



# City of Colorado Springs

Due to COVID-19 Health  
Concerns, this will be a  
Remote meeting.

## Meeting Minutes - Final Downtown Review Board

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Wednesday, September 30, 2020

8:30 AM

Remote Meeting

Call 720-617-3426 Conference ID: 854 407 040#

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### 1. Call to Order

**Present:** 7 - Doug Hahn, Tiffany Colvert, Jim Raughton, Darsey Nicklasson, Shawn Gullixson, Bobby Mikulas and David Lord

**Excused:** 2 - Randy Case and Kristen Heggem

#### Rollcall

**Present:** 7 - Doug Hahn, Tiffany Colvert, Jim Raughton, Darsey Nicklasson, Shawn Gullixson, Bobby Mikulas and David Lord

**Excused:** 2 - Randy Case and Kristen Heggem

### 2. Approval of the Minutes

#### 2.A. [DRB 20-551](#) Minutes for the September 2, 2020 Downtown Review Board

Presenter:

Tiffany Colvert, Vice Chair, Downtown Review Board

**Motion by Raughton, seconded by Mikulas, to approve the September 2, 2020 Downtown Review Board minutes. The motion passed by a vote of 4:0:2:3**

**Aye:** 4 - Raughton, Nicklasson, Gullixson and Mikulas

**Absent:** 2 - Case and Heggem

**Recused:** 3 - Hahn, Colvert and Lord

### 3. Communications

Ryan Tefertiller - Urban Planning Manager

- Introduced David Lord and welcomed him as the newest member of the Downtown Review Board
  - David Lord participated in the implementation of the form based code and was actually one of the members of the Downtown Stakeholder Committee that helped draft the original Form-Based Code in 2007/2008
  - Extremely involved with the adoption of the Imagine Downtown Master Plan
- Mr. Tefertiller informed the board that a presentation will be given to City

Council on October 12 regarding the issue of electric scooter sharing and regulations

#### **4. CONSENT CALENDAR - NONE**

#### **5. UNFINISHED BUSINESS - NONE**

#### **6. NEW BUSINESS CALENDAR**

**6.A.**     [AR DP](#)  
[20-00383](#)

A Form-Based Zone Development Plan with Density Bonus provisions to allow construction of a 6-story, 321 unit apartment building on 2.5 acres. The site is located on the northeast corner of N. Wahsatch Ave. and E. Pikes Peak Ave. and is zoned FBZ-T2B (Form-Based Zone - Transition Sector 2B)

Presenter:

Ryan Tefertiller, Planning Manager, Urban Planning Division

**Staff presentation:**

Ryan Tefertiller, City Planning, presented a PowerPoint with the scope and intent of this project.

***Background***

- Site located on NE corner of Pikes Peak and Wahsatch
- Approx. 2.5 acres
- Zoned FBZ-T2A
- Currently occupied by bank with drive-thru and VFW social hall

***Application***

- 6-story, 321 unit apartment building
- 359 stall enclosed parking structure
- Resident amenities @ street-level along Wahsatch and upper level courtyards
- Dog Park north of alley
- FBZ-T2A Sector limits building height to 4 stories
- Section 3 Density Bonuses allow up to 6 stories with DRB review
- Points earned for: housing, underground parking, bike storage, others

***Stakeholder Notice***

- Formal Public notice at:
  - Application Submittal
  - Prior to DRB
- Notices sent to 250 properties
- 2 Virtual Neighborhood Meetings
- All standard City Agencies have reviewed and support the application

- Stakeholders include:
  - Mid-Shooks Run Neighbors
  - City Walk Residents and Owners
  - Downtown Partnership
- Concerns include: traffic, view impacts, architecture, stormwater, parking, others
- Input in support and raising concerns is included as Figure 4 in DRB packet
- Significant effort to address concerns

***Analysis***

- Providing 321 new residential units is strongly aligned with FBC and Experience Downtown MP
- Project redevelops 2 low value properties with high-density investment
- FBC Standards are met: envelopes, frontage, parking, public space, etc.
- The primary issue for DRB is granting of Density Bonus points to allow 6-story building
- Section 3 of the FBC allows projects to add building height when including “socially beneficial building elements”
- 5 points needed for 2 additional stories (4 story building increased to 6 stories)
- Proposed project is eligible for up to 83 bonus points
  - Far exceeds 5 points necessary

***Recommendations***

Recommend approval of the proposed development plan with two additional stories to allow a 6-story building, based on the findings that the project meets Building Standards in Section 2 and Density Bonus requirements in Section 3 with Technical Modifications described in the Staff report.

***Questions:***

Board Member Hahn asked that with the bonus points and having earned them, would it more or less be an obligation to accept them or was that purely discretionary. Mr. Tefertiller pointed out this was only the second use of density bonus provisions in the eleven plus years of the Form-Based Zone. In staff's opinion, the code does give the board some discretion. Some of the density bonus points are very clear and quantifiable. For example, for every five residential units, one point is earned. The project includes 321 units, so there is a large number of points that are clearly earned. Some other provisions are a bit more discretionary or subjective. For instance, alley improvements are listed. There is a range of activities that could be used to justify receipt of alley improvement density bonus points. Therefore, there might be some discretion in the board's mind on does this plan do enough to earn those alley improvement points. Some of the points are very black and white and it would

be hard for the board to say the applicant has not earned the residential dwelling unit density bonus points.

Board Member Hahn said it was not so much a question of did they earn the point, but having earned the points does that automatically compel the board to make a decision to accept them. Mr. Tefertiller said if there was a reason the board did not feel the 6-story building was appropriate, the board would have to be very clear on why that decision was made whether it was the belief that the density bonus points were not earned or that the density bonus provisions were not appropriate for the site. Mr. Tefertiller said he would strongly recommend citing potential other Form-Based zone criteria or standards to support the decision.

Ben Bolinger, City Attorney, cited Section 3.1 in the Form-Based code labeled Density Bonus Opportunities. *To be eligible for either of these privileges an applicant must provide a combination of building elements that warrant the additional development rights.* Mr. Bolinger said he did not see the words “shall” or “must approve”, but saw “eligible” and “privilege”.

Mr. Tefertiller mentioned the Form-Based Code scrubs in which the board has had several work sessions on over the last couple of years, and one of the proposed changes to the existing code would be to allow density bonus points to be reviewed and issued administratively. Mr. Tefertiller said his staff report had some text that says the use of the density bonus points accommodate some of those discretionary, some of those issues that are not black and white, and gives the public an opportunity for additional participation through today's hearing. Mr. Tefertiller pointed out that most of the density bonus points are very quantifiable and probably could be granted administratively.

Board Member Nicklasson wanted to address some of the resident comments, most coming from City Walk, and said she recognized that everybody wanted to protect their views of the mountains, she reiterated that views in the city of Colorado Springs were not protected. Other buildings, for example, City Walk, have blocked the views of others, so that needed to be taken into consideration by the Board when thinking of the building height. People are upset because buildings are blocking views of others, but if the Board said a building cannot block anybody else's view, then we would all have one story buildings. Somehow, a view is always going to be blocked. Board Member Nicklasson encouraged the Board members to take that into consideration that as a community, we have decided views within the city of Colorado Springs are not protected. Board Member Nicklasson also said because it has been laid out in Form-Based Code saying that if you do these extra things, the city would give you density bonuses. So, that has already been said as a community.

Board Member Nicklasson asked Mr. Tefertiller to speak to what the improvements are in the alleyway since there is so much use of the alleyway with this large number of vehicles; will the alleyway be one way so that the cars will be going towards the east, or is it two-way traffic; how does that traffic impact Corona Street and has that been looked at.

Mr. Tefertiller said the plan does call for repaving improvement of the alley and mentioned that parts of the alley are not in great shape, so there will be essentially a rebuilding the alley as part of this project. The access from the parking structure to the alley is fairly significant for residents and users, particularly on the lower level of the parking structure. The alley is a two-way flow, not a one-way, and is 20-feet wide. If there is a concern about a two-way use in the alley, one thing to keep in mind is that Corona Street to the east is a one-way road northbound. There might be limited use of the alley in an easterly direction. There might be some folks coming from the east headed west with their destination being the new apartments, so they might use the alley and head westward. Mr. Tefertiller said exiting the project and leaving eastward would probably be somewhat less common. The other thing Mr. Tefertiller commented on was the project was required to submit a Traffic Impact Analysis and went through multiple rounds of review and revision. A traffic impact analysis was produced by the applicant's traffic engineers and was reviewed and accepted by the city's traffic engineers. The city has found that all the proposed access points, all the proposed volumes and movements are consistent with the city's needs and requirements for a project like this in an urban environment.

Board Member Nicklasson asked if there was a way to see the north elevation of the building because the north elevation would be seen as much as the south elevation and you do not really get a backside on this building.

Mr. Tefertiller said that has been a significant topic of discussion particularly for those who live or own units with the City Walk building. Mr. Tefertiller said the applicant has some images in their slide deck showing building elevations and their presentation would help address that concern.

Board Member Hahn asked if the roof drainage would end up in the Kiowa/Corona intersection or would it be re-routed to a different direction. Mr. Tefertiller said he believed all of the stormwater from the site (roof, dog park, and other areas) would all go through the same system. There is an underground stormwater system underneath the dog park that will slow down the flows and release them at or below the historic levels. Board Member Hahn asked if it was only for the dog park, and Mr. Tefertiller reiterated it was for the entire project of the building itself. Mr. Tefertiller said he knew he commented that the stormwater and the drainage report was still in progress, but he could

definitively say some of those concerns about existing infrastructure at Corona and Kiowa have been looked at closely by the city stormwater folks and found that under normal conditions the infrastructure was adequate.

Board Member Hahn asked if the hydraulic grade line had been evaluated, and Mr. Tefertiller confirmed it was. Board Member Hahn asked with that water collecting was it more of an inlet problem at that location versus an underground infrastructure, and Mr. Tefertiller said yes, that was his understanding. Board Member Hahn asked if there were any plans to address that, not necessarily with this project, but in general. Mr. Tefertiller said he could not say if the city has plans to get in there and upsize or address stakeholder concerns at that inlet, but did say that the proposed project and the proposed stormwater system in itself should actually reduce problems in that existing infrastructure. Currently, that site is largely impervious and all that water during a storm event is running without constraint down the alley into that system. Under the proposed conditions, it will go through the stormwater system under the dog park, be slowed significantly, and released at a lower level that should be able to help address any existing conditions.

Board Member Mikulas asked if there were plans for future development of the dog park since there is a lot of engineering on the access to stormwater drainage under there and will that impact the stormwater drainage underneath if it is developed.

Mr. Tefertiller said there were no plans to develop the dog park parcel and that it was a platted lot. There was early discussion about potentially doing some type of a structure with amenities or even additional units and a connection over the alley to that piece, but ultimately it was decided that it was small enough and there was significant additional costs for those elevated connections. The use of that parcel for stormwater systems and amenities like the dog park were much preferred. Mr. Tefertiller said that any changes to that site would have to come up with a new solution on the stormwater side of things.

Board Member Mikulas said that considering the Downtown Master Plan and the ongoing thriving in the downtown community, we all want to be good neighbors and create vibrant communities for each other. Some of the citizen comments offer some minor adjustments like lights facing downwards or away from neighbors in the parking lot, potentially using a single trash service to reduce wear and tear and noise in the alley, and ensuring dog waste has a plan for the 320 units. Board Member Mikulas conveyed to the developer to take those considerations seriously.

**Applicant Presentation:**

Melissa Ricksecker, presented a PowerPoint with the scope and intent of this

project, and introduced the team:

Bo Chapman, Greystar Development - Developer

John Heiberger and Jessica McCallum, Kimley-Horn and Associates - Engineer

Ryan Meeks and John Garvey, Meeks & Partners - Architects

Sarah Humbargar, Living City Ventures Consulting

Ms. Ricksecker also addressed several neighborhood comments that were raised during the stakeholder process.

**Additional Questions:**

Board Member Lord asked if all the units were market rate or if any would be for affordable lower income folks. Ms. Ricksecker said all of the units were 100% market rate.

Board Member Raughton asked if he understood correctly that their management portfolio has operated 5000 units in Colorado, and Ms. Ricksecker said it was 5000 units in Colorado Springs and the surrounding areas over time, and currently 1250 active.

Board Member Nicklasson asked if there were any renderings to see the proposed material and color changes easier. Ms. Ricksecker said they would follow up with color elevations since all of them are currently in black and white. Ryan Meeks, Meeks & Partners, went over the changes to improve the façade and various other elements.

Board Member Hahn said it was mentioned that the alley was going to be two-way traffic at the western end of the where it connects with Wahsatch where there is sort of an awkward relationship at the end of the center median. Board Member Hahn asked if westbound traffic out of the alley would be a right turn only. In addition, going southbound on Wahsatch, the end of that island is beyond the alley and a U-turn would be required to gain access. Board Member Hahn wanted to know if a left turn off southbound Wahsatch into the alley would be allowed.

John Hieberger, civil engineer with Kimly-Horn and Associates, said the recommendation in the traffic study was that westbound traffic be restricted by signage to prevent left turns out of the alley in the southbound direction for the reason that the median is raised within Wahsatch slightly to the north of the alignment of the alley. There is no recommendation at this time for the southbound traffic on Wahsatch to restrict the southbound traffic from turning left into the property.

**Supporters:**

Len Kendall, Director of Planning & Mobility for Downtown Partnership Colorado

## Springs

- Spoke in support of this project
- One of the main goals of downtown is to have residential units
- Having 300 units is great for the downtown core
- The number of units will help with vibrancy on the streets, especially on Pikes Peak Avenue
- Public transit is going to be very important part of this city's future and encouraged the use of public transit
- Great bike network with on street protected bike lane on Pikes Peak Avenue as well as Legacy Loop which is close by to the east
- Attended one of the public virtual meetings and thought the applicant worked well with the public and residents at City Walk
- Downtown Partnership supports this project and hopes to see more projects like this in the future

**Opponents:**

None

**Rebuttal:**

Board Member Hahn asked if any of the comments received previously were able to be resolved and are no longer an issue from some people. Ms. Ricksecker said a lot of the issues were resolved especially the ones discussed today with the parking ramp to help with traffic, noise and light pollution in the alley, improving the northern façade, allowing for public access to the privately owned dog park, and making sure that the pets that will be housed in this community have appropriate waste facilities and activity facilities. To the extent that we were able to incorporate those concerns, they were incorporated.

Board Member Hahn asked if at the final meeting were people persuaded or still kind of holding their views. Mr. Chapman said they were unable to satisfy across the board. One comment was providing too much parking that would drive congestion downtown, and other comments that we were not providing enough parking in the project to keep cars off the street. Mr. Chapman said they believe that having adequate parking for the residents would help with the success of keeping cars off the streets.

Board Member Hahn said there did not appear to be any sidewalks for pedestrians in the alleyway asked if that was correct. Ms. Ricksecker said that was correct; however, there will be improvements to the materials. It will be repaved and there will be lighting along the side of the building, and because it is between the vertical project and the dog park, there will be security cameras and additional lighting for the area.



Board Member Hahn mentioned the concerns of potential ice and snow buildup in the alley caused by the shade of the structure. Board Member Hahn wanted to know if this would be part of the apartment's maintenance program to keep it clear. Mr. Chapman said they recognize that their success was largely driven upon keeping that free and clear for cars and there is some typography in the alley that needed to be considered too. Ultimately, it is a public alley and not legally the responsibility of the apartment ownership, but the owners definitely want to make sure that it is clear and have factored that into the operating budget.

Board Member Hahn said he knew there were no requirements for view preservation in the city, but asked if it was a consideration to having only four stories on some of the western units in order for some of the City Walk residents to be able to look over the top of it. Ms. Ricksecker said that was a consideration and something they did evaluate. She explained in order to reduce the height along the west side, they would have needed to increase the height along the east side to offset that loss and density to continue to make the project work. In doing so, it would be cost prohibitive.

Mr. Tefertiller pointed out that while the transition sector is limited to four stories, up to six with density bonuses, the property immediately west across Wahsatch and southwest of Pikes Peak is in the Central Sector, which has no height limit. So, that property west across Wahsatch could have a 20-story building and be fully compliant with the Form-Based zone. Mr. Tefertiller said he wanted to point that out to keep things in perspective, as there is discussion about whether those two additional stories were going to have an impact on the area or not.

**Questions of Staff:**

Board Member Lord asked Mr. Tefertiller if the email received this morning had a question or comment that would be relevant to this discussion. Mr. Tefertiller said the email came from Matthew Driftmier and that he was a resident of City Walk. Mr. Driftmier has had input throughout the process but his main focus had been that this project was over parked. He believes the project should have a far reduced provision of structured parking and the residents of this project should largely be dependent on pedestrian travel, transit, micro mobility, etc...

**DISCUSSION AND DECISION OF DOWNTOWN REVIEW BOARD:**

Vice Chair Colvert made the following comments:

- This project is a catalyst for reactivating the east end of downtown and

is excited about it

- Density bonus is great and it is there for a reason
- Getting additional heights and densities into downtown is important
- Appreciated the applicants effort to work with the surrounding community and enhance the architecture 360-degrees around the building
- Is in support of this project

Board Member Raughton made the following comments:

- As a member of the Planning Commission representing this board, and his work on the steering committee on the Comprehensive Plan for over two years, Board Member Raughton said he believes this is an appropriate development
- Shared the concerns of other board members about the ratio of moderate cost housing
- Would be supporting this project
- Believes at a policy level, it would be appropriate to talk about a percentage of units to be reserved for moderate employment based housing

**Motion by Raughton, seconded by Gullixson, to approve the Elan Pikes Peak form-based zone development plan with two additional stories through Density Bonus provisions, based upon the finding that the application complies with the Standards in Section 2 and Density Bonuses requirements in Section 3 of Form-Based Code, subject to compliance with the following conditions of approval and technical plan modifications:**

**Technical and Informational Modifications to the Form-Based Zone Development Plan:**

1. Gain acceptance of the project's drainage report and update the development plan to reflect compliance with the necessary stormwater standards.
2. Gain approval of the necessary utility reports including the Hydraulic Grade Line study and the Wastewater Facilities Master Report.
3. Revise the Traffic Impact Analysis to meet the final minor review comments from the City's Traffic Engineers.
4. Add the speed line of sight to the project's access points on the plan.
5. Update the development plan to reflect the current status of the alley north of the site.

**The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Hahn, Colvert, Raughton, Nicklasson, Gullixson, Mikulas and Lord

**Absent:** 2 - Case and Heggem

## **7. PRESENTATIONS/UPDATES - NONE**

## **8. Adjourn**