

CITY PLANNING COMMISSION AGENDA
December 19, 2019

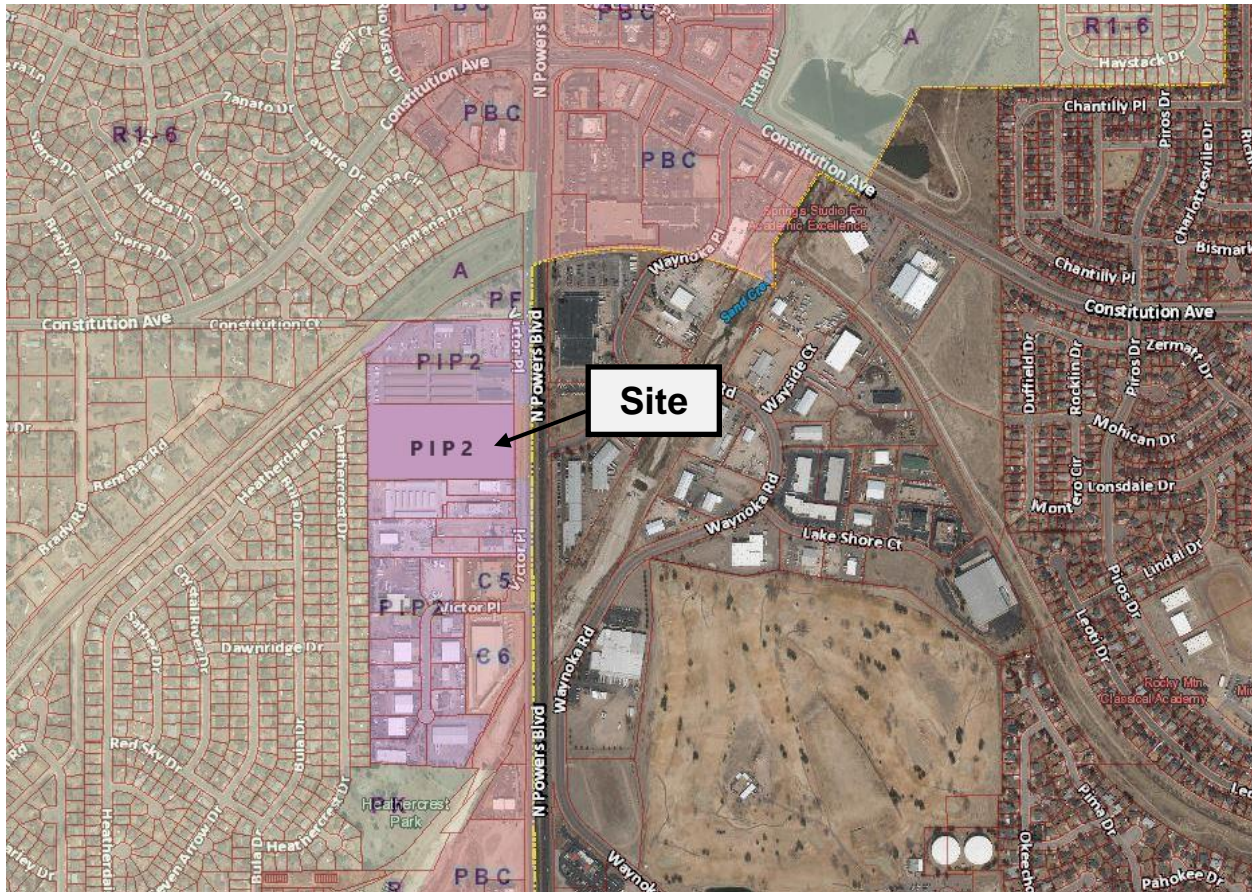
STAFF: TASHA BRACKIN

FILE NO(S):
CPC CU 19-00048 – QUASI-JUDICIAL
AR NV 19-00514 – QUASI-JUDICIAL
AR NV 19-00515 – QUASI-JUDICIAL

PROJECT: 2420 NORTH POWERS FRONTAGE ROAD EQUIPMENT STORAGE YARD

OWNER: JOY FOCHT/OCEANS INVESTMENTS, LLC

APPLICANT: JACK BESTALL/BESTALL COLLABORATIVE LIMITED



PROJECT SUMMARY:

1. **Project Description:** The project includes concurrent applications for a Conditional Use and two Non-Use Variances for 8.69 acres of land in the PIP-2 (Planned Industrial Park). Equipment

Storage Yards are a Conditional Use in the PIP-2 zone district. The project is herein referred to as “2420 North Powers Frontage Road Equipment Storage Yard.” The property associated with this project is located on a frontage road that runs along the west side of Powers Boulevard, south of Constitution Avenue. The property is within a developed commercial/industrial area.

Approval of the proposed conditional use will allow the property to be utilized as an Equipment Storage Yard in conjunction with the permitted use as a contractor storage yard. More specifically, the conditional use is required in order to allow vehicles in excess of 15,000 gross vehicle weight to be stored on the property. Additionally, the non-use variances will allow placement of an eight-foot tall solid metal fence within the rear setback, which is adjacent to residential development. Also, the second non-use variance will allow the use of recycled asphalt millings as the surface material for the storage lot.

The development plan illustrates the equipment storage use proposed to occupy the property. **(FIGURE 1)**

2. Applicant’s Project Statement: **(FIGURE 2)**
3. Planning and Development Team’s Recommendation: City Planning staff recommends approval of the applications as proposed.

BACKGROUND:

1. Site Address: The property is addressed as 2420 North Powers Frontage Road.
2. Existing Zoning/Land Use: The property is currently zoned PIP-2/AO (Planned Industrial Park with Airport Overlay) and is currently vacant. This zoning was put in place in August of 2019, when the City Council approved the zone change from C-6/AO/CR to PIP-2/AO.
3. Surrounding Zoning/Land Use: North: PIP-2/AO (Planned Industrial Park with Airport Overlay); commercially developed
East: I-2 (El Paso County Industrial zoning); commercially developed
South: PIP-2/AO (Planned Industrial Park with Airport Overlay); commercially developed
West: R1-6/AO (Single-Family Residential: with Airport Overlay); developed with single-family homes
4. Annexation: The subject property was annexed into the City in 1963, under the Smarts Addition Number Nine.
5. Master Plan/Designated Master Plan Land Use: This property is not associated with a Master Plan.
6. Subdivision: The property was platted in 2016 under the Victor Place Business Park Subdivision.
7. Zoning Enforcement Action: None
8. Physical Characteristics: The project site is relatively flat with no significant vegetation.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public notification process consisted of providing notice to adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 186 property owners on two occasions: during the internal review stage, and prior to the Planning Commission hearing. The site was also posted during the two occasions noted above. During the initial review notification, City Planning staff received comments from two neighbors: one in opposition to the eight-foot fence, and one in support of the site development. The applicant has provided a response to the concerns expressed in opposition to the project, in addition to proposing the following conditions to be associated with the operation of the proposed use, including:

1. Solid fence with landscape buffer along the west property line, where the industrial zone abuts the residential zone.
2. A setback of 100 to 160 feet wide between the residential uses and any contractor vehicle parking;
3. No on-site living on the property in any vehicles;
4. Hours of operation allowed 24 hours a day, seven days a week, but quiet hours of sunset to sunrise to be strictly enforced;
5. Constant video monitoring of facility as well as regular on-site inspections;
6. Lighting to be directed away from neighborhood and installed with full cut-off fixtures;
7. Refuse at facility is required to be regularly collected and inoperable vehicles, fabrication/repair activities, and scrap piles are expressly not allowed.

These agreed-to limitations are included as part of the applicant's project statement for incorporation as part of the proposed use, and are reflected on the development plan. Copies of the written comments received by staff are attached for reference (**FIGURE 3**). The applicant has provided a written response to the concerns raised by the neighbor (**FIGURE 4**), in addition to an appraiser's report evaluating impacts upon property value (**FIGURE 5**).

Staff's analysis of the proposed applications is outlined in the following sections of this report. In terms of internal and external agency reviews, staff sent the applications to the standard agencies and service providers, who have no objections to the proposed applications.

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

1. Review Criteria / Design & Development Issues:

a) Conditional Use

Approval of the proposed conditional use would allow the property to be used as an equipment storage yard. The Colorado Springs Code allows contractor storage yards as a permitted use in the PIP-2 (Planned Industrial Park) zone district, but equipment storage yards are a conditional use. The main difference between the two uses is that equipment storage yards include vehicles of over 15,000 pounds gross vehicle weight reduced (GVWR). Below are the definitions of the two similar uses.

| DESCRIPTION | TYPE OF USE IN PIP-2 ZONE |
|---|---------------------------|
| <p>CONSTRUCTION / CONTRACTOR YARD: Establishments engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor yards.</p> | Permitted Use |
| <p>EQUIPMENT STORAGE YARD: Any lot, plot, parcel of land or contiguous parcels of land used for the purpose of storing operable or impounded trucks, tractors, construction equipment, agricultural implements, or similar heavy equipment with a GVWR of fifteen thousand one (15,001) pounds or more. This use shall not include vehicle dismantling or junkyards.</p> | Conditional Use |

The proposed use of the property is illustrated on the development plan, which shows the parking/storage spaces that would be rented by RV owners and contractors for storage of vehicles, materials, and equipment. The property is secured with gates and fencing along the street frontage and side property lines, and the site will not be accessible to the general public. Tenants will enter the site from North Powers Frontage Road using the security

keypad at the southern gate, and will exit using the northern gate, to ensure smooth traffic flow on site. Hours of operation are 24 hours a day, seven days a week, with restrictions to limit noise during quiet hours from dusk until dawn. No buildings are proposed with the development, as the site is monitored remotely via multiple cameras. The yard will be illuminated with pole lights that will be directed toward the property's interior, to avoid glare on adjacent properties. The yard will be paved with a recycled asphalt millings surface, and full-spectrum detention facilities will be provided. The project statement (**FIGURE 2**) further describes the business operations.

Approval of conditional uses requires finding the following:

- 1) The use will not injure the value and qualities of the surrounding neighborhood;
- 2) The use is consistent with the intent and purpose of this Zoning Code to promote public health, safety, and general welfare; and
- 3) The use is consistent with the Comprehensive Plan of the City.

The property is located in an area primarily developed with light- and heavy-industrial uses, including mini-storage, office and warehouse uses, and outdoor storage; all allowed uses within the PIP-2 zone district. Please refer to the attached context map (**FIGURE 6**). The proposed equipment storage would be compatible with these other industrial uses, with the proposed limitations contained in the project statement that will help to mitigate potential visual, dust, and noise nuisances and ensure that the value and qualities of the neighborhood are not substantially injured. This includes construction of an eight-foot tall privacy fence on the west property, adjacent to existing residential development. In addition, the proposed use complies with the standards of the PIP-2 zone, including meeting the required 100-foot setback from adjacent residential property to the west and providing a six-foot tall privacy fence along the street frontage and north and south property lines. The provision of these elements helps to ensure that the operation will promote the public health, safety and welfare. The comments in section two (2) below provide justification for the proposed use's Comprehensive Plan compatibility. For these reasons, staff finds that the proposal is consistent with the criteria for approving a conditional use in sections 7.5.704 and 7.5.502(E).

b) Non-Use Variance – Fence in Rear Setback

The proposed storage yard involves parking spaces for vehicles, equipment, and contractor materials, with drive aisles between major blocks of parking/storage spaces. No buildings are proposed as part of the contractor/equipment storage yard. Still, the proposed plan complies with the required setbacks, including the 100-foot rear yard setback required for industrial uses adjacent to residential development, per City Code section 7.3.204. All site operations are to be monitored remotely via video, and the property is secured with fencing and gates. A landscaped setback will be provided along the street frontage, and a rear setback of more than 100 feet will be maintained along the western property line. No vehicles or equipment will be stored in the rear setback, but a detention pond will be provided to address stormwater conveyance. The proposed eight-foot tall solid privacy fence is intended to reduce potential impacts upon neighboring residential properties. A sample of what the privacy fence will look like is included on the development plan, Sheet DP-02. This solid fence was discussed with property owners who live adjacent to the property, at a neighborhood meeting held in February, 2019. At that time, neighbors agreed that placing the fence close to their property lines (within 2-3 feet), was preferred in order to allow room for maintenance of fences, while discouraging access between the properties by trespassers. A standard six-foot fence would be allowed within the setback area without need for a variance request, but City Code Section 7.4.102 requires that fences or walls over six feet (6') are considered accessory structures and must meet accessory structure setback and height requirements identified in subsection 7.3.105(A) of the code. Further, neighbors attending the February neighborhood meeting desired the additional height to provide the maximum mitigation of potential impacts from the use of the property for equipment and vehicle storage. The property is unique in that it is the largest single-use parcel in the industrial area and the only remaining undeveloped site. Many of the other properties on this street have been

further partitioned for multiple smaller uses that occupy portions of a parcel. Due in part to its large size, it is likely that this property would remain in an undeveloped state if the proposed combination of uses and mitigation measures are not approved. One neighbor wrote an email in opposition to the fence height (**FIGURE 3**), and the applicant has responded to the concerns with information on the public engagement process that was used to seek input from and provide information to neighboring residents (**FIGURE 4**) as well as an appraisal of potential property value impacts (**FIGURE 4**). No significant impacts are anticipated from the proposed project. For these reasons, staff finds that the non-use variance request complies with the review criteria for approving a Non-Use Variance as set forth in City Code Section 7.5.802(B).

c) Non-Use Variance – Recycled Asphalt Millings

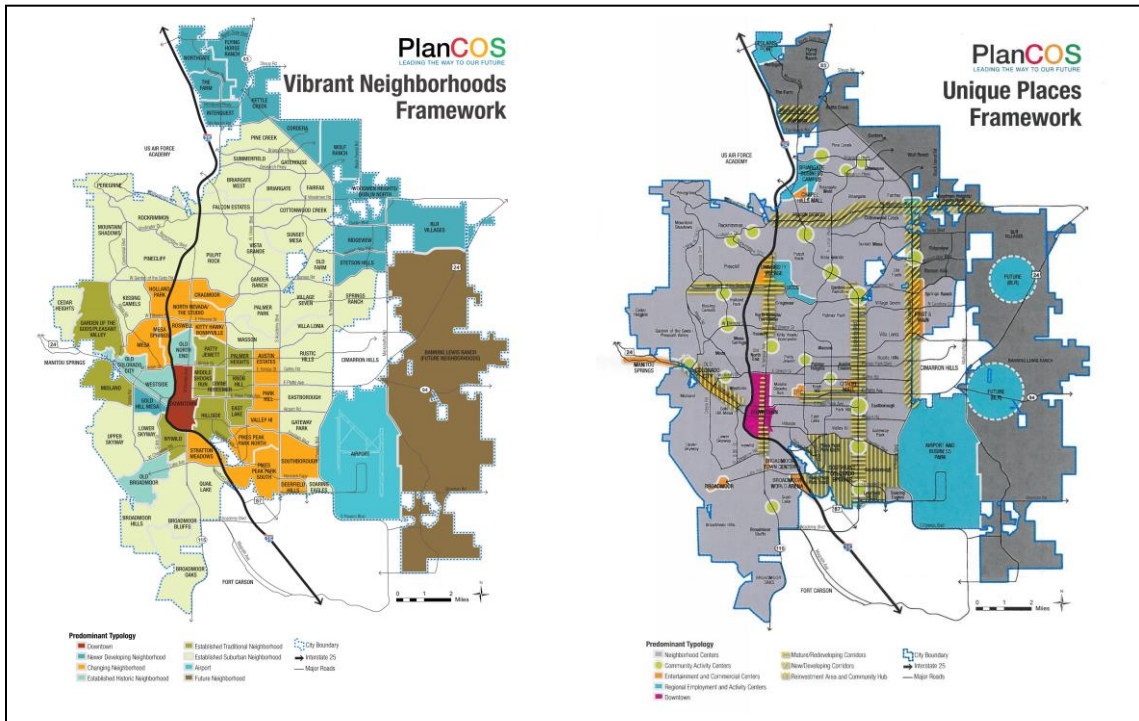
The equipment and contractor storage yard involves providing secured parking spaces for vehicle and equipment storage that will be used by RV owners, as well as contractors and equipment operators. The property will be secured with fencing and gates along the street frontage, and the site will not be accessible to the general public. The applicants have proposed the use of recycled asphalt millings as the surface material to address potential impacts from dust that might occur if the contractor yard were left unpaved. City Code Section 7.4.206.K requires paved surfaces for all parking spaces, drives, aisles, maneuvering, and automobile outdoor sale and/or rental display or storage areas. Traditional asphalt paving is not desired for this storage yard due to the continual damage that occurs to that surface when heavy equipment and materials are stored upon it. Recycled asphalt millings are proposed to be stockpiled on the property and available for tenants to use for ongoing patching of the surface. The project statement describes in further detail how the surface will be maintained. Parking spaces will be delineated using rope pinned to the ground. There is no requirement under City Code for on-site parking to be provided to support the contractor/equipment storage yard, but the applicant has indicated auxiliary parking spaces on the property for use by the tenants only. No public access will be allowed to the site. These parking spaces are therefore not required to meet City Code standards, and provision of parking for the handicapped is not being regulated by the City in this case. Due in part to the property's size, the use of traditional asphalt would be a significant initial financial investment that would require frequent re-paving investment in order to support the proposed use. For these reasons, staff finds that the non-use variance request complies with the review criteria for approving a Non-Use Variance as set forth in City Code Section 7.5.802(B).

2. Comprehensive Plan Conformance:

According to PlanCOS, the applications appear to be consistent with the envisioned land use patterns for the subject parcels and larger commercial corridor. From the Vibrant Neighborhoods chapter of PlanCOS, the project site is identified as being adjacent to an Established Suburban Neighborhood of Rustic Hills. For this neighborhood typology, which is generally seen as predominantly built-out, the City expects infill and redevelopment to occur on undeveloped or underdeveloped properties. When new development is proposed, projects are encouraged to preserve neighborhood character as well as to encourage and support flexible site and building designs that are adaptable to the specific site. The project applicant has worked with neighbors to address the concerns with potential new uses at the industrial/residential border. These measures seek to preserve and protect the adjacent neighboring properties as well as maintain the existing neighborhood's character.

From the Unique Places chapter of PlanCOS, the project site and larger Powers Boulevard commercial corridor are identified as a New/Developing Corridor under the urban place typologies. This typology encompasses major arterial streets with developed properties and patterns involving automobile-dominated development. A recommendation of this typology is to integrate and connect pedestrian, bicycle, and transit facilities along the corridor with attention to

streetscape design. To this end, the proposed plan indicates a 25-foot deep landscaped setback area along its street frontage as well as accommodation of the Rock Island Multi-Use Trail.



Finally, the Thriving Economy chapter of PlanCOS identifies Goal TE-2 which aims to “Diversify the local economy by fostering a range of business types and sizes”. This goal is supported by at least two relevant strategies including:

Strategy TE-2.A-1: Identify, accommodate, and provide supportive zoning for key sites for industrial uses with good multimodal access to highways, railroad, and the Airport.

Strategy TE-2.A-3: Promote improvements that make industrial districts cleaner, energy efficient, and safer for integration with surrounding neighborhoods.

The propose project has good access to Powers Boulevard, a state highway, and to the Colorado Springs Airport. The proposed improvements will mitigate air quality concerns due to dust generated from a large vacant property adjacent to a residential neighborhood.

For the reasons discussed above, staff finds that the project is in conformance with PlanCOS.

3. Conformance with the Area’s Master Plan:

The project site is not part of any Master Plan.

STAFF RECOMMENDATION:

CPC CU 19-00048

Approve the Conditional Use for an Equipment Storage Yard, based upon the findings that the request complies with the review criteria for approving a Conditional Use as set forth in City Code Section 7.5.704, and the review criteria for approving a Development Plan as set forth in City Code Sections 7.5.502(E).

NV 19-00514

Approve the Non-Use Variance to City Code Section 7.4.102 allowing an eight-foot tall fence within the rear yard setback, based upon the findings that the request complies with the review criteria for approving a Non-Use Variance as set forth in City Code Section 7.5.802(B).

NV 19-00515

Approve the Non-Use Variance to City Code Section 7.4.206(K) allowing recycled asphalt millings as the approved lot surface material, based upon the findings that the request complies with the review criteria for approving a Non-Use Variance as set forth in City Code Section 7.5.802(B).