from stakeholders from previous Modules, proposes that the SU zone become a new district

named “Mixed-Use Transition.” While the name of the zone may change, most of the bulk standards as well as the permitted, conditional and prohibited uses for the new zone remain identical to the existing SU standards.

While current drafts of RetoolCOS proposed little change to the SU zone, many stakeholders believe that the timing of the proposed code, the evolution of the SU / Mixed-Use Transition standards, and overall uncertainty of the future zone code leads to a conclusion that the proposed zone change should be denied or delayed until after RetoolCOS adoption. While Staff understands these concerns, we’re responsible for acting on the application at hand under the Code that is currently in place. Staff finds that the proposed zone change is consistent with current standards and criteria and if stakeholders have concern or opposition to proposed changes via RetoolCOS, then they can participate in that process and advocate for changes to the draft code.

3. Conformance with the City Comprehensive Plan:

The City’s Comprehensive Plan, referred to as PlanCOS, was adopted in January of 2019. The plan describes the Vision, Big Ideas, Goals, Policies, and Indicators of Success for our City. PlanCOS drives a wide range of policy actions and can inform specific land use decisions. While the proposed project is relatively minor in scope, simply changing the zone of nine College owned parcels to bring them into conformance with the zoning for the bulk of the campus, there are a number of notable PlanCOS provisions that support the request.

Most relevant to the project is the Vibrant Neighborhoods chapter where the plan describes the need to value and preserve healthy neighborhoods while also supporting improvements to other neighborhoods that lack access, mobility, and even safety. Specifically, PlanCOS Policy VN-3.D. encourages the creation of a “strong neighborhood identity through the inclusion and integration of arts and culture.” Colorado College is clearly a regional leader in the arts and culture environment and the proposed application will help support the College’s ability to serve its students and the community as a whole.

PlanCOS’s Strategy VN-3.E.3 reads “through a combination of Zoning Code changes and development review decisions, encourage and support flexible site and building designs and residential densities that are adaptable to the specific site.” While a portion of the site is currently zoned C5, which allows a wide range of uses, the majority of the site currently has a single-use zone, R4, which only permits residential uses. Replacing the R4 with the proposed SU zone will further the City’s goal to support mixed use areas and allow flexible site and building designs.

PlanCOS’s Unique Places chapter also includes a number of relevant goals and strategies including Policy UP-2.A. which reads “Support infill and land use investment throughout the mature and developed areas of the City” as well as Policy UP-3.A which reads “Proactively participate and invest the development of Downtown as the City’s premier urban activity center.”

The policies and strategies above are just a sampling of areas where PlanCOS supports the proposed applications. Numerous other examples can be found throughout the plan.

4. Conformance with the Area’s Master Plan:

As stated above, one of the three applications under review is an amendment to the Colorado College Master Plan to add the nine subject parcels to the scope of the plan. Once that application is approved, the proposed zone change and development plan will be consistent with the plan. Also notable, is the fact that the subject properties are currently within the northern edge of the 2016 Experience Downtown Plan. The Experience Plan includes a number of provisions that support the proposed applications, but none more significant than Goal #1 of the Plan, to make Downtown the “economic and cultural heart of the region.” This goal includes the subtext to “form deeper engagement partnerships with Colorado College, Pikes Peak Community College and University of Colorado – Colorado Springs to better connect students with Downtown opportunities for learning, living, shopping, dining, culture, fun and employment.” The proposed

zone change is obviously important to the long-term health and sustainability of Colorado College and is therefore well aligned with this goal.

STAFF RECOMMENDATIONS:

Item No: A - CPC MP 97-00261-A7MN21 – COLORADO COLLEGE MASTER PLAN AMENDMENT

Approve the requested minor amendment to the Colorado College Master Plan based upon the finding that the application complies with the review criteria in City Code Section 7.5.408.

Item No: B - CPC ZC 21-00084 – ZONE CHANGE TO SU ZONE

Approve the proposed zone change from C5 (Intermediate Business) and R4 (Multi-Family Residential) to SU (Special Use) based upon the finding that the application complies with the review criteria in City Code Section 7.5.603.B.

Item No: C - CPC DP 21-00085 – DEVELOPMENT PLAN

Approve the requested Development Plan based upon the finding that the application complies with the review criteria in City Code Section 7.5.502.E. subject to compliance with the following technical and/or informational plan modifications:

Technical and Informational Modifications

1. Update the plan to include sheet numbers on all sheets.
2. Update the parking table to ensure that all properties use City standard use and parking categories.
3. Gain final acceptance of the drainage report