

Bestall Collaborative Limited

Planning Environment Construction Management Development

August 12, 2019

Ms. Tasha Brackin, AICP
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RE: 2420 Victor Place – Equipment Storage Statement
Request Approval: Development Plan, Conditional Use, Nonuse Variances

Ms. Brackin:

Oceans Investments LLC, is requesting the review and approval of the Development Plan for Lot 1 at 2420 Victor Place - an 8.69-acre parcel in the Victor Business Park, to allow for the development of an equipment storage yard. As part of the Development Plan approval we request approval of a Conditional Use to allow vehicles with a GVWR over 15,000lbs; a Nonuse Variance to allow the application of recovered asphalt paving; and a Nonuse Variance to allow an 8' privacy fence to be placed within the 25' rear yard setback.

The property has been rezoned to its original PIP-2 zoning, subject to approval of the second reading of the zoning resolution at the City Council Public Hearing scheduled for August 13, 2019. The property is currently under a Development Plan approved for an auto dealership in March 2016. The developer did not move forward and the transaction was not completed. Prior to 2016 there was little interest in this parcel and the development necessary to complete the Victor Place Business Park. Recently, the applicant was able to put together an agreement with an experienced owner/manager/developer to purchase the property for a storage facility for RVs, trucks/trailers and contractor equipment. No buildings are necessary or contemplated for the facility, which will be outfitted with enhanced security, (cameras, card activated gates, central monitoring), required landscaping and privacy fencing, and major buffers & setbacks from the adjacent residential neighborhood who have been engaged during the process to ensure a compatible fit of the proposed plan.

Context: Access and Uses

The Victor Business Park, was planned and developed for commercial/industrial uses. Located in the middle of the busy Powers Blvd corridor between Palmer Park Blvd and Constitution Ave, access to the site is provided off of Victor Place, a “frontage road” for Powers Blvd along the east property line. Adjacent commercial/industrial uses accessed off of Victor Place including public storage immediately adjacent the property.

- North: Public Storage facility (PIP-2 Mini-storage), Timberline Landscaping Inc. and a power transmission facility
- South: American Emergency Response, All-Star Storage (PIP-2 Office), other commercial industrial facilities, and a U-Haul Self Storage - Victor Place & Powers Blvd intersection

Neighborhood Engagement

Eight residential home owners immediately adjacent the 2420 Victor Place property were contacted and invited to meet on February 28 2018 at the David Gola residence – 2315 Heathercrest Drive. The meeting was productive and we learned about the concerns of the adjacent neighbors for the property in its current state and when developed. At the meeting support was expressed for the equipment storage facility, as it is a less intense use; provides certainty of the development use and improvements; increased security; and sound attenuation.

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We continue to communicate with the neighbors and are planning to implement the following items that were committed to during the meeting with the homeowners as part of the Development Plan.

- Fence. 8-foot painted metal fence (earth tones – beige/brown); to be located immediately adjacent (2'– 3' TBD) existing residential wood fence to allow maintenance, but, not an area difficult to secure from trespass.
- Wildlife Management. to be trapped relocated humanely
- Onsite Living. People not allowed to live in RVs or any other place on property.
- Lighting. Directed away from neighborhood: lighting to be installed with cut-off fixtures.
- Upkeep. Facility will be regularly monitored (cameras, on-site inspections).
- Hours of Operation. 24/7 access - sundown to sunup quiet time strictly imposed.
- Refuse. Facility dumpster and individual yard dumpsters allowed if regularly serviced. Scrap piles, unusable vehicles, fabrication and repair activities not allowed

Development Plan Approval Request.

We respectfully request approval of the Contractor Storage Development Plan. The facility will not have any office or occupied buildings; and no retail sales, repair facilities or activities will be allowed at the facility.

Equipment storage is a passive use, less intense than most commercial, industrial and residential uses – having less traffic, noise and onsite activity. The plan provides for two secure entrances on Victor Place at the north and south end of the east property boundary. The south entry will be the primary entrance and the north entrance will be secondary. Interior circulation is provided on 40' wide drive aisles organized for safe movement and parking of RV's, truck/trailers and contractor equipment. The frontage along Victor Place will be landscaped to the City's standards with a contemporary, earth-tone, metal panel privacy fence and matching card-operated security gates.

Equipment Storage & Parking Spaces - vary in size, with RV spaces: 15'x20' to 15'x50'; truck/trailer spaces: 15'x80' and the base contractor storage space: 20'x60'. The parking and contractor storage spaces may be intermixed and are delineated with a rope line pinned to the ground. The contractor storage spaces are devised by a 72" chain link fence when the size of the space is determined and let (one space may be combined into larger spaces depending on the client's needs). One storage container is allowed per space. This provides a secure storage for smaller equipment and helps to maintain organized storage spaces. In addition, 24 patron parking spaces provided: 13 spaces (including 2 disabled spaces) at the north entrance; and 11 spaces at the south entrance.

Security – is provided with enhanced security utilizing card activated gates, cameras, and central monitoring throughout the facility. The monitoring installation will include approximately 30 HD cameras connecting to a high capacity NVR (network video recorder) with 12 Terabytes of data storage (maintaining approximately 60 - 75 days of memory) at a central monitoring facility. The cameras are optimized to identify movement and to notify management in event of intrusion and documentation of inappropriate activities; and may be monitored onsite, at the main office, via mobile phone; and are accessible to the tenants for their use.

Development Plan Summary

- a. Access. Two access locations on Victor Place - secured with card activated gates.
- b. Sanitary Sewer. Not required.
- c. Water. Required for landscape irrigation - .75" tap requested.
- d. Drainage Design. Complies with City & County Development Plan requirements.
- e. Storage Spaces. The plan provides spaces for RV (15'x20' to 15'x50'), truck/trailer (15'x80'), and contractor equipment (20'x60'; fenced, can be combined).
- f. Victor Place Frontage. 8' privacy fence with landscape designed to City standard.

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- g. Security. Security cameras with centralized monitoring deployed throughout the facility.
- h. Lighting. Cut-off fixtures utilized to limit light diffusion.
- i. Residential Setback. A 100' to 150' setback maintained adjacent west property line with landscape buffer to City standard.
- j. Detention. West area of lot allocated to detention, including run-off from Public Storage to north – which is not currently providing onsite detention.
- k. West Privacy Fence. Neighborhood preference for an 8'- metal earth tone, post/panel fence located 3' from west property line to allow for maintenance, security but not sufficient space to create an attractive nuisance.

Development Plan Review Criteria:

The concept plan must comply with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the existing and proposed land uses surrounding the site.

1. Will the project design be harmonious with the surrounding land uses and neighborhood?

- *Response: Yes – this use was planned at Victor Business Park originally and is compatible with the adjacent storage uses to the north and south.*

2. Will the proposed land uses be compatible with the surrounding neighborhood?

- *Response: Yes. Development of the vacant property for this use will be compatible with the surrounding industrial uses and will establish a secure edge to for the residential neighborhood to the west. The residential properties will be buffered with a major setback (100' – 160'), 8' privacy fence, and a landscape buffer. The facility will be secured with multiple cameras linked to a central monitoring center. The facility does not connect to the residential neighborhood; and is a very passive use with low traffic and limited weekend and night activity.*

Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?

- *No. The facility is a low traffic generator, will not require sanitary sewer; will only utilize water for landscape. The use will not add recreationists or students; while, making the investment necessary to complete the storm drain system in this area, which will benefit the business park and residential neighborhood to the west.*

3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties?

- *Yes – no impact. There are no structures contemplated for this facility.*

3. Will the proposed density, types of land uses and range of square footages permit adequate light and air both on and off site?

- *Response: Yes – light and air should not be affected.*

4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off-site negative influences and to buffer adjacent properties from the negative influences that may be created by the proposed development?

- *Yes. There is a minimum of onsite activity and traffic associated with equipment storage. The site plan and landscape plan comply with City of Colorado Springs requirements and are designed to buffer adjacent properties from undesirable views, noise, lighting (cut-off fixtures) and other potential negative influences.*

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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?
 - *Yes. There is a very low level of traffic associated with an equipment storage use. Vehicular access will be controlled at security gated access points on Victor Place – with the south location serving as the primary entrance. Traffic will be handled in a safe, efficient flow to and from the facility.*
6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?
 - *Yes. Vehicular circulation within the facility is carefully designed with wide drive lanes to handle the size and value of the equipment to be stored.*
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?
 - *Yes. Ingress and egress will only be located on Victor Place with no thru traffic.*
8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?
 - *Yes. Sufficient parking is provided for the users of the facility.*
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. Sufficient parking is provided for the users of the facility.*
10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?
 - *Yes. Although asphalt is necessary to handle movement and storage of contractor equipment and provide dust control – it will be kept to the minimum necessary for this purpose.*
11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?
 - *Pedestrian walkways are not necessary or practical within an equipment storage facility. The pedestrian path outside the facility along Victor Place will be improved to create another link in that system.*
12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design?
 - *There are no natural features on the property. There are, however, drainage ways and a manmade detention area that will provide a major open space area which will also buffer the residential neighborhood to the west – providing a variable 100' to 150' setback.*

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Conditional Use - Approval Request.

We respectfully request approval of a conditional use to allow equipment greater than 15,000 lbs GVWR. This will allow storage of high value equipment which may be heavier than 15,000 lbs GVWR. Contractor Storage Yards are a permitted use in the PIP-2 zone.

Conditional Use - Review Criteria:

The proposed Conditional Use permit will allow for an equipment storage facility at this location that meets the standards for a "Conditional Use" according to Zoning Code Section 7.5.704. The Planning Commission may approve and/or modify a conditional use application in whole or in part, with or without conditions, only if all three (3) of the following findings are made:

- A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.
 - *Response: Approval of the Equipment Storage as a conditional use is consistent with the value and qualities of the surrounding neighborhood, and no injury should be incurred. The conditional use will allow for an increased vehicle weight (GVWR), only, which is consistent with higher value equipment, security, and facility management.*

- B. Intent of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.
 - *Response: The approval of the Equipment Storage conditional use is consistent with the intent and purpose of the C-6 zone and is not detrimental to the public health, safety, and general welfare. The facility will provide a less intense and more passive use than the approved auto dealership which will benefit the public welfare.*

- C. Comprehensive Plan: The conditional use is consistent with the Comprehensive Plan of the City.
 - *Response: The Comprehensive Plan identifies the area along Power Road as a developing business corridor. The proposed Equipment Storage facility at the vacant 2420 Victor Place parcel will make productive use of this property and conform to the existing and developing uses in the Power Road business corridor.*

Nonuse Variance – Reclaimed Asphalt Paving Approval Request.

We respectfully request approval of reclaimed asphalt paving (millings) to surface the drive aisles and storage spaces. The use of this material and method of application addresses the difficult nature of dealing with heavy equipment and provides a permanent, durable surface.

In storage facilities for heavy equipment, typical applications of hot asphalt do not hold-up to the weight, size and movement of the equipment. Surfacing the drive aisles and storage spaces with multiple lifts of reclaimed asphalt pavement (RAP) millings and rolled regularly over the course of a year to two years achieves a durable paved surface. During this period continuous maintenance and repair of wear areas, potholes and tire treads is carried out providing the compaction necessary to stabilize the millings. Using reclaimed asphalt and this construction method has proven to be an excellent approach for constructing drive aisles that properly temper to a final firm, drivable surface and provide immediate dust control in equipment storage facilities.

Many states and jurisdictions throughout the country utilize RAP, particularly in the reconstruction of roadway facilities. In Colorado, CDOT has authorized its use on reconstruction projects for over the last 12 years, finding that it performs as well as the ABC Class 6, a commonly used road base and surface material application. CDOT laboratory tests have indicated that RAP has a stiffness

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strength above an unbound ABC Class 6, for example. The material is particularly appropriate in equipment storage facilities where the weight and slow movement of vehicles would tear-up standard asphalt surfaced roads. Jefferson County, Douglas County, Weld County use it in public projects and approved it for equipment storage yards. A stockpile of millings is kept onsite for continual application to disturbed areas – causing a well-graded surface to be created over a relatively short period of time.

Nonuse Review Criteria

Applications for nonuse variances must meet Zoning Code. Criteria for nonuse variance applications may be considered which meet any of the following circumstances in determining whether applicable criteria have been met.

1. Extraordinary or Exceptional Physical Conditions:

a. The physical conditions of the property shall not be conditions general to the neighborhood or surrounding properties.

- *Use of reclaimed asphalt paving of the storage facility will not be conditions general to the neighborhood or surrounding properties, providing a durable surface and dust control protective of the air quality of the surrounding properties.*

b. The unique physical conditions of the property may be its size, shape, location, topography, soils; or

- *The property is over 8 acres in area presenting a unique physical condition for paving a large area. Reclaimed asphalt provides a beneficial solution for this application maintaining a durable surface.*

c. The unique physical conditions of the property may be the size or location of existing structures on the property if such structures are not self-imposed conditions; or

- *There are no existing or planned structures for the storage facility. Storage spaces and 40' drive aisles sized for large equipment and maneuvering make-up the armature of the facility. Reclaimed asphalt paving will be used to surface the storage spaces and the drive aisles providing a material that be maintained for safe circulation.*

d. The unique physical conditions may be certain on site or off-site environmental features which may positively or negatively affect the property in question, including, but not limited to, adjacent land uses, traffic, noise, views and location of significant natural, architectural or historic features.

- *Use of reclaimed asphalt paving will provide a durable surface and dust control to maintain a positive condition for the adjacent residential neighborhood.*

2. No Reasonable Use:

a. The demonstrated extraordinary or exceptional physical conditions of the property must directly relate to the inability to reasonably use the property in conformance with the applicable zoning ordinance regulations.

- *A user has been sought for the property for over 15 years without success. The most recent 2016 rezoning and development plan approval was for an auto dealership – which did not move forward to development. The contractor storage use is allowed in the PIP-2 zone – however, what makes such a facility feasible is the use of reclaimed asphalt paving.*

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- b. The concept of less reasonable use may be considered if a neighborhood standard exists and if it is demonstrated that the property in question has a less reasonable use by comparison with proximate and similar properties in the same zoning district.
 - *An equipment storage use is allowed in the approved PIP-1 zoning. The currently approved auto dealership use with repair facilities is not as reasonable a use, having greater activity, noise and traffic generation when compared to a storage facility.*
3. No Adverse Impact:
 - a. The granting of a variance shall not be detrimental to public health, safety and welfare or injurious to surrounding properties.
 - *Use of Reclaimed Asphalt Paving of the storage facility will provide a durable surface and dust control that is not be detrimental to public health, safety and welfare or injurious to surrounding properties.*
 - b. The granting of a variance shall not be inconsistent with any plans adopted by the City.
 - *Granting the variance will not be inconsistent with plans adopted by the City, and will assist in meeting the purpose and intent of the Victor Place Business Park plan zoning.*
 - c. The granting of a variance shall not weaken the general purpose of the Zoning Ordinance or its regulations.
 - *Allowing the use of Reclaimed Asphalt Paving for this use will not weaken the general purpose of the Zoning Ordinance or its regulations.*
 - d. The variance, if granted, shall only be to the extent necessary to afford a reasonable use of property.
 - *The variance allowing Reclaimed Asphalt Paving is necessary only to provide a reasonable use of the property.*

Nonuse Variance – Locating 8’ Privacy Fence in 25’ Rear Setback.

We respectfully request approval of placing an 8’ privacy fence within the 25’ rear yard setback. The privacy fence was discussed with home owners who live immediately adjacent the 2420 Victor Place property west property line at a meeting on February 28 2018. At that meeting we learned that one of the concerns of the neighbors was the current state of the property which allows random access and provides security risks for adjacent properties.

As part of that discussion the increased security that the storage facility would provide and we made a commitment, as part of the Development Plan to construct an 8’ privacy fence which would be located, at the neighbors request - 3’ east of the property line and existing wood fence; to allow for maintenance, but, not an enough area to attract trespass.

Nonuse Review Criteria

Applications for nonuse variances must meet Zoning Code. Criteria for nonuse variance applications may be considered which meet any of the following circumstances in determining whether applicable criteria have been met

1. Extraordinary or Exceptional Physical Conditions:
 - a. The physical conditions of the property shall not be conditions general to the neighborhood or surrounding properties.
 - *Installation of an 8’ privacy fence 3’ feet off of the property boundary is will conform to the neighbor’s request for its location.*

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- b. The unique physical conditions of the property may be its size, shape, location, topography, soils; or
 - *The property is over 8 acres in area with 440.95' of length along the west property boundary adjacent the residential neighborhood. The 8' fence will provide privacy and security for the homeowners immediately adjacent the facility.*
 - c. The unique physical conditions of the property may be the size or location of existing structures on the property if such structures are not self-imposed conditions; or
 - *There are no existing or planned structures for the storage facility. The reason for the variance is to allow an 8' privacy fence to be installed 3' off of the neighborhood property line on the west boundary as they requested in a neighborhood meeting.*
 - d. The unique physical conditions may be certain on site or off-site environmental features which may positively or negatively affect the property in question, including, but not limited to, adjacent land uses, traffic, noise, views and location of significant natural, architectural or historic features.
 - *The 8' fence will provide additional privacy for the neighbors – immediately adjacent their properties; in combination with a 100' setback to the nearest equipment storage space across a landscape buffer and open space.*
2. No Reasonable Use:
- a. The demonstrated extraordinary or exceptional physical conditions of the property must directly relate to the inability to reasonably use the property in conformance with the applicable zoning ordinance regulations.
 - *A user has been sought for the property for over 15 years without success. The most recent 2016 rezoning and development plan approval was for an auto dealership – which did not move forward to development. A major drainage facility is required to handle this and an adjacent property's stormwater drainage which takes up over 20% of the property. With these constraints, an 8' privacy fence will assist in creating a compatible buffer for the neighborhood from the contractor storage use which is allowed in the PIP-2 zone – and is a very passive use.*
 - b. The concept of less reasonable use may be considered if a neighborhood standard exists and if it is demonstrated that the property in question has a less reasonable use by comparison with proximate and similar properties in the same zoning district.
 - *The equipment storage use is reasonable and allowed in the approved PIP-2 zoning. The currently approved auto dealership use with repair facilities is a less reasonable use, having greater activity, noise and traffic generation when compared to a storage facility. The 8' privacy fence is desired by the residents in the adjacent neighborhood and will assist in buffering the storage facility more affectively than the auto dealership plan.*
3. No Adverse Impact:
- a. The granting of a variance shall not be detrimental to public health, safety and welfare or injurious to surrounding properties.
 - *Locating the 8' privacy fence within the 25' setback conforms to the surrounding property owners wishes, will promote safety, and will not be detrimental to public health, safety and welfare or injurious to surrounding properties.*

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- b. The granting of a variance shall not be inconsistent with any plans adopted by the City.
 - *Granting the variance will not be inconsistent with plans adopted by the City, and will assist in meeting the purpose and intent of the Victor Place Business Park plan zoning.*
- c. The granting of a variance shall not weaken the general purpose of the Zoning Ordinance or its regulations.
 - *Allowing the 8' privacy fence within the 25' setback will not weaken the general purpose of the Zoning Ordinance or its regulations. The storage spaces are setback minimum of 100' up to 150' from the west property line and there are no buildings planned for the facility.*
- d. The variance, if granted, shall only be to the extent necessary to afford a reasonable use of property.
 - *The variance allowing the 8' privacy fence to be located within the 25' setback is necessary only to provide a reasonable use of the property.*

We appreciate your consideration of this request and look forward to working with you on the approval of the Development Plan, Conditional Use and Nonuse Variances for this Equipment Storage facility.

Thank you.



Jack Bestall, Principal

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