

City of Colorado Springs

*Regional Development Center
2880 International Circle
Colorado Springs, CO 80910*



Meeting Minutes

Wednesday, June 14, 2023

9:00 AM

**Regional Development Center (Hearing Room)
2880 International Circle**

Planning Commission

Launchpad Apartments

- 8.A. APPL-23-0002** An appeal of the Planning Commission's decision to affirm the administrative decision for the approval of a multi-family residential development plan, known as Launchpad Apartments, located at 864 North 19th Street, and deny the appeal filed against Launchpad Apartments.

(Quasi-Judicial)

Related Files: DEPN-23-0001

Presenter:

William Gray, Senior Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Summary:

Owner: Pikes Peak Real Estate Foundation, Inc

Developer: Cohen Esrey and The Place

Representative: NES, Inc

Location: 864 North 19th Street

Planning Commission, at a regularly scheduled public hearing on June 15, 2023, voted six (6) to zero (0) to deny the appeal of the Launchpad Apartments project and affirm the administrative decision that approved a development plan for the multi-family residential project.

The Planning Commission found that project met the criteria required for approving a development plan, as set forth in City Code Section 7.5.502.E, thereby affirming the administrative decision, and found that the filed appeal did not meet the criteria in City Code Section 7.5.906.A.4 and denied the appeal.

The review and decision by both the Planning Commission and City Staff for the Launchpad Apartments project were under the previously adopted land use code as both the original application for the development plan and the appeal were filed prior to the effective date of the Unified Development Code ("UDC"). The effective date of the UDC was June 5, 2023.

An appeal to the Planning Commission's decision was filed by Tracey Bradford, on behalf of a group of 22 people ("Appellant Group"), on June 26, 2023. This again raises the matter of transition

from the previously adopted land use code and the UDC. The appeal of Planning Commission's decision to City Council was filed after the effective date of the UDC. As such, this appeal action is subject to the procedures of the UDC.

UDC Section 7.5.415.8, Further Appeals, states "Appeals decided by the Planning Commission...may be further appealed to the City Council, unless the matter is remanded to the City official or body that made the decision that is the subject of the appeal." The project was not remanded back to the administrative level. The appeal was filed on June 26, 2023, which is within ten (10) days from the date of Planning Commission's decision, the appellant has the right to appeal (UDC Section 7.4.415.A.1.b), and the notice states the basis of appeal as required by UDC Section 7.4.415.2. This notice of appeal complies with the UDC so that it can be considered by City Council. The UDC does give council the authority to consider the sufficiency of the notice of appeal as a preliminary matter. For example, a finding of insufficiency by City Council would mean the appeal is rejected and no hearing would be held.

The appeal specifically requests that City Council reverse the decision of Planning Commission and deny the development plan for the Launchpad Apartments project. The appellant contends that the Planning Commission erred in its decision to approve the proposal because the project does not meet the criteria necessary to approve a development plan. More particularly, that the project is not consistent with The Westside Plan which provides land use guidance for this area. The Westside Plan's approach for this area calls for a lower density (a density range of 5-16 DU/AC) and lesser building height (maximum building height of 35'). The proposed project has a density of

Included with the appeal, under separate cover, is a request from the Appellant to postpone the hearing until a September 2023 City Council meeting. The additional time is necessary as the spokesperson for the Appellant is out of state due to a family emergency, delayed or late availability of the audio for the June 15th Planning Commission meeting, and that the 20 new appellants need additional preparation time. As indicated above, this appeal to City Council is subject to the procedures of the UDC and not the previously adopted code. A postponement request may only be granted for good cause shown to and found by the decision-making body. The one (1) time continuation to the next scheduled City Council meeting as allowed under the previously adopted code is no

longer an available appeal procedure.

Background:

The Applicant proposed a 50-unit, four (4) story, affordable housing development at 864 North 19th Street. This application has been awarded low-income housing tax credits from Colorado Housing Finance Authority (CHFA) and a home loan from Community Development Division of the City's Planning and Community Development Department.

The site is zoned R-5 (Multi-Family Residential). Multi-family residential is a permitted use type in the zone district. The proposed multi-family building is four (4) stories and has a building height of 45 feet, which meets the zone district's maximum building height standard of 45 feet.

The zoning code requires a minimum lot area of 800 feet per unit or 40,000 square feet for the 50-units that are proposed. The lot size of 1.37 acres or 59,680 square feet would permit up to 75-units on the subject parcel size per City Code. Further, minimum lot width (50 feet), minimum setbacks (20 feet Front Setback, 5 feet side setback, and 25 feet rear setback) and maximum lot coverage (40%) are met with the approved site design and layout.

Parking standards for 1-bedroom (1.5 spaces per dwelling unit) and 2-bedroom (1.7 spaces per dwelling unit) multi-family units are met for required off-street parking through the provision of on-site spaces for cars, motorcycles, and bikes. The site also is being afforded standard reductions for its proximity to public transit and public bike route. The total number of parking spaces required for the development is 35 parking spaces, based on the bedroom configuration of the multi-family units, qualifying reductions for bike and motorcycle parking (City Code Section 7.4.204.C.3.a-b), and reductions for location to transit and bike routes City Code Section 7.4.203.C.1. a-b). A total of 38 off-street parking spaces are provided to meet the required parking.

The project is landscaped along each property line to enhance the aesthetics of the buffer between the uses (single-family to multi-family) to insure compatibility. It is also done along the street frontage to improve the streetscape along North 19th Street. Both of which are requirements of the city's landscaping standards for multi-family development. The building has been intentionally located to the northeast corner to provide additional buffer between the

single-family residences to the west and south. The buffer is greater for the property to south because both properties are at equivalent elevations. For the residential to the east there is also a significant grade separation coupled with distance to create an effective buffer between residential uses of varied density.

Access to the site is aligned with Dale Street and an access point was eliminated to improve safe ingress and egress to the site from 19th Street. A traffic study was conducted and concluded North 19th Street has the capacity to accommodate development traffic. The finding and recommendations of the report was accepted by Traffic Engineering.

Due to the site location being west of Interstate 25 a Geologic Hazard Study was required with the development application. The Geologic Hazard Study was prepared by CTL Thompson, Incorporated and it concluded that the geologic conditions would not preclude development of the site as proposed. The most significant that affects the proposed development is the steep slopes at the west side of the site, existing fill, and expansive soils. The stability issue with the slope is its susceptibility to erosion and sloughing if left in current condition and unaddressed. Final grading, including retaining wall, erosion control measures, and landscaping (native seed and plant materials) to restore the steep slopes to a gentler descent as it existed prior to excavation, which was most likely sometime in the late 1960's when a structure existed on the property. Another action taken by the Applicant is to limit the disturbance on the steeper slopes on the property. This is why you see much of the improvements being located toward North 19th Street. An important conclusion from the Applicant's engineer is that the recommendations of the Geologic Hazard Study must be followed both during and post construction to ensure that the risks of development are controlled, particularly slope stability. City Engineering and City Planning have reviewed and accepted the provided Geologic Hazard Study.

The proposed use is compatible with the surrounding mix of zones and uses, which consists of commercial, single-family, and multi-family. Compatibility can be influenced or effected by intensity or density of uses, and bulk and mass of buildings. This is particularly important where this property adjoins the single-family residential neighborhood to the west and south. It is less important for the surrounding zoning to the north and east where the sites are

developed with larger buildings west and north. The chosen location for the building and landscape design are measures taken by the Applicant to ensure the development is compatible with surrounding uses and building forms and heights.

No parkland or school lands are planned for the site. Both City Parks and School District requested fees in lieu of land dedication. Fees in lieu of dedicated land is an acceptable alternative to addressing school and parkland impacts under City Code.

To conclude, the proposed, use, density, building height, siting of the building, building design, site and building lighting, landscaping, and access are what contribute to making the requested development plan fit with surrounding zoning, land uses, and building shapes and sizes. This development is also located proximate to places of employment, schools, parks, groceries, services, entertainment, transit routes, bike routes, parks, and open spaces. All are characteristics that make it a good fit for residential development as proposed. These are similar reasons as to why the Westside neighborhoods are desirable places to live within the city. Again, this site is a good fit for multi-family development and will be a positive and beneficial attribute to the neighborhood.

City Planning staff finds that the proposed project addresses the applicable review criteria set forth in City Code for a development plan. A thorough analysis of how the proposed project substantially complies with City adopted plans is provided below, as it is the main argument of the appeal notice.

City adopted plans applicable to this multi-family development include, The Westside Plan, PlanCOS, and HomeCOS. Each are discussed in more detail in following sections of this staff report. By example, The Westside Plan functions as a guiding document for policy and regulatory changes and to provide context for land use decisions within the plans study area. This is exactly how The Westside Plan has been utilized for the past 40 years. Even the ordinance that adopted this plan required City Staff to “exercise our respective functions and powers in a manner that is consistent with The Westside Plan.” The Westside Plan includes many recommendations where certain entities and stakeholders were tasked with furthering implementation measures that have largely not come to fruition or have gone undone. An example, of this would be zone changes of areas within the study area to align with the plan’s future land use map. Furthermore, the development plan review criteria in city code requires that any development plan substantially

complies with city adopted plans that are applicable to the site.

City Planning staff has evaluated the proposed application for conformance with the City's current comprehensive plan ("PlanCOS"), adopted in January 2019. According to PlanCOS Vision Map, the project site is located within and at the edge of an Established Historic Neighborhood, a subset of an Established Neighborhood. It is also adjacent to a Changing Neighborhood. The stated goal in PlanCOS for this neighborhood typology is to recognize, support, and enhance the existing character of these neighborhoods, while support their ongoing investment and improved adaptation. New development should incorporate elements of existing neighborhoods. They should expect some degree of infill and redevelopment. Those established neighborhoods which have a historic designation in PlanCOS have an especially high value for preserving the legacy of existing design and architecture. These areas may also experience some amount of change especially in areas of transition with less historic uses. The 19th Street corridor between Uintah Street and King Street is an area of transition between an Established Neighborhood and Changing Neighborhood. This location has less historic character found in parts of the Old Colorado City neighborhood and is more like the Changing Neighborhood Typology. The goal of this neighborhood is to retrofit, reinvent, and introduce new features to enhance the identity, quality, affordability, and attractiveness of these neighborhoods. This project matches both the goals of the Established Neighborhood Typology (including Historic Neighborhoods when located in areas of transition) and the Changing Neighborhood Typology.

The Launchpad Apartments project is also consistent with at least three (3) important PlanCOS vision themes, as follows:

- Housing for All
GOAL VN-2: Strive for a diversity of housing types, styles, and price points distributed throughout our city through a combination of supportive development standards, community partnerships, and appropriate zoning and density that is adaptable to market demands and housing needs.

Policy VN-2.A: Promote neighborhoods that incorporate common desire neighborhood elements.

Strategy VN-2.A-1: In partnership with other organizations and agencies, continue to develop and support existing, expanded and new initiatives to address homelessness to include provision of additional shelter beds, permanent supportive housing, and

programs to be coupled with increased enforcement of applicable laws including camping bans.

Strategy VN-2.A-3: Support land use decision and projects that provide a variety of housing types and sizes, service a range of demographic sectors, and meeting the needs of residents and families through various life stages and income levels.

Policy VN-3.F: Enhance mobility and connectivity between neighborhoods across Colorado Springs and with surrounding jurisdictions.

Strategy VN-3.F-1: Increase transportation recreation choices for all neighborhoods by improving or adding bike lanes, sidewalks, off-street neighborhood trails, and greenways that connects to larger system trails...

- Unique Place Typologies and Framework

The site is within a Community Activity Center. Community Activity Centers are places that serve the day-to-day needs of subareas of the city and their surrounding neighborhoods. These places may be anchored by uses such as grocery stores and supporting public, private, and non-profit service establishments. Although the definition of these places is intended to encompass options well beyond traditional commercial centers, a 100,000 to 300,000 square foot community shopping center provides a useful example for the size, market, and service area for this typology. These places should be designed to be multimodally connected to the surrounding development. Community Activity Centers should include a well-integrated mix of uses including smaller businesses and a variety of housing choices. In addition, it is near is near an Entertainment and Commercial Center (Old Colorado City) that also support a mix of supporting uses, such as higher density residential, office, service, medical, and civic uses.

- Unique Places - Embrace Creative Infill, Adaptation, and Land Use Change

GOAL UP-2: Embrace thoughtful, targeted, and forward-thinking changes in land use, infill, reinvestment, and redevelopment to respond to shifts in demographics, technology, and the market.
Policy UP-2.A: Support infill and land use investment throughout mature and developed areas of the city.

City planning staff finds the project in question and its associated applications to be substantially in conformance with PlanCOS and its guidance.

The project site is part of The Westside Plan master planned area ("The Westside Plan"). The Westside Plan study area totals approximately 2,900-acres and consists of a mix of commercial, industrial, office, entertainment, multi-family and single-family residential and parks and open spaces land uses.

The main intent of the Westside Plan is to guide the probable evolution of change within the Westside study area in a manner that minimizes negative impacts and maximizes the positive. The land use recommendations are based on a design to promote compatibility between existing and future development. To elaborate, the whole premise of the plan is based upon the assumption that the task of compatibility is achievable, it will not be at the expense of any one land use, that infilling is feasible and supported, and that the recommendations are flexible to compliment the unique circumstances of inner-city development.

The project proposes a residential use that is in a residential-medium land use category. The proposed multi-family use has been determined to be compatible with surrounding uses, which include single-family residential, multi-family residential, commercial-retail, school, bar, and commercial-services. The area where this project site is located is more diverse and mixed in its land uses and the intensity of those uses.

The proposed multi-family use works well in this mixed-use environment, particularly being at the edge of the study area where residential and commercial characteristics merge that are both within and outside of the westside.

The project infills an existing vacant property and The Westside Plan supports infilling. It is not infilling at any cost, but infill that is compatible.

The residential category of the property is residential-medium, and this category recommends 5-16 DU/AC and a max building height of 35'. The project as proposed is 36 DU/AC and a building height of 45'. As proposed it does exceed the recommended density and height standards, but this residential category was developed to support the policy of infilling and encourage higher density where feasible, and for it to not detract from the single-family character and insure a compatible relationship to surrounding uses. Further, the plan intent is not to take or replace existing zoning standards without a zone change process. The proposed plan as designed meets the

developments standards of the R-5 zone district.

The site is located on a minor arterial street, bus route, and bike route. It is proximate to Uintah (Principal Arterial), I-25, shopping center, downtown, schools, employment locations, other services and parks and open space. It is these factors that justify this site being considered for higher density, with the caveat that the site plan includes a design that insures compatibility. To reinforce, it is the type of project (multi-family), and its proximity to the central city, convenient transit, already developed amenities that make it a good fit for higher density consideration.

The building has been intentionally located to the northeast corner to provide additional buffer between the single-family residences to the west and south. The buffer is greater for the property to south because both properties are at equivalent elevations. For the residential to the east there is also a significant grade separation coupled with distance to create an effective buffer between residential uses of varied density.

The project is landscaped along each property line to enhance the aesthetics of the buffer between the uses to insure compatibility. It is also done along the street frontage to improve the streetscape along 19th Street.

The building orientation is toward 19th Street to fit the development pattern of the Westside. An important characteristic for the building to be compatible with the character of the area.

Building height is buffered/softened by using variations of the building wall and roof line, landscaping, grade separation and distance. All this combined help the building be a more compatible scale with surrounding buildings.

The site lighting and building lighting that is planned are full cut off fixtures, so all light is directed downward to have a positive night lighting impact to surrounding properties.

The site is in the North Bluff sub area of The Westside Plan. The primary recommendation in this sub area involves vacant land and a good part this area is developed single-family residential. Higher density development is encouraged, and it does so to encourage alternative housing besides single-family residential, infilling and to capitalize on existing public investment. The plan certainly selected higher density areas, but it did not preclude other areas from being

considered so long as it was compatible and fit the area where it was proposed. The proposed project adds variety to the housing choices in this area of the city and because its location capitalizes on public investments. The project is served by existing infrastructure (streets, water, wastewater, gas and electric), transit, parks, open spaces, and trails. So, it is an example of development capitalizing on public investment in a positive way. It is a cost benefit to the services that are provided by the city.

The plan meets neighborhood objectives of attractive design, compatibility of uses, access to bike and pedestrian facilities, and infill. This plan to a small degree preserves natural features as it will stabilize/rehabilitate the hillside located behind or west of the multi-family building. There is a case that it also preserves (conserves) a natural feature of this property.

Through staff's review of this project, it has been found to be in general conformance with the long-range vision of The Westside as it is consistent with the mix of uses that the plan lays out for this area and the developed and developing land patterns and uses of today.

The Launchpad will offer 50-units of safe, quality supportive housing targeted to Transition Aged Youth ("TAY") ages 18-24 who are experiencing or at risk of experiencing homelessness. "Housing First" is one of the most proven models to help prevent and reduce homelessness - our city's goal that most would agree and support. The project is in direct alignment with HomeCOS Objective 1: Reduce homelessness through a housing first approach and Objective 2: Increase the supply of affordable rentals. Additionally, this project aligns with the Community Development Division's 2020-2024 Consolidated Plan priority needs by increasing the supply of affordable housing and providing homeless housing and supportive services. The project is addressing an unmet community housing need and because of this is the recipient of a \$500,000 HOME loan from the Community Development Division as well as an 80% rebate through the Affordable and Attainable Multi-Family Fee Rebate Program ("Rebate Program") for entitlement review fees and utility tap and infrastructure fees. The Launchpad project received the highest rebate score of any affordable housing project eligible for the rebate program. Scores for rebates are calculated based on: percent of units reserved for 50% area median income and below; ongoing affordability period; exceeding minimum requirements of section 504 (accessibility in units for mobility disabilities and accessibility for individuals with hearing or visual impairments); reserving units for HUD special needs populations (such as those experiencing

homelessness; incorporation of the 7 elements of universal design throughout the project; alignment with City Planning Documents including PlanCOS and HomeCOS; located in a high opportunity area; and exceeding building code standards by aligning with Colorado Springs Utilities conservation goals.

Previous Council Action:

City Council previously acted on this property as follows:

- (1) 1980 with the adoption of The Westside Plan; and
- (2) 1985 when the property was annexed and zoned; and
- (3) 1973 when the property was zoned to R-5; and
- (4) 2023 when vacating a portion of alley located within the 1.37-acre site.

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee

Recommendation:

At the City Planning Commission meeting held on June 15, 2023, the appeal was considered under the New Business. Testimony, discussion, and deliberation was extensive for the proposed project. The pertinent issues associated with this project's review were compatibility with The Westside Plan, proposed density and building height, and geologic hazards. A Planning Commission motion to deny the appeal and uphold the administrative approval of the Launchpad Apartments project passed on a 6:0 vote, resulting in an approval of the project application (Planning Commissioners Almy, Briggs and Raughton were absent).

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 299 property owners on three (3) occasions; during the internal review stage, a neighborhood meeting held on February 21, 2023, and prior to the Planning Commission appeal hearing.

City Planning staff received both support and opposition comments during initial review. The support comments focused on the community need for supportive and affordable housing and convenient location to transit, bike routes, pedestrian ways, shopping, work, and outdoor recreation. Those opposed focused on

building height, density, lack of parking, traffic, and inconsistencies with PlanCOS and The Westside Plan. The Applicant provided a response letter that addressed the public comment.

The February 21st neighborhood meeting (open house format) was attended by a total of 19 residents, Applicant and owner representatives and City Staff. The meeting revealed a considerable amount of support for the project from those that attended. The support comments focused on the community need for affordable housing and its accessibility to shopping, work, and transportation options (car, bike, ped, and transit). We did hear concerns about traffic, parking, building height, and public safety.

Additional public comment was also received at the onset of the 2023 City Council and Mayor races. The comments received were in support of the project and again they focused on the project's overall community benefits in the areas of affordable housing and homelessness.

It should also be noted that the Applicant engaged stakeholders on their own by holding a pre-application neighborhood meeting in the Fall of 2022, and direct neighborhood outreach. City Planning staff did not receive any documentation regarding the pre-submittal conversations with stakeholders.

Staff input is outlined in the following sections of this report. Staff sent the conditional use development application plan to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Fire Department, City Engineering, Stormwater Enterprise, and City Traffic Engineering. City Planning staff notes that the following review agencies provided project specific comments:

- City Traffic - The City's Traffic Engineering Division required a Traffic Impact Analysis (TIA) for the project. City Traffic Engineering agreed with the finding and recommendations in the TIA. Traffic Engineering did require that the access to the site be aligned with Dale Street.
- City Fire - The City's Fire Department (CSFD) had review comments to ensure that the project met the Wildland Urban Interface ("WUI") requirements. All required notes for the WUI are included on the development plan.
- City Engineering - The City Engineering Development Review

(EDR) required additional public easement for sidewalks along the eastern property line. In addition, they reviewed and accepted the Geologic Hazard Report for the project. City Engineering and Planning did discuss whether a third-party review (i.e., Colorado Geologic Survey) was necessary. Based on the analysis and recommendations set forth under the Geologic Hazard Report and known site constraints a third-party review of the report was not deemed necessary.

- SWENT -Stormwater Enterprise (SWENT) had no major review comments for this project. The development required a Final Drainage Report and stormwater improvements addressing detention, water quality and green infrastructure to address stormwater drainage.
- CSU - Colorado Springs Utilities (CSU) had no major comments on the proposed project and recommended approval once the Applicant addressed review issues related to location and applicable design criteria related to water and wastewater service lines.

Alternatives:

1. Vote on sufficiency of the appeal as a preliminary matter; or
2. Uphold the action of the City Planning Commission; or
2. Modify the decision of the City Planning Commission; or
3. Reverse the action the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration.

Staff Presentation:

William Gray, Senior Planner, presented, describing the scope and intent along with the history of the project.

Catherine Duarte, HUD Programs Manager, Community Development, dove deeper into affordable housing and gave an understanding of what went into approving an affordable housing project within her Community Development division.

Appellant Presentation:

Tom Strand, the appellant (one of four) and nearby resident, commented that his reasons for appealing were mainly due to the location of that project. He supported youth housing but did not support it on 19th Street and Uintah.

Scott Hiller, the appellant (two of four), virtually addressed similar reasons. He added that the main reason to oppose was the height, density, and location, regardless of who would have applied for this type of project on that location.

Applicant Presentation:

Andrea Barlow, Principal, Shawna Kemppainen, CEO of The PLACE, Wayne

Bland, Housing and Sustainability Committee, The PLACE, and Lisa Sorensen, Development Director, presented their company's mission and vision for the project.

Public Discussion:

Beth Hall Roalstad, CEO of Homeward Pikes Peak, expressed support for this project.

Sam Clark, Pikes Peak Real Estate Foundation, discussed how CHAFA funding allowed us to continue funding for the future. If the city did not accept this type of funding, it went to other cities.

Evan, Homeless Initiatives, expressed the ability to be the lead city in the state as far as ending youth homelessness.

Jason Cooper, a nearby resident, commented on the appellant's previous history and ownership of the property, contradicting the current project.

Zuri, a nearby resident, commented on her experience living nearby affordable housing in California. She felt this project in no way harmed the area and was supportive.

Lisa Guin, Youth Couch at Heart Beauty, commented on her experience living in youth housing. She expressed the positives for youth in need.

Discussion and Decision of Planning Commission:

Commissioner Foos expressed his gratitude for this project and commended what the applicant intended to do.

Commissioner Rickett confirmed that this project met all criteria.

Commissioner Hensler commended those who had worked on this project. She noted that she felt the utilization of this space could not be better.

Motion by Vice Chair McMurray, seconded by Commissioner Hensler to deny the appeal and uphold the administrative approval of the Launchpad Apartments project, based upon the findings that the development plan meets the review criteria set forth in City Code Section 7.5.502.E, and that the appeal criteria in City Code Section 7.5.906.A.4 are not met. The motion passed by a vote of 6:0:0:3

Aye: 6 - Commissioner Foos, Commissioner Hensler, Chair Hente, Vice Chair McMurray, Commissioner Rickett and Commissioner Slattery