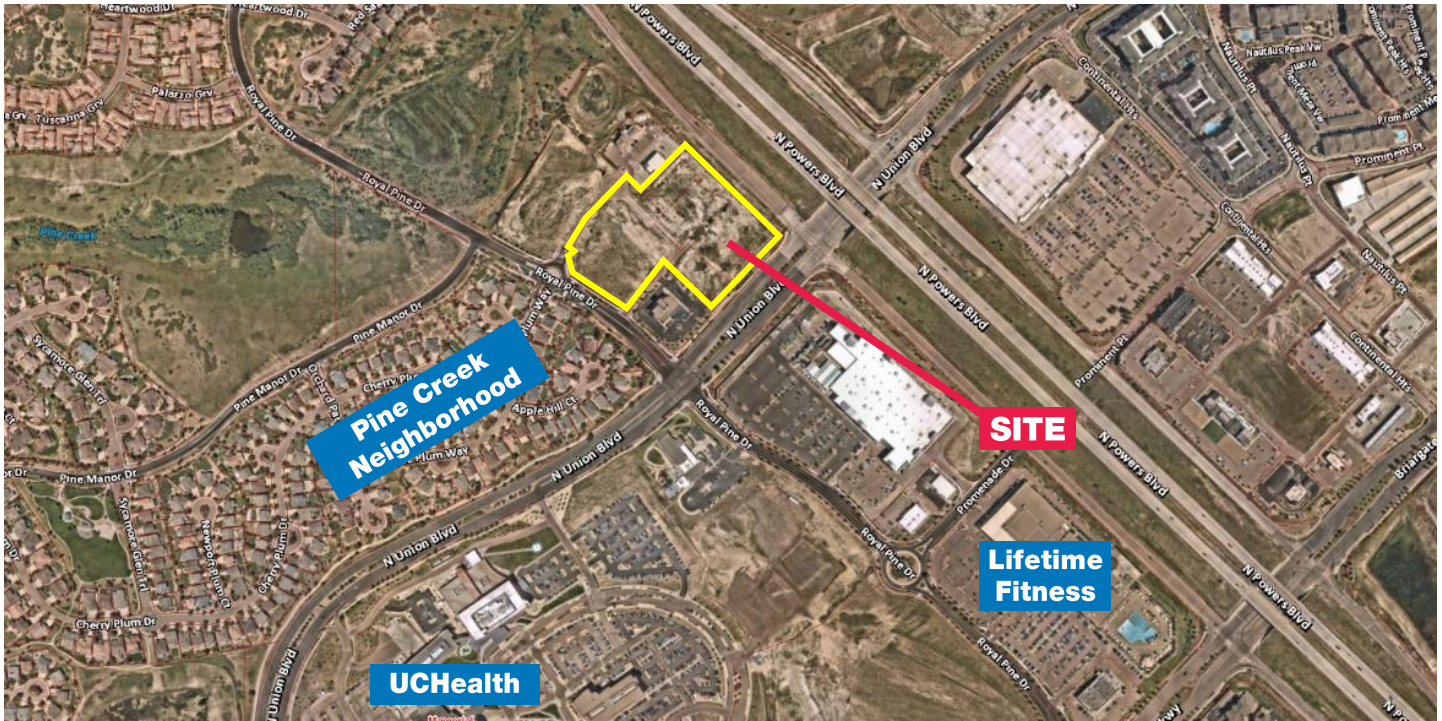




ROYAL PINE APARTMENTS

Planning Commission January 10, 2024

Staff Report by Case Planner: Logan Hubble



Quick Facts

- Applicant**
Drexel, Barrell & Co.
- Property Owner**
BG Development, LLC
- Developer**
DBG Properties, LLC
- Address / Location**
4150 Royal Pine Dr.
- TSN(s)**
6226304034, 6226304035,
6226304036, 6226304037
- Zoning and Overlays**
Current: MX-M
- Site Area**
7.87 acres
- Proposed Land Use**
Multi-Family Residential
- Applicable Code**
Concept Plan: Ch. 7
Development Plan: UDC


Project Summary

The development plan proposes an apartment complex on 7.87 acres of property zoned MX-M (Mixed-Use Medium Scale). A concurrent concept plan amendment would allow residential uses on the property.

File Number	Application Type	Decision Type
COPN-23-0015	Concept Plan Amendment	Quasi-Judicial
DEPN-23-0141	Development Plan	Quasi-Judicial

Background

Prior Land-Use History and Applicable Actions


Action	Name	Date
Annexation	Briargate Addition No. 5	9/28/1982
Subdivision	Market at Pine Creek Filing No. 6	6/24/2020
Master Plan	Briargate Master Plan	
Prior Enforcement Action	N/A	N/A

Site History

On September 16, 2005, City Planning Commission approved a Concept Plan on the property, proposing commercial uses on the site. The concept plan included the following conditions of record:

1. The approval of this concept plan is subject to a trip generation budget. Any subsequent development applications associated with this concept plan approval shall not cumulatively exceed the maximum trip generation of 8,441 trips as identified in the Traffic Impact Study for the Market at Pine Creek, prepared by Krager and Associates, Inc., July 2006.
2. Normal business hours will be limited to 6:00 AM to 10:00 PM Sunday to Thursday and 6:00 AM to 11:00 PM Friday and Saturday (Bank ATMs can be accessed 24 hours).
3. Fast food and drive-thru restaurants shall be prohibited.
4. The building height on lots 4, 5, and 6 will be restricted to a maximum of 38 feet.

On March 20, 2020, Land Use Review approved an amendment to the original Concept Plan, which allowed for a medical office use on the site, along with retail and restaurant uses. A Development Plan was approved at the same time, which detailed the medical office building.

In February 2023, the City Council voted to adopt the Unified Development Code (UDC) as a result of the RetoolCOS project. One of the outcomes of this project was the conversion of former commercial zone districts to mixed use districts. This process included the consolidation of districts, name changes, and inclusion of new permitted uses and expanded allowances for property owners. It should be noted that this process was not a rezoning. This conversion was largely attributed to the need for more opportunities for housing and was supported by the City Council 

Through the allowance of housing being permitted in the mixed-use zone districts, there is not a need to rezone a property for the provision of housing if desired. Specific to the property in question, the previous PBC Planned Business Center zone district name converted to MX-M (Mixed-Use Medium Scale). As mentioned, opportunities for property owners were expanded and in the case of PBC, housing had been a Conditional Use which required the application to be heard at Planning Commission. Through the RetoolCOS project, housing was changed to be a permitted use which no longer required a public hearing through Planning Commission; however, Staff may refer an application to the Planning Commission, if necessary, which was done for this project.

Applicable Code

The project includes two different applications a concept plan amendment and a development plan. After a pre-application meeting, where the applicant identified the proposed use as residential development, Staff identified that a concept plan amendment and development plan would be required. The concept plan amendment, submitted on June 2, 2023, was submitted prior to the effective date of the UDC and applicant elected to have the application reviewed under the previous

code, known as Chapter 7. The development plan was submitted after the effective date of the UDC, July 3, 2023, and therefore subject to all the standards of the UDC. This is a unique scenario where the applications under review were initially submitted separately and are subject to different review criteria. The statements below further reinforce the applicable code for each application.

Concept Plan


The subject application(s) were submitted prior to the implementation date (06/05/2023) of the ReTool project, and as such, the applicant is permitted to elect which Code they prefer their application(s) be reviewed under. The subject application(s) were chosen to be reviewed under previous Chapter 7 per the applicant’s instructions. All subsequent references within this report that are made to “the Code” and related sections are references to previous Chapter 7.

Development Plan

The subject application(s) were submitted after the implementation date (06/05/2023) of the ReTool project, and as such, the applicant is permitted to elect which Code they prefer their application(s) be reviewed under. The subject application(s) were chosen to be reviewed under the Unified Development Code per the applicant’s instructions. All subsequent references within this report that are made to “the Code” and related sections are references to the Unified Development Code.

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions


	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	Agriculture/Mixed-Use – Medium Scale	Open Space/Medical Office	N/A
West	Planned Development Zone	Open Space	N/A
South	Planned Development Zone	Residential	N/A
East	Mixed Use – Medium Scale	Medical Office/ 	N/A

Zoning Map




Stakeholder Involvement

Public Notice

Public Notice Occurrences (Poster / Postcards)	Five (5)
Postcard Mailing Radius	1000'
Number of Postcards Mailed	365 total over five rounds (73 each)
Number of Comments Received	371 as of December 14, 2023
Number of Neighborhood Meetings	One (1)
Number of Email Addresses Collected	184 

Public Engagement

Public Notification occurred on five (5) occasions. After the initial notification, many residents expressed their opposition to the proposed application. The Public Comments, attached, mostly cite concerns of traffic, evacuation, change of use, intensity of residential use, school capacity concerns, lack of amenities, and height of buildings. City Planning Staff required the applicant to hold a neighborhood meeting. The meeting was held on August 3, 2023, at Library 21C. Concerns like those noted above were raised at the neighborhood meeting 

Planning Staff compiled a list of all emails written on the sign in sheets and those who wrote comments via email to Staff to create a listserv for all interested parties in the project. As noted above that listserv consists of 184 unique emails. As of December 14, 2023, staff sent eleven (11) emails to this listserv providing project updates to those interested in the project. These emails typically included notification that revised plans are publicly available for review, requests for additional comments related to the revised project documents, and directions for how to view the project files.

On December 18, 2023, an email sent to the listserv notified the interested parties that this application will be heard at the January City Planning Commission meeting and that follow up communication with directions to participate in the meeting will follow when the meeting agenda is made available.

Timeline of Review

Initial Submittal Date	Concept Plan – June 2, 2023, Development Plan – July 3, 2023
Number of Review Cycles	Concept Plan – Five (5), Development Plan – Five (5)
Item(s) Ready for Agenda	December 15, 2023

Agency Review

Traffic Impact Study

After three revisions of the Traffic Impact Study (TIS), Traffic Engineering agrees with the (TIS) findings and recommendations.

- 1- All proposed site access points are located along private street. City traffic has no concerns with the access points location. Traffic Engineering reviewed the Traffic Impact Study (TIS) and determined that the TIS was complete and

provided the adequate information and analyses per the requirements of the Traffic Criteria Manual and Traffic Engineering staff.

- 2- All nearby intersections and site access point(s) are expected to operate at acceptable level of service (LOS) per the city Traffic Criteria Manual.
- 3- The overall site will contain significantly fewer trips than the previously approved concept plan.
- 4- The addition of site-generated traffic will have no negative impact to traffic operations for the existing and surrounding roadway system.

School District

The school district viewed this application and determined fees in lieu of land dedication is required for any future residential development. The District leadership has stated that the District is able to serve each student who is a resident of District 20.

Parks

This conversion from commercial to residential density triggers several ordinances, including the Parkland Dedication Ordinance (PLDO). The Citywide Development Impact (CDI) Fees (Police & Fire Fees) are also applicable to all new development and redevelopment.

- PLDO: This project creates a new park land obligation based upon the proposed (232) residential units being created. The total land obligation amounts to less than the minimum neighborhood park size of 3.5 acres, in addition Pirate's Cove Park is within a 0.5 mile walking distance from this location and John Venezia Park is just beyond a 0.5 mile distance. In cases of limited dedicated acreage, fees in lieu are an acceptable alternative.
- CDI: Citywide Development Impact Fees for Police and Fire apply to all new and redeveloped residential and nonresidential development. This development is applicable to CDI.

SWENT

The current City criteria for stormwater water quality treatment and detention are fulfilled by this project. The project also fulfills the City's new Step 1 criteria for volume reduction / green infrastructure by routing runoff from paved / hard / impervious surfaces over / onto grass lined swales and landscaped courtyard areas. The resulting reduction in the water quality control volume will be 30%, which exceeds the minimum 10% reduction required by the City's new Step 1 criteria.

Fire

When asked for comment regarding potential evacuation issues relating to the fire code, an official with the Fire Department stated that while the fire code has provisions for fire apparatus access into and around sites, it does not have provisions for community/neighborhood wide evacuations. Adequate hose reach is met for each building per section 503.1.1 of the fire code. Two separate points of access to the site are provided, as required by section D106 of the fire code.

Colorado Springs Utilities

The Development Plan for the Royal Pines Apartments was evaluated against CSU Water and Wastewater line extension standards along with city code and appears to have meet the requirements, provided by those standards and code.

Concept Plan Amendment

Summary of Application


The applicant requests an amendment to the previously approved concept plan to allow for residential uses on the property. While multi-family residential is an allowed use type in the Mixed-Use – Medium Scale zone district, the previous concept plan illustrated only commercial uses. Staff determined that an amendment is required to support residential uses on the subject site. The proposed concept plan amendment adds residential uses as permitted for the subject properties and carries forward all conditions of record from previous concept plan on the site.

Application Review Criteria

Ch.7 Code Section 7.5.501.E

E. Concept Plan Review Criteria: A concept plan shall be reviewed using the criteria listed below. No concept plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the existing and proposed land uses surrounding the site.

1. Will the proposed development have a detrimental effect upon the general health, welfare and safety or convenience of persons residing or working in the neighborhood of the proposed development?
2. Will the proposed density, types of land uses and range of square footages permit adequate light and air both on and off the site?
3. Are the permitted uses, bulk requirements and required landscaping appropriate to the type of development, the neighborhood and the community?
4. Are the proposed ingress/egress points, traffic circulation, parking areas, loading and service areas and pedestrian areas designed to promote safety, convenience and ease of traffic flow and pedestrian movement both on and off the site?
5. Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?
6. Does the proposed development promote the stabilization and preservation of the existing properties in adjacent areas and surrounding residential neighborhoods?
7. Does the concept plan show how any potentially detrimental use to use relationships (e.g., commercial use adjacent to single-family homes) will be mitigated? Does the development provide a gradual transition between uses of differing intensities?
8. Is the proposed concept plan in conformance with all requirements of this Zoning Code, the Subdivision Code and with all applicable elements of the Comprehensive Plan?

Staff does not expect this development to have a detrimental effect upon the general health, welfare, and safety of nearby residents. The plan shows general building locations placed in such a way that will permit adequate light and air on and off the site. The uses and bulk are appropriate given the project's location at the intersection of two major roads on property that is zoned to support both residential and uses. Colorado Department of Transportation, City Traffic Engineering, and the Planning Department do not see any concerns for safety, convenience, or ease of traffic flow and pedestrian movement with regards to this site. Agencies have indicated that the capacities of public facilities will not be overburdened by this development.. The apartment development is proposed in a primarily commercial development adjacent to a state highway and principal arterial roadway. Higher density residential uses situated along high traffic roadways that transition to residential development provide a transition between uses of varying intensity. The concept plan is in conformance with all requirements of the Zoning Code, the Subdivision Code, and the Comprehensive Plan (as shown below). After evaluation of the Market at Pine Creek Concept Plan amendment, the application meets the review criteria. 

Development Plan

Summary of Application

The applicant applied for a new development plan to allow a multi-family residential development on the site. The Development Plan illustrates a complex with three 4-story buildings and a single-story clubhouse. The clubhouse is the only structure that is placed in the area subject to a 38-foot maximum height restriction per the concept plan. The buildings contain a mix of 1-, 2-, and 3-bedroom apartments. City parking requirements have been met through a combination of covered and uncovered surface parking spaces. Amenities provided onsite include the clubhouse, flexible indoor recreation areas, fitness area, community gardens, a playground, and a dog run. The applicant also provides a few areas of green space, with 10% of the total site area being considered active green space. Staff has reviewed the relevant maps and confirmed that this property is not within the Preble's Meadow Jumping Mouse habitat.

Compliance with Development Standards

Development Standard	Required	Proposed
Setbacks	Front – 20 ft. minimum	Front – 40.58 ft.
	Side Interior – 20 ft. minimum	Side Interior – 26 ft.
	Side Street – 30 ft. minimum	Side Street – 62 ft.
	Rear – 15 ft. minimum	Rear – 80.71 ft.
Lot Coverage	40% Maximum	18.7%
Parking	308 spaces	339 spaces



Application Review Criteria

UDC Code Section 5.5.515.D

D. Development Plan Review Criteria

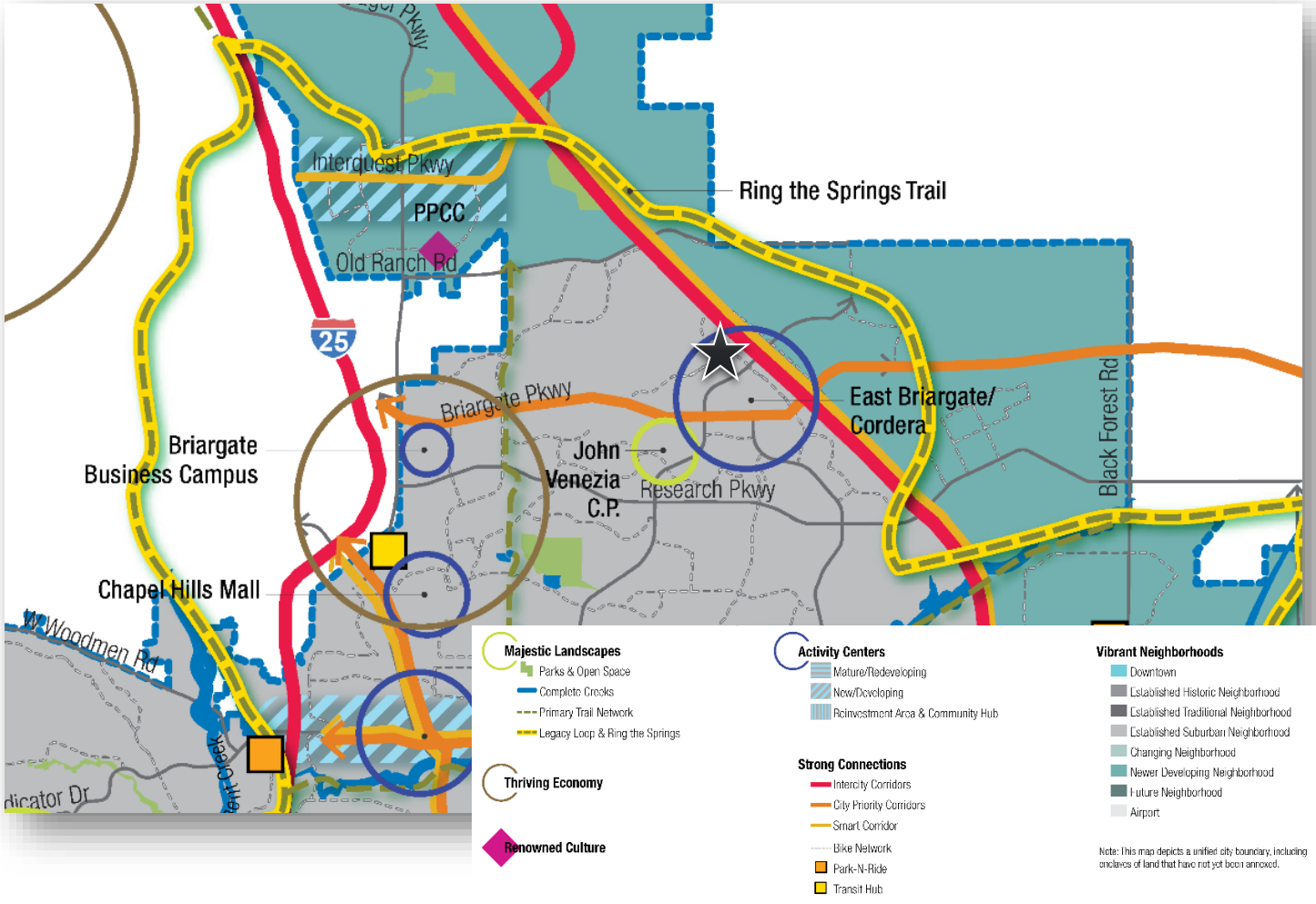
1. General The decision-making body shall review the Development Plan application or amendment and approve with conditions, or deny the application based on the following criteria:

- a. The decision-making criteria in Section 7.5.409 (General Criteria for Approval) apply unless modified by this Subsection 4;
- b. The application complies with all applicable Use-specific standards in Part 7.3.3 related to the proposed use(s);
- c. The details of the site design, building location, orientation, and exterior building materials are compatible and harmonious with the surrounding neighborhood, buildings, and uses, including not-yet-developed uses identified in approved Development Plans;
- d. Significant off-site impacts reasonably anticipated as a result of the project are mitigated or offset to the extent proportional and practicable;
- e. The Development Plan substantially complies with any City-adopted plans that are applicable to the site, such as Land Use Plans, approved master plans for a specific development, neighborhood plans, corridor plans, facilities plans, urban renewal plans, or design manuals;
- f. The project meets dimensional standards applicable to the zone district, or any applicable requirement in an FBZ or PDZ district;
- g. The project grading, drainage, flood protection, stormwater quality, and stormwater mitigation comply with the City's Engineering Criteria, the drainage report prepared for the project on file with the Stormwater Enterprise Manager, and other federal, state, and City regulations;
- h. The project complies with all the development standards of Article 7.4 (Development Standards and Incentives), including access and connectivity requirements in Part 7.4.4 (Access and Connectivity), the landscaping and green space requirements in Part 7.4.9 (Landscaping and Green Space), and the parking and loading requirements in Part 7.4.10 (Parking and Loading);
- i. The project complies with all applicable requirements of any Overlay District in which the property is located, as listed in Part 7.2.6 (Overlay Districts);
- j. The project preserves, protects, integrates, or mitigates impacts to any identified sensitive or hazardous natural features associated with the site;
- k. The project connects to or extends adequate public utilities to the site. As required by Colorado Springs Utilities, the project will extend the utilities to connect to surrounding properties; and
- l. If necessary to address increased impacts on existing roadways and intersections, the project includes roadway and intersection improvements to provide for safe and efficient movement of multi-modal traffic, pedestrians, and emergency vehicles in accordance with the Engineering Criteria, public safety needs for ingress and egress, and a City accepted traffic impact study, if required, prepared for the project.

This application complies with the UDC, engineering and utility standards, all prior approvals, and other applicable regulations, including use-specific standards. The planned site is harmonious with the surround neighborhood, buildings, and uses. Off-site impacts are being mitigated, including through the creation of a drainage plan. The Development Plan complies with all City-adopted plans and meets dimensional standards of the zone district. The grading, drainage, flood protection, stormwater quality, and stormwater mitigation comply with all regulations and plans. The project complies with the development standards of the UDC. There are no sensitive or hazardous natural features associated with the site. The development extends public utilities to the site and will extend to surrounding properties. No roadway or intersection improvements are required, per the City-accepted Traffic Impact Study.

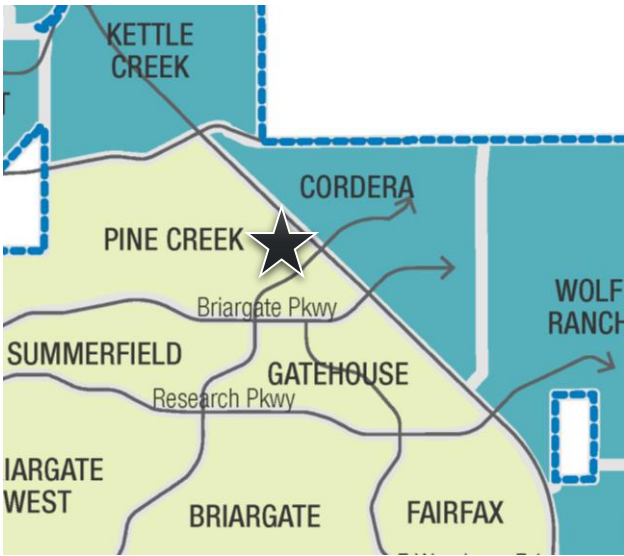
Compliance with PlanCOS

PlanCOS Vision



Staff evaluated the proposed application for conformance with the City’s current comprehensive plan (herein referred to as “PlanCOS”), adopted in January 2019. According to PlanCOS, the project site is within an “Established Suburban Neighborhood” and adjacent to an “Intercity Corridor.” It is adjacent to a “Newly Developing Neighborhood” and is within the East Briargate/Cordera Activity Center.

Staff finds the proposed residential development to be substantially in compliance with the goals, policies, and strategies within PlanCOS.

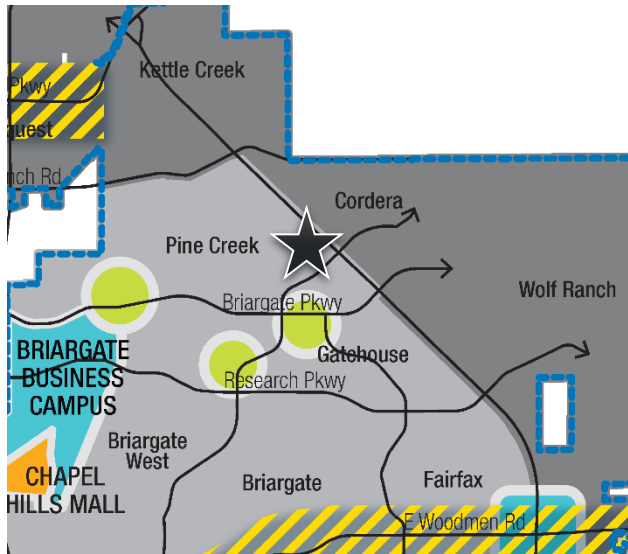


Predominant Typology

- Downtown
- Newer Developing Neighborhood
- Changing Neighborhood
- Established Historic Neighborhood
- Established Traditional Neighborhood
- Established Suburban Neighborhood
- Airport
- Future Neighborhood

Vibrant Neighborhoods

Vibrant Neighborhoods chapter neighborhood typology 1: Established Neighborhoods recommends supporting the neighborhood’s ongoing investment. While they do not expect high levels of land use changes, they should expect some degree of infill and redevelopment. The Traffic Impact Study shows that the traffic generated by this development will be less than what could’ve been expected from a previously allowed commercial development. The project is strongly supported by Big Ideas “Everyone in a Neighborhood” and “Housing for All” and majority of their subsequent goals and policies.

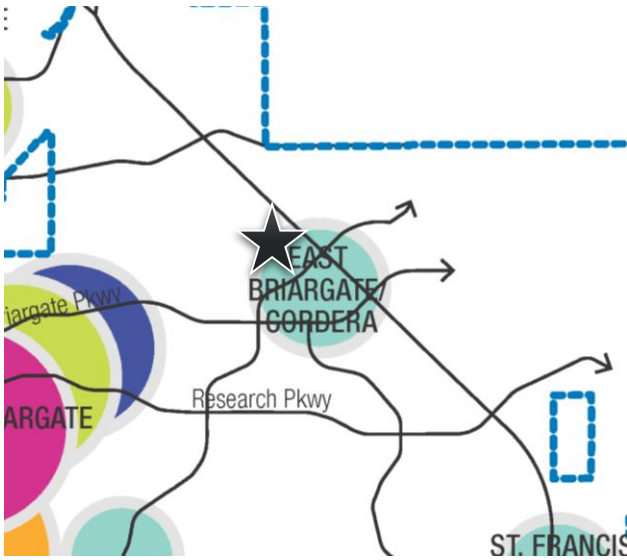


Predominant Typology

- Neighborhood Centers
- Community Activity Centers
- Entertainment and Commercial Centers
- Regional Employment and Activity Centers
- Downtown
- Mature/Redeveloping Corridors
- New/Developing Corridors
- Reinvestment Area and Community Hub

Unique Places

A Big Idea of the Unique Places chapter specifically calls to “Embrace Creative Infill, Adaptation and Land Use Change”. Infill is defined as “development of vacant land within previously built areas”. The goal of this theme is to embrace thoughtful, targeted, forward-thinking changes in land use by using strategies like redevelopment opportunities in underutilized areas and support of potential infill projects. Developable land surrounding the project area is built out, the potential residential development meets the definition of infill per this plan which encourages the support of land use change when appropriate. By being built at the corner of Union Boulevard and Powers Boulevard, this project also meets the “Focus on Corridors and Centers” Big Idea.

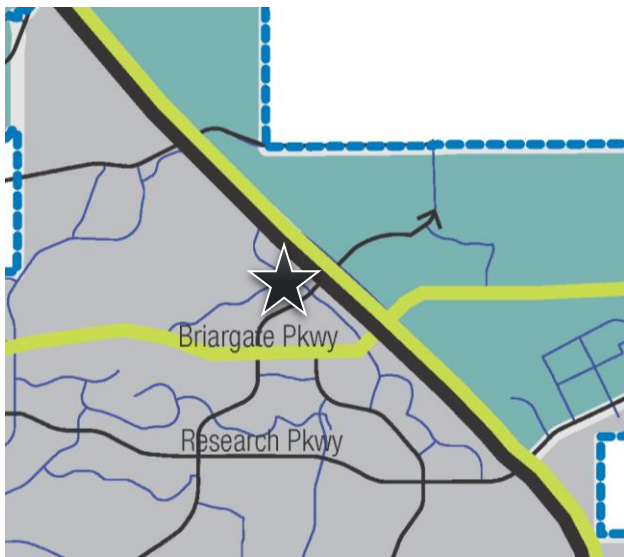


Thriving Economy

The project is squarely within the East Briargate/Cordera Activity Center, which is considered part of the “Cornerstone Institutions” typology. This typology suggests diversifying housing types and integrating the institutions within the larger community, both of which are accomplished through the construction of multi-family housing. This development promotes the “Embrace Sustainability” Big Idea by virtue of being a higher density development, which will allow the city to save money on infrastructure costs.

Predominant Typology

- Cornerstone Institutions
- Life and Style
- Spinoffs and Startups
- Industry Icons
- The Experience Economy
- Critical Support
- City Boundary
- Interstate 25
- Major Roads

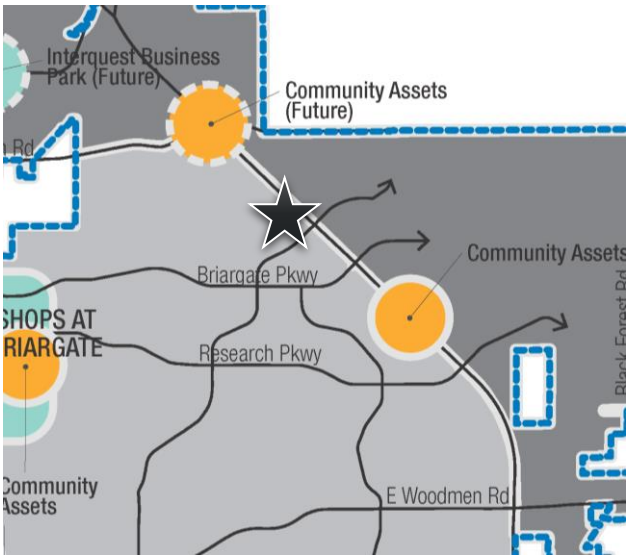


Strong Connections

This project is located within the “Developing/Recent Suburban Streets” typology area. This typology recommends strengthening connections with the trail and sidewalk network, which this development accomplishes by connecting to a trail along Union Boulevard as well as sidewalks along Royal Pine Drive. The road used to access the development, Royal Pine Drive, is currently under moratorium, as it was just repaved. The property directly abuts Powers Boulevard, which is a “Smart Corridor,” as well as Union Boulevard, which is a “Multimodal Corridor.” By being near these important corridors, the project is meeting the goals of the “Connect Multimodal Transportation” Big Idea.

Predominant Typology

- Urban Core Streets
- Smart Corridors
- Transportation Hubs
- Established Suburban Streets
- Multimodal Corridors
- Park-N-Rides
- Developing Suburban Streets
- Bike Master Plan Network
- Major Destination Areas
- Future Streets

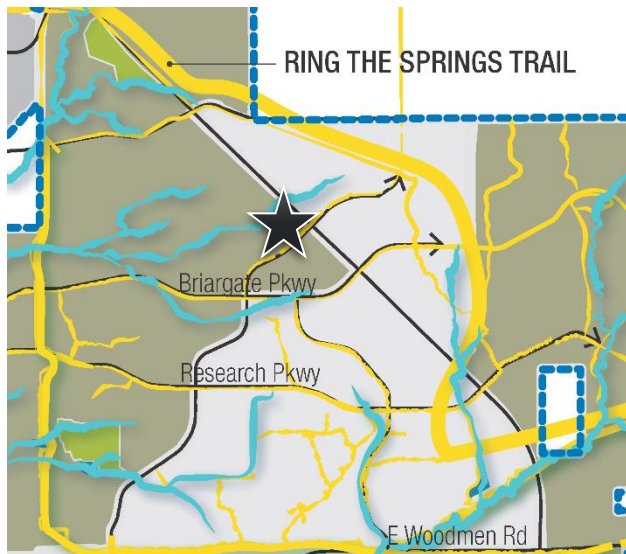


Renowned Culture

The property is in a “Pop-Up Culture” typology area. This is an area which provides support for community events without being a cultural hub. With active green space throughout the development, including a community garden is intended to engage residents of all ages and backgrounds.

Predominant Typology

- Defining Institutions
- Historic Districts
- Creative Districts and Corridors
- Cultural and Tourist Attractions
- Community Assets
- Pop-Up Culture



Majestic Landscapes

This development is planned in a “Sports and Active Recreation” typology area. While there is no public park on the property, there are several outdoor private amenities that qualify as active open space, as well as a connection to a trail running along Union Boulevard. By providing these, the project meets the recommendations of this typology area. In addition, the development follows the goals of the “Engaging with Our Landscapes” Big Idea.

Predominant Typology

- Neighborhood Greenspace
- Sports and Active Recreation
- Natural Resources and Regional Recreation
- Community Education Landscapes
- Trails and Connections
- ➔ Major Trail Corridors
- Complete Urban Creeks
- Complete Greenways

Statement of Compliance

COPN-23-0015

After evaluation of the Market at Pine Creek Concept Plan amendment, the application meets the review criteria.

DEPN-23-0141

After evaluation of the Royal Pine Apartments Development Plan, the application meets the review criteria.