MAVERIK – MOTOR WAY

PROJECT STATEMENT

FEBRUARY, 2019

REQUEST

Maverik Inc. requests approval of the following applications:

1. Use Variance for Convenience Food Sales with Fuel Sales in a Streamside Overlay.
2. Development Plan for Maverik Fuel Station.
3. Final Plat to consolidate nine lots into one lot.
4. Vacation of right-of-way.

SITE LOCATION & DESCRIPTION

The site is comprised of nine lots located on the southeast corner of E. Motor Way and S. Tejon Street, west of Cheyenne Creek, and north of E. Brookside Street. The site is zoned Intermediate Business with a Streamside Overlay (C-5/SS) with a few of the lots zoned Intermediate Business with a Conditional Use for Automotive Sales within a Streamside Overlay (C-5/CU/SS). The nine lots and surrounding uses contain a mix of commercial, residential, and vacant land uses. Three of the lots are partially within the inner streamside buffer and five are partially in the outer streamside buffer of Cheyenne Creek. Five of the properties do not contain the streamside buffer and are not subject to the streamside overlay criteria. An alleyway runs north and south between the lots, as well as, a portion running east and west between the northern lots along Motor Way and a lot facing Tejon. These areas of alley/row are the subject of the vacation request.

FIGURE 2

Zoning and Land Use. The site is zoned C-5/CU/SS. Convenience Food Sales with Fuel Sales is a permitted use in the C-5 zone and a prohibited use within a Streamside Overlay. The 2020 Land Use Map designates the entire site as Mature Redevelopment Corridor. The site is within the Ivywild Neighborhood Master Plan and shown as Auto Related Commercial on the Land Use Map. The Concept Plan for the South Nevada Avenue Urban Renewal Authority (URA) identifies the full corner of this area as Future Mixed Use/Multi-family and identifies a desire for trail connections and plaza spaces along the streamside.

Figure 1: Zoning & Streamside Overlay

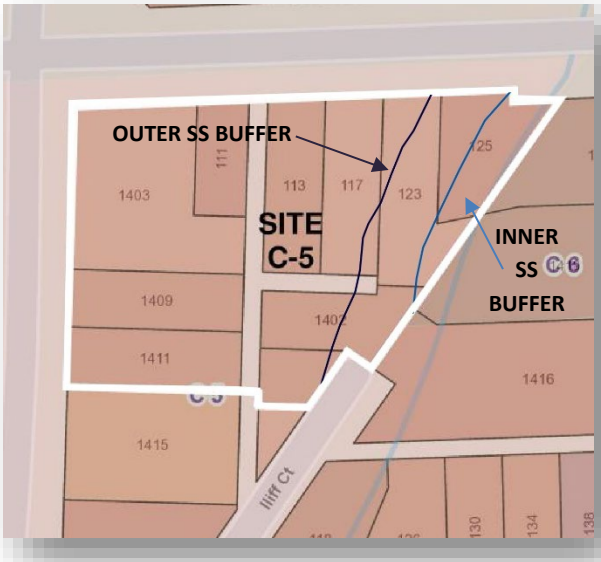


Figure 1: South Nevada URA Concept Plan

Surrounding uses include commercial, office, residential, and vacant land uses. To the north across Motor Way is the Lakeside Auto dealership. On the northwest corner of Tejon and Motor Way is a vacant parcel owned by the Colorado Department of Transportation. On the southwest corner of Tejon and Motor Way is a portion of the Toyota dealership that has its main building further west on Motor Way. Across Tejon to the west includes the LivWell Cannabis Store, the Ski Shop, and Spencer's Lawn and Garden shop. To the east is Cheyenne Creek, beyond the creek are commercial uses including Ace Cash Express, Midas, and J & S auto Sales. To the south is a residential land use that appears to be vacant. The residential parcel to the south is the only residential in the area excluding a portion of the proposed development and has been sold in the last year and is unlikely to remain residential. The southern property and the entirety of the proposed site is identified on the 2020 Land Use Map as Mature Redevelopment Corridor and zoned C-5. Alternative Compliance is requested regarding the Landscape Buffer screen wall along the southern property line. The proposed screening creates potential visibility issues, as follows:

- The screen wall blocks areas of the site from view identified as a concern from CSPD.
- Traffic Engineering would like the area to remain open for potential cross access to the property to the south if/when it develops as a commercial property.
- Removal of the screen wall would also provide better visibility for vehicles entering and exiting the site above and beyond the site distance requirements.

FIGURE 2

Existing Conditions. Existing development on the site includes commercial and office uses, vacant lots and vacant buildings. The northern portion of the site along Motor Way consists primarily of automotive and RV sales. The southwest portion includes a residence and a Landscaping business located south of the auto sales along Tejon. The southeast portion of the site includes a Real Estate Firm located south of the RV sales and along the Creek.

Figure 2: Existing uses on site.

Figure 3: Existing conditions along Motor Way.

FIGURE 2

Figure 4: Intersection of Tejon and Motor Way.

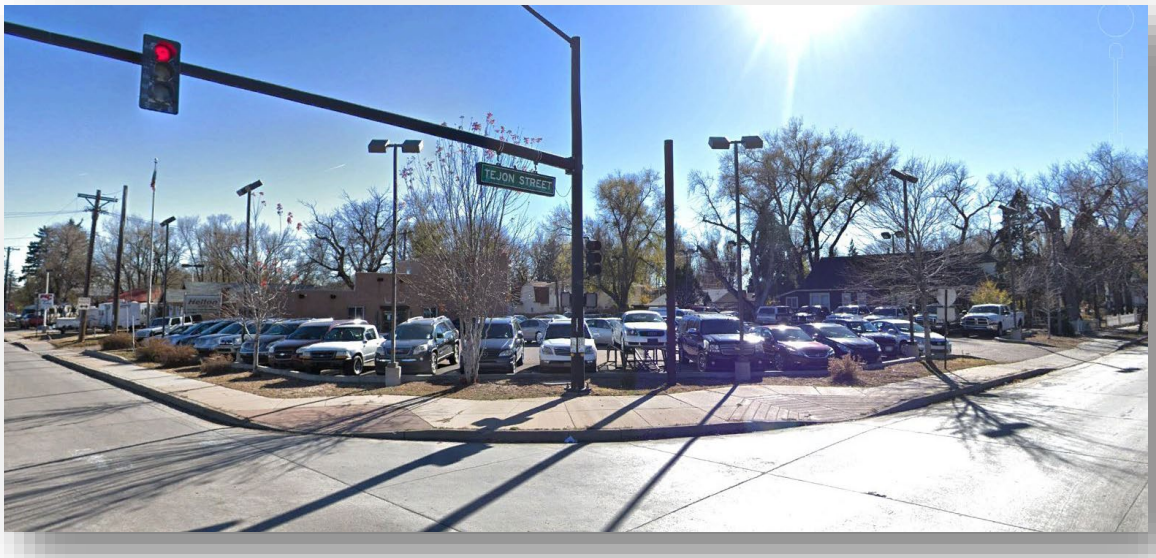


Figure 5: Existing conditions along Tejon Street.

FIGURE 2

Figure 6: Existing building and RV locations in relation to the Streamside Buffers.

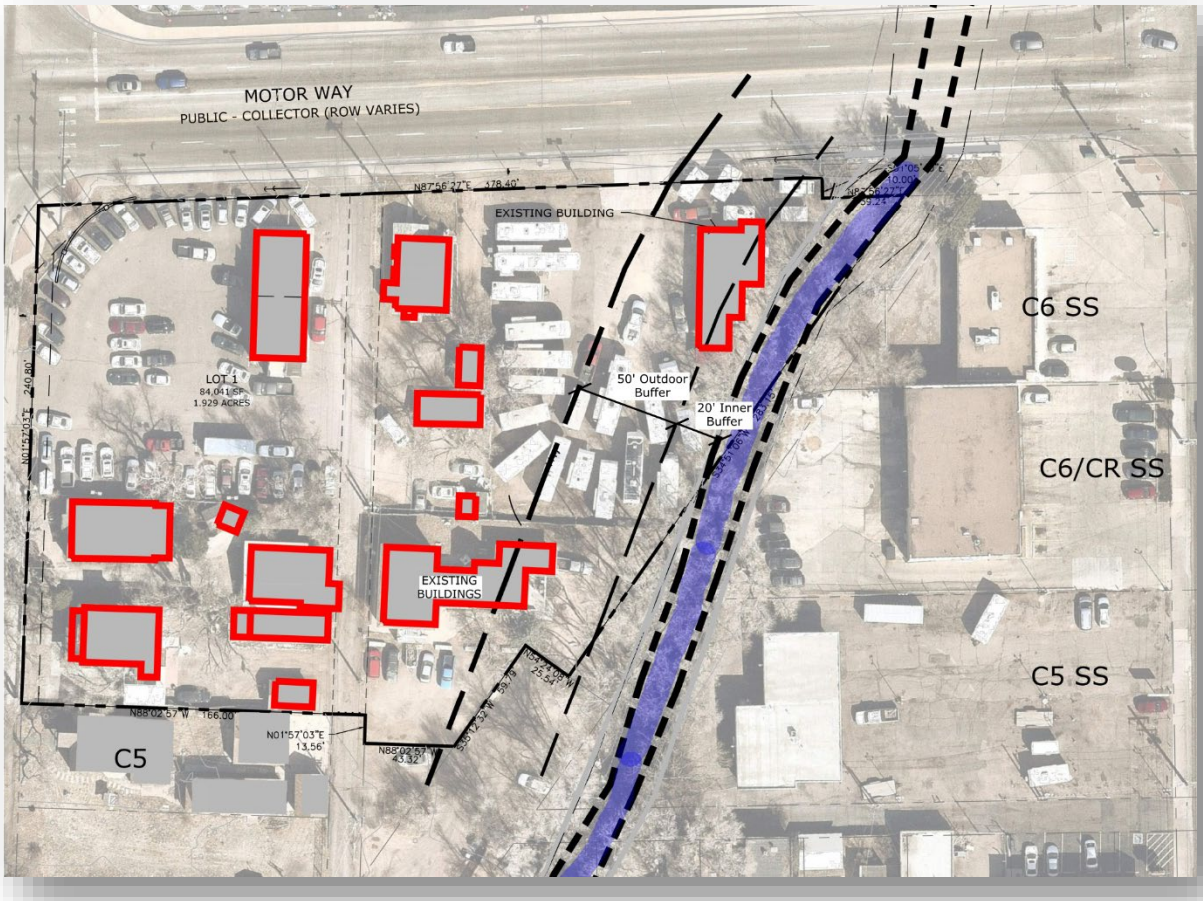


FIGURE 2

PROJECT DESCRIPTION

Convenience and Fuel Station Design.

The project proposes to redevelop an underutilized infill site as a Maverik fuel station consisting of a convenience store, the Bonfire grill and Cinnabon with outdoor seating, six fuel dispensers with a canopy, a trail connection and a creekside plaza with landscaping along the streamside. The store is situated nearly on the center of the site with the pumps to the north of the store. Parking is located along the front and side of the store and on the west side of the site facing Tejon. The trash enclosure is located on the west side of the building and the detention and drainage pond is south of the building. To the east of the building and dispensers are landscaping, a creekside plaza with a trail connection, and the streamside. No portion of the proposed store, fuel dispensers, underground fuel storage tanks, trash enclosure, or the driving/parking area are within the outer buffer of the Streamside Overlay.

The site meets the C-5 Development Standards in regards to building height, setbacks, landscaping, and parking. The maximum height of the building is 30’ and meets the 45’ maximum height. The building is setback 144’ from the front and 47’ from the rear property line, well within the required front and rear building setback of 20’. A side setback is not required due to the surrounding properties being zoned C-5; however, the side nearest to the west property boundary/Tejon is approximately 118’ and the side nearest to the east property line/creek is approximately 20’ from the corner of the building to the closest point of the property line. The entirety of the building remains outside of the streamside overlay. The edge of the parking area and building are 50’ from the inner streamside buffer. The outer streamside buffer is generally used as a border for the developable area. Landscaping, a creekside plaza, and a trail are shown within the outer buffer. No improvements or landscaping are proposed within the inner streamside buffer.

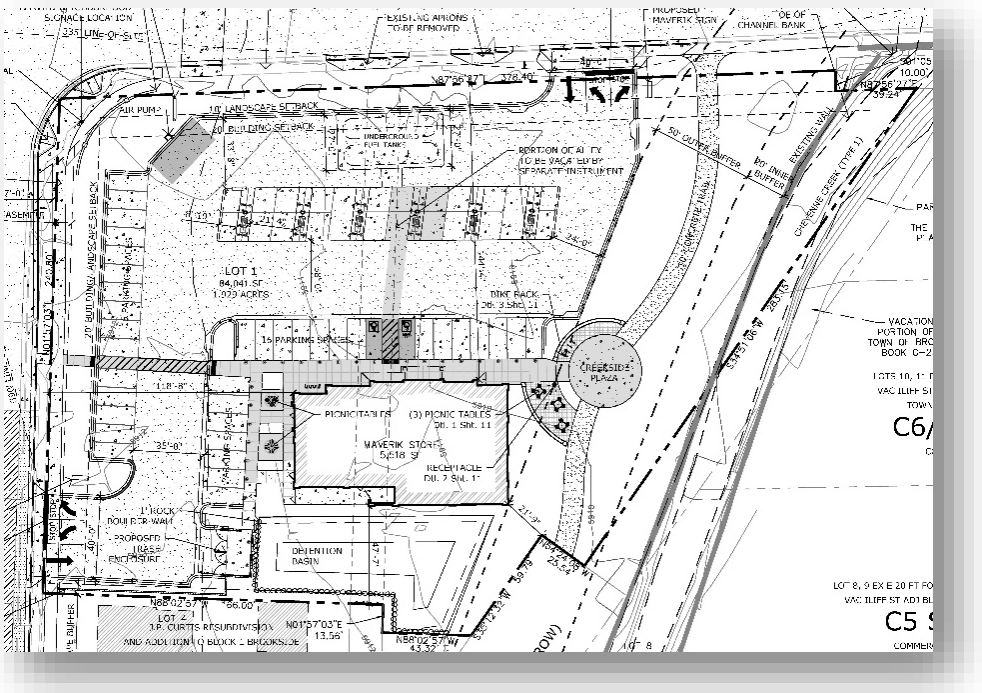


FIGURE 2

A 20’ landscape setback is required along Tejon as it is classified as a minor arterial. A 10’ setback is required along Motor Way as it is classified as a nonarterial street. Approximately 19 parking spaces are required including 1 accessible and 1 van. 38 parking spaces are provided including 1 accessible and 1 van space plus 12 spaces on either side of the 6 fuel dispensers. The overall impervious area of the existing buildings and pavement of the site is reduced by 62% with the proposed design. The impervious area of the buildings is reduced by 49% and the pavement area is reduced by 13%.

Landscaping is provided along the two roadways to provide a visual buffer and meets the required landscape requirements. Maverik signage is shown in these areas and a monument sign location is shown for the Ivywild neighborhood. A sign plan for the Maverik is provided with this application. If desired a design of the Ivywild monument sign will be submitted separately after coordination with the neighborhood.

Streamside and Landscaping.

Special care has been taken to insure minimal impact to the streamside. All development is located outside of the outer streamside buffer, physically and functionally separating the use from the streamside. Per the South Nevada Avenue Concept Plan and the Streamside Design Guidelines (Guidelines), a trail and creekside plaza space are provided within the outer buffer of the stream. A 10’ wide trail connection is proposed to accommodate a planned trail along Cheyenne Creek. The stream and inner buffer of Cheyenne Creek are preserved and/or improved with this project. Existing bank stabilization is in place in the form of gabeon baskets and stone retaining walls. The project proposes to revegetate the inner and outer buffer and fee to the City for channel improvements in lieu of building the improvements.. Portions of the retaining walls are in good condition and are needed for stabilization of the creek. Clean-up of existing vegetation will provide better physical and visual access to the creek and improve the conditions of the creek. No physical improvements are proposed within the stream

channel other than revegetation with native riparian species. Currently, RV’s, an asphalt parking lot, and buildings are within the Streamside Overlay. The project provides an opportunity to reclaim the streamside buffers. The stream is heavily impacted by the existing development that encroaches on the outer and inner buffer. This project reduces the current impacts to the streamside and reduces the

FIGURE 2

amount of impervious surfaces on the site, as well as in the buffers, and reclaims the streamside with trail amenities and riparian vegetation.

Streamside Design Guidelines.

The Guidelines, revised in 2009, were created in conjunction with the Streamside Ordinance (Ordinance) to explain "how to develop in a manner consistent with the Streamside Ordinance". The Guidelines state that the Ordinance "encourages the active utilization of natural stream areas (trails and open space), which industrial and heavy commercial uses generally cannot provide" (Convenience and fuel sales is considered heavy commercial in the Guidelines). The concern appears to be with the inability to provide a natural environment along the stream and for environmental impacts. This project and site are unique in the sense that the site can accommodate an active utilization of the streamside by consolidation of the nine parcels. The project provides a larger site to accommodate the streamside and the station. In addition, potential impacts are mitigated through the project's design and Maverik's procedures (further analysis below). Alternative developments may not have the economic feasibility to consolidate and dedicate the amount of property this project proposes. This also provides an opportunity to physically and functionally separate the fuel station use and the streamside, while providing a trail amenity allowing patrons, residents, and the general public to utilize the streamside corridor.

Geotechnical.

An Application Form for a Geological Hazard Waiver and supporting Letter is provided with this application. A Geotechnical Study was conducted in December, 2017 by CMT Engineering Laboratories. This study concluded that none of the following conditions exist:

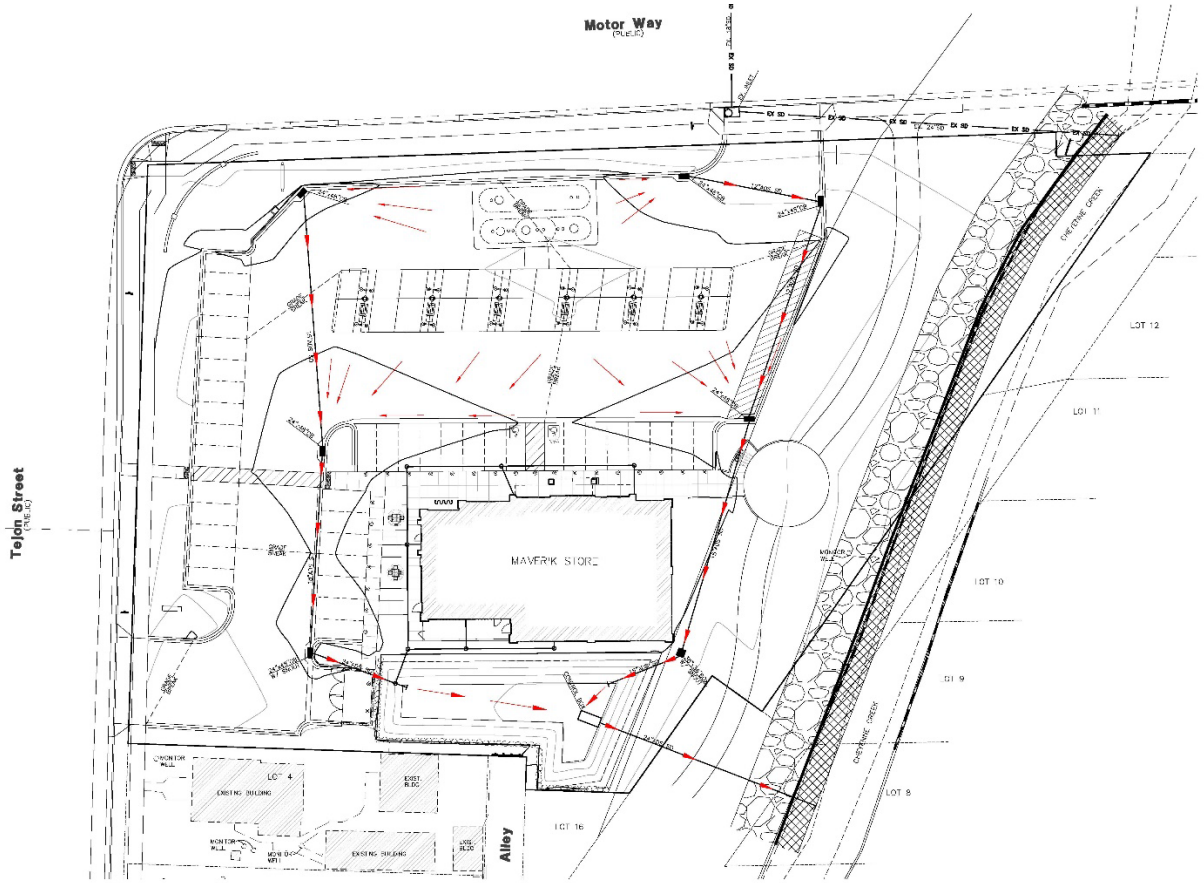
- Slopes existing or proposed exceeding 33%, or otherwise unstable,
- evidence of underground mining or subsidence activity, or
- a history of a landfill or uncontrolled or undocumented fill activity.

FIGURE 2

Drainage/Water Quality.

A Drainage Study Report prepared by Reeve & Associates, Inc. outlines the drainage criteria per the City Drainage Criteria Manual. Per this study, a detention basin is located in the rear of the building and is fully outside the streamside buffers. Stormwater runoff generated from the site is designed to flow to curb and gutter and be directed to onsite catch basins. The water is then conveyed in pipe to an above ground extended detention basin. A control structure limits the outflow of the detained stormwater to below predeveloped conditions. Developed runoff generated from the site is anticipated to be less than or equal to pre-developed run-off rates. Prior to being released off-site runoff will be treated via a private extended detention basin and water quality facility. The site is graded to convey any storm flows and potential fuel spills to the onsite inlet boxes. From the inlet boxes, the water /fuel spills are conveyed through pipes to final onsite boxes that incorporate oil containment devices within them. The oil containment devices are utilized to catch oil, capture sediment, debris, and potential spills and keep it contained within the boxes before it reaches the detention basin. From the two inlets with oil containment devices, the water is then conveyed to an open basin that acts as a detention basin water quality pond before it is released and discharged into Cheyenne Creek. This process allows for two separate capture points for any potential fuel spills. Below is an exhibit that shows the flow of water or fuel if a spill is to occur.

Figure 7: Fuel Spill & Stormwater Catchment



The black lines with red arrows are the direction in which fuel and water would travel through underground piping. The red arrows show the direction of fuel and water are on the surface to the inlet boxes and containment devices.

FIGURE 2

Fuel Tanks and Storage.

Fuel will be stored in underground double-walled, non-corrodible tanks. The study took into consideration existing conditions, future changes to Nevada and Tejon, and proposed development in the area. The fuel is transferred to the dispensers through triple walled, non-corrodible pipes. Secondary containment is provided in two locations from the tank itself one portion is on the top of the tank where the fuel is pumped to and another portion is below the dispensers. This secondary containment includes environmental sensors to detect any potential leak. The tanks also include environmental sensors between the inner and outer walls of the tank. In addition, Maverik's Tanker Trucks are designed to contain the vapors discharged while filling the tanks. This eliminates the potential vapor pollution discharged into the air compared to other stations and the "old way" of filling tanks.

Traffic/Access.

The following traffic analysis is provided per the Traffic Analysis prepared by LSC. The plan shows the relocation of two existing access points-one on Tejon Street and one on Motor Way-to new locations farther from the intersection of Motor Way/Tejon Street. The relocated access points would be 260 feet south of and 310 feet east of the Tejon/Motor Way Intersection. These are both proposed to remain "full-movement" allowing left and right turns.

The number of vehicles projected to enter and exit the Maverik store at the site driveways is as follows:

- 247 entering and 247 exiting vehicles during the morning peak hour (7:00 am to 8:00 am)
- 191 entering and 191 exiting vehicles during the afternoon peak hour (5:00 pm to 6:00 pm)
- About 2,300 entering and 2,300 exiting vehicles during the average weekday 24-hour period.

These "trip" numbers identify the total vehicle counts in and out of Maverik. Most of these trips will include customers already traveling on the adjacent and nearby streets and roadways, rather than "new impact" or destination customer trips. Most of the above trips entering and exiting Maverik will consist of motorists traveling in route to home, work, school etc. Given the site location adjacent to Tejon Street and Motor Way, and a short distance (a few hundred feet) from Nevada Avenue, motorists passing by will find this Maverik store conveniently located, with several options for entering, exiting, and rejoining the travel route to their destination. For example, motorists using southbound Nevada for travel will find this Maverik store to be a convenient intermediate stop for gas or food via a right turn from southbound Nevada to Motor Way with convenient return to southbound Nevada.

Only about six percent of the total projected Maverik trips will be "new impact" primary trips (e.g., a customer making a "special trip" to the gas station/convenience store. Effectively, only 15 "new impact" in and out trips are projected during the one-hour morning commute time period and 11 "new" in and out trips are projected during the evening commute. This store will draw some customers from Interstate 25, however the proportion of these will be minor compared to the customer draw from the adjacent streets and Nevada Avenue.

Motor Way is a wide street with multiple lanes in each direction and Motor Way is intended to provide access to adjacent businesses. Although the I-25 Interchange at Nevada and Tejon was designed with an eastbound one-way connector ramp between Tejon and Nevada; presumably, the intended purpose of

FIGURE 2

this ramp was to provide access from southbound I-25 to southbound Nevada. However, many drivers use other alternatives to this connector ramp. One of the popular alternatives includes using Motor Way to Nevada Avenue via a right turn from the I-25 southbound off-ramp onto Tejon Street then a left turn onto Motor Way. A portion of the projected total Maverik entering trips includes motorists already using this route. For these customers there will be no net change in traffic at the Motor Way/Tejon intersection.

The City has indicated plans to remove the traffic signal from the intersection of Nevada & Motor Way. Motor Way and Arvada would be restricted to right turns only from Nevada and onto Nevada. The report includes estimates and associated traffic modeling of the traffic pattern changes associated with the Motor Way/Nevada by the City. This change and other anticipated area street network changes/improvements will likely translate to fewer drivers using Motor Way and may result fewer motorists using Motor Way as an alternative route from southbound I-25 to southbound Nevada.

The report contains traffic forecasts on the adjacent streets and at the site access points and adjacent Motor Way intersections. These forecasts include Maverik customer traffic as well as traffic associated with the planned new hotel to the south on Tejon Street. The report also accounts for planned additional commercial redevelopment to the south between Tejon and Nevada as well as general growth in traffic on the area streets over the next 20 years.

The report contains a traffic operations analysis using the traffic forecasts. The operations analysis included intersection Level of service analysis (intersection capacity/motorist delay analysis) and vehicle queuing (stacking) and “blocking” analysis. Level of Service (LOS) analysis results are presented using a national rating system (A through F) to indicate an intersection’s delay and resultant level of congestion. LOS A represents a low level of delay and little to no congestion. LOS D represents generally expected and tolerable levels of delay and congestion during peak periods in urban/suburban areas, but conditions are subject to sudden and considerable variations.

The signalized intersection of Tejon/Motor Way is projected to operate at an overall LOS D based on future traffic forecasts. The north and west site access points are projected to operate at LOS C and D, respectively.

The vehicle queuing/stacking analysis modeled the operational effects of queuing and blocking on the adjacent streets. The analysis included projections of peak period queue lengths for traffic entering at the west site access from southbound Tejon Street, and the left turns on all approaches at Motor Way/Tejon. The analysis model accounted for the short intersection spacings in this area and the effects of through traffic queues at signals periodically blocking access points and “upstream” intersections.

The analysis results indicate that the center painted left turn medians on Tejon and Motor Way could accommodate the traffic projected to turn left into the store. The results also indicate that although northbound queues on Tejon Street periodically back through the proposed Maverik west access, these queues will typically clear each signal cycle and north/south traffic gaps created by the traffic signal at Tejon/Brookside will allow for left turns into the Maverik site.

The report contains recommendations for widening of Tejon Street along the Maverik site to achieve a standard-width left turn lane and City-standard bike lanes in both directions. The submitted site plan

FIGURE 2

reflects this recommended widening along the site frontage along Tejon Street. Although existing property constraints (other properties along Tejon Street) will not likely allow implementation of continuous, full-width bike lanes to the south or through the Brookside intersection with the site development or in the short term, LSC has recommended the widening (which is reflected on the site plan) to accommodate these lanes in the future if/once opportunities for widening to the south (through redevelopment or other means) arise. The Tejon Street restriping is recommended based on conversations with City Traffic Engineering regarding future plans for Tejon, including a roundabout to the south at Brookside and a five-lane cross section including bike lanes on both sides of Tejon.

Minor lane striping modifications may be needed on Tejon Street and Motor Way to accommodate the site access points. The southeast corner of Motor Way and Tejon is redesigned to accommodate vehicle stacking in the center lane of Tejon. This redesign includes reducing the radius of the corner, which reduces turning speeds, and moves the crosswalk further to the north. These improvements meet the City Traffic and Engineering requirements for turning radius and ADA accessibility requirements.

Neighborhood Involvement.

Two neighborhood meetings and a meeting with representatives from the Ivywild Improvement Society (IIS) were conducted throughout the application process. The IIS meeting and 1st neighborhood meeting were held prior to submittal in order to gain feedback and input on the design. Representatives from NES met with members of the Ivywild Improvement Society to present the project and provide information.

A neighborhood meeting was held on June 28, 2018 at the Ivywild School prior to submittal of the application. The meeting focused on introducing the project, the request, and the applicant in order to answer any questions regarding the proposed design and to receive feedback from the community. The Project team describe the request, existing zoning, existing site conditions, and the programming of the station. The team also discussed the proposed trail and streamside conditions. The primary concerns seemed to be in regards to traffic congestion, loitering, and the streamside.

The 2nd neighborhood meeting was held after the 1st round of review comments was received and a round of public comment. The meeting was held on January 8, 2019 at the Ivywild School to further address comments from the community. More detailed information was provided regarding drainage, environmental, and fuel tank information as well as information regarding traffic and coordination with an area wide Ivywild Traffic Study and City Traffic Engineering. Representatives from the firm contracted to work on the Ivywild Traffic Study were in attendance to answer questions.

Further explanation is provided in this letter to address comments and to provide more detailed information on the referenced topics.

FIGURE 2

PROJECT JUSTIFICATION

USE VARIANCE CRITERIA (SECTION 7.5.803.B)

Convenience Food Sales with Fuel Sales is a permitted use in the C-5 Zone. A use variance is required for this application due to portions of the site falling within the Streamside Overlay that prohibits the use. Approximately 75% of the site and all proposed development related to the Maverik Station is accommodated external to the Streamside Buffer. The remaining 25% of the site within the Streamside Buffer is proposed as landscaping, a trail connection, and a creekside plaza.

1. **THAT THERE ARE EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES OR CONDITIONS APPLICABLE TO THE PROPERTY INVOLVED OR TO THE INTENDED USE OF THE PROPERTY THAT DO NOT APPLY GENERALLY TO THE PROPERTY OR CLASS OF USES IN THE SAME ZONE SO THAT A DENIAL OF THE PETITION WOULD RESULT IN UNDUE PROPERTY LOSS; AND**

   The exceptionality of this site is that by consolidating 9 parcels into a single site only 25% of the site is within the Streamside Buffer. The remaining portion of the site is external to the Streamside Buffer. The proposed use is permitted in the C-5 zone and prohibited in the Streamside overlay; however, no portion of the use is within the area prohibited. Care has been given to insure none of the proposed Maverik development is within the overlay. The project is physically and functionally separated from the streamside and provides an 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. The project proposes an Ivywild Entry Monument to be designed through future coordination with the neighborhood. The projects fits into the South Nevada Urban Renewal District Plan by advancing the creek and trail corridor plan and providing an economic generator for the Urban renewal district.

2. **THAT SUCH VARIANCE IS NECESSARY FOR THE PRESERVATION AND ENJOYMENT OF A PROPERTY RIGHT OF THE PETITIONER; AND ALSO**

   The C-5 zoning permits the proposed use. The proposed development and the majority of the site are outside of the streamside overlay. The overlay inhibits the development of the site by restricting a small portion of it. The proposed site design has taken into account the streamside overlay and locates the development outside of the streamside portion of the site and provides improvements and an amenity within the outer buffer. The overlay is identified and preserved. Alternative development on the property would not be economically feasible. Individual redevelopment of the lots would not be feasible due to the streamside overlay. Five of the nine properties have a portion of the lot within the buffers and one of the properties is fully within both buffers severely restricting redevelopment and the economic feasibility of the properties.

3. **THAT SUCH VARIANCE WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR CONVENIENCE NOR INJURIOUS TO THE PROPERTY OR IMPROVEMENTS OF OTHER OWNERS OF PROPERTY.**

   The use is permitted in the C-5 zone and is consistent with the surrounding zoning. The project proposes to consolidate nine parcels with different uses and create a single developed property that provides amenities to the neighborhood and improves the aesthetics of this corner and the creek. The project will result in a benefit to the public by reclaiming the streamside and providing

FIGURE 2

landscaping along the streetscape, within the site, and within the outer streamside buffer, a trail connection and creekside plaza along Cheyenne Creek, and clean-up and revegetation of the streamside.

DEVELOPMENT PLAN CRITERIA (SECTION 7.5.502.E)

1. **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 surrounding zoning consists of C-5 and C-6 developed with a mix of commercial uses. The proposed Maverik is situated on the site to minimize impacts to adjacent uses and the streamside. The proposed development is situated entirely outside of the streamside overlay. The building and pumps face Motor Way and are centrally located on the site to maximize the amount of space around the structures and provide buffer to the surrounding uses. The building is designed with earth tones and brick/stone accents to blend with the natural environment. Landscaping is proposed to mitigate impacts to surrounding uses.

2. **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 project is compatible with the City Comprehensive Plan 2020 Land Use Development identifying the area as a Mature Redevelopment Corridor. Applicable plans including the Ivywild Neighborhood Master Plan identify the area as Auto-Related Commercial. The project includes elements supporting the development of trail and pedestrian connectivity along the streamside as desired by the South Nevada URA Concept Plan. The project is supported by the following PlanCOS, 2020 Comprehensive Plan policies, and the Ivywild Neighborhood Master Plan Goals.

   PlanCOS Objectives

   This project was submitted prior to the adoption of PlanCOS, the previous Comprehensive Plan policies are included for reference and the PlanCOS policies are provided.

   <u>Neighborhood Elements</u>

   2. *an integrated mix of land uses to allow siting of residential, retail, office, recreational, and educational facilities within close proximity;*

   4. *safe physical connections to support and encourage walkability with links to existing and future multimodal transportation systems, the city's trails and green infrastructure network, and neighborhoods.*

   Goals & Policies

   Policy VN-3. A: *Preserve and enhance the physical elements that define a neighborhood's character.*

   - Strategy VN-3. A-3: *Incorporate existing natural features into project design by providing amenities such as trail connectivity, outdoor dining areas, promenades, and plazas.*

FIGURE 2

- Strategy VN-3. A-4: *Modify City Code and create incentives to encourage redevelopment of underperforming buildings to include higher-density housing, mixed-use, civic services, gathering areas, and additional employment opportunities.*

- Strategy VN-3. B-3: *Encourage walkable civic, retail, and community gathering places as design elements within neighborhood centers.*

Policy VN-3. F: *Enhance mobility and connectivity between neighborhoods across Colorado Springs and with surrounding jurisdictions.*

- Strategy VN-3. F-1: *Increase transportation and recreation choices for all neighborhoods by improving or adding bike lanes, sidewalks, off-street neighborhood trails, and greenways that connect to larger system trails with associated wayfinding/signage.*

- Strategy VN-3. F-2: *Retrofit existing features to create multipurpose amenities, including drainage ways and infrastructure corridors with trail systems.*

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

- Strategy UP-2. A-1: *Encourage the development or redevelopment of vacant properties in the core area of the city by using a combination of incentives, rezoning, and creative design solutions.*

- Strategy UP-2. A-4: *Actively support ongoing and potential infill projects, employ problem solving approaches and continue to implement process improvements in support of infill and redevelopment.*

- Strategy UP-2. A-5: *Revise zoning and building regulations to be more streamlined and flexible regarding infill, redevelopment, and mixed-use development, especially in older, underutilized commercial areas.*

Comprehensive Plan Policies (2020 Land Use Designation)

Policy LU 401: *Encourage Appropriate Uses and Designs for Redevelopment and Infill Projects*
Work with property owners in neighborhoods, the downtown, and other existing activity centers and corridors to determine appropriate uses and criteria for redevelopment and infill projects to ensure compatibility with the surrounding area.

Strategy LU 401c: *Establish Design Guidelines and a Review Process that Support Infill and Redevelopment*
Adopt design guidelines and standards to ensure that infill and redevelopment projects are compatible with existing neighborhoods in terms of scale and design. Incorporate them in the development review process for infill and redevelopment proposals.

FIGURE 2

Strategy LU 702b: *Redevelop and Infill Commercial Uses in Mature/Development Corridors to Form Activity Centers*
Redevelop and infill commercial uses in mature/redevelopment corridors to support the formation and evolution of new activity centers. Coordinate the formation of new activity centers with the redevelopment of the entire corridor.

Strategy T 201e: *Bicycle and Pedestrian Safety*
Designed pedestrian and bicycle facilities, including sidewalks, on-road lanes, off-road trails, connections, crossings, signals, and bridges to facilitate movement in a safe and efficient manner. Facilitate convenient and safe bicycle and pedestrian movement at crossings and traffic signals.

Strategy LU 303a: *Design Pedestrian Friendly Environments*
Plan and design neighborhoods and activity centers as coordinated pedestrian friendly environments.

Strategy N 203e: *Enhance Neighborhood Connectivity Standards*
Review subdivision and development standards requiring provision of sidewalks, walkways, trails, and appropriate transit and pedestrian facilities. Revise these standards to improve street, bicycle and pedestrian connectivity between neighborhoods and commercial developments, civic uses, and parks with the goal of making neighborhoods more accessible, walkable, and pedestrian friendly.

Ivywild Neighborhood Master Plan

Section 3.2 Goal: Contain major commercial activity and land use along the present boundaries of Nevada Avenue and Motor City, while reinforcing cottage commercial as a neighborhood attribute.

3. 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.

The project meets all setback requirements of 20’ front and rear as well as the landscape setback requirements of 20’ along Tejon and 10’ along Motor Way. The maximum building height is 30’ and is within the maximum height of 45’. There is no maximum lot coverage for the C-5 zone.

4. 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.

The report provided by Reeve & Associates, Inc. is prepared in accordance with the City’s Drainage Criteria Manual and addresses the necessary information.

5. 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.

All parking for the project meets the requirements for off-street parking by providing 38 surface parking spaces (2 handicap) exceeding the required 19 spaces. All stalls meet the location and dimensional standards as specified in the Zoning Code.

FIGURE 2

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

The parking stalls meet the dimensional requirements of the Zoning Code. All drive aisles are 33' at minimum and the two access points are 40' in width. The trash enclosure is located in an easily accessible location on the southwest side of the site.

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

A 20' landscape setback is provided along Tejon. A 10' landscape setback is provided along Motor Way. A landscape buffer of 5' is provided along the south side. Alternative compliance is requested to waive the requirement for a screen wall along the southern boundary of the site. A landscape plan is provided in accordance with the Landscape Design Manual and the Streamside Criteria.

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

No natural features were identified other than the stream itself. The project meets all requirements of the streamside overlay intended to protect the stream.

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

Accessible parking is provided in accordance with the code requirements and includes 2 accessible spaces, of which 1 is a van accessible space. Particular consideration has been given to the location of accessible parking spaces in terms of their relationship to building entrances and sidewalk connectivity.

10. 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.

The site provides two full movement access points, one on Tejon and one on Motor Way. The access points have been moved farther away from the intersection to allow safer turning movements and a longer stacking distances. Two of the three existing access points along Motor Way have been removed therefore reducing the amount available ingress and egress from Motor Way.

11. 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.

The project connects to existing public utilities and no extension of utilities is required. A Utility Plan is provided showing exact locations of utilities. Through coordination with CSU, overhead powerlines will be relocated.

FIGURE 2

12. 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.

A Traffic Impact Analysis has been prepared by LSC analyzing anticipated traffic impacts. The study reflects existing conditions, planned improvements and future planned development. Proposed improvements are outlined in the traffic study to help mitigate traffic impacts. The access points have been moved further away from the Tejon and Motor Way intersection to allow safer movements and additional stacking capacity. A five-lane cross section with bike lanes on both sides is provided for Tejon in coordination with City Traffic Engineering.

13. 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.

A Photometric Plan is included identifying the lumins at various points. Site lighting has been designed to minimize impacts on adjacent properties, the right of way, and complying with City Standards.

STREAMSIDE OVERLAY REVIEW CRITERIA (SECTION 7.3.508.C)

1. HAS THE NATURAL LANDFORM BEEN MAINTAINED WITHIN THE OVERLAY AREA AND DOES GRADING CONFORM TO THE SPECIFIC GRADING LIMITATIONS OF THIS SECTION AS WELL AS ALL OTHER CITY GRADING AND FILLING REGULATIONS?

The natural landform is currently heavily impacted with structures and asphalt. This Project will restore the natural landform within the streamside by removing the structures and a substantial amount of impervious asphalt surfaces currently in the buffers. The natural landform within the stream channel is maintained and fees-in-lieu of improvements will be paid. Improvements within the outer buffer area are proposed to stabilize and revegetate the previously impacted and developed bank. The bank will be graded and revegetated to a more natural state per City Standards and the Streamside Design Guidelines. The applicant intends to pay fees-in-lieu of channel improvements.

2. DOES THE DEVELOPMENT INCORPORATE THE STREAM ECOSYSTEM INTO THE PROJECT DESIGN AND COMPLEMENT THE NATURAL STREAMSIDE SETTING? HAS THE PROJECT BEEN DESIGNED TO LINK AND INTEGRATE ADJACENT PROPERTIES WITH THE STREAM CORRIDOR USING ACCESSWAYS, CREEK FRONT PLAZAS, EMPLOYEE RECREATIONAL AREAS OR OTHER SITE PLANNING AND LANDSCAPING TECHNIQUES WHICH INCLUDE THE STREAM CORRIDOR AS AN AMENITY?

This project provides a landscaped corridor along the east side of the site providing a trail connection, a creekside plaza, and natural vegetation. This amenity is easily accessed by the Maverik employees and guests, as well as trail users. The trail connects this property with the adjacent properties and future streamside trail development. Currently there are no adjacent trails to

FIGURE 2

connect to and this would be the first portion of a future trail along Cheyenne Creek, consistent with the South Nevada Urban Renewal Plan.

3. **HAS THE PROJECT BEEN DESIGNED TO MINIMIZE IMPACT UPON WILDLIFE HABITAT AND THE RIPARIAN ECOSYSTEM WHICH EXISTS ON OR ADJACENT TO THE SITE? DOES THE PROJECT DESIGN PROTECT ESTABLISHED HABITAT OR ANY KNOWN POPULATIONS OF ANY THREATENED OR ENDANGERED SPECIES OR SPECIES OF SPECIAL CONCERN?**

   The streamside area is heavily impacted by the current auto sales use. The majority of the outer streamside buffer is developed with impervious surfaces such as the asphalt parking areas. This project restores vegetation and returns the streamside to a natural environment. Approximately 25% (.48 acres) of the site is designed for a trail connection, creekside plaza, and natural vegetation is provided adjacent to the creek. Viable trees and vegetation if possible, will be preserved and revegetation is proposed to return the creekside to a more natural landscape and protect the creek. There is no impact on endangered species.

4. **HAVE EXISTING OR POTENTIAL COMMUNITY TRAIL NETWORKS AND OTHER RECREATIONAL OPPORTUNITIES BEEN IDENTIFIED AND INCORPORATED INTO THE PROJECT DESIGN?**

   Per the South Nevada Avenue Urban Renewal Concept Plan a trail connection and creekside plaza are shown to further the desired trail network. Currently no trails are developed adjacent to the site. This project will be the first portion of this trail segment.

5. **HAS THE PROJECT BEEN DESIGNED TO PROTECT THE SUBJECT PROPERTY FROM POTENTIAL FLOOD DAMAGE AND TO ACCOMMODATE FLOOD STORAGE AND CONVEYANCE NEEDS?**

   Stormwater detention has been designed to accommodate the 100-year storm event. Flood protection measures are incorporated to protect the building from flood damage. The building is designed with approximately four feet of Flood Engineered Wall and flood proof doors.

6. **HAVE ALL SIGNIFICANT NATURAL FEATURES WITHIN THE PROJECT STREAMSIDE AREA BEEN IDENTIFIED, AND HAS THE PROJECT BEEN DESIGNED TO MINIMIZE THE IMPACT ON THESE FEATURES?**

   There are no significant natural features within the streamside area other than the stream itself and there is no impact on the stream. The streamside area is heavily impacted by the current auto sales use. The majority of the outer streamside buffer is currently developed with impervious surfaces such as the asphalt parking areas. This project will remove the current impacts to the streamside and proposes to revegetate and restore the inner and outer buffers of the streamside. Maverik will contribute fees-in-lieu to the City for channel improvements.

7. **DOES THE PROJECT IDENTIFY AND IMPLEMENT THE RECOMMENDATIONS OF ANY APPROVED SUBAREA PLANS (SUCH AS THE CITY GREENWAY MASTER PLAN, CITY OPEN SPACE PLAN OR A SPECIFIC DRAINAGE BASIN PLANNING STUDY) AND OF ANY APPROVED PUBLIC WORKS PROJECTS AND HABITAT CONSERVATION PLANS?**

   The project is within the Southwest Area Drainage Basin and no specific recommendations are provided for this portion of Cheyenne Creek. The Cheyenne Creek Conceptual Map prepared for the Fountain Creek Watershed Flood Control and Greenway District identifies a need for small drop

FIGURE 2

structures with toe protection along a segment of the creek including this area. No specific locations of these structures are provided. The applicant intends to pay fees-in-lieu of channel improvements.

8. DOES THE PROJECT DESIGN:

a. IMPLEMENT A RIPARIAN BUFFER OF SPECIFIED WIDTH BETWEEN THE DEVELOPED PORTIONS OF THE SITE AND THE ADJACENT WATERWAY TO ASSIST IN PREVENTING POINT AND NONPOINT SOURCE POLLUTANTS AND SEDIMENT FROM ENTERING THE WATERWAY?

The developed portion of the Maverik station does not extend into the streamside overlay providing a substantial buffer between the proposed development and the creek. Trail and plaza amenities are the only developed items proposed in the outer buffer, the remainder is natural vegetation. New native plantings are proposed for the outer buffer.

b. EXCLUDE IMPERVIOUS SURFACES FROM THE INNER BUFFER ZONE AND MEET IMPERVIOUSNESS RESTRICTIONS ACROSS THE ENTIRE OVERLAY?

Impervious surfaces are excluded from the inner buffer. The outer buffer contains 9% (1,535 sf) of impervious surfaces to provide a trail and creekside plaza.

c. INCORPORATE ALL STORMWATER BMPS REQUIRED BY CITY ENGINEERING THROUGHOUT THE DEVELOPED SITE AND ADJACENT TO THE BUFFER TO ENCOURAGE ON SITE FILTRATION OF STORMWATER AND PROTECT WATER QUALITY?

On site detention and water quality are proposed and exceed City Engineering requirements in order to provide improved water quality and fuel catchment.

d. INCORPORATE VISUAL BUFFER OPPORTUNITIES OF THE STREAM BETWEEN IDENTIFIED EXISTING AND/OR PROPOSED PROJECTS ON OPPOSING SIDES OF THE STREAM?

Existing vegetation visually buffers the development and the creek from the existing uses on the opposite side of the creek. Proposed landscaping will visually buffer the building from the creek while maintaining visibility from the parking area, plaza, and proposed trail.

9. ARE INNER AND OUTER BUFFER ZONE LANDSCAPING STANDARDS MET? HAVE DISTURBED AREAS BEEN REVEGETATED TO MINIMIZE EROSION AND STABILIZE LANDSCAPE AREAS AND DOES THE PROJECT LANDSCAPING DESIGN SPECIFY PLANTS SELECTED FROM THE RIPARIAN PLANT COMMUNITIES AS SET FORTH IN APPENDIX A OF THE LANDSCAPE POLICY MANUAL? DOES THE PROPOSAL MEET ALL OTHER REQUIREMENTS OF THE CITY'S LANDSCAPE CODE?

The inner and outer buffer zone landscape standards are met. Minimal disturbance is proposed to the inner buffer, stabilization and revegetation are proposed to mitigate any impacts to the stream. The plan meets the required landscape code and setbacks as established in the pre-app meeting. Alternative compliance is requested for a portion of the site that is not within the streamside overlay. All streamside criteria are adhered to.

FIGURE 2

10. **HAVE STREAM BANK AND SLOPE AREAS BEEN IDENTIFIED (PARTICULARLY THOSE OVER 15 PERCENT SLOPE)? HAS THE DISTURBANCE TO THESE AREAS AND ANY PROTECTIVE OR STABILIZING VEGETATIVE COVER BEEN MINIMIZED? DOES THE PLAN PROVIDE FOR THE SUITABLE REVEGETATION AND STABILIZATION OF ANY DISTURBED AREAS?**

    The streamside overlay plan identifies the stream bank and grades, minimal disturbance is proposed and revegetation and bank stabilization measures will be implemented as needed in the inner buffer. Native plantings are proposed for the outer buffer area.

11. **HAVE OPPORTUNITIES TO RECLAIM THE DRAINAGEWAY BEEN IDENTIFIED AND IMPLEMENTED WHERE PRACTICAL? FOR THIS CRITERION, RECLAMATION CONSTITUTES ANY ACTION THAT IMPROVES THE QUALITY OF THAT DRAINAGEWAY VISUALLY, FUNCTIONALLY OR RECREATIONALLY, AND BRINGS THAT DRAINAGEWAY INTO A MORE NATURAL CONDITION.**

    Visual and recreational improvements are included to improve the quality of the streamside and revegetation is proposed to return the creek to a more natural setting.

SUMMARY OF LAND SUITABILITY ANALYSIS

Soils. Per the Geotechnical Study provided by CMT, surface material encountered in the testing consisted of asphalt and road base. Natural soils were encountered in the borings beneath the asphalt pavement and road base and consisted predominately of SAND (SC, SM, SP-SC, SP-SM, SP) with varying amounts of fines and gravel, and occasional layers of CLAY (CL, CL-ML) extending to the bottom of the borings.

Slopes. The majority of the site is gently to moderately sloping due to existing development the general slope is between 0-8%. The primary area of a slope at 25% or greater is within the streamside inner buffer, preserved of any development. Revegetation and bank stabilization measures will be implemented as needed within this area. The majority of the site has no constraints to development due to slopes as it has already been developed.

Vegetation. There is little vegetation on the site due to previous development. The existing vegetation consists of a few trees within the interior of the site and along the streamside inner buffer. Trees within the buffers will be retained and meet the requirement for planting in the inner buffer, no new vegetation is proposed in the inner buffer. Interior site trees will be removed with development.

Cultural Analysis. The Cultural Analysis studies man-made impact upon the land. In this instance the majority of the site is developed. The site contains numerous buildings on the 9 existing lots. The site has been used primarily as auto dealerships and contains a significant amount of asphalt. The streamside has been previously impacted by the implementation of the retaining wall and gabeon baskets.

FIGURE 2

ALTERNATIVE COMPLIANCE FOR LANDSCAPE BUFFER REQUIREMENT

Alternative Compliance is requested to waive the Landscape Buffer requirement between a nonresidential use and a residential use per Section 7.4.323. C.

1. A buffer is required between a nonresidential use and a residential use or vacant residentially zoned property where such uses are separated by a nonarterial street or a public alley;

The property to the south and the entirety of the proposed site is identified on the 2020 Land Use Map as Mature Redevelopment Corridor and zoned C-5. Alternative Compliance is requested regarding the Landscape Buffer screen wall along the southern property line. The proposed screening creates potential visibility issues, as follows:

- The screen wall blocks areas of the site from view identified as a concern from CSPD.
- Traffic Engineering would like the area to remain open for potential cross access to the property to the south if/when it develops as a commercial property.
- Removal of the screen wall would also provide better visibility for vehicles entering and exiting the site above and beyond the site distance requirements.

ROW VACATION

A Vacation of Right-of-Way is submitted with this application to vacate the existing alleyway dividing the properties. The vacation does not adversely impact any properties and will no longer be required with the approval of the Final Plat combining the lots to a single lot. The Vacation Plat is consistent with the Vacation Requirements in Section 7.7.403 of the Zoning Code and with the submitted Final Plat.

FINAL PLAT

A Final Plat is submitted to combine the nine existing lots and the vacation of the right-of-way, and to accommodate the project and associated utility and public improvement easements, parking, detention pond, and landscaped areas. The Final Plat is consistent with the Final Plat Requirements in Section 7.7.303 of the Zoning Code.

FIGURE 2