

CITY PLANNING COMMISSION AGENDA
April 18, 2019

STAFF: MATTHEW FITZSIMMONS

FILE NO(S):

A. - CPC UV 18-00159 – QUASI-JUDICIAL

B. - CPC V 18-00160 – LEGISLATIVE

PROJECT: MAVERIK – MOTOR WAY

OWNER: MAVERIK, INC.

DEVELOPER: MAVERIK, INC.

CONSULTANT: N.E.S. INC.



PROJECT SUMMARY:

1. Project Description: (FIGURE 1)
 - a. Use Variance: The proposed application would allow for a Maverik fueling station and convenience store on a C-6 zoned site that includes the Streamside Overlay.
 - b. Vacation of City Right of Way: The proposed application would vacate the north-south running alley from Motor Way to 1411 S. Tejon St. (252.44' in length).
 - c. Final Plat: The combining of nine individual parcels and the alley. This is being reviewed administratively.
2. Applicant's Project Statement: (FIGURE 2)
3. Planning and Development Team's Recommendation: Approval of the applications, subject to technical modifications.

BACKGROUND:

1. Site Addresses: 1403, 1049, and 1411 S. Tejon St., 111, 113, 117, 123, and 125 E. Motor Way, and 1402 Iliff Ct.
2. Existing Zoning/Land Use: C-5/CU/SS (Intermediate Business with a Conditional Use and the Streamside Overlay) / Commercial and Residential Uses **(FIGURE 3)**
3. Surrounding Zoning/Land Use:
 - a. North: C-6 (General Commercial) / Commercial - Auto Sales, vacant
 - b. South: C-5 (Intermediate Business) / Residential and Commercial
 - c. East: C5 (Intermediate Business) and C-6 (General Commercial) / commercial and auto repair
 - d. West: C-5 (Intermediate Business) / Commercial – Auto Sales, Retail, Garden Shop
4. Annexations: 1. Arvada Addition #2, 1968, 2. Reannexation of Southwest Annexation Area, 1980, 3. Dorchester Park Addition, 1966.
5. Master Plan/Designated Master Plan Land Use: Ivywild Neighborhood Master Plan / Mature Redevelopment Corridor
6. Subdivisions: 1. JP Curtis Resub Brookside Add, 1896, 2. Brookside Town of Iliff Av Vac Por N, 1947, 3. Brookside town of Vac Por Iliff Ave MID, 1965.
7. Zoning Enforcement Action: None
8. Physical Characteristics: Nine flat parcels with multiple aging residential and office buildings. The site is mostly paved over for auto sales and there is a north south alleyway bisecting them. Cheyenne Creek borders the eastern edge of the property.

STAKEHOLDER PROCESS AND INVOLVEMENT:

In total, two public neighborhood meetings and one meeting with representatives from the Ivywild Improvement Society (IIS) were conducted during the application process. To gain feedback from the neighborhood prior to submittal of the applications, a meeting was held first with IIS representatives and later with the community at the Ivywild School. Planning Staff and representatives from NES met with members of the IIS to present the project and answer questions. The neighborhood meeting was promoted by sending out postcards to all property owners within 1,000 feet of the subject property and the posting of two posters on the subject property.

The first 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, understanding zoning requirements, discussing the proposed trail, answering any questions regarding the proposed design, and receiving feedback from the community. The primary concerns included traffic congestion, loitering, and environmental issues. There were approximately 30 attendees at the meeting.

To directly address the concerns brought up in the letters received from the community, a second meeting was recommended by Staff. This meeting was held after Planning Staff's first round of review comments were sent to the Applicant in December 2018. This meeting was held on January 8, 2019 at the Ivywild School to present the submitted project and further address

comments and concerns from the community that were expressed in the many letters that were received from the neighborhood.

The Applicant provided more detailed information regarding safety measures, drainage, environmental concerns, the fueling system, trail details, as well an overview of the traffic study and coordination with an area-wide Ivywild Traffic Study. Representatives from the firm contracted to work on the Ivywild Traffic Study were in attendance to answer questions. There were approximately 20 attendees at this meeting.

In both meetings, a few vocal opponents drove the conversation which led the Applicant's team to defend their strategy and design choices. In the end, Staff found that even though these details did not convince all opponents to support the development, they demonstrated to many of the other attendees that Maverik and their consultants have designed a project that will be better for the community than what is currently occupying the property.

After the second meeting, more letters were received from the neighbors. In total, 36 letters were received; three in favor of the development and the rest opposing it. Many of the opponents of the development wrote an additional letter after each neighborhood meeting. All of these letters are included in **FIGURE 4**.

The main concerns that were brought up by the neighbors included the following:

- **Traffic Concerns:** Increased traffic from I-25 and the surrounding area would create more congestion and safety issues at one of Colorado Springs' most accident-prone intersections (S. Tejon and Motor Way).
- **Environmental Concerns:** The Use Variance is required because a gas station with convenience store is being proposed within the Streamside Overlay. Neighbors are concerned that this business will be potentially detrimental to the environment.
- **Crime and Safety Concerns:** Some residents believe this business and trail will attract more crime and loitering by people experiencing homelessness and others.
- **Historic Neighborhood:** The removal of a couple of original residential structures and their replacement with a modern gas station will change the historic feel of the neighborhood.

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

1. Review Criteria / Design & Development Issues:

a. Background

The proposed project includes a convenience store with fueling station located at the southeast corner of E. Motor Way and S. Tejon Street, west of Cheyenne Creek, and north of E. Brookside Street in the northeastern corner of the Ivywild Neighborhood.

b. Existing Conditions:

Currently, the nine parcels that comprise this development total 1.929 acres and include 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 vacant residence and a landscaping business located south of the auto sales along Tejon. The southeast portion of the site includes a real estate office located south of the RV sales and along the creek.

All of the parcels are currently, and will remain, zoned C-5 (Intermediate Business). A few of the parcels also have a Conditional Use (CU) which allowed automotive sales on a C-5 lot. The Streamside Overlay (SS) covers the eastern edge of the site along Cheyenne Creek. The surrounding properties are mostly zoned C-5 with one C-6 property east of Cheyenne Creek.

c. Project Proposal:

The project proposes to redevelop an underutilized infill site as a Maverik fuel station with six fuel dispensers under a canopy and a convenience store that includes a grill. Additionally, this project proposes to have outdoor seating for customers and a creek side plaza that will connect with the proposed public Cheyenne Creek trail that starts at Motor Way and follows the creek south all the way to E. Cheyenne Road. The applicant will landscape the Streamside Overlay buffer zone with appropriate riparian plantings, creating a neighborhood amenity.

The convenience store is situated on the southeast side of the site with the pumps to the north of the store. Parking is located along the north side in front of the store and on the west side of the site facing S. Tejon Street. The trash enclosure is located on the west side of the building which allows easy access and is far away from the streamside overlay. The detention and drainage pond is south of the building and helps buffer the neighboring properties from potential noise, odors or light coming from the site. The east side of the property is within the Streamside Overlay and will be landscaped with the public creek side trail and small plaza. No portion of the proposed store, fuel dispensers, underground fuel storage tanks, trash enclosure, nor the driving/parking area are within the inner or outer buffer of the Streamside Overlay.

d. Use Variance Development Plan:

The Use Variance has two main functions with this application: the first is to allow a prohibited use of 'a convenience food sale with fuel sales' on a Streamside Overlay (SS) zoned site, and the second is to serve as the development plan for the project.

Without the presence of the creek, a convenience food sales with fuel sales would be a permitted use in the C-5 Zone. A Use Variance is only required due to fact that the eastern 21% of the 1.95 acre site is within the streamside buffer, which makes the whole project subject to Streamside Overlay requirements. The Streamside Overlay prohibits the use of Convenience Food Sales with Fuel Sales on a property affected by the overlay. For this project, Maverik is proposing to not build any structure within the inner or outer buffers of the Streamside Overlay. All of the development for the gas station will be outside of the overlay, leaving the streamside buffers to be utilized as a public creek walk and plaza that will be landscaped according to code and managed by Maverik and later the Canyon Creek Metropolitan District. Figure 5 shows where the inner and outer buffers of the Streamside Overlay lie and how many of the original parcels were within the overlay. Approximately 80% of the site and all proposed development related to the Maverik Station are located outside of the Streamside Buffers.

USE VARIANCE CRITERIA

Section 7.5.803.B. of City Code requires that a use variance application be reviewed with three specific criteria; all three criteria must be met for the use variance to be granted.

UV Criteria #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;

By consolidating the nine parcels and a vacated alley into a single site, only 21% of the project site remains within the Streamside buffer, leaving the vast majority outside of it. The fact that the gas station and convenience store project elements are outside of the two buffer zones make this an extraordinary circumstance.

The design of the Maverik station takes advantage of the natural creek side setting with amenities for customers and the public, but goes to great lengths to separate the two land uses. The design of the project directs all negative externalities away from the creek

and towards facilities that were put in place to mitigate and neutralize contamination. Any small oil or fuel spills are addressed on site, while larger spills would be caught with specially-designed fuel traps located at multiple locations away from the buffer zone. As a final fail-safe, if a major spill does happen, the fuel will flow into the detention pond. There it will be removed and mitigated before it is able to enter the creek. See the Applicant's proposal for a more in-depth explanation. Maverik uses the latest technologies and best management practices (BMPs) to minimize the potential of leaks due to equipment failure. These fail-safe techniques are also outlined in the Applicant's proposal.

Without the approval of a Use Variance the Applicant would not be able to build the proposed project on this marginal and hard-to-develop land. The land within the streamside buffer, if not converted into a public trail with the Maverik development, would likely remain an RV sales lot, real estate office, and an auto sales lot for the foreseeable future. Its current use is potentially more damaging to the creek side environment and would mean a missing link in the public creek side trail connection if not approved.

The subject property has been zoned and planned for auto-related commercial uses for decades. The establishment of the Streamside Overlay zone by the City in 2002 limited the viability of redevelopment of this site. The site is immediately south of the I-25 / Tejon / Nevada interchange, is commercially zoned, and has limited access due to the proximity to the signalized intersection. A viable redevelopment project must make use of adequate acreage to gain reasonable access, but conversely expands to include the Streamside Overlay. Without the requested relief, the owner could face undue property loss.

UV Criteria #2. That such variance is necessary for the preservation and enjoyment of a property right of the petitioner;

This use is permitted within the C-5 zone, but the Streamside Overlay prohibits convenience stores with fuel sales. The Applicant designed the project so that 100% of all facilities would lie outside any part of the buffer zone of the Streamside Overlay. Without this variance, the Applicant will not be able to exercise their right to develop this land consistent with other properties in the area and consistent with the Ivywild Master Plan. They have followed the spirit of the code and have removed all potentially conflicting uses inside of the buffer zone. The project takes numerous precautions to all but eliminate the chance of contamination, which is the primary reason for this being a prohibited use.

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.

UV Criteria #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 proposed project will result in a net benefit to the public by improving the streamside area and providing a publicly-accessible trail and plaza along the creek. In general, many neighbors have agreed that the plan for the trail, plaza, surrounding landscaping, and food options is a large improvement from what they currently have and would probably have with another development. The community will be able to enjoy a public trail that will be policed and maintained by Maverik (until the Canyon Creek Metropolitan District takes over the operations). Maverik is in negotiations to work with the other neighboring developments along the creek to create a contiguous pathway that is safe and well-maintained.

Section 7.5.803.D.2 of City Code requires that a development plan accompany a use variance application. The Development Plan Criteria are addressed below:

DEVELOPMENT PLAN CRITERIA (SECTION 7.5.502.E)

DP Criteria #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 project is designed to be as harmonious to the surrounding land uses and neighbors as a C-5 gas station can be. It will be bright and new which is a marked difference and improvement to the existing land use of mostly auto and RV sales. The surrounding zoning consists of the same or similar C-5 and C-6 developments 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 inner and outer buffers. 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.

DP Criteria #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 Ivywild Neighborhood Master Plan identifies this area as 'Auto-Related Commercial.' The plan envisions this area to remain as a commercial zone, but wants to limit the impacts this area will have on the residential areas of the neighborhood with landscaping. The proposed plan outlines landscaping that meets The City's code requirements and includes an additional 17,276 square feet of land for a streamside buffer and trail.

The South Nevada Urban Renewal District (SNURD) was created to address the blight and promote reinvestment in the commercial area of the South Nevada corridor. This project is within the SNURD boundaries and it accomplishes those two goals. With the redevelopment of this corner, this area will transform from a fractured and blighted commercial area to a unified commercial area that has amenities for the neighborhood and visitors alike. The public realm will be brought up to City code and SNURD standards with new detached sidewalks where possible, landscaping to lessen the impacts of traffic and the commercial operations, security within the property, upgraded lighting, and the trail head for the creek walk. The TIFF funds that will be generated from this development will be used to help fund infrastructure projects within the whole SNURD area. Funds from this revenue generating project may expedite the transformation of the South Nevada corridor.

DP Criteria #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 proposed development meets the C-5 standards in regards to building height, setbacks, landscaping, and parking. No variance or admin relief was requested by the applicant to meet these standards.

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

DP Criteria #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.*

The proposed use requires a parking ratio of 1 parking space per 300 square footage of store. The proposed 5,518 square foot store would require 18 parking spaces at the 1/300 ratio, including 1 accessible (ADA) van space. The Applicant is proposing 38 parking spaces with two accessible stalls which is almost doubles the required amount of off-street parking. All stalls meet the location and dimensional standards as specified in the Zoning Code.

DP Criteria #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. Page 15 of the Development Plan illustrates the route and how much room a fire truck, garbage truck and fuel truck will need to navigate the site.

DP Criteria #7. *The project provides landscaped areas, landscape buffers, and landscape materials as set forth in this chapter and the Landscape Design Manual.*

All landscaping meets code requirements and has been approved by the landscape architect on staff. A 20 foot wide landscape setback is provided along Tejon, a 10 foot wide landscape setback is provided along Motor Way, and a 5 foot wide landscape buffer is provided along the south side of the site. 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.

DP Criteria #8. *The project preserves, protects, integrates or mitigates impacts to any identified sensitive or hazardous natural features associated with the site*

Besides the creek itself, no other natural element was identified as a sensitive natural feature. The creek is in disrepair and the development of this site will set in motion two items that will vastly improve the health of the stream. The first is the fact that the Applicant may contribute a yet to be determined amount to the City's fund to repair and upgrade the creek channel or they will amend it themselves with the direction of the City. Secondly, this project will be creating natural features that complement the creek's riparian zone and will, in the future, become a natural feature worth preserving. The project meets all requirements of the Streamside Overlay intended to protect the stream.

DP Criteria #9. *The building location and site design provide for safe, convenient and ADA-accessible pedestrian, vehicular, bicycle, and applicable transit facilities and circulation.*

Due to the fact that the proposed parking has over twenty five stalls, which is more than the 18 required by code, the Applicant was required to provide two accessible parking stalls instead of one (any parking count at twenty five or more requires two accessible

parking stalls). Per ADA requirements, one of these stalls 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. The site's pedestrian, bike and vehicular circulation are safe, convenient and consistent with all applicable codes and regulations.

DP Criteria #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.

Full movement access points are provided on both S. Tejon Street and E. Motor Way, giving customers easy access to the surrounding streets. The access points have been moved further away from the intersection to allow safer turning movements and longer stacking distances. Two of the three existing access points along E. Motor Way have been removed, reducing the amount of available ingress and egress from this street. One of the two existing access points on S. Tejon has also been removed.

DP Criteria #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.

DP Criteria #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.

The Applicant hired the traffic consultant, LSC to prepare a Traffic Impact Analysis to analyze anticipated traffic impacts on the surrounding neighborhood. The executive summary is a 17 page document and is included as **FIGURE 8**. 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 S. Tejon Street in coordination with City Traffic Engineering.

This issue was one of the most controversial for the neighborhood due to the perception that the S. Tejon St and E. Motor Way intersection is one of the most used and dangerous intersections in the City. Maverik's business model and experience with over 350 locations has shown, and is outlined in the traffic study, that the stores do not generate unique trips that increase traffic to the area. Instead, they capture existing trips that already use these two streets, allowing their customers to fuel their vehicles, or buy something from the convenience store and then continue on with their trip. They do not expect to capture many customers from I-25.

There are plans to reconfigure a number of the traffic signals and medians on S. Nevada Ave. in the near future. This may result in traffic being more restricted on Motor Way, reducing access and lowering the traffic count going east and west. This may help alleviate the traffic concerns at this intersection, along with realignment of E. Brookside's intersection with S. Nevada Ave, which will increase flow and change traffic patterns. Other considerations such as future growth in the area was modeled and reported in the

traffic study. Staff understands the legitimate concerns of the neighborhood regarding traffic. City Traffic Engineering and the Consultants for the City's neighborhood traffic study have met and discussed the issue. One of the solutions is to reconfigure the lane striping to allow the safest and most expeditious movement of traffic through the area while providing safe pedestrian crossings and bike lanes along S. Tejon St.

Staff believes that the Applicant, in conjunction with City Staff and consultants, has maximized this intersection's potential with its new design configuration. This area's development and traffic pressures will be constantly changing over the next few years in the Ivywild neighborhood. The City recognizes that there are issues and that is why a traffic study was commissioned to better understand the problems and propose possible solutions. That study will commence in a few months and won't have any recommendations until possibly the year 2020.

Criteria #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.

Staff and the neighbors were concerned about light, noise and odors coming from the Maverik station. A Photometric Plan was completed and included in the development plan showing that the light does not bleed out into neighboring developments, nor does it contribute to lighting up the night sky like many of the businesses on Motor Way currently do. Efforts were made to light the public trail for safety, but not flood the creek or other areas with light. This site will not significantly increase noise pollution and may, with the addition of landscaping, reduce the amount of sound traveling through the neighborhood. Gas station odors will be kept at a minimum by Maverik's vapor recovery system at each pump. That system is also utilized during the delivery of the fuel to the underground tanks.

The Streamside Overlay has eleven criteria that must be satisfied before Staff can recommend approval. The Applicant, besides requested additions to the architecture of the building, has satisfactorily answered the following criteria.

Streamside Overlay Review Criteria (Section 7.3.508.C)

SS Criteria #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 current natural landform has been heavily impacted with structures, asphalt, and auto and RV sales throughout the years. This project proposes to restore the area to a more natural landform within the streamside by removing the existing structures and a substantial amount of impervious asphalt surfaces currently in the buffers. The stream channel will be improved per City requirements by the City or the developer (paid for by the developer). 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 land outside of the Streamside Overlay will slope gradually away from the creek in order that any possible contaminants are captured and mitigated.

SS Criteria #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?

As discussed previously, this project has created a large amenity along the creek side that will include a public access trail and plaza along with a naturalized area. 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 connect to and this would be the first portion of a future trail along Cheyenne Creek, consistent with the South Nevada Urban Renewal Plan.

SS Criteria #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 current condition of the stream channel and riparian zone is not worth preserving, due to the amount of pavement, pollution from vehicles, and channel instability. This project proposes to naturalize the stream bank and to install drop structures within the creek bed. The majority of the outer streamside buffer is developed with impervious surfaces such as the asphalt parking areas and therefore does not create or support any habitat for wildlife. This project restores vegetation and returns the streamside to a more natural state. If possible, viable trees and vegetation will be preserved and revegetation has been proposed to return the creek side to a more natural landscape to help protect the creek's banks from erosion. There are no known endangered species that inhabit this area.

SS Criteria #4. Have existing or potential community trail networks and other recreational opportunities been identified and incorporated into the project design?

No trail, formal or informal, currently exists on this site. The proposed trail will connect a network of trails that are planned to be developed with each newly developed site further south along the creek. The overall plan is to create a path that starts along the creek at Motor Way and terminates at Cheyenne Road. This project will be the first portion of this trail segment to be built.

SS Criteria #5. Has the project been designed to protect the subject property from potential flood damage and to accommodate flood storage and conveyance needs?

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. A detention and water quality pond has been designed on the south side of the building to slow and clean the water that falls on site.

SS Criteria #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?

The streamside area has been heavily impacted by the current auto sales use, pavement and old structures. Besides some trees that will be spared, there is not any other natural feature that should be saved. This project will remove the current impacts to the streamside and proposes to revegetate and restore the inner and outer buffers of the streamside.

SS Criteria #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 structures with toe protection along a segment of the creek including this area. No specific locations of these structures are provided.

SS Criteria #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 inner and outer buffer of the overlay will be naturalized to help clean and filter any runoff that goes towards the creek. All precipitation that falls on the other 80% of the site will be directed to the detention pond on the south side of the proposed lot. This will capture all contaminants, sediments and reduce the flow of water into the creek during a storm event.

- 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 creek side 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?*

Proposed landscaping will visually buffer the building from the creek while maintaining visibility from the parking area, plaza, and proposed trail.

SS Criteria #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?*

Landscape standards for the inner and outer buffer zone have been met. Minimal disturbance is proposed to the inner buffer, stabilization and revegetation are proposed to mitigate any impacts on the stream.

SS Criteria #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.

SS Criteria #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.

- e. Vacation of City Right-of-Way: The vacation of this right of way will eliminate the northern portion of the north-south alleyway that allows the current parcels to access Motor Way and Iliff Court. Vacation of this section of the alleyway will allow all of the lots to be joined as one for the replat. Without the vacation, the project is not feasible as the alley essentially divides the site in half. This alleyway was mostly used by the parcels that are included in the Maverik proposal. The remaining three parcels of this block that are outside of this development and west of the creek will all still have access directly to Iliff Court and the remaining 110' of the alley that is not being vacated. **(EXHIBIT B)**.

Only one of the three remaining properties on the west side of the creek has direct access from their property onto the alleyway. 1415 S. Tejon St. is currently bisected by the alleyway, creating an odd triangular shaped parcel of land on the east side of the alley. Maverik's proposal to vacate their section of alleyway may give the opportunity for the owner at 1415 S. Tejon St. to vacate the alleyway that bisects his property which would unite the two parcels, creating a more useable and valuable lot. In February of 2019, the owner of 1415 S. Tejon St. met with Staff to discuss development opportunities for this lot and he may propose vacating the remaining alleyway in a future application.

The three properties that remain on this block to the south of the proposed project and to the west of Cheyenne Creek will all have access to Iliff Court and their main street in front (S. Tejon Street and E. Brookside St.). None of the remaining property owners will experience any hardship due to the vacation of this right of way. The Vacation Plat is consistent with the Vacation Requirements in Section 7.7.403 of the Zoning Code and with the submitted Final Plat. Staff recommends approval of this right-of-way vacation.

Section 7.7.402.C describes the 5 review criteria that must be met in order for City Council to approve the proposed right-of-way vacation.

Vacation Criteria #1. The right of way is no longer needed for public transportation purposes;

Once the nine parcels of land are combined into one lot, there won't be any need for this alleyway. Iliff Court, which runs almost parallel with the creek, will allow the three remaining properties to access Brookside Street to the south. The property at 1415 S. Tejon Street will be able to access the remaining portion on the alleyway through their property and to Iliff Court. This property would be able to combine the west side of the parcel that fronts S. Tejon and the east side of the lot that fronts Iliff Court if they vacated the last section of the alley that bisects their property. The owner has expressed interest in vacating this last portion of the alley.

Vacation Criteria #2. The vacation will not adversely impact use of the right of way for public utility and/or drainage purposes;

Public utility (CSU) has reviewed this project and worked with the Applicant to establish a new easement for the overhead electric. In addition, the trail will be recorded as a public easement. The remaining alley will maintain the original drainage to the southeast towards the creek. The new development will direct all stormwater to the detention pond for filtration and detention before being released into the creek.

Vacation Criteria #3. *The vacation will not adversely impact the uniform width of the remaining portions of the public right of way along the block frontage for which vacation is sought;*

The alley vacation will not change the width of the remaining portions of the public right of way.

Vacation Criteria #4. *Access to lots or properties surrounding the public right of way will not be adversely affected;*

All the parcels immediately adjacent to the proposed alley vacation are included in the project. The only property that is not part of the project is 1415 S. Tejon and they have expressed that the vacation of this right of way would be a net benefit for their property.

Vacation Criteria #5. *The vacation is consistent with the purpose of this Subdivision Code.*

Through the review process, City agencies have made sure that this vacation of right of way is consistent with the purpose of the Subdivision Code. Section 7.7.102.

f. Final Plat

A Final Plat was submitted to combine the nine existing parcels 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 and will be approved by Planning Staff administratively.

2. Conformance with the City Comprehensive Plan:

This application was submitted before the adoption of Plan COS but is currently being reviewed after its adoption. Therefore Staff is using both the City Comprehensive Plan 2020 and Plan COS to analyze the project. Fortunately, this project is supported by both comprehensive plans.

- Plan COS: Unique Places Framework outlines this area as a 'Mature Redevelopment Corridor.' **FIGURE 6**
- The City Comprehensive Plan 2020: Land Use Development also identifies this area as a Mature Redevelopment Corridor. **FIGURE 7**

PlanCOS Objectives

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.*

- 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):

-Strategy LU 702b: *Redevelop and Infill Commercial Uses in Mature/Development Corridors to Form Activity Centers*

-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*

-Strategy N 203e: *Enhance Neighborhood Connectivity Standards*

3. Conformance with the Area's Master Plan: Ivywild Neighborhood Master Plan

On page 16 of the Ivywild Neighborhood Master Plan, the map designates most of the project boundaries as part of the 'Auto Related Commercial' land use area. Two of the properties located on the southern end of the project, 1411 S. Tejon St. and 1402 Iliff Court, are included in the 'Multi-Family Residential' land use designation. 1411 S. Tejon St. was a residence, while 1402 Iliff Court is currently being used as a commercial real estate office. The auto related commercial designation would indicate support for the proposed use of this property.

The plan also states that new landscaping, which is required for new developments, is an effective way to 'screen the impacts' of the commercial zones and highway. Maverik's landscape plan is designed to help mitigate the negative externalities of the commercial developments along this corridor and create an amenity with the creek side trail.

Lastly, Section 3.2 of the plan includes a goal to 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. This project is consistent with that goal.

STAFF RECOMMENDATION:

Item No: CPC UV 18-00159

Approve the Use Variance for the Maverik – Motor Way Plan, based upon the finding that the application 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.

Technical and Informational Modifications:

1. Gain final acceptance of the project's drainage report.

Item No: CPC V 18-00160

Approve the Vacation of City Right-of-Way for the Maverik – Motor Way Plan, based upon the finding that the application complies with the vacation review criteria in City Code Section 7.7.403, subject to compliance with the following technical and/or informational plan modifications.

Technical and Informational Modifications:

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