E LAS ANIMAS RESIDENTIAL CHILDCARE FACILITY
Downtown Review Board - November 5, 2024

Staff Report by Case Planner: William Gray, Senior Planner

Quick Facts

Applicant/Property Owner
East Las Animas Street, LLC

Consultant
TDG Architecture

Address / Location
123 & 127 E Las Animas Street

TSNs
6419210002 & 6419210003

Zoning
FBZ-T1 (Form Based Zone Transition Sector 1)

Site Area
7,600 square feet

Proposed Land Use
Residential Childcare Facility

Applicable Code
Downtown Colorado Springs Form-Based Code

Project Summary

A Conditional Use, Warrant, and Minor Improvement Plan for a Residential Childcare Facility at 127 East Las Animas Street. To incorporate the proposed use necessitates on-site changes that affect both properties (123 and 127 East Las Animas Street) to add an outdoor recreation area and building egress for the Residential Childcare Facility, reduced and reconfigured off-street parking spaces and an allowance for on-street parking to count toward required off-street spaces.

File Number	Application Type	Decision Type
FBZN-24-0012	Conditional Use, Minor Improvement Plan and Warrant	Quasi-Judicial

Background

Prior Land-Use History and Applicable Actions

Action	*Name*	*Date*
Annexation	Town of Colorado Springs	1872
Subdivision	Colorado Springs Addition No. 2	1874
Master Plan	Experience Downtown Master Plan	2016
Prior Enforcement Action	N/A	N/A

Site History

The property that is part of this application totals 7,600 square feet comprised of the East 38-feet of the West 144-feet of Lots 15 and 16 (127 East Las Animas Street), and the West 38-feet of the East 76-feet of Lots 15 and 16 (123 East Las Animas Street), both parcels in Block 14, Colorado Spring Addition No. 2. A Waiver of Replat for these two (2) parcels was approved in April 2015 (AR WR 15-00070) to recognize each parcel as individual lots and to meet the definition of a lot under the adopted Development Code.

A Form-Based Code Development Plan for the Lots was approved by the Downtown Review Board in April 2015. The approved development plan (CPC DP 15-00013) allowed the renovation of an existing 1,500 square feet building (123 East Las Animas Street) and the construction of a new 1,902 square feet building (127 E Las Animas Street) for offices, off-street parking behind the buildings and new street frontage and perimeter landscaping. A Warrant for parking was also approved that allowed shared parking between 123 and 127 East Las Animas Street to meet the required number of parking spaces for each property. The required parking spaces for the office buildings were seven (7) spaces, and seven (7) spaces were provided. Each building, however, was treated individually, meaning both had to meet the standard independent of the other. As designed and approved, four (4) spaces were located behind 123 East Las Animas where only three (3) spaces were required, and it was the opposite for the larger building at 127 East Las Animas (three (3) spaces were provided where four (4) were required). It was determined that the purpose of the parking standard was met, and this warrant was approved. A Cross Access Agreement is recorded at reception number 215035568 to formally establish the shared parking arrangement. A second warrant was also approved at the time of the development plan to allow for adjustments to frontage requirements related to Mixed-Use Buildings with a Common Lawn Frontage and Glazing because architectural design fits the character of other structures along both sides of Las Animas Street **(see Attachment 1 – Original Staff Report")**.

Applicable Code

The subject application is within the boundaries of the Form-Based Zone which requires zoning action within these boundaries to be reviewed under the Form-Based Code. All subsequent references within this report that are made to "the Code" and related sections are referenced to the Form-Based Code.

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	Zoning	*Existing Use*	*Special Conditions*
North	FBZ-T1	Office	N/A
West	FBZ-T1	Multi-Family	N/A
South	FBZ-T1	Vacant Land	N/A
East	FBZ-T1, PDZ and MX-N	Office (adjacent) Multi-Family (across Nevada Avenue)	N/A

Zoning Map (see "Attachment 2-Zoning Map")

Stakeholder Involvement

Public Notice

Public Notice Occurrences *(Poster / Postcards)*	2 times (Internal Review/Prior to Downtown Review Board Public Hearing)
Postcard Mailing Radius	1,000’
Number of Postcards Mailed	229 with each public notice occurrence
Number of Comments Received	1 (James Pesavento, property owner – 802 South Nevada Avenue) phone call.

Public Engagement

Public Engagement for the application included only the required Public Notice for Conditional Use, Minor Improvement Plan and Warrant. The public engagement resulted in one (1) phone call. The phone call was from James Pesavento at 802 South Nevada Avenue. He called only to disclose that his business is a bail bond service with a clientele that are in trouble with the law. The call was very much in the spirit of being a “good neighbor”. Otherwise, he stated he had no issue with the proposed use.

Timeline of Review

Initial Submittal Date	09/17/2024
Number of Review Cycles	1
Item(s) Ready for Agenda	City Staff had this item ready for November 5, 2024, Downtown Review Board meeting on October 15, 2024. The Applicant submitted revised plans on October 15th that responded to initial review comments to allow a determination by City Staff that the application was ready for the agenda.

Agency Review

SWENT
The FEMA floodplain statement including panel number, effective date, and flood zone is required to be added to the cover sheet of the Minor Improvement Plan.

Fire
The plan labels a new fire pump room. City Fire has commented that they believe a fire pump is not needed. The applicant will need to clarify and verify with City Fire on whether the new fire pump is required. Approval from CSFD is required prior to final approval of the Minor Improvement Plan.

Planning
The Applicant will need to work with City Staff to determine CDI Fees for the application and make minor changes to the Minor Improvement Plan.

Summary of Application

The proposed application includes the properties that are addressed 123 (“123 Building”) and 127 East Las Animas Street (“127 Building”) **(see “Attachment 3-Project Map”)**. There is an approved development plan that allows each building to be used as offices. Even though the approved plan illustrates the development as a single project, each lot met development standards and requirements independent of the other. Parking, however, was allowed to be shared by the two (2) buildings through an approved Warrant and a Cross Access Agreement for shared parking.

This application proposes converting the 127 Building from office use to a Residential Childcare Facility with a total of eight (8) beds. This conversion requires Conditional Use review by the Downtown Review Board before the use can commence. The Residential Childcare Facility will be operated by a Joint Initiatives program to temporarily house youth who are waiting to be placed in permanent housing programs **(see “Attachment 4-Project Statement” and “Attachment 5-Minor Improvement Plan”)**. This use type is considered Human Service Establishment – Residential Childcare Facility.

The conversion of the 127 Building requires new egress into and out of the building and that is being provided by a rear exit stairway on the back side of the building. Additionally, the Residential Childcare Facility must include outdoor recreation space in support of the new use. To provide the necessary outdoor recreation area the parking behind this building is being eliminated. The 123 Building will remain in office use and be occupied by Joint Initiatives as administrative office space.

The off-street parking standard for 123 Building is unchanged because it remains office use. The required off-street parking for the 123 Building is a total of three (3) spaces. Parking for the 127 Building (Residential Childcare Facility) is 1 space per eight (8) beds. So, the required number of off-street parking spaces for the 127 Buildings is one (1) space. A grand total of three (3) spaces are provided off-street. The Applicant has requested a Warrant to allow one (1) required off-street space to be provided by an on-street parking space. The Form-Based Code does not have an allowed credit or reduction for adjacent on-street spaces like the newly adopted Unified Development Code. This adjustment to the required parking standard is supported by an ample supply of on-street parking on East Las Animas Street in the vicinity of the project and the existing Cross Access Agreement that allows shared parking between the two (2) properties. The required ADA Accessible parking space is still being provided on-site to ensure good accessibility for all people utilizing the buildings.

The minor site changes for the new rear stairs, parking rearrangement and recreation area are being captured by the submitted Minor Improvement Plan. The changes do not impact existing site infrastructure, landscaping (both internal and street frontage) that were established and implemented with the original development plan approval. The development as it is proposed meets the adopted Design Guidelines of the Form-Based Code.

Application Review Criteria

This application is subject to the review criteria set forth in Section 2.5.4 (Conditional Uses), Section 5.6 (Minor Improvement Plan), and Section 5.4 (Warrant) of the Form-Based Code. The Conditional Use is for the Residential Childcare Facility, the Warrant is for the required off-street parking standards, and the Minor Improvement Plan is for the minor site changes associated with the project.

Form-Based Code, Section 2.5.4, Conditional Uses

Section 2.5.4 identifies uses that are generally inappropriate in all Downtown Sectors and establishes a list of uses that may be approved as a Conditional Use according to Chapter 7, Article 5, Part 7 of City Code ("Previously Adopted Code"). Human Service Establishments are a use that requires Conditional Use (Subsection 2.5.4.7).

2.5.4.7 Human Service Establishments – human service homes, human service residences, family care homes, large family care homes, hospices, domestic violence safehouses, or family support residences are permitted uses. Residential child care facilities, human service facilities, drug and alcohol treatment facilities, human service shelters or detoxification centers require conditional use approval. Parking standards for human service establishments in the FBZ are described in Section 7.4.203 of City Code. The requirements described in Section 7.3.105.F.2. of City Code are applicable in the FBZ.

7.5.704: Authorization and Findings:

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

The value and qualities of the surrounding neighborhood are not damaged because of this application. This application does not change the appearance of the property from the public street view and the changes are very minor in nature and impact.

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.*

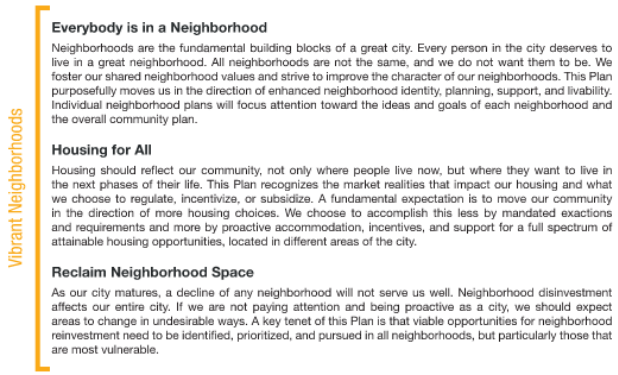
The proposed application is consistent with the intent and purpose of the development code.

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

The Comprehensive Plans that are applicable to the proposed Application are PlanCOS and Experience Downtown Colorado Springs Master Plan.

PlanCOS

PlanCOS is built around six (6) powerful vision themes. The vision themes are Vibrant Neighborhoods, Unique Places, Thriving Economy, Strong Connections, Renowned Culture and Majestic Landscapes. The location of the application is in the Downtown Neighborhood of the City. The plans vision themes are further supported by Big Ideas to keep focus on the most important things that will shape the city's future. The Vibrant Neighborhoods vision theme is most appropriate for the proposed project, along with the associated Big Ideas of "Everybody is in a Neighborhood", "Housing for All" and "Reclaim



Neighborhood Space". The proposed project is a Residential Childcare Facility in support of a Joint Initiatives program to temporarily house youth who are waiting to be placed in permanent housing programs. The application fulfills the vision and big ideas of PlanCOS by providing a temporary housing option, support, and services for kids to move from an unstable housing environment for any number of reasons and into an environment that is more stable to allow them the best opportunity to thrive and be successful in their life. In addition, it reclaims and reinvests in an existing space(s) that will help the downtown remain a viable and desirable neighborhood. And, in this case it helps with addressing important social issues in a proactive manner that benefits our community.

Experience Downtown

The Experience Downtown Colorado Springs Master Plan adopted in 2016 created goals for a welcoming, vibrant, connected, walkable, anchored, innovative, entrepreneurial and valued downtown. Goal 1, Diverse and Inclusive to Live, Integrated with Adjacent Neighborhoods is most applicable to the proposed Application.

> Downtown's neighborhoods are thriving places providing **housing and amenities for people and families of all cultures, ages and incomes.** Efforts are made to preserve existing neighborhood character while encouraging residential growth, focusing on building a greater density of residents within the core and surrounding neighborhoods. New and modified residential development includes workforce and affordable housing. Public transit, employment opportunities, schools, shopping and parks are conveniently located within walking distance.

This goal is in part about growing affordable housing options and ensuring that there is sufficient shelter space and permanent supportive housing options so that chronic or temporary homeless people are safely sheltered and receiving needed services. The application is for a Residential Childcare Facility in support of a Joint Initiatives program to temporarily house youth who are waiting to be placed in permanent housing programs. The application fulfills this goal by providing a temporary housing option, support, and services for kids to move from an unstable housing environment for any number of reasons and into an environment that is more stable to allow them the best opportunity to thrive and be successful in their life.

City Staff finds that the proposed Application is consistent with both PlanCOS and Experience Downtown Master Plan.

Form-Based Code Section 5.4.1

Section 5.4.1 establishes The Downtown Review Board is the primary entity with the authority to approve or disapprove a request for a warrant pursuant to regulations established within this Section. Warrant requests shall be reviewed for substantial compliance with the following criteria:

A. *5.4.3.1 Is the requested warrant consistent with the intent of the form-based code?*

The proposed Warrant for parking is consistent with the intent of the Form-Based Code. The Code encouraged shared parking, street activity, and office use, which drives the real need for parking continues to have it provided off-street on the rear side of the building.

B. *5.4.3.2 Is the requested warrant, as well as the project, consistent with Section 4 – Design Guidelines of the form-based code?*

The Warrant, including the overall project, is consistent with the Form-Based Code Design Guidelines.

C. *5.4.3.3 Is the requested warrant reasonable due to the proposed project's exceptional civic or environmental design?*

The Warrant is reasonable. There is no change in site design to accommodate the proposed Residential Childcare Facility. If anything, the allowance to utilize existing on-street public parking better activates the public environment of the downtown area.

D. *5.4.3.4 Is the requested warrant consistent with the Downtown Master Plan?*

The proposed Warrant is consistent with the Experience Downtown Master Plan.

E. *5.4.3.5 Is the requested warrant consistent with the City's Comprehensive Plan?*

The proposed Warrant is consistent with PlanCOS.

Form-Based Code Section 5.6

Those projects that do not trigger a development plan but include one (1) or more minor improvements are allowed to be reviewed and considered Minor Improvements. The proposed stairway and outdoor recreation area behind the 127 Building and the rearranged off-street parking collectively fit the definition of Minor Additions as described in Section 5.3.13 of the Form-Based Code. Minor Improvements are required to be reviewed to ensure that the proposed changes comply with the Code's Standards.

City Staff finds that the Minor Improvement Plan complies with the applicable Design Standards of the Form-Based Code.

Statement of Compliance

FBZN-24-0012

City Planning has reviewed the Conditional Use, Warrant and Minor Improvement Plan for the E Las Animas Residential Childcare Facility and finds that the application meets the approval criteria as set forth in Form-Based Code Section 2.5.4, Form-Based Code Section 5.4, and Form-Based Code Section 5.6 with the following conditions:

CONDITONS OF APPROVAL:

Planning	- Add required Floodplain Statement to address the SWENT review comment. - Determine applicable CDI Fees for the application. - Revise plan title to "123 and 127 East Las Animas Minor Improvement Plan.
Fire	- Address and verify with CSFD the need for a new Fire Pump. - Revise Minor Improvement Plan to match decision regarding the Fire Pump.
SWENT	- The Drainage Memo is approved by SWENT.