



# SUNNYSIDE AA LLC 1222 N ACADEMY REZONE

Planning Commission April 9, 2025

Staff Report by Case Planner: Ethan Shafer



## Quick Facts

### Applicant

John Olson, Urban Landscapes

### Property Owner

David Harris, Sunnyside AA LLC

### Address / Location

1222 North Academy Boulevard

### TSN(s)

6410116016

### Zoning and Overlays

Current: MX-M R-5 (Mixed-Use Medium Scale and Multi-Family High)

Proposed: MX-M (Mixed-Use Medium Scale)

### Site Area

17847 SQFT

### Proposed Land Use

Vacant

### Applicable Code

UDC

## Project Summary

The applicant is requesting a Zoning Map Amendment (Rezoning) from MX-M and R-5 (Mixed-Use Medium Scale and Multi-Family High) to clean up the split-zoning that exists on the property to be developed in the future by a future property owner within the MX-M zone district.

File Number	Application Type	Decision Type
ZONE-25-0001	Zoning Map Amendment (Rezone) with Land Use Statement.	Quasi-Judicial

## Background

### Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	Sunnyside Addition #1	1963
Subdivision	Sunnyside	1952
Master Plan	South Academy Great Streets Plan	2011
Prior Enforcement Action	Historic enforcement actions related to unlicensed/inoperable vehicles, collection of “junk”, overgrown vegetation, and unpermitted signs. There are no open enforcement cases at this time.	

### Site History

This subject property is part of the Sunnyside subdivision plat. The site is currently occupied by a single-story commercial building of approximately 1,500 square feet that was constructed in 1959 and a free-standing pole sign.

### Applicable Code

The subject application was submitted after the implementation date (06/05/2023) of the ReTool project. All subsequent references within this report that are made to “the Code” and related sections are references to the Unified Development Code.

## Surrounding Zoning and Land Use

### Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	MX-M (Mixed-Use Medium Scale)	Retail Store	
West	R-5 (Multi-Family High)	Multi-Family Apartments	Affordable and Supportive Housing
South	MX-M (Multi-Use Medium Scale)	Office	
East	MX-L (Mixed-Use Large Scale)	Equipment, Truck and Trailer Sales	

Zoning Map



Stakeholder Involvement

Public Notice

Public Notice Occurrences (Poster / Postcards)	Initial Review / Prior to Planning Commission Hearing
Postcard Mailing Radius	1,000'
Number of Postcards Mailed	106
Number of Comments Received	None

Timeline of Review

Initial Submittal Date	January 7 <sup>th</sup> , 2025
Number of Review Cycles	Two
Item(s) Ready for Agenda	This Zoning Map Amendment (Rezoning) with Land Use Statement will be the only planning reviews conducted for the time being. When this property is sold and

chooses to redevelop, it will have to come in for a Development Plan (or amendment) and Subdivision Plat applications.

## Agency Review

### Traffic Impact Study

No comments received.

### School District

No comments received.

### Parks

No comments on this rezoning. Any future uses will be evaluated with future development plans.

### SWENT

No comments received.

### Colorado Springs Utilities

No comments on this rezoning. Colorado Springs Utilities comments will be provided at the time of the required Preliminary Utility and Public Facilities Plan submittal associated with any development plan entitlement.

## Zoning Map Amendment (Rezoning) with Land Use Statement

### Summary of Application

In accordance with UDC Section 7.5.704.A, the purpose of a zoning map amendment is to establish standards and provide a mechanism for the City to review and decide on an application to rezone property within the City's jurisdiction, where the City has determined that rezoning of those areas is appropriate. An application to establish or change the boundaries of any zone district is required to include a Land Use Plan unless waived or a development plan is submitted in conjunction with the zone map amendment request. The applicant requested a Land Use Plan waiver by submitting a Land Use Statement demonstrating that a Land Use Plan would not serve the purposes of the UDC because one or more of the criteria for a waiver outlined in UDC Section 7.5.514.B.3.a.(1)-(6) are met (see "Land Use Statement" attachment).

- (1) The land area under review is less than ten (10) acres and is planned to be developed in a single phase;

Staff Analysis: The lot is 17,857 square feet which is well under 10 Acres.

- (2) The land is contained in and subject to a previously approved Master or Concept Plan;

Staff Analysis: The lot is within the South Academy Great Streets Plan.

- (3) The land is included in a Development Plan application;

Staff Analysis: Not applicable.

- (4) The land area is part of an established surrounding development pattern;

Staff Analysis: The surrounding development pattern consists of commercial and multi-family residential structures. There is not a plan for redevelopment of this site but rather the sale of the property to a future property owner with an unknown intent of development.

- (5) The proposed zoning pattern for the land aligns with adjacent existing zoning or development; and/or

Staff Analysis: The proposed rezoning would match the zoning to the North, East, and South and is compatible with the zoning and land uses to the West of the site.

- (6) Major infrastructure or urban services for the land including but not limited to access points and roadway systems, have already been established and are not proposed to be changed.

Staff Analysis: There are no proposed changes to major infrastructure or urban services. The lot will continue to use their current access to Marion Drive and North Academy Boulevard.

Staff finds that the request to waive the requirements for a Land Use Plan has been met in accordance with UDC Section 7.5.514.B.3.

## **Application Review Criteria**

### **UDC Code Section 7.5.704.D**

1. The proposed rezoning is consistent with the goals and policies of the Colorado Springs Comprehensive Plan, with other plans and policies adopted by the City Council; and with the purpose statement of the proposed zone district(s).

Staff Analysis: This area is served by the South Academy Boulevard Economic Opportunity Zone Action Plan, and the property lies one block North of the Citadel Mall and Citadel Crossing Shopping Center focus area. Per the plan, the Citadel Mall/Citadel Crossing Shopping Center and surrounding area exist in a complex ownership pattern, and its multiple existing and often viable uses make it difficult for the City to have a prominent role in “game changing” redevelopment of this area. One opportunity noted in the plan states, “Longer term opportunities for a larger scale multiple/mixed use project in the area, including the potential for substantial adaptation and/or reconstruction”. The rezoning of this property to MX-M (Mixed-Use Medium Scale) from MX-M and R-5 (Mixed-Use Medium Scale and Multi-Family High) in order to rectify the existing split-zoning, would allow for the future redevelopment of this site to aid in accomplishing the opportunity identified above.

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

Staff Analysis: The request is to correct the application of zoning for this property, not to facilitate a development review at this time. With the proposed zone being the same as exists on most of the lot currently and on lots in the immediate area, allowable uses for future development would be comparable to what exists in the surrounding area. In this case, impacts to public interest, health, safety, convenience, and general welfare would be better measured during future review of applicable development applications.

3. The location of the lands in the zoning map area being amended are appropriate for the purposes of the proposed zone district(s).

Staff Analysis: Yes, the proposed zoning would be appropriate and in alignment with existing and nearby conditions.

4. If the application proposes to rezone a small area of land, the application demonstrates that the size, scale, height density, and multimodal traffic impacts of the proposed rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions.

Staff Analysis: The proposal will not lead to a noticeable increase in traffic and compliance with development standards would be ensured in the review of future development proposals.

5. If the application proposes to rezone a relatively small area of land, the application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Colorado Springs Comprehensive Plan goals that would be achieved by approval of the application.

Staff Analysis: The proposed rezone does not create a dislocation of tenants or occupants as the site is vacant. The requested rezone is not in conflict with PlanCOS goals.

6. If a Land Use Plan or amendment to a Land Use Plan accompanies the application, the Land Use Plan or amendment complies with the applicable criteria in Subsection 7.5.514.C.3 (Land Use Plan Criteria).

Staff Analysis: This criterion is not applicable as the applicant has submitted an accompanying Land Use Statement.

7. The application is consistent with any approved Concept Plans in the area for which the map is being amended or includes or is accompanied by a provision that approved Concept Plans that have been classified as implemented do not have to be amended in order to be considered consistent with an amended zoning map.

Staff Analysis: There is not an approved concept plan for this lot.

8. If the application is for creation of an ADS-O district, the approval criteria applicable to the creation of the text of the ADS-O district in Section 7.2.607.D (Decision) shall also apply to consideration of the zoning map amendment required to create or amend the boundaries of the ADS-O district.

Staff Analysis: The zone map amendment is not for an ADS-O district.

9. If rezoning to a PDZ district, the proposed PDZ district provides significant community amenities or other benefits, as determined by the Manager, that promote the achievement of Colorado Springs Comprehensive Plan goals and would not otherwise be required of the applicant under this UDC or other City or governmental regulations.

Staff Analysis: The zone map amendment is not for a PDZ district.

10. Complies with the additional standards of the base zone district where the property is located (see Article 7.2 (Zone Districts)) or in an overlay district that applies to the property (see Part 7.2.6 (Overlay Districts)).

Staff Analysis: The subject property is not within an overlay district.

After evaluation of Zoning Map Amendment (Rezoning), the application meets the review criteria.



## Compliance with PlanCOS

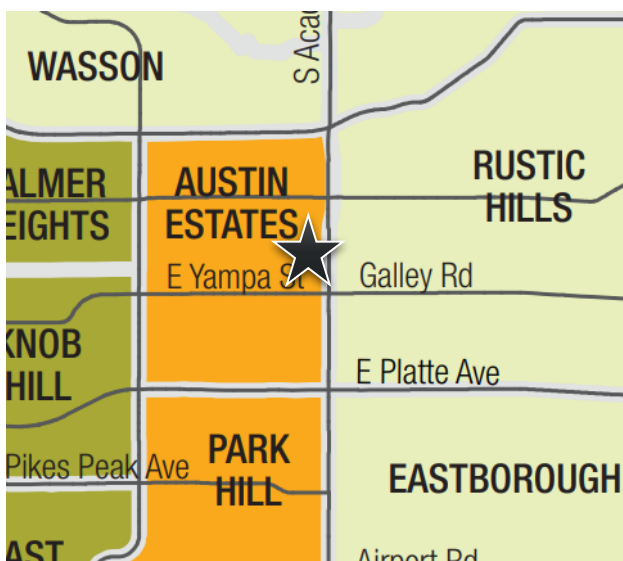
### PlanCOS Vision



Staff 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 “Mature/Redeveloping” within the Unique Places framework.

The goal of Plan COS as it relates to Mature/Redeveloping sites within the Unique Places framework is furthering the City’s focus on designing places to be compatible with, accessible from, and serve as a benefit to the surrounding neighborhoods or business areas. A key focus of this is to “Identify, promote and support redevelopment and infill opportunities” to proactively support and enhance existing and valued unique places in more mature areas of our city.

Staff finds the proposed rezone to be substantially in compliance with the goals, policies, and strategies within PlanCOS.



**Predominant Typology**

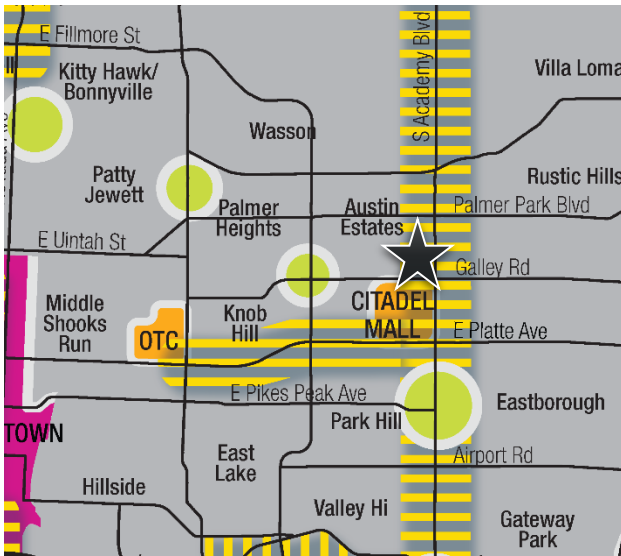
<span style="display:inline-block; width:10px; height:10px; background-color:darkred; border:1px solid black;"></span> Downtown	<span style="display:inline-block; width:10px; height:10px; background-color:darkgreen; border:1px solid black;"></span> Established Traditional Neighborhood
<span style="display:inline-block; width:10px; height:10px; background-color:teal; border:1px solid black;"></span> Newer Developing Neighborhood	<span style="display:inline-block; width:10px; height:10px; background-color:lightgreen; border:1px solid black;"></span> Established Suburban Neighborhood
<span style="display:inline-block; width:10px; height:10px; background-color:orange; border:1px solid black;"></span> Changing Neighborhood	<span style="display:inline-block; width:10px; height:10px; background-color:lightblue; border:1px solid black;"></span> Airport
<span style="display:inline-block; width:10px; height:10px; background-color:lightteal; border:1px solid black;"></span> Established Historic Neighborhood	<span style="display:inline-block; width:10px; height:10px; background-color:darkgrey; border:1px solid black;"></span> Future Neighborhood

**Vibrant Neighborhoods**

The site is located within a “Changing Neighborhood.” Per PlanCOS, “*Changing Neighborhoods primarily include existing neighborhoods that have the potential or need for City attention, reinvestment, and land use change... Planning emphasis should be placed on implementing strategies necessary to support, incentivize, or adapt to change resulting from market forces, redevelopment, or disinvestment.*”

- Policy VN-3.E: Encourage and support the integration of mixed-use development in neighborhoods.





#### Predominant Typology



### Unique Places

This section of Academy Boulevard is considered a "Mature/Redeveloping Corridor". Per PlanCOS "Often the existing pattern along these corridors includes a combination of retail uses and auto-oriented services developed in a typical in-line retail pattern, with multiple curb cuts, individual parking lots, cluttered signage, and small lots. These corridors represent significant infill and redevelopment opportunities."

- Policy UP-2.A: Support infill and land use investment throughout the mature and developed areas of the city.

## Statement of Compliance

### **ZONE-25-0001 – SUNNYSIDE AA LLC 1222 N ACADEMY REZONE**

After evaluation of the Zoning Map Amendment (Rezone) with Land Use Statement, the application meets the review criteria.