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## BURGERWORKS – EAST FILLMORE STREET

### PROJECT STATEMENT

**APRIL 2022, JULY 2022**

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### REQUEST

N.E.S. Inc. on behalf of BurgerWorks Colorado LLC. requests approval of the following applications:

1. Zone Change from M-1 to C-5.
2. Development Plan for a fast-food restaurant on 1.273-Acres.
3. Final Plat of CPRE Replat, a one lot subdivision.

### LOCATION

The site is located North of E. Fillmore Street between N. El Paso Street and Grandview Street, bounded on the south by E. Fillmore Street, on the west by N. El Paso Street, on the east by Grandview Street,



and on the north by a commercial business. The 1.273-Acres property is occupied by older commercial buildings which will be removed in conjunction with the project.

The property is comprised of four (4) lots, three are zoned C-5, Intermediate Business, the fourth lot in the northeast corner, is zoned M-1, Light Industrial. Surrounding zoning include C-5 to the west, C-5 and M-1 to north and east, and M-1 to the south.



## PROJECT DESCRIPTION

The proposed Development Plan for a 3,785 square foot Fast-Food Restaurant will accompany the Zone Change of the property from M-1 to C-5. Fast-Food Restaurant is a permitted use in the C-5 zoning district. The site will have two access points, Grandview Street, and the existing alley at the north end of the site, both of which will allow fire truck circulation throughout the site. E. Fillmore Street, a Major Arterial on the City's Thoroughfare Plan, will have a 25' building and landscape setback. N. El Paso Street and Grandview Street will have a 10' landscaped setback, which will also be the building setback. The proposed building will have a maximum height of 20' – 8" well below the 45' maximum standard.

The project provides 37 off-street parking stalls, including 2 ADA spaces (1 van accessible) to serve the development. Based on a City Code requirement of one parking space per 100 sf of gross floor area, the development generates a parking requirement of 38 surface parking spaces including 2 ADA (1 Van Accessible) spaces. The property has proximity to a bus stop which is within 400-feet by direct

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pedestrian access, and N. El Paso Street is a bike route, therefore, a 10% reduction in required parking has been applied, for a total parking requirement of 35 spaces. All parking stalls meet the minimum dimensional standards as required by city code. A dual drive thru lane is provided on the west side of the building, and a distance of 91-feet between the order board and the pick-up window is provided for each lane. A full spectrum detention pond and water quality pond will be located along N. El Paso Street and E. Fillmore Street within the required landscape setbacks.

### **Final Plat**

The property is comprised of four platted lots that will be replatted as CPRE REPLAT, a one-lot commercial subdivision. The Final Plat of CPRE Replat meets all the requirements of the subdivision regulations as set out in Section 7.7.303 of the Colorado Springs City Code.

## **PROJECT JUSTIFICATION**

### **CONFORMANCE WITH ZONING CHANGE CRITERIA (SECTION 7.5.603.B)**

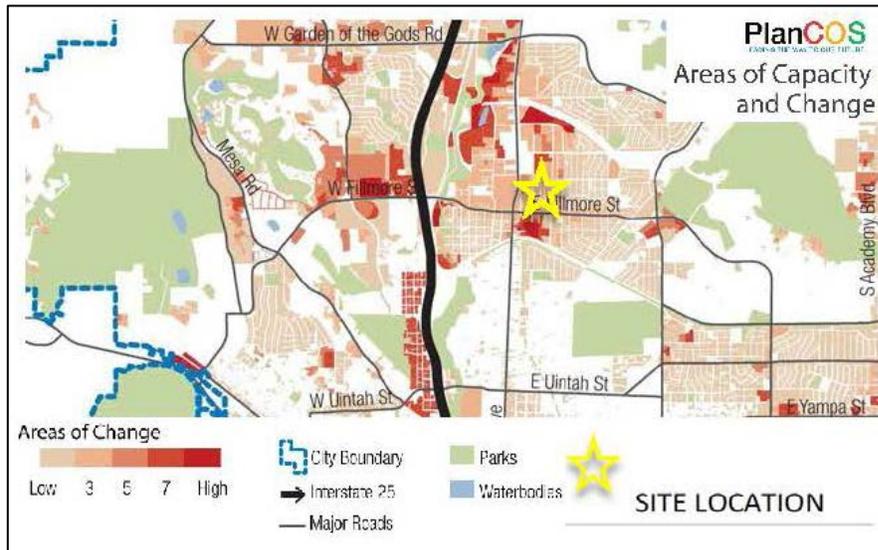
**1. THE ACTION WILL NOT BE DETRIMENTAL TO THE PUBLIC INTEREST, HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE.**

The Zone Change, as proposed, will not be detrimental to public interest, health, safety, convenience, or general welfare. The applicant is requesting to rezone a portion of the property from M-1 (Light Industrial) to C-5, (Intermediate Business), with the intent to develop a fast-food restaurant. The entire block, except for the portion proposed for rezoning, is zoned C-5, so use of the property for commercial purposes is consistent with existing zoning and uses in the area. Further, the development property will be unified as one lot with a single fast-food use. The use proposed on the subject property will be less intense than that which could develop on the industrial lot combined with three commercial lots, and there is a greater rear setback in the C-5 district which will provide additional buffer between the proposed development and adjacent uses. The commercial use will not impact air quality, create discharge or excessive noise that would negatively impact the community.

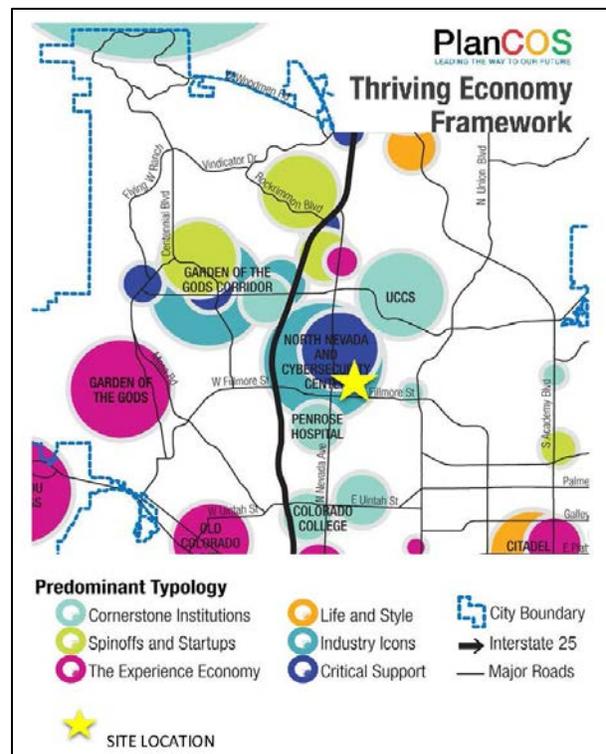
**2. THE PROPOSAL IS CONSISTENT WITH THE GOALS AND POLICIES OF THE COMPREHENSIVE PLAN.**

The Plan COS Vision Map and Areas of Change Map identify the property and the surrounding area as an area of moderate change along a major road. The Plan identifies “an integrated mix of land uses” as a common desired element in neighborhoods.

Rezoning of the property to allow a commercial use such as a fast-food restaurant will add to the mix of land uses in the neighborhood.



PlanCOS Vibrant Neighborhoods Chapter also identifies the project area as a Changing Neighborhood. According to the Plan, these neighborhoods will expect to see more infill and redevelopment than other areas of the City. Recommendations for changing neighborhoods include “redevelop or repurpose declining commercial buildings”, and “retrofit, reinvent, and introduce new features to enhance the identity, quality, affordability, and attractiveness of these neighborhoods.” PlanCOS Policy VN-3.C encourages the promotion of neighborhood-level shopping and service options to include a variety of healthy food markets, coffee houses, restaurants, and other supportive businesses that increase local access and walkability. PlanCOS Policy VN-3.E, promotes the encouragement and support of the integration of mixed-use development in neighborhoods. The Thriving Economy chapter of PlanCOS identifies the subject area as adjacent to Industry Icons (North Nevada and Cybersecurity Center), Cornerstone



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Institutions (Penrose Hospital), and a Critical Support area (CSU Power Plant). The goal of the Industry Icons typology is “to maintain and grow a diversified primary employment and manufacturing economy that attracts investment and provides a variety of jobs and opportunities for the local workforce.” A commercial property with a fast-food restaurant is a supportive land use to those employees working and living in the area. Recommendations of this typology include providing transition to residential areas, which the commercial property will provide. Policy TE-4.A identifies strategies to “prioritize development within the existing City boundaries and built environment by encouraging “revitalization and infill in underutilized urban places (Strategy TE-4.A-1)” and “ensure land use regulations allow for increased density in areas identified for this”. The goals of Critical Support Areas and Cornerstone Institutions are not overly applicable here, however, additional restaurant options in the neighborhood will support the workforce for these entities.

- 3. WHERE A MASTER PLAN EXISTS, THE PROPOSAL IS CONSISTENT WITH SUCH PLAN OR AN APPROVED AMENDMENT TO SUCH PLAN. MASTER PLANS THAT HAVE BEEN CLASSIFIED AS IMPLEMENTED DO NOT HAVE TO BE AMENDED IN ORDER TO BE CONSIDERED CONSISTENT WITH A ZONE CHANGE REQUEST.**

There is no Master Plan for this area.

- 4. FOR MU ZONE DISTRICTS THE PROPOSAL IS CONSISTENT WITH ANY LOCATIONAL CRITERIA FOR THE ESTABLISHMENT OF THE ZONE DISTRICT, AS STATED IN ARTICLE 3, "LAND USE ZONING DISTRICTS", OF THIS CHAPTER. (ORD. 94-107; ORD. 97-111; ORD. 01-42; ORD. 03-157; ORD. 12-76)**

No MU Zone district exists on this site nor is one proposed.

#### **CONFORMANCE WITH DEVELOPMENT PLAN CRITERIA (CODE SECTION 7.5.502.E)**

- 1. THE DETAILS OF THE USE, 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.**

The proposed development is compatible with the adjacent existing commercial uses, which include gas/convenience to the east, south, and west; as well as other fast-food establishments and service businesses.

- 2. THE DEVELOPMENT PLAN SUBSTANTIALLY COMPLIES WITH ANY CITY- ADOPTED PLANS THAT ARE APPLICABLE TO THE SITE, SUCH AS MASTER PLANS, NEIGHBORHOOD PLANS, CORRIDOR PLANS, FACILITIES PLANS, URBAN RENEWAL PLANS, OR DESIGN MANUALS.**

There are no special or specific plans that apply to the property. The development is compliant with PlanCOS, as indicated in #2 of the Zone Change criteria above.

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**3. THE PROJECT MEETS DIMENSIONAL STANDARDS, SUCH AS BUT NOT LIMITED TO, BUILDING SETBACKS, BUILDING HEIGHT AND BUILDING AREA SET FORTH IN THIS CHAPTER, OR ANY APPLICABLE FBZ OR PUD REQUIREMENT.**

This project meets the C-5 zoning standards of the zoning code including minimum setbacks of 25-feet along E. Fillmore Street, and 20-feet along the rear/north property line. Landscape setbacks will be required along E. Fillmore Street (25') and N. El Paso and Grandview Street (10'). The proposed building will be roughly 20'-8" in height well below the 45' maximum requirement.

**4. THE PROJECT GRADING, DRAINAGE, FLOOD PROTECTION, STORMWATER QUALITY AND STORMWATER MITIGATION COMPLY WITH THE CITY'S DRAINAGE CRITERIA MANUAL AND THE DRAINAGE REPORT PREPARED FOR THE PROJECT ON FILE WITH THE CITY ENGINEERING DEPARTMENT.**

A Drainage Report has been submitted in accordance with the City Drainage Criteria by Wallace Design Collective. A full spectrum detention facility and water quality control is provided within the landscape setback areas on the west and south sides of the property.

**5. THE PROJECT PROVIDES OFF-STREET PARKING AS REQUIRED BY THIS CHAPTER, OR A COMBINATION OF OFF-STREET OR ON-STREET PARKING AS PERMITTED BY THIS CHAPTER.**

The project provides 37 off-street parking stalls, including 2 ADA spaces (1 van accessible) to serve the development. Based on a City Code requirement of one parking space per 100 sf of gross floor area, the development generates a parking requirement of 38 surface parking spaces including 2 ADA (1 Van Accessible) spaces. The property has proximity to a bus stop which is within 400-feet by direct pedestrian access, and N. El Paso Street is a bike route, therefore, a 10% reduction in required parking has been applied, for a total parking requirement of 35 spaces. All parking stalls meet the minimum dimensional standards as required by city code. A dual drive thru lane is provided on the west side of the building, and a distance of 91-feet between the order board and the pick-up window is provided for each lane.

**6. ALL PARKING STALLS, DRIVE AISLES, LOADING/UNLOADING AREAS, AND WASTE REMOVAL AREAS MEET THE LOCATION AND DIMENSION STANDARDS SET FORTH BY THIS CHAPTER.**

All parking stalls and waste removal areas meet the location and dimensional standards as specified in the zoning code. The internal drives are a minimum of 25-feet between parking stalls, and as much as 32-feet, nine-inches along the east side of the property, both of which meet the minimum requirements for parking drive aisles and will accommodate emergency vehicles. A distance of 91-feet has been provided between the order board and pick-up window meeting the zoning code standards.

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**7. THE PROJECT PROVIDES LANDSCAPED AREAS, LANDSCAPE BUFFERS, AND LANDSCAPE MATERIALS AS SET FORTH IN THIS CHAPTER AND THE LANDSCAPE DESIGN MANUAL.**

The project meets the standards outlined in City Code and the Landscape Design Manual including all internal, motor vehicle, and landscape setback requirements. A Landscape screen of evergreen shrubs has been provided on the east and west boundary adjacent to the proposed parking.

**8. THE PROJECT PRESERVES, PROTECTS, INTEGRATES OR MITIGATES IMPACTS TO ANY IDENTIFIED SENSITIVE OR HAZARDOUS NATURAL FEATURES ASSOCIATED WITH THE SITE.**

There are no identified sensitive or hazardous natural features associated with this site.

**9. THE BUILDING LOCATION AND SITE DESIGN PROVIDE FOR SAFE, CONVENIENT AND ADA-ACCESSIBLE PEDESTRIAN, VEHICULAR, BICYCLE, AND APPLICABLE TRANSIT FACILITIES AND CIRCULATION.**

Accessible parking is provided in accordance with the code requirements and includes 2 accessible spaces, of which 1 is a van accessible space. An accessible pedestrian route is identified on the development plan.

**10. THE NUMBER, LOCATION, DIMENSION AND DESIGN OF DRIVEWAYS TO THE SITE SUBSTANTIALLY COMPLY WITH THE CITY'S TRAFFIC CRITERIA MANUAL. TO THE EXTENT PRACTICABLE, THE PROJECT SHARES DRIVEWAYS AND CONNECTS TO DRIVE AISLES OF ADJOINING DEVELOPMENTS.**

Two access drives will serve the property, one from Grandview Street at the south end of the property, and one from the alley at the north end of the property. The internal drives are a minimum of 25-feet wide, and as much as 32-feet, 9-inches, which meets the minimum requirements for parking drive aisles and accommodates emergency vehicles. Fire access has been reviewed with the Fire Department, and adequate fire access is provided to the proposed building and internal drives will be marked as fire lanes where needed.

**11. 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.**

A preliminary utility plan has been provided showing exact locations of all lines and facilities.

**12. 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 CITY'S TRAFFIC CRITERIA MANUAL, PUBLIC SAFETY NEEDS FOR INGRESS AND EGRESS AND A CITY ACCEPTED TRAFFIC IMPACT STUDY, IF REQUIRED, PREPARED FOR THE PROJECT.**

The two access points are designed in accordance with criteria and provide for adequate and safe vehicular ingress and egress. Per discussions with City Traffic Engineering, 351' of on-site stacking has been provided for the drive-thru lanes.

**13. SIGNIFICANT OFF-SITE IMPACTS REASONABLY ANTICIPATED AS A RESULT OF THE PROJECT ARE MITIGATED OR OFFSET TO THE EXTENT PROPORTIONAL AND PRACTICABLE. IMPACTS MAY INCLUDE, BUT ARE NOT LIMITED TO LIGHT, ODOR AND NOISE.**

All site lighting is full cut off (General Note #1) and will not impact adjacent right-of-way. Further, landscape screening has been provided along the east and west boundaries of the site. While the proposed use will generate expected noise and odors associated with a fast-food restaurant, there is one commercial property between this use and the closest residential use to the north. There are no residential uses immediately to the south, east, or west, however there is a residential use to the northeast, across Grandview Street. The ordering boards face away from the adjacent residential zoning.