



## Legislation Text

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**File #:** CPC NV 21-00028, **Version:** 2

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A Nonuse Variance from City Code Section 7.3.204 to increase the building height to 55 feet-9 inches from the required 50 feet for the TownPlace Suites hotel located west of Kelly Johnson and Goddard Street consisting.

(Quasi-Judicial)

Related Files: CPC ZC 21-00026, CPC DP 21-00027

### **Presenter:**

Andrew Bowen, Senior Planner, Planning & Community Development  
Peter Wysocki, Planning Director, Planning & Community Development

### **Summary:**

Owner: Smarte Suite Concepts LLC  
Developer: Sun Capital Hotels  
Representative: YOW Architects, Brad Nichols  
Location: West of Kelly Johnson and Goddard Street

Request by Smarte Suite Concepts LLC, with representation by YOW Architects - Brad Nichols, for approval of three directly related permits (Zone Change, Development Plan and a Nonuse Variance). The subject site is located west of Kelly Johnson and Goddard Street consisting of 1.61 acres.

The zone change as proposed is from PIP-1 (Planned Industrial Park 1) to PBC (Planned Business Center) to allow for the establishment of a new hotel, which will then be allowed by right. Said hotel's requested height exceeds the permitted maximum, thus a Nonuse Variance has been requested in concurrence with the other two applications.

### **Background:**

This application packet includes three separate applications which include a Zone Change, Development Plan and Nonuse Variance for a vacant 1.61 acre subject site located on the southwestern bend of Kelly Johnson Boulevard. Upon approval of these applications, said site is to be developed as a four story, 90 room hotel, with subsidiary site improvements.

In review of the proposed parking and ADA accessibility schematics, planning staff finds that the proposal is consistent with all applicable City codes. To be specific, the required parking allocation for this hotel is as follows, 102 parking spaces total, which must include five ADA accessible parking spaces, to be further comprised of two van accessible stalls. Accessible routes are provided from the public right-of-way to all accessible areas within the hotel and its amenity areas (**DEVELOPMENT PLAN**).

The City's Traffic Engineering Division has reviewed the Development Plan and did not require a

Traffic Report to be conducted. While initial comments were provided to resolve some design errors, all issues have been addressed and no changes to the Development Plan are pending. Per the proposed Development Plan, there are two proposed access points to this development, both being standard curb cuts off of Kelly Johnson Boulevard.

Due to the site’s current zoning designation as PIP-1 (Planned Industrial Park 1), the proposed use is not permitted by right. Upon approval of a Zone Change to PBC (Planned Business Center), a Development Plan may be approved to permit the development of TownPlace Suites. **(ZONE CHANGE)**. The Zone Change request as submitted seeks to rezone the subject property from PIP-1 (Planned Industrial Park 1) to PBC (Planned Business Center) to allow for the establishment of a new hotel. **(ZONE CHANGE)** While the parcels centered around Kelly Johnson Boulevard and Goddard Street were originally zoned PIP-1, market and development trends have led to a steady increase in rezoning requests and approvals to establish PBC zoning within the neighborhood. This trend is especially evident to the northern and western sides of the property with two similar hotel/hospitality developments being built and or emerging.

As part of this proposal, the applicant has requested a Nonuse Variance to allow for an additional five feet of building height from the zone’s allowed 45 feet to 55 feet (additional five feet allowed for parapet roof)..



**Note:** Areas in red are subject to this request. All other portions of the building are compliant.

As found within the project statement the proposed four-story hotel building has a maximum height of 55’9” feet which is measured from finished grade to the structure’s parapet roof. This exceeds the maximum parapet height by 5’9”. Therefore, the applicant has requested that a Nonuse Variance be granted to allow the additional height.

Upon initial review of this application, staff found that the original reasoning for added building height was insufficient for the granting of a non-use variance, as “proper ornamentation” was provided as the sole justification. It was at this point that staff requested further justification and the applicant then provided that this design was necessary, in order to properly screen access stair areas and utility hubs. In the past, the City has granted such approvals to ensure improved building aesthetics.

As required by City Code, planning staff has evaluated the proposed applications to ensure conformance with the City’s current comprehensive plan, PlanCOS. In doing so, planning staff finds the applicant’s development proposal along with the associated rezoning and height variance to be in conformance with PlanCOS and its guidance for the following reasons:

Per PlanCOS, the project site and its surrounding area is identified on the Vision Map of PlanCOS as an Established Suburban Neighborhood. While there are vacant parcels left within the general area surrounding the subject site, infill development is limited. As a result of previous development, the area is comprised of a mix of uses ranging from general business administration and education, to

hospitality services. The ultimate goal of PlanCOS is to create a supportive mix of uses. In general, the addition of TownPlace Suites, helps to expand this aspiration, as this mix of services aids to contribute to a diverse commercial node in a northern section of the City.

PlanCOS analysis - should include goals that support the project as well as goals that may not support. Make a good point/counterpoint analysis.

**Previous Council Action:**

N/A

**Financial Implications:**

N/A

**City Council Appointed Board/Commission/Committee Recommendation:**

This item was heard before the City Planning Commission on July 15, 2021 and approved unanimously as part of the consent agenda.

**Stakeholder Process:**

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 24 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. The single public comment that was received by staff has been provided (**PUBLIC COMMENT**). Said comment centered around the proposed height addition and the applicant provided a follow up letter explaining why the added height was necessary and why the development team did not believe this added height would create a burden on surrounding property owners. Technical review addressing the public comment has been provided in the following sections of this staff report.

As part of the City's review process, planning staff sent copies of the plan set and supporting documentation to the standard internal and external review agencies for comments. These commenting agencies included LUR Landscaping and Survey, Engineering, SWENT, CSPD, Colorado Springs Utilities, City Engineering, City Traffic, City Fire Prevention, CONO, and E-911 and USAFA. All comments received from the review agencies have been addressed by the applicant

**Alternatives:**

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration

**Proposed Motion:**

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Approve the Nonuse Variance for TownPlace Suites, based upon the finding that the request meets the review criteria for granting a Nonuse Variance, as set forth in City Code Section 7.5.802(B) and 7.5.802(E).

NA