
NORTH ACADEMY REZONE

PROJECT STATEMENT

FEBRUARY, 2019

REQUEST

Shooting Star Enterprises requests approval of the following applications:

1. A zone change from PBC/CR to PBC/CR to remove or modify Conditions of Record.
2. A major amendment to the BSK Subdivision Fil. No. 1 Development Plan to remove or modify Conditions of Record (Note 14), remove general notes that are obsolete or irrelevant and update notes to current City Standards.

LOCATION/CONTEXT

The site is located at 7133, 7149, 7169, 7207, 7239 N. Academy Blvd. located north of Woodmen Road. The subdivision consists of 5 properties on approximately 8.43 ac and is fully developed with commercial uses. The site is adjacent to the Falcon Estates Subdivision.



PROJECT DESCRIPTION

The project proposes to remove conditions of record that restrict the uses of General Food, Convenience Food Sales, and Liquor Sales. The intent of the request is to allow additional commercial uses within the existing buildings, such as neighborhood and auto oriented businesses; such as, small grocery stores selling food and liquor. The amendment proposes to prohibit convenience food sales with fuel sales (gas station) and methadone clinics. The overall use of the site is designated as a Commercial Center to provide uniform development standards. Additional amendments to the overall development plan include updating and adding notes to reflect current standards and removing notes that no longer apply to the developed site. Many of the notes removed are related to construction practices and approvals needed before a certificate of occupancy can be issued. An ADA accessibility route has been confirmed through a site visit and reflected on the plan. The existing parking has been reviewed per the Commercial Center Standard of 1 space per 250 square feet of building area. The site data on the development plan has been updated to reflect these standards.

No changes are proposed to the site design, parking, access, landscaping, or features providing a buffer to the adjacent neighborhood. Notes regarding hours of operation, lighting and noise remain unchanged.

PROJECT JUSTIFICATION

Zone Change Criteria (Section 7.5.603. B)

The project maintains the base PBC zone and proposes to modify the Conditions of Record to allow uses that are otherwise permitted in the PBC zone.

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

The proposed amendment does not substantially change the intent or function of the site. The request allows for additional uses otherwise allowed in the PBC Zone and that are compatible with the adjacent businesses within the site. The uses will provide an opportunity for small neighborhood grocery stores and businesses to serve the area. The site is separated visually from the adjacent neighborhood by a colored concrete block screen wall and landscaping that remains unchanged with this amendment. Vehicular access from the site to the neighborhood does not exist and is not proposed. Openings in the wall provide pedestrian access and connectivity between the site and the neighborhood.

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

The development plan amendment does not substantially change the function of the site; therefore, the plan remains consistent with the Goals and Policies of the Comprehensive Plan and the PBC Zone. The 2020 Land Use Map designates the site as a Mature Redevelopment Corridor.

Mature/Redevelopment Corridors: Corridors that line older arterial streets and state highways with retail uses and auto-oriented services developed in a typical strip commercial pattern, with

multiple curb cuts, individual parking lots, cluttered signage, and small lots. These corridors also include significant infill and redevelopment opportunities.

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 site is within the Falcon, Columbine, and Yorkshire Estates Master Plan. The Master Plan is implemented and therefore does not require an amendment.

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)

The site is not within a mixed use district.

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

The proposed amendment does not substantially impact the use, function, intensity, or site design of the existing development. Restrictions on hours of operation, lighting, and noise remain and therefore, do not have an impact on the existing function of the development or the surrounding neighborhood.

A. 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 site is developed and the amendment does not change any of the site design elements or buffers to adjacent uses. The proposed grocery and auto uses are permissive in the PBC Zone and are compatible with the surrounding commercial uses and the sites proximity to Academy Boulevard. The site is separated visually from the adjacent neighborhood by a colored concrete block screen wall and landscaping that remains unchanged with this amendment. Vehicular access from the site to the neighborhood does not exist and is not proposed. Openings in the wall provide pedestrian access and connectivity between the site and the neighborhood.

B. 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.

The amendment does not substantially change the function or base zoning of the site and therefore remains compliant with adopted plans.

C. 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 criteria is not impacted by this amendment.

- D. 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.**

This criteria is not impacted by this amendment.

- E. 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 layout and design of the required parking are not impacted by this amendment. The parking calculations and existing spaces have been verified to meet the 1 space per 250 sq. ft. standards of the Commercial Center use.

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

These standards are not impacted by this amendment.

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

This criteria is not impacted by this amendment.

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

This criteria is not impacted by this amendment.

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

The building locations and site design are not impacted by this amendment. ADA Accessibility has been verified and meets the current standards.

- J. 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.**

This criteria is not impacted by this amendment.

- 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.**

This criteria is not impacted by this amendment.

- 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 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.**

This criteria is not impacted by this amendment. The function of the site and the use are not substantially changed by this amendment.

- M. 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.**

This criteria is not impacted by this amendment. The function of the site and the use are not substantially changed by this amendment. Development Plan notes regarding hours of operation, lighting, and noise remain unchanged. Site features that provide buffering to the neighborhood remain and are unchanged.

CONCLUSION

The applicant respectfully requests the approval of the proposed Zone Change and Major Amendment. The proposed change does not substantially impact the use, function, intensity, or site design of the existing development.