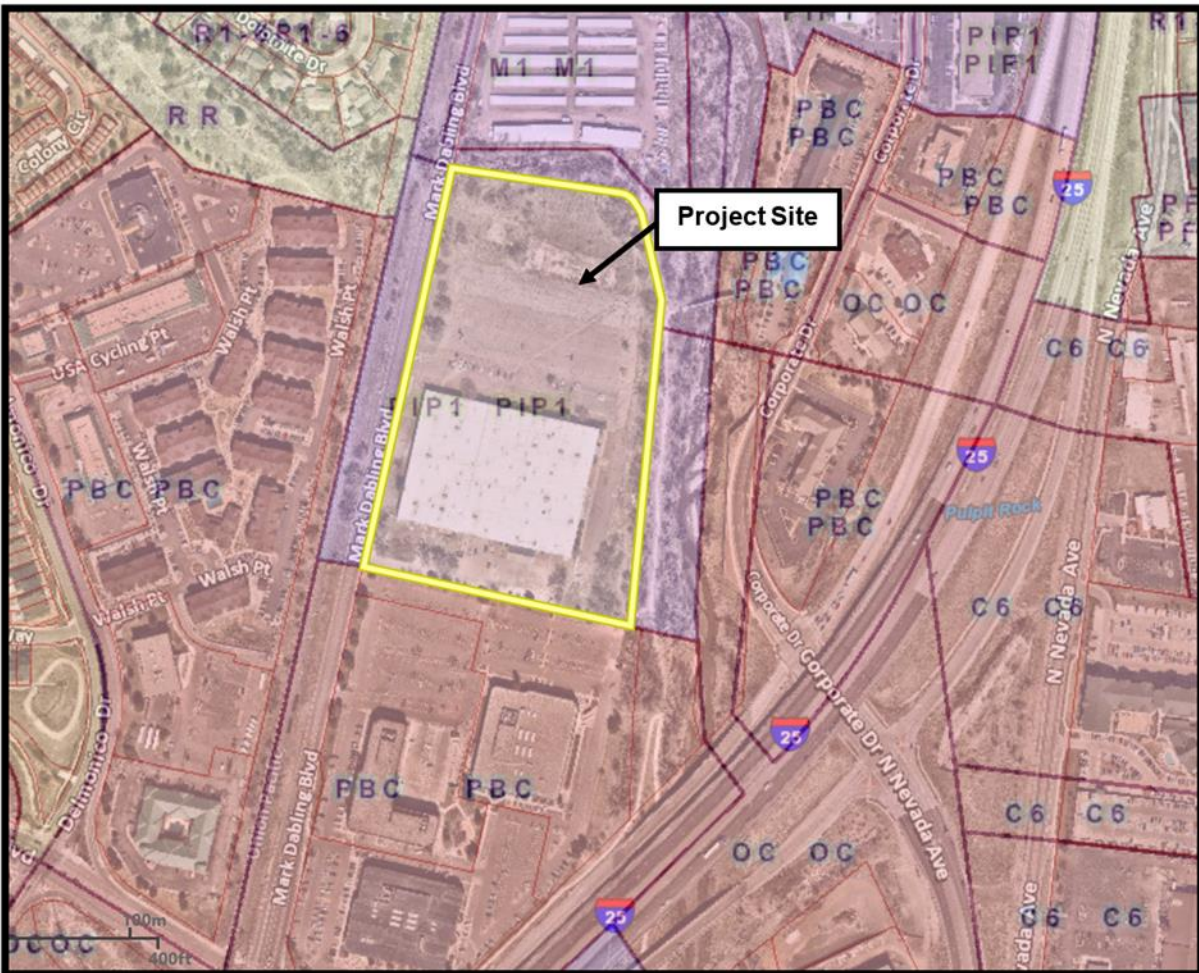


CITY PLANNING COMMISSION AGENDA
November 19, 2020

STAFF: GABY SERRANO

FILE NOS:
CPC CU 20-00110 – QUASI-JUDICIAL
CPC NV 20-00111 – QUASI-JUDICIAL

PROJECT: PODS STORAGE AT MARK DABLING
OWNER: TEBO PROPERTIES
DEVELOPER: WESTRAC CONTRACTING CORPORATION
CONSULTANT: KIMLEY HORN



PROJECT SUMMARY:

1. Project Description: The project includes concurrent applications for a conditional use development plan and nonuse variance for 4.05 acres of land located at 5805 Mark Dabling Boulevard. The conditional use development plan proposes a 51,200 square foot commercial building for a mini-warehouse use, outdoor storage, and ancillary site improvements. **(see “POD Storage at Mark Dabling - Development Plan” attachment)** The nonuse variance request seeks to reduce the side yard setback to 20 feet where the required setback is 30 feet, per City Code Section 7.3.204(A).

A concurrent final subdivision plat application is being administratively reviewed.

2. Applicant’s Project Statement: **(see “Project Statement” and “Nonuse Variance Project Statement” attachments)**
3. Planning and Development Team’s Recommendation: City Planning staff recommends approval of the applications as proposed.

BACKGROUND:

1. Site Address: The property site is addressed as 5805 Mark Dabling Boulevard.
2. Existing Zoning/Land Use: PIP-1/SS/HS (Planned Industrial Park with Streamside and Hillside Overlays) and a portion is industrially developed.
3. Surrounding Zoning/Land Use:
North: M1/SS/HS (Light Industrial with Streamside and Hillside Overlays) and industrially developed.
East: OC/PIP-1/PIP-2/SS/HS (Office Complex and Planned Industrial Park with Streamside and Hillside Overlays) and is Monument Creek.
South: PBC/SS/HS (Planned Business Center with Streamside and Hillside Overlays) and is commercially developed.
West: PBC/R/HS (Planned Business Center and Estate Single-Family Residential with a Hillside Overlay) and is residentially developed.
4. PlanCOS Vision: According to the PlanCOS Vision Map **(see “PlanCOS Vision Map” attachment)**, the project site is identified as an Established Suburban Neighborhood, which is also adjacent to an Intercity Corridor and a portion of the Ring the Springs loop.
5. Annexation: The property was annexed into the City under the Golden Cycle Addition #1 annexation plat. (April 1, 1966; ordinance unknown).
6. Master Plan/Designated Master Plan Land Use: The project site is part of the Rockrimmon Master Plan. The Master Planned Land Use designation is PIP.
7. Subdivision: The property was platted as Lot 2 a Resubdivision of a Portion of Rockrimmon Cliffs Subdivision Filing Number 1.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The project site is partially developed and gradually slopes down to the east towards Monument Creek.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public notification process consisted of providing notice to surrounding homeowners associations and adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 92 property

owners on two occasions: during the internal review and prior to the City Planning Commission hearing. The site was also posted during the two occasions noted above. City Planning staff received no comments in favor or opposition to the project.

Staff sent copies of the plan set and supporting documentation to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire Prevention, City Stormwater Enterprise, Colorado Geological Survey, City Parks & Recreation, Council of Neighborhood Organizations (CONO), Police, United States Air Force Academy and E-911. City Planning staff notes that the following review agencies provided project specific comments:

- City Parks – In reference to the Parks trail easement located at the development for the Pods Storage site (located at 6015 Mark Dabling Blvd.). Parks acknowledges the development plan as submitted and understands that this will essentially close off, by way of retaining wall, the trail access that the existing trail easement provided. With this plan, Parks does not see this connection as viable, and will seek future connection within City property, or by future easement. However, at this time, Parks is not entertaining the vacation of this easement (Rec. No. 205196755).
- City SWENT- This development is the closest developable property adjacent to Unnamed Creek. An analysis of Unnamed Creek will be required and if deemed necessary by the analysis, improvements to Unnamed Creek must be completed or 100% assurances paid prior to the issuance of a building permit for this development. The Applicant will be submitting this analysis prior to the approval of the building permit. City Planning staff has requested that a note be added to the plans to address this matter.
- Colorado Geologic Survey – The Applicant needs to submit a mine subsidence evaluation and an engineered design for stabilizing the slope for the development. City Planning staff has requested that a note be added the plans stating: “The Geologic Hazard report must be approved prior to the Planning Department approving the final plat.”

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria / Design & Development Issues:

a. Application Summary:

i. Conditional Use Development Plan:

The PODS Storage at Mark Dabling project (**see “POD Storage at Mark Dabling - Development Plan” attachment**) consists of a new 51,200 square foot commercial building for a mini-warehouse use, outdoor storage, and ancillary site improvements. The ancillary site improvements included parking, landscaping and screening buffers. The new building will store portable storage containers, herein referred to as “PODS”, filled with customer’s goods and/or materials. In designated areas outside of the commercial building, empty “PODS” will be stored. The Applicant has added a note to the plans stating, *“It is prohibited to store any customer goods and/or materials located outside of the building.”*

The property is subject to the City’s Streamside Overlay zone district due to its proximity to two stream channels. Per City Code Section 7.3.508 SS – *Streamside Overlay Zone, the “development and maintenance of the property adjacent to these stream corridors in a manner that is compatible with the environmental conditions, constraints and character of these areas.”* The project’s proposed accessory outside storage use is listed as a Conditional Use under the City Code Section 7.3.508 (2)(d)(2), Conditional Uses, because of the potential for negative impacts to the streamside overlay area. The Applicant’s justification for this can be found in project statement (**see “Project Statement” attachment**). To mitigate any impacts from the proposed principal and accessory use, the Applicant is proposing a chain-link fence, retaining wall and well-established landscaping to screen the outside storage from the Monument Creek. Existing dense and well-

established vegetation currently screens much of the site from the north and eastern adjacent properties. As much of this screening will be provided by deciduous trees and bushes, proposed evergreens will be planted as part of the development to provide additional screening for the outdoor storage areas.

The plan also depicts a retaining wall on the east side of the internal access drive, which parallels Monument Creek. In this same area, a former owner of the property dedicated a trail easement to the City via deed to provide access between the property in question and Pikes Peak Greenway Trail. The proposed retaining wall alignment blocks access to the Pikes Peak Greenway Trail. Staff has consulted with the City's Parks Department and it has been determined that the loss of access to the Pikes Peak Greenway Trail is acceptable. The City Parks Department does not see the connection viable and will seek a future connection within City property or by future easements.

The proposed on-site improvements consist of additional landscape plantings such as deciduous and evergreen trees and shrubs to minimize the visibility of the outside storage area. Furthermore, a 25-foot tall screen wall has been proposed on the northwest side of the building to screen the outdoor storage area from the adjacent public right of way to be in compliance with Section 7.3.205 (O)(2)(b) *Additional Standards for Specific Land Uses*. In addition, the applicant has indicated that all POD containers stored outside of the building and located on the east side of the building can only be stacked two (2) high to minimize the visibility of PODS from the creek. To ensure there is no project creep, City Planning staff has requested that a note be added to the plans indicating, "*All POD containers stored outside of the building and located on the east side of the building can only be stacked 2 high for a total height of 16 feet.*"

Staff finds that the request for the conditional use development plan is in conformance with the City's Comprehensive Plan as well as the intent and purpose of the City Zoning Code standards to promote public health, safety, and welfare. Staff also finds that the proposed development would not injure the value and qualities of the surrounding neighborhood, and satisfies the criteria for a conditional use development plan in the Streamside Overlay Zone.

ii. Nonuse Variance:

The nonuse variance application requests relief to allow a 20-foot side yard building setback where a 30-foot side yard building setback as required per City Code Section 7.3.204 *Office, Commercial, Industrial and Special Purpose Zone District Development Standards* ("**POD Storage at Mark Dabling - Development Plan**" attachment). The nonuse variance is being sought to the southern side of the property. This encroachment is necessary to allow the building to be located outside of the 100-year Floodplain caused by Monument Creek. In addition, locating the building in this area allows the building to remain outside of the Streamside Overlay zone district.

City Planning staff finds the request meets the three review criteria for a nonuse variance to be granted:

- Extraordinary or exceptional physical conditions – The project is bordered by two separate waterways, an un-named creek to the north and Monument Creek to the east. Because of these two waterways, the City's Streamside Overlay zone district affects both the northern and eastern sides of the property.
- No reasonable use of the site – The portion of the property being redeveloped has sat partially vacant and in a state of disrepair for several years. The variance request will allow for the further investment of the property. Additionally, the requested 10-foot reduction of the required setback allows the project as designated to meet other site design requirements of City Code.

- No adverse impact upon surrounding properties – The granting of the nonuse variance will provide an opportunity to further develop/redevelop the site in a manner that will not be detrimental to public health, safety and welfare to the surrounding properties.

City Planning staff finds the application to be consistent with the purpose of granting a non-use variance, as set forth by City Code Section 7.5.801 *Variances Purpose*.

iii. Traffic:

The City's Traffic Engineering Division of Public Works (herein referenced as "Traffic") has reviewed the development plan and accompanying Traffic Impact Study (dated June 30 2020), prepared by Kimley Horn. Traffic has accepted the analysis and conclusions, which determined that the site design and layout afford adequate sightlines and queuing for vehicles entering and exiting the site. As no roadway improvements are presently necessary, no remitting of funds triggers were applied to the development plan.

iv. Drainage:

The City's Water Resources Engineering Division of Public Works (herein referenced as "SWENT") has reviewed the amended development plan and accompanying final drainage report, prepared by Kimley Horn. SWENT has accepted the analysis and recommendations set forth in the report. Site drainage is significantly impacted by the 100-year floodplain to the east, existing development to the south, a streamside overlay area to the north and east, and steep existing grades to the north and east. Due to these constraints, a variance to the City's Drainage Control Manual was request and approved for the water quality and stormwater detention to be located underground for the proposed project.

v. Conformance with the City Comprehensive Plan:

Staff has 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 identified as an Established Suburban Neighborhood. **(see "PlanCOS Vision Map" attachment)** In the Thriving Economy Chapter 4 of PlanCOS, the project aligns with the "Spinoffs and Startups." **(see "PlanCOS Thriving Economy" attachment)** The main goal of this typology is "to become increasingly competitive at business and worker attraction in medium and high-wage jobs by supporting the creation of environments that attract them and allow them to thrive." The mini-warehouse will provide a service to the residents within this still developing portion of the City.

City planning staff finds the project in questioned and its associated application to be in substantially conformance with PlanCOS and its guidance. Based on staff's analysis of the proposal and surrounding land use pattern, which consists of industrial use, the proposed mini-warehouse use is well-suited for the area. **(See "Context Map")**

vi. Conformance with the Area's Master Plan:

The project is located within the Rockrimmon Master Planned area. The master planned land use designation for the project site is PIP. The Rockrimmon Master Plan has been deemed "Implemented", according to City Code Section 7.5.402(B)(2) *Implemented Master Plan*. A determination of "Implemented" occurs when the area covered by a master plan is 85% or more built out. Based on the surrounding land use pattern, which contains a mix of uses, staff finds the project to be complimentary and supportive of the immediate area. City Planning staff finds that the PODS Storage at Mark Dabling project to be complimentary

and supportive of the long-range vision for the Rockrimmon Master Plan, which consisted of a mix of residential, commercial and civic uses.

STAFF RECOMMENDATIONS:

CPC CU 20-00110 - Conditional Use Development Plan

Approve the conditional use development plan for PODS Storage at Mark Dabling project, based upon the findings that the request meets the review criteria for establishing a development plan, as set forth in City Code Section 7.5.502(E), development plan in the Streamside Overlay, as set forth in City Code Section 7.3.508 (C), and the findings for authorizing a conditional use, as set forth in City Code Section 7.5.704.

CPC NV 20-00111 – Non- Use Variance

Approve the non-use variance to City Code Section 7.3.204(A) for a 20-foot side setback where a 30-foot side setback is required, based upon the findings that the request meets the review criteria for granting a nonuse variance, as set forth in City Code Section 7.5.802(B).