

**CITY PLANNING COMMISSION AGENDA**

**STAFF: MIKE SCHULTZ**

**FILE NO(S):**

**CPA A 16-00133 - LEGISLATIVE**

**CPC V 16-00147 - LEGISLATIVE**

**CPC ZC 16-00146 - LEGISLATIVE**

**CPC DP 16-00148 - QUASI-JUDICIAL**

**CPC NV 16-00149 - QUASI-JUDICIAL**

**PROJECT: KUM & GO STORE #689**

**APPLICANT: OLSSON ASSOCIATES**

**OWNERS: VCB LLC, AND FRONTIER BANK**



**PROJECT SUMMARY:**

1. **Project Description:** This project includes concurrent applications for annexation of two parcels, a vacation of right-of-way, establishment of the PBC (Planned Business Center) zone district, a development plan and non-use variance for a site located at the northeast corner of Austin Bluffs Parkway and Park Vista Boulevard.

The proposed annexation consists of two separate parcels and requires the action of a serial annexation. Annexation Number 1 is located at the northeast corner of Austin Bluffs Parkway and Park Vista Boulevard (south of Pearl Drive) consisting of .773 acres. Annexation Number 2 is located at the northeast corner of Park Vista Boulevard of Pearl Drive consisting of 1.403 acres.

The proposed vacation of Pearl Drive would occur between Park Vista Boulevard and Cobalt Drive and consists of 9,096 square feet (.209 acre). The requested vacation would connect the two parcels to form a larger useable parcel for the purposes of the proposed convenience store.

The establishment of zone district would establish a PBC (Planned Business Zone) zone with Airport Overlay; the zone district covers both Parcels 1 and 2 along with the proposed vacated right-of-way. The area of the zone district would consist of 1.539 acres.

The Kum & Go Store #689 development plan proposes a 6,210 square foot convenience store with six (6) fueling pumps under a canopy cover; the area of the development plan consists of 1.539 acres.

The non-use variance requests to allow a nine (9) foot front yard setback along Cobalt Drive where 25-feet is required for front yard setbacks within the PBC (Planned Business Zone) district.

2. Applicant's Project Statement: **(FIGURE 1)**
3. Planning and Development Team's Recommendation: Staff recommends approval of the annexation of Parcel 1 and Parcel 2, the establishment of zone district, vacation of right-of-way, development plan and non-use variance. The recommended approvals are subject to the technical and informational modifications listed below.

#### **BACKGROUND:**

1. Site Address: 4504 Austin Bluffs Parkway and 4605/4625 Park Vista Boulevard
2. Existing Zoning/Land Use: PBC/AO (Planned Business Center with Airport Overlay)
3. Surrounding Zoning/Land Use:
  - North: El Paso County: C-2 (Commercial)(Obsolete)/Contractor Yard/Auto Repair
  - South: PBC/Commercial
  - East: El Paso County: C-2 (Commercial)(Obsolete)/Contractor Yard
  - West: PBC/Commercial
4. Comprehensive Plan/Designated 2020 Land Use: Commercial Center (This is the land use designation for the immediate area around the subject parcels)
5. Annexation: Under consideration
6. Master Plan/Designated Master Plan Land Use: There is no master plan for this property
7. Subdivision: Park Vista Estates
8. Zoning Enforcement Action: None
9. Physical Characteristics: Parcel 1 is vacant and relatively flat across the property and is paved. Parcel 2 has two (2) vacant metal storage buildings, is fenced and the site is relatively flat.

## **STAKEHOLDER PROCESS AND INVOLVEMENT**

The public process included posting the site and sending postcards on two separate occasions to 110 property owners within 750 feet of the subject properties (note this application was submitted prior to the current 1,000 foot buffer notification). Staff received three comments from surrounding property owners regarding the proposed requests.

The property owner (Austin Investment Group LLC) located east of the subject site, on the east side of Cobalt Drive and within unincorporated El Paso County, voiced concern over the future connection of Cobalt Drive to Austin Bluffs Parkway. The property owner has access to Cobalt Drive currently (directly across from where Pearl Street connects at Cobalt Drive) and needed to ensure access would remain open. At this time access along Cobalt will not be eliminated as part of the construction of Cobalt Drive to City standards by Kum & Go.

The property owner at the northwest corner of Park Vista Boulevard and Pearl Drive (Cheyenne Village LLC, 4270 Pearl Drive) voiced concern over the location of the service connection to the CSU wastewater main, which connects approximately midway between Park Vista Boulevard and Cobalt Drive within the right-of-way of Pearl Drive. Kum & Go will provide a new wastewater service connection at no cost to the property owner within Pearl Drive.

A third property owner along Park Vista Boulevard voiced concern over the volumes of morning traffic, particularly concerning high school aged students attending Doherty High School across Austin Bluffs Parkway on Barnes Road. At this time stop signs on Park Vista Boulevard at Pearl Street would not be warranted; a stop sign on Pearl Street and that of exiting traffic from the site will create a two-way stop at that intersection. City Traffic Engineering agreed to monitor the situation after construction of the gas station and determine if signal timing should be adjusted.

Staff also sent the plans to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, City Finance, Police and E-911.

This site is within the Airport Overlay. The Airport Advisory Committee provided standard comments including that the applicant record an avigation easement over the property; the easement is currently being processed with Real Estate Services. The property is outside of the buffer for review by USAFA.

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

### **1. Review Criteria/Design & Development Issues**

- a. **Background:** The subject properties are located at the northeast corner of Austin Bluffs Parkway and Park Vista Boulevard. The two properties are owned by separate owners but will be purchased by Kum & Go, LLC upon approval of the annexation and accompanying land use applications. Kum & Go Store 689 Annexation Number 1 (Parcel 1) (**FIGURE 2**) consists of .773 acre, fronts onto Austin Bluffs Parkway, is currently vacant and is owned by Frontier Bank. Kum & Go Store 689 Annexation Number 2 (Parcel 2) (**FIGURE 3**) consists of 1.403 acres, has two warehouse buildings on the site and is owned by VBC LLC. Due to the separate ownership of the properties, separate actions should be taken regarding the annexation with Parcel 1 being decided upon first in order to provide proper contiguity to the City boundary for Parcel 2.

The proposed development also includes vacating a portion of Pearl Drive located between Park Vista Boulevard and Cobalt Drive (**FIGURE 4**). The right-of-way is 50-feet in width and would vacated area would total 9,096 square feet (.209 acre). The requested vacation of right-of-way would bridge the two properties and create one parcel for development. Access to the properties along Cobalt Drive can occur north on Pearl Drive at Chromium Drive, approximately 660-feet from Pearl Drive.

The requested establishment of zone district of PBC/AO (Planned Business Center with Airport Overlay) is the predominant zone district within the immediate area and would also be consistent with the zoning along the north portion of Austin Bluffs Boulevard to Academy Boulevard (**FIGURE 5**).

The Kum & Go Store #689 Development Plan (**FIGURE 6**) consists of a 6,210 square foot convenience store with six (6) fueling pumps under a canopy cover; the area of the development plan consists of 1.539 acres. The plan proposes four (4) access points, two (2) along Park Vista Boulevard and two (2) along Cobalt Drive. The rear access would primarily serve as a delivery area for the store. Twenty-four (24) parking stalls are provided along with bike parking rack for five (5) bicycles. A water quality facility is proposed on the southern portion of the site adjacent to Austin Bluffs Parkway. Pedestrian access to the building is being provided from the Park Vista Boulevard side of the site; grade along the east side of the site requires placement of a retaining wall and according the consultant restricts providing a pedestrian connection.

As part of the annexation and development of the property, Kum & Go will construct Cobalt Drive to a 34-foot road width (face-of-curb to face-of-curb) or a 30-foot road mat; a six (6) foot sidewalk would be constructed along the west side of Cobalt Drive. A public sidewalk would also be constructed along Park Vista Boulevard, a five (5) foot wide sidewalk along a portion of Pearl Drive to tie into an existing five (5) foot sidewalk and a six (6) foot wide sidewalk from Pearl Drive to the north property line, including a receiving ramp.

The applicant is also seeking a non-use variance due to the unique parcel shape and fronting onto three (3) streets; the variance is the required 25-foot front yard setback (City Code Section 7.3.204). The applicant requests to allow a nine (9) foot front yard setback along Cobalt Drive where 25-feet is required. Staff points out that a number of industrial buildings north of the subject property are at or near zero (0) setback along Cobalt Drive.

A final plat for the proposed project is being reviewed administratively; approval is subject to approval of the annexation and development plan requests.

b. Neighborhood Issues:

Neighborhood issues were outlined above in the stakeholder process. Regarding the one property owner issue to allow continued access onto Cobalt Street, staff is adding technical modification that the applicant/consultant work with Traffic Engineering regarding ultimate design of Cobalt Street.

2. Annexation of Park Vista Estates Enclave

The request is to annex two commercial properties into the municipal limits of the City of Colorado Springs. The subject properties are within the Park Vista Estates enclave,

which is identified as a “complex” enclave within the City Annexation Plan (**FIGURE 7**). Although the area is classified as a “complex” enclave the City Annexation Plan recommends annexation of this area.

More specifically, an enclave is defined as a single property (simple enclave) or group of properties (complex enclave) in unincorporated El Paso County but completely surrounded by the City of Colorado Springs municipal boundaries.

El Paso County has reviewed the annexation and development plan and is in favor of the requests and annexation of the Park Vista Estates enclave.

A Fiscal Impact Analysis (FA) is required for all annexation requests and is completed by the City Budget Office. The FIA is in process for this property. Staff does not anticipate that annexing of the subject properties and commercial zoning will have a negative financial impact to the City.

3. Conformance with the City Comprehensive Plan:

**Policy CIS 202: Annexation will be a Benefit to the City of Colorado Springs**  
Evaluate proposed annexations to determine if the request is a benefit to the City.

**Policy LU 201: Promote a Focused, Consolidated Land Use Pattern**

Locate new growth and development in well-defined contiguous areas in order to avoid leapfrog, scattered land use patterns that cannot be adequately provided with City services.

**Strategy LU 203a:** Locate the Places that People Use for Their Daily Needs and Activities Close to Each Other

Group and link the places used for living, working, shopping, schooling, and recreating and make them accessible by transit, bicycle, and foot, as well as by car.

**Policy LUM 213: Potential Annexation Areas**

Utilize the Potential Annexation Area designation for areas that are likely to be incorporated by the City.

**Objective LU 3:** Develop A Mix of Interdependent, Compatible, and Mutually Supportive Land Uses.

Over the past several decades, the location and design of development have created a pattern of isolated, disconnected, single-purpose land uses. An alternative to this type of land use pattern is one that integrates multiple uses, shortens and reduces automobile trips, promotes pedestrian and bicycling accessibility, decreases infrastructure and housing costs, and in general, can be provided with urban services in a more cost-effective manner.

**Policy LU 301:** Promote a Mixed Land Use Pattern

Promote development that is characterized by a mix of mutually supportive and integrated residential and non-residential land uses and a network of interconnected streets with good pedestrian and bicycle access and connections to transit.

**Objective CCA 6: Fit New Development into the Character of the Surrounding Area**

Often the overall character of a new development is not realized until the project is completed. This can lead to unintended impacts and incompatible development.

Applicants for new developments need to clearly identify how their projects will fit into the character of the surrounding area and the community as a whole with respect to height, scale, bulk, massing, roof forms, signage, overall site design, pedestrian and vehicular access, and relation to the public right-of-way.

**Policy CCA 601: New Development Will Be Compatible with the Surrounding Area**  
New developments will be compatible with the surrounding land uses and will complement the character and appearance of adjacent land uses.

***It is the finding of the Planning and Community Development Department that the Kum & Go Store #685 annexation, vacation of right-of-way, establishment of zoning, and development plan will substantially conform to the City Comprehensive Plan 2020 Land Use Map and the Plan's goals and objectives. The City Annexation Guide strongly recommends annexation of areas identified within an enclave for proposed urban development. These applications will also substantially conform to the City Comprehensive Plan 2020 Land Use Map and the Plan's goals and objectives.***

4. Conformance with the Area's Master Plan:  
There is no master plan for this area.

**STAFF RECOMMENDATION:**

**CPC A 16-00133-1 - ANNEXATION**

Recommend approval to City Council the Kum & Go Store 689 Annexation Number 1, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.

**CPA A 16-00133-2 – ANNEXATION**

Recommend approval to City Council the Kum & Go Store 689 Annexation Number 2, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.

**CPC V 16-00147 – VACATION OF RIGHT-OF-WAY**

Recommend approval to City Council the vacation of a portion of Pearl Drive right-of-way, based upon the findings that the vacation complies with all review criteria outlined in City Code Section 7.7.402.C.

**CPC ZC 16-00146 – ESTABLISHMENT OF ZONE**

Recommend approval to City Council the establishment of the PBC/AO (Planned Business Zone with Airport Overlay) zone district, based upon the findings that the zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603.

**CPC DP 16-00148 – DEVELOPMENT PLAN**

Recommend approval to the City Council the Kum & Go Store 689 Development Plan based upon the findings that the development plan complies with the review criteria in City Code Section 7.5.502.E, subject to the following technical and/or informational plan modifications:

1. Ensure the ADA access route is properly shown through the site.
2. Note the distances from the building to each property line.
3. Ensure the scale on Sheet 2 is correct.

4. Provide a receiving pedestrian ramp on the northeast corner of Austin Bluffs Parkway and Cobalt Drive.
5. Ensure all overhead electric poles are shown on the preliminary utility plan set.
6. Provide a landscape soil analysis to staff for review.
7. Show the stormwater detention basin on all plan sheets.
8. Label the storm facility as public vs. private.

**CPC NV 16-00149 – NON-USE VARIANCE**

Recommend approval to the City Council the non-use variance to City Code Section 7.3.204 to allow a nine (9) foot building setback where 25-feet is required based upon the findings the non-use variance complies with the review criteria in City Code Section 7.5.802.B.