

Project Summary

The Applicant proposes a new mixed-use development on approximately seven (7) acres at the southwest corner of N. Academy Blvd. and Maizeland Road (the "Property"). The Property is a vacant and recognizable city block which has never been developed. The Property was rezoned in October 1988 from R-5 to the current zoning of PBC-CR (Conditions of Record). The Conditions of Record (attached) impose height and other limitations as well as prohibiting approximately twenty two (22) uses for the Property. Uses which if not for the Conditions of Record are legal uses and would be permitted uses under the current City definition of PBC zoning. Although a very general concept plan was discussed at the time of re-zoning (1988) and circulated among the City, neighbors and Property Owner, the Applicant does not believe there was ever a formally adopted Concept Plan.

At this time, the Principal Landowner has deceased and the Property is now owned and controlled by the heirs of the previous Principal Owner. The Applicant is under contract to purchase the property from the Landowner.

At the time of the rezoning the Landowner negotiated with the City and nearby residents to establish the certain Conditions of Record. In 1988 the Landowner anticipated developing the Property primarily as office and/or service uses which was arguably the highest and best use for the Property and at the time adequate market demand existed for such uses. However, with the passage of almost thirty years the Landowner and Applicant believe market conditions have changed. As a result, office development in the area is no longer in demand and the immediate area is characterized by higher than average vacancy in the commercial/retail/service sector. The Academy Blvd. corridor is showing signs of tiredness, blight, characterized by vacant and run-down commercial buildings.

Today many of the uses currently prohibited by the Conditions of Record are **appropriate for the demographic, fulfill current market demand and are in fact are the highest and best use for the Property**. The passage of almost three decades and the natural evolution of market demand has changed the complexion and usability of the property. The fact is that the conditions of record represent undue market constraint of the Property for the current landowner.

Request by Applicant

The Applicant is requesting that the Conditions of Record be Amended to permit the development of a Carl's Jr. Restaurant, Kum & Go Convenience Store and Your Storage Center on the property. Specifically, the Applicant proposes that the following be stricken as prohibited uses:

1. Fast Food Restaurants.
2. Drive thru Food.
3. Gasoline Pumps.
4. Mini-warehouses aka Self-storage.

Provided the above uses can be permitted on the Property, the Applicant further proposes that the Conditions of Record be Amended to include the following as prohibited uses from the property:

1. Sale or use of marijuana (either medicinal or recreational).
2. Tattoo parlor.

The proposed development is well conceived for several reasons. First, the uses proposed for that portion of the Property fronting Academy Blvd. are high traffic generating commercial uses including Kum& Go Convenience (approximately 2 acres), Carl’s Jr. Restaurant (approximately 1 acre). The rear of the property transitions to a low traffic generator, Your Storage Center (approximately 4 acres) which provides the perfect buffer to the adjacent residential neighborhood.

In addition, the Conditions of Record and extensive discussions with the neighbors (several meetings over two years) identify certain concerns and development priorities of the neighborhood which the Applicant has attempted to mitigate. For example, the proposed plan excludes any ingress/egress via the adjacent residential streets (Sussex Ln. and Alpine Pl.) The proposed plan incorporates access on Academy Blvd. and Maizeland Rd. exclusively. Also, the plan mitigates what has been experienced as a drainage/flooding by storm water management on the Property. Additionally, the Applicant’s plan mitigates noise and traffic concerns of the neighbors by incorporating self-storage on the rear of the of the property. Self-storage has historically proven to be one of the quietest and lowest traffic generators of all commercial uses. The presence and placement of the self-storage facility will greatly diminish the existing noise currently emitted from Academy Blvd. and Maizeland Road. Further, the self-storage is a perimeter secure facility with access limited to customers. A resident manager and state of the art security system including cameras across the property further ensure security and safety on the majority of the property.

The proposed Development meets or exceeds certain City design standards including exceptional perimeter landscaping and screening to adjacent residential. All three uses of the property are planning to showcase their newest and best facilities on the property. In addition, the Applicant will show that the proposed development meets the majority of the development criteria set forth in both the “Great Streets Plan” (2011) and the City “Comprehensive Infill Supplement” (2016). Furthermore, as additional incentive for quality development and cooperation with the City of Colorado Springs, the Applicant is proposing a contribution in both land and \$50,000. to the City in order to create a unique impact at the high visibility intersection of Academy and Maizeland. For example, the Applicant envisions a landscaping feature and signage identifying the City of Colorado Springs.

Compliance with Great Streets

Taken from the Great Streets Plan:

“A key element of this Plan is a series of questions that should be asked of and responded to by all private development or public investment proposals of any consequence with a potential impact on the Corridor. Activities and projects with a preponderance of affirmative responses to these questions would be consistent with the vision, goals, and objectives of the Academy Boulevard Corridor. “

“Questions to Be Asked of all Proposals Affecting the Corridor”

1. Will this result in or support population and/or employment density, and preferably both, focused toward the Corridor and its emerging nodes and robust transit facilities? The proposed development will support the population including residents and employers in the corridor by providing essential services without undue transit to obtain those goods and services outside the immediate area. Definition: A transit system designed and operated with sustainably high levels of service and with fixed stations and stops, along with other facilities and amenities of a quality, permanence, There is already a bus stop at the property which is underutilized. The proposed development will support robust transit facilities particularly if the City chooses to expand bus service at the intersection. The ROW is significant and can be expanded if the city so chooses. The businesses proposed will provide services currently not provided (or outdated) in the immediate area which goods will be pedestrian accessible. It is estimated that approximately 20% of the 52 new employees will utilize the existing bus service on a daily basis.
2. Will this promote horizontal and/or vertical mixed uses especially in association with nodes and transit facilities? **Node** – A well-interconnected concentration of land use density and activity typically in proximity with high capacity roadway networks and/or robust transit, and often including mixed uses. The proposed uses do indeed support and demonstrate horizontal mixed use development. Given that this is an heavily trafficked intersection of east-west and north-south roadways, the presence of gas, food, other staples and City transit demonstrates well interconnected transportation and services. The Kum & Go and Carls are uses that will be utilized by non-automobile residents (i.e. pedestrian, cyclists, bus.)
3. Will this contribute toward reducing the perceptual width of the Academy Boulevard and/or enhance its attractiveness as a multi-modal Corridor? Yes, by developing an undeveloped city block including quality streetscape and enhanced transit, the effect will be to reduce the perceptual width of Academy Blvd. Also, employing a development standard unmatched in the immediate area creates attractiveness. Finally, there exists enough ROW and an existing bus stop that can be upgraded and enhanced.
4. Will this encourage or allow for multi-modal transportation options and access? Yes, auto, pedestrian, bus, and bicycle.
5. Will this enhance local street and non-motorized connectivity between and among businesses, neighborhoods, and the Corridor, and in particular will it promote a more walkable community? Yes, the proposed development will provide sidewalks around the perimeter of the block which currently do not exist. Such improvement will connect the surrounding neighborhood and Palmer Park. The presence of Kum & Go will provide staples which residents currently must go

several blocks to obtain and will be an important source of goods and services for users of Palmer Park (water, sunscreen, food, etc.)

6. Will this positively contribute to a more attractive, functional, vital and secure public realm? Yes due to the fact that the project design is new and landscaped well beyond what is currently present in the area. Furthermore, the businesses will be implementing architecture which is new, contemporary and fresh. Functional? Yes as it ties together two essential streets and Palmer Park. Yes because the services offered are vital to the population. Secure? Yes. All users of the property have established security protocol in place, are well lit and staffed. The Self- Storage is state of the art and is perhaps the most secure use possible.

7. Will this support Neighborhood Oriented Development, as defined in this Plan, including supporting the employment, service, transportation and community development needs of existing and future residents, and will it contribute to neighborhood identity and engagement? The design compliments the residential neighborhoods in the vicinity by meeting their most important development concerns (low traffic, low noise, screening, security and safety). Also, the businesses directly support the needs of local residents by providing STAPLE GOODS. The self-storage provides a necessary service as many homeowners and renters in the immediate area require supplemental storage for their possessions. The combined employment of all the businesses of the development will be approximately 52 people.

The self-storage industry has evolved to an essential community amenity primarily both business and residential customers within a 1.5 mile radius of the facility. Typical customers of a self-storage facility very closely reflect the demographic of the immediate area. Customers for the planned facility will largely be residents (homeowners and apartment occupants) storing personal items previously stored in their homes and garages. Self-storage has become a vital friend to the covenanted community!

8. Will this encourage the retention and expansion of existing businesses within the Corridor and primary or professional employment in particular? New quality development such as planned will indeed breed confidence in the corridor and thereby encourage expansion, capital re-investment in the form of remodeling and retention.

9. Will this result in and/or likely attract new business investment to this area, attract customers from throughout the region and contribute to an enhanced tax base within the Corridor? Yes, the presence of new, quality, state of the art development will demonstrate tangible confidence in the area and likely encourage other business in the area to "step up their game" in the form of investment. Customers will be not necessarily be attracted from throughout the region, however this development will serve to support Palmer Park which is indeed a regional attractor.

The property is near the main entrance of Palmer Park and walkable from the largest parking lot and activity center of the Park. Kum & Go and Carl's Jr. will support the visitors to the park since no food, water or other necessities are offered in the Park. All three businesses will contribute to the tax base. All three businesses are characterized by repeat customer bases rather than occasional or one time customers.

10. Can this be expected to improve public safety and security within the Corridor? Yes, the presence of three new businesses occupying previously vacant land does inherently create a more secure environment by creating activity and incorporating lighting, 24 hour employment and security cameras.

The Self-storage particularly adds to the level of security with a resident manager, secure facility and a number of security cameras.

11. Is it likely that the project or action will result in a long term public service and fiscal benefit to the Corridor and/or the general City through any net-positive combination of leveraged public investments, increased revenues available for facilities and services benefitting the public, reduced public service and facility costs, and improved public service efficiency? Affirmative. First, the businesses provide goods services *in demand* by the neighboring community and thereby a fiscal benefit to the City via taxation. The development will be a combined direct capital investment of approximately \$11,000,000. If the City chooses to enhance/expand the bus service at the development this will improve public transportation service efficiency. Furthermore, City utilities are currently serving all areas around the property but by not having development on the site, revenue is not being realized from an entire City block.

12. For projects and actions that do not positively respond to many of the above questions, and especially interim activities, can they be accommodated without precluding the ultimate vision for the Corridor? This plan responds with a preponderance of affirmative responses to the above questions. In addition, the capital investment in this declining area, the development of a large un-kept vacant lot, the visual enhancement and improvement of a tired intersection, the presence of proven and substantial tax generating businesses, the opportunity to enhance multi-modal transportation at this primary intersection all enhance the ultimate vision of the corridor.

Compliance with the City Comprehensive Infill Plan (“Plan”)

The plan indicates that Density and Mixed use are important. The planned development will indeed implement mixed use and increase commercial density. However, an increase in residential density is not warranted on this Property. Single family housing is inappropriate and not economically feasible. The immediate area is near saturated with apartments nor would class B-C apartments (demographically appropriate) and the density created thereby be well received by the neighbors.

Quote Plan: “Increases in density should be location and context sensitive and be connected and integrated with surrounding uses. Infill and redevelopment can add value without contributing to density, especially if uses are mixed and well integrated. Additional density is not appropriate for all locations and circumstances...”

Therefore, the Applicant does not believe that increased residential development is context sensitive nor desirable and the proposed Development will not seek to increase residential density but rather provide more easily accessible services to the area.

Quote Plan: “Use and density transitions, as well as buffer treatments should be incorporated where appropriate and feasible to address site conditions. Transition and buffers are intended to improve existing land use relationships but should only be required in circumstances where benefits to the surrounding properties and the community are clear and compelling” The proposed development

incorporates what is a perfect buffer between the higher traffic commercial uses on Academy Blvd. and Maizeland and the residential neighborhood. Self-storage as a buffer is quite, secure, low traffic, low profile and a non-obtrusive neighbor and the appropriate buffer.

Quote Plan: "...support the long term viability of the neighborhoods they effect with input from neighbors." "...enhance the viability of multi-modal transportation options including transit use, cycling and walking..." The Applicant has done an exemplary job incorporating the neighbors in the planning and conceptual process via several meetings over a two year period. Much of the input from the neighbors has been integrated into the proposed development and many of the neighbor's concerns have been mitigated.

The Infill Plan sets forth nine "goals" as listed below. As you can see, the proposed development achieves those goals.

1. "Density – achieves context sensitive increases in density." Commercial density will increase because the Property is vacant and the highest and best use for the property is commercial. Residential density will not increase because the subject property is not a desirable residential property nor is it appropriate given the context of the relationship with the concerns of the residential neighbors to limit traffic and ingress/egress to existing residential streets.
2. "Priority – use advances in quality land use mix, design, connectivity and integration to achieve desired results" Regarding land use mix, the presence of self-storage near residential has become more acceptable and has evolved as an essential amenity particularly to covenant controlled communities. Self-storage has become much more architecturally pleasing and integrated with urban design. The customers of any particular self-storage facility closely resemble the demographic of the area it serves. Furthermore, residents near self-storage have discovered that self-storage makes a good neighbor and a great buffer because it is quiet, secure, low traffic, low visual impact reflects the character of the surrounding area.

Regarding connectivity and integration; a review of aerial photography of the property clearly identifies that the current state of the property disrupts the connectivity of the surrounding properties. The proposed development completes a network of pedestrian walkways and will upgrade a tired intersection.

3. "Connectivity- contributes to multi-modal viability allowing for a range of choices for traveling between destinations in the community." The development will bring additional connectivity to an entire city block where none currently exists. Sidewalks will increase pedestrian access to the Property, bus stop, surrounding streets and Palmer Park.
4. "Economic stimulus – catalyzes further development and/or contributes to primary employment." The development of this high-profile location will renew confidence in this declining area by the direct investment of approximately \$11,000,000. and by bringing new,

fresh, state of the art architecture and strong business activity to the Property. The businesses will employ approximately 52 people.

5. "Fiscal efficiency – effectively utilizes existing infrastructure, enabling the city to maintain growth while providing and maintaining higher levels of service." The infrastructure exists for the planned development including city utilities and transit. Currently CSU is generating zero revenue from the existing infrastructure.
6. "Community pride and perception – contributes to the perception of greater safety, security and attractiveness of the community for both residents and visitors." The existing property is a vacant city block. This quality Development will bring attractiveness, vibrancy, activity and interconnectivity to the area which will enhance security where none currently exists.
7. "Reinvestment in priority areas – drives development in the downtown and along mature arterial corridors, aiming to take advantage of the city's existing capacity and development potential and reflect a more dense urban environment." The Development drives development to Academy Blvd. where the City has stated it wants to revitalize the area and target development.
8. "Support of the neighborhoods and placemaking – encourages better integration between neighborhoods and their adjoining communities for a more interconnected and livable city." The Development completes an undeveloped area which for years has been a vacant uncared for block in the continuity of the Academy Blvd. corridor. The completion of this Development enables the neighbors, surrounding businesses and Palmer Park to integrate this currently vacant property into the fabric of the community via pedestrian interconnectivity to the neighborhood and Palmer Park. Further, the goods and services offered by the businesses will be utilized by the residents. The improvements to Alpine Place and Sussex Lane will be pedestrian friendly, create a sense of place and therefore enhance the livability of the area.
9. "Blight relief – addresses substantial redevelopment need in areas or sites experiencing blight or sites that are vacant/underutilized, areas with excess parking capacity and other sites that present an opportunity for conversion to new and/or intensified uses." The city has recognized that the Property lies within an area of the city which is declining and in need of revitalization. The Development is perfectly suited to bring "new and intensified uses" to an area that desperately needs it.

Conclusion:

The subject property in it's current condition is adding to the perception that the immediate area is struggling. Unfortunately, the current zoning and particularly the conditions of record make practical development of the property unlikely thereby perpetuating the status quo. The planned development including the proposed amendment to the conditions of record acknowledge changing market conditions over nearly thirty years. The Applicant has spent considerable time meeting with stakeholders, most importantly the surrounding residential neighbors to address their most ardent concerns and create a plan which blends mitigation of their most important concerns with market reality. Furthermore, the Applicant is putting forth a plan which meets the preponderance of the unique development criteria as set forth in both the "Great Streets" plan and the evolving City Comprehensive Infill Plan.

The Applicant respectfully submits this plan with the belief that not only has it met the technical development requirements but that it has given much thought, consideration and integration of the less tangible objectives of all the stakeholders. The Applicant is proud of the quality and the functionality of the proposed development. Furthermore, the Applicant envisions an opportunity to work closely with the City of Colorado Springs to enhance the City transit system and make a statement at this intersection that the tide is turning in the right direction for this troubled area.

Development Plan Review Criteria.

1. Will the project design be harmonious with surrounding land uses and neighborhood?
The project will match like uses typical of fronting on Academy Blvd. i.e. Kum & Go and Carl's Jr. are like many similar uses fronting Academy Blvd. and common in a PBC Zone. The Self-storage makes a gentle transition from the commercial on Academy to the residential neighborhood behind.
2. Will the proposed uses be compatible with the surrounding neighborhood?
Given the design of the development, it will be compatible with the surrounding neighborhood.
Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities? Negative. The proposed development will not add noticeable volume to traffic in the area; rather the proposed development will capitalize on existing traffic and serve the immediate area. The proposed development will be adequately served by existing utilities adjacent to the project. The proposed development will not be a burden on Palmer Park which is adjacent to the property and is the largest Park in Colorado Springs. No impact on schools or other public facilities.
3. Will structures be located to minimize the impact of their use and bulk on adjacent properties?
Proposed structures are designed to be less than the maximum height in the zone; particularly the self-storage which is lower than much of the surrounding residential. Furthermore, the commercial structures are less bulky and occupy less land area coverage than many uses commonly found in the zone.
4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable noise, lighting or other off site negative influences? Yes, the proposed development has incorporated landscaping, berms, fences and walls to buffer negative influences.
5. Will vehicular access from the project to the streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption? The traffic component of the proposed development is channeled onto Academy Blvd. and Maizeland exclusively and away from adjacent residential streets. The proposed development has adequate ingress/egress on the existing commercial streets.
6. Will all streets and drives provide logical, safe and convenient access to the facilities within the project?
The project exemplifies efficient, logical and adequate access to the facilities within the project.
7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic? Streets within the project will NOT be connected to any non-commercial streets outside the development. Logically, it appears there would be no practical reason for traffic to use surrounding non-commercial streets as through traffic.

8. Will adequately size parking areas be locate throughout the project to provide safe and convenient access to specific facilities? The project provides plenty of parking for the proposed uses. All parking meets or exceeds city standards and user's standards in a convenient logical location.
9. Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design? Yes. All businesses in the proposed development have long standing building and parking design standards to accommodate the handicapped. Each building has very adequate and standardized handicapped parking design.
10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt? Yes, by virtue of a high profile landscape island area at the main entrance from Academy Blvd. and as well as larger than normal landscaping along Academy Blvd.
11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Yes, as the primary pedestrian walk ways will be located on the perimeter of the development and well away from vehicular traffic in the development. The primary pedestrian access being on Academy Blvd. and Maizeland is located so as to have a great deal of landscaping between the pedestrian walkways and the vehicular areas.
12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? The site of the proposed development is particularly void of any desirable natural feature, healthy vegetation slopes, rock outcropping and is an overgrown vacant city block. Thus, the proposed development greatly improves upon the current condition of the property.

Request for Rezoning

The underlying PBC zoning is acceptable for the property and PBC zoning is consistent with commercial zone districts which are common along Academy Blvd. However, the existing Conditions of Record which were negotiated 28 years ago (1988) are no longer relevant given the evolution of the marketplace, the change in demographics of the immediate area and the current highest and best use of the property. Therefore, the Applicant hereby requests the following:

Maintain the existing PBC Zoning and modify the Conditions of Record to permit the uses proposed by applicant which are currently prohibited uses under the conditions of record.

1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.

The modification of the Conditions of Record as requested will NOT be detrimental to the public interest, health, or general welfare to the public. Granting the request of Applicant will enhance the public interest and convenience of the public.

2. The proposal is consistent with the goals and policies of the Comprehensive Plan.

The proposed request is consistent with the goal and policies of the Comprehensive Plan including the Great Streets plan and Infill Plan.

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.

The property has never been developed and there is no master plan currently in place regarding the property.