



City of Colorado Springs

City Hall
107 N. Nevada Avenue
Colorado Springs, CO
80903

Meeting Minutes - Draft Planning Commission

Thursday, April 18, 2019

8:30 AM

Council Chambers

6.B. [CPC UV
18-00159](#)

A Use-Variance to allow a fueling station with a convenience store within the streamside overlay. This C-5 (Intermediate Business) zoned site is located at the southeast corner of Motor Way and S. Tejon Street and consists of 1.93 acres.

(Quasi-Judicial)

Related file: CPC V 18-00160

Presenter:

Peter Wysocki, Director, Planning and Community Development
Matthew Fitzsimmons, Planner II, Urban Planning Division

Staff presentation:

Matthew Fitzsimmons gave a short presentation on the intent and scope of this project and explained the necessity of the applications.

- Use Variance because of the streamside overlay
- Vacation of City right of way of an alley that runs through the middle of the project and the project cannot move forward without the vacation

Main concerns of stakeholders:

- Environmental contamination
- Gas station within the streamside overlay
- Increased Traffic
- Public safety, loitering and increased homeless activity

Applicant Presentation:

Chris Lieber, N.E.S., presented a PowerPoint with the scope and intent of this project.

Key pieces to the project:

- Use variance request
 - Several parcels were acquired with different uses
 - Assembly of all the parcels made the whole project subject to streamside overlay
 - Entire parcel is zoned C-5 and only a small portion to the east of the parcel falls within the streamside

- How well is the project addressing compatibility with the stream and creek corridor
 - Physically and functionally separated from the streamside
 - Provides opportunity to reclaim and rehabilitate the streamside
 - Landscaping, a trail connection and a Creekside plaza are proposed and provide a significant improvement to the already impacted and deteriorating streamside
- Environmental safety, how project might be enhancing the creek corridor, as well as the safety aspect of putting a gas station at the location

Staff and applicant had an extensive community process to address main issues. The four main issues identified:

- Concerns with location including proximity to other stations
- Traffic concerns due to already congested conditions
 - Traffic study conducted
 - Tejon Street reconfiguration
 - Standard-width left turn lane
 - Bike lanes in both directions
 - Provide Signal Pedestals for Pedestrian access
 - Required per redesign of the corner and pedestrian ramps
 - Signalization Timing
- Public safety and loitering along the streamside
 - Perimeter streetside sidewalk to be replaced and multiple access drives to be removed
 - Lighting added along trail
 - Bike lanes added to Tejon
 - Lighting to back and sides of building
 - Buffer wall to be removed to improve public safety and visibility
 - Canyon Creek Metropolitan District will provide maintenance and security for the trail including the Maverik site
 - Seating and walls removed from patio area to discourage loitering
 - Vegetation designed to provide shade and aesthetics while maintaining view of stream
- Need for streamside and environmental protection
 - No portion of the development is within the Streamside Overlay
 - Only 25% of the site is within the streamside buffer and 75% is external to the streamside buffer
 - Installing double-walled, non-corrodible tank systems
 - Installing triple-walled, non-corrodible piping systems

- Secondary containment
- Environmental sensors
- Effective Vapor Control
- Double-walled secondary containment

Rick Magnus, Maverik

Mr. Magnus gave a detailed overview of how stormwater would be managed.

Mr. Magnus explained that Maverik has a dedicated environmental team that stays ahead in technology. Mr. Magnus went over the numerous fail safes that will be onsite.

Questions:

Commissioner Raughton asked what was being done with the detention pond before it is discharged into the creek with any accumulation of fluid from the surface and underground.

Mr. Lieber explained there is a curb that separates the level of the parking from the riparian corridor so that the stormwater moves through oil containment devices that are placed around the site. This is where the fluid is first captured, and then from there it moves into the secondary containment, which is the detention basin. The intent is for those initial containment basins to capture any fuel or oil it drips.

Commissioner Raughton asked if the discharge into the creek a rip rap, or sand and gravel kind of filter.

Mr. Lieber explained it is a full spectrum detention pond and under the same requirements of a detention pond that is over an acre.

Commissioner Satchell-Smith asked Mr. Lieber to speak about protocols with surface gas leaks and reporting requirements.

Mr. Lieber deferred to Mr. Magnus who said there are still protocols in place for every operator of a fuel station. The protocols are more extensive. Mr. Magnus also informed the commissioners that each store employee has an extensive amount of training in all aspects but especially in fuel handling. Mr. Magnus said some of the treatments include:

- “The Biz” kitty litter
- Chemical treatments
- Regional workers who come to contain big spills
- Is Federally regulated

Mr. Magnus also addressed stormwater and explained that between the fuel dispenser canopy in the store, there is a system that is buried that handles

stormwater flows so they don't have to travel all the way around to try to get down to the detention base. These are just larger vessels that are put underground and the capture is all the way around the canopy, then it goes down into the system and is treated before it has a chance to be stormwater surface flow.

Commissioner Almy asked if the oil containment devices are designed for longer term use and is there any maintenance required on those to keep them viable, and can they be overwhelmed by a large quantity of fuel that has accidentally been spilled.

Mr. Magnus said there is a maintenance program that has to be complied with from federal regulations, as well as inspections.

Commissioner Raughton asked if the signage complies with the standards that were set for the Ivywild and Nevada frontage.

Mr. Lieber said they had worked with city staff and other proponents of Ivywild to develop the sign and sign standard. Mr. Lieber also stressed that they are open to conversation with signage in order to feel more a part of the Ivywild development.

Supporters:

Eric Wyatt, owner of three companies in town and owns 8 rental properties in the area

Mr. Wyatt said he was impressed by Maverik and thinks it will be a first class building. He also stated it would be convenient for his renters and himself. Mr. Wyatt said he believes what Maverik is doing will benefit the whole area.

Opponents:

Susan Dixon, Ivywild resident

Ms. Dixon said she is concerned about seeing this particular business in this location because of the numerous wildlife that utilizes the creek. Ms. Dixon was concerned how a fuel tanker could get off the freeway and that it would take up half the block to be able to turn. Ms. Dixon fears that it is too congested already at peak hours. Ms. Dixon was also concerned about transients loitering in the area. Ms. Dixon also said there are already two gas stations within the same block and doesn't understand why this has to be a gateway proposal to upgrade the neighborhood.

Harban S. Salali, owner of Everyday gas station one block from the site

Mr. Salali said there are already six gas stations in the area and another one is not needed. Mr. Salali also mentioned that Maverik is a big company and it will affect small businesses because they have more resources to bring in cheaper

gas. Mr. Salali said he never received information about neighborhood meetings for the Maverik gas station.

Mr. Sing (Inaudible), Manager at Everyday gas station

Mr. Sing reiterated there are six or seven gas stations and convenience stores in the area and did not think it was a good idea. Mr. Sing was concerned about the wildlife in the area and fish in the creek.

Shelley Smith, lives in the area

Ms. Smith said she travels down Brookside and Tejon to the freeway or downtown many times a week. Ms. Smith is concerned if a gas station is added, there would be several vehicle turning into the gas station. Ms. Smith said the traffic pattern in the area will be changed, which is already really clogged up. Ms. Smith does not see how the traffic would flow during rush hour and believed everything would come to a stop. Ms. Smith also pointed out that flooding occurs every year and is concerned for the creek and what the method is of cleaning the water. Ms. Smith requested that the traffic and environmental concerns continue to be looked at.

Rebuttal:

Mr. Magnus addressed the detention basin and explained the bottom section is usually made of rubber material so that it doesn't erode. Mr. Magnus went on to say a detention basin brings flows on, slows them down, and allows the water to percolate down to be released without all the silts that are normally carried on a site or in a drainage. Vegetation will also be incorporated to help with filtering.

Mr. Fitzsimmons said he was unaware of a plan to make Motor Way one direction. There is a proposal for Motor Way to have a median placed at Nevada between Arvada and Motor Way so that it is only right in/right out, which could change the traffic patterns in the area and reduce the traffic on Motor Way.

Mr. Lieber spoke of the detention pond and how it will have native seed throughout and is in compliance with stormwater policy.

Mr. Lieber addressed the traffic concerns and explained the study was extensive. The amount of stacking does change, depending on the time of day. There are substantial windows that will afford left turns depending on the time of day. That is why that full movement access on the Tejon side is valuable, because of the amount of time when it will certainly function.

Mr. Lieber said in terms of delivery of fuel, Maverik has the ability to determine when the trucks would typically come through. They will be looking at the volume of traffic at the intersection as well as lower volumes from a store

perspective as well.

Commissioner Graham asked Mr. Lieber if the vegetation in the detention pond are able to take the chemicals out of the run off that occurs.

Mr. Lieber explained that to a small degree the vegetation helps with the chemicals, and that they want it to be a pervious system. Mr. Lieber said that primarily the objective was to comply with stormwater requirements. In addition, the seed mixture was picked because it stabilizes the banks, but there is some water quality that comes from that particular seed mix.

Questions of Staff:

Commissioner Raughton asked if there were any constraints on the delivery of fuel to this site.

Mr. Fitzsimmons said the City has no constraints.

Commissioner Raughton asked about the busy intersection.

Mr. Fitzsimmons referenced a diagram in the packet of how different types of trucks will navigate at the site.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Raughton -

Commissioner Raughton mentioned there are several things that are an integral part of this development.

- Infill development is difficult
- Consolidating properties and accounting for all the adjacent factors in the streamside overlay
- Developers were well advised in their approach in that they have been careful about a number of these factors
- In support of the project

No other commissioners commented.

**Motion by Vice Chair Graham and seconded by Raughton, that this Planning Case be accepted Proposed Motion:
CPC UV 18-00159**

Recommend approval to City Council the Use Variance request for Maverik based upon the finding that the request complies with the Use Variance review criteria in City Code Section 7.5.803.B, the development plan criteria in Section 7.5.502.E and the Streamside Overlay criteria in Section 7.3.508.C, subject to compliance with the technical and/or informational plan modifications:

Technical and Informational Modifications to the Use Variance Plan:

1. Depict and label the utility and drainage easement that was reserved in Ordinance No. 97-190/Rec. #97152308.
2. Gain final acceptance of the project's drainage report.. The motion passed by a vote of

Aye: 6 - Hente, Raughton, Vice Chair Graham, Chair McDonald, Satchell-Smith and Almy

Absent: 3 - McMurray, Eubanks and Smith

- 6.C.** [CPC V 18-00160](#) A vacation of alley right of way located at the southeast corner of East Motor Way and South Tejon Street consisting of 0.093 acres.

(Legislative)

Related file: CPC UV 18-00159

Presenter:

Peter Wysocki, Director, Planning and Community Development
 Matthew Fitzsimmons, Planner II, Urban Planning Division

See Item 6.B. CPC UV 18-00159

Motion by Vice Chair Graham, seconded by Satchell-Smith, that this Planning Case be accepted Proposed Motion:

CPC V 18-00160

Recommend approval of a Vacation of Right of Way to City Council based upon the finding that the project complies with the Vacation review criteria in City Code Section 7.7.402, subject to compliance with the following technical and/or informational plan modifications:

Technical and Informational Modifications to the Vacation Plan:

1. Confirm location of two survey monuments
2. Add the ordinance number to the east-west alley previously vacated.
3. Depict and label the retained easements for the previously vacated alley.
4. Revise the title of the vacation. The motion passed by a vote of

Aye: 6 - Hente, Raughton, Vice Chair Graham, Chair McDonald, Satchell-Smith and Almy

Absent: 3 - McMurray, Eubanks and Smith