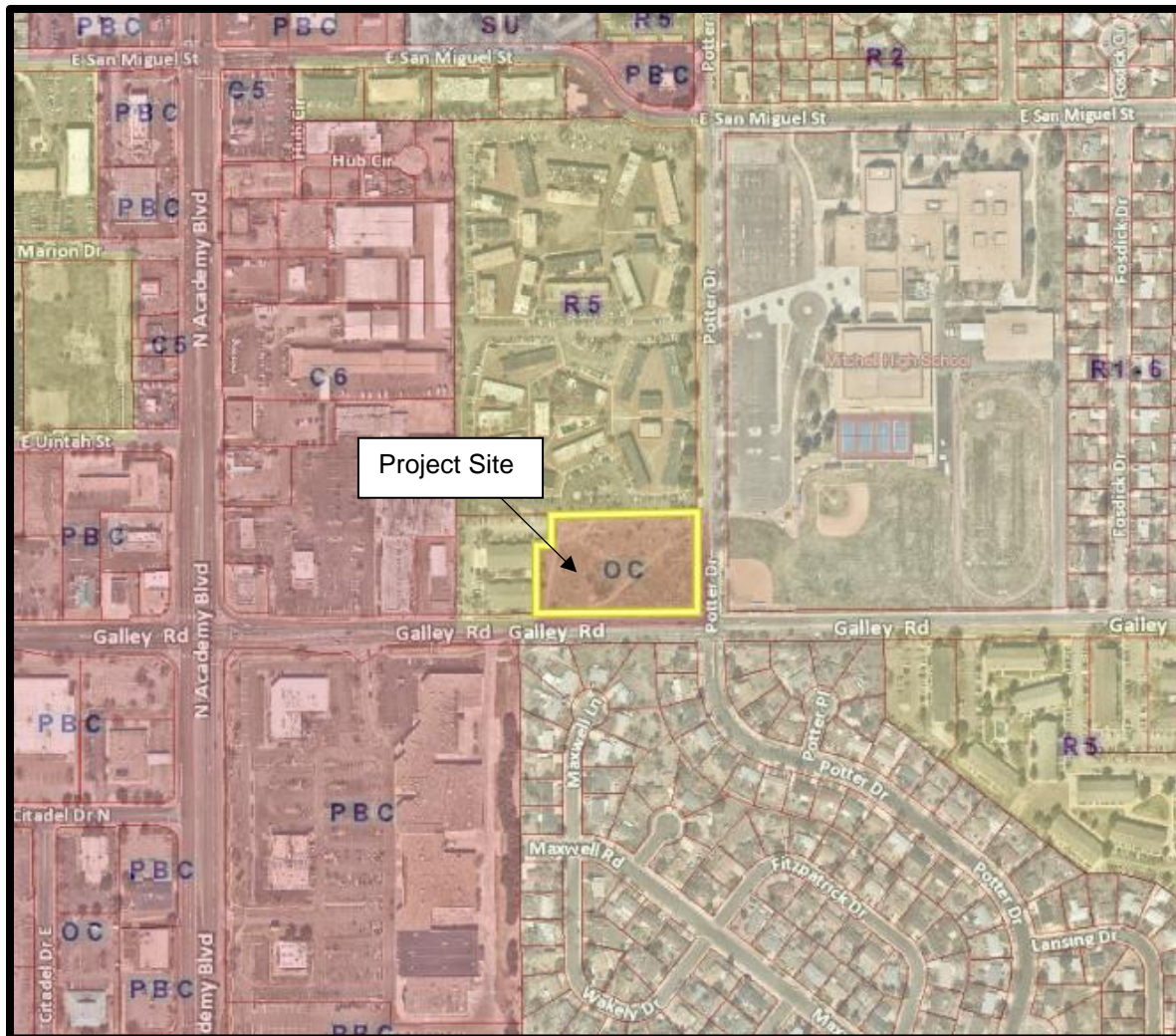


CITY PLANNING COMMISSION AGENDA
MARCH 18, 2021

STAFF: KATELYNN WINTZ

FILE NO(S):
CPC CU 20-00094 – QUASI-JUDICIAL
CPC NV 20-00165 – QUASI-JUDICIAL

PROJECT: LOAD AND LOCK STORAGE
OWNER: LOAD & LOCK ON GALLEY LLC
DEVELOPER: LOAD & LOCK ON GALLEY LLC
CONSULTANT: RESPEC



PROJECT SUMMARY:

1. Project Description: The project includes applications for a conditional use development plan for a miniwarehouse storage facility consisting of 180 metal storage containers in the OC (Office/Complex) zone district (**see “Conditional Use” attachment**) and a nonuse variance to allow recycled asphalt as the primary surface material throughout the site. The subject property is located at 3980 Galley Road and consists of 2.38 acres. The nonuse variance relief request proposes recycled asphalt as an alternate surface material in the access and maneuvering aisles where hard-surface paving is required per City Code Section 7.4.206(K).
2. Applicant’s Project Statement: (**see “Project Statement” attachment**)
3. Planning and Development Team’s Recommendation: Staff recommends approval of the applications.

BACKGROUND:

1. Site Address: The property associated with this project is addressed at 3980 Galley Road.
2. Existing Zoning/Land Use: The property is zoned OC/AO/APZ2 (Office Complex, Airport Overlay, Accident Potential Zone 2).
3. Surrounding Zoning/Land Use:
North: R-5/AO/APZ2 (Multi-Family Residential, Airport Overlay Accident Potential Zone 2) and is residentially developed with the Vista Peak Apartments.
South: R1-6/AO/APZ2 (Single-Family Residential, Airport Overlay Accident Potential Zone 2) and is residentially developed.
East: R1-6/AO/APZ2 (Single-Family Residential, Airport Overlay Accident Potential Zone 2) and is developed as an educational institution known as Mitchell High School.
West: R-5/AO/APZ2 (Multi-Family Residential, Airport Overlay Accident Potential Zone 2) and is residentially developed with the Midtown Flats Apartments.
4. PlanCOS Vision: According to the PlanCOS Vision Map (**see “PlanCOS Vision Map” attachment**), the project site is identified as part of the Mature and Redeveloping Academy Boulevard Corridor and adjacent to an identified Established Suburban Neighborhood.
5. Annexation: The property was annexed under the Smartt’s Addition No. 9 Annexation (December 24, 1963, Ordinance No. 2913)
6. Master Plan/Designated Master Plan Land Use: This property is not part of an approved Master Plan.
7. Subdivision: The project site is platted as Lot 1 Block 1 of the Harwal-Galley Road Subdivision.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is vacant and relatively flat with no significant vegetation.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public notification process consisted of providing notice to adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 115 property owners, on two occasions: during the internal review stage and before the Planning Commission hearing. The site was also posted during the two occasions noted above. City Planning staff received no comments in favor or opposition to the project.

Staff input is outlined in the following sections of this report. Staff sent copies of the plan set and supporting documentation to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City SWENT, City Fire, and City Police. All comments received from the review agencies have been addressed. City Planning staff notes that the following review agencies provided project-specific comments:

- Colorado Springs Airport – The Colorado Springs Airport (Airport) and Airport Advisory Commission reviewed this application because the project site is in the airport overlay and falls within the Accident Potential Zone 2 sub-zone (APZ2) (**see “Airport Comments” attachment**). Airport staff

commented that the proposed use appears to be permissible in the APZ2 sub-zone and requested the plans be revised to include a note referencing the site's avigation easement. The correct avigation easement is noted on the plans.

- SWENT – The City's Water Resources Engineering Division of Public Works (SWENT) approved a variance related to the proposed retaining walls in the sand filter basin. Pueblo County accepted the City's variance approval.
- City Fire – Colorado Springs Division of the Fire Marshall reviewed the plans and accepted the site design with two access points, limiting the use of one driveway for fire access only. Each entry point is gated and equipped with approved Knox locks for emergency access. City Fire requested a new public fire hydrant is installed as part of the scope of work along Potter Drive. City Fire accepted the proposed recycled asphalt surface material associated with the requested non-use variance as an acceptable alternative surface material to paving.

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

1. Review Criteria / Design & Development Issues:
 - a. Conditional Use Development Plan

The proposed Load and Lock Storage Conditional Use Development Plan (**see “Conditional Use” attachment**) consists of an infill development proposal for placement of roughly 180 metal storage containers of various sizes on a gravel base to establish a miniwarehouse use in the OC (Office/Complex) zone district. The site will be used primarily as a storage facility with spaces for rent by the public, an office trailer, and a manager's residence are also proposed on-site. The placement of the shipping containers will line the perimeter of the site and no additional fencing will be provided. There are two gated entry points proposed off of Potter Drive with the approved Knox Box locks for emergency response; the northern access drive will be a full movement ingress & egress to the site whereas the southern access drive is limited to Fire access only. The conditional use development plan shows an area to the southwest side of the site with an open parking area, this area is defined as outdoor storage & parking area. Notes on the plan restrict the use of this area for the owner and employees to allow limited outdoor storage of materials, trailers, and vehicles not to exceed 15,000GVWR. Notes on the plan indicate that the spaces are not for public use and will be prohibited from being rented. Bollards and curb stops delineate the parking arrangement in the outdoor storage area; this area will not be fenced because the area is screened from the right-of-way by the storage containers.

Notes on the conditional use development plan acknowledge the requirement of the owner to uniformly paint all metal storage containers the same color. Maintenance responsibilities are noted, including maintenance and/or remediation of future rust & the requirement to coordinate with Planning Staff should the property owner consider changing the exterior paint color of the metal storage containers. To create some visual appeal on-site and along the public rights-of-way of Galley Road and Potter Drive, the applicant has proposed two unique site improvements to obscure the metal containers. The project site sits directly across Potter Drive from Mitchell High School. Notes on the plan include the applicant's intention to create a collaborative community art installation on the metal storage containers along Potter Drive with Mitchell High School. The property owner is responsible for all maintenance associated with the art installation. A final landscape and irrigation plan was submitted illustrating a variety of trees and shrubs consistent with planting and landscape requirements. The landscaping plans show a landscaping buffer along the west and northern property lines to provide a visual buffer for the adjacent residential uses. The applicant utilized strategic planting patterns to bolster the landscaping along Galley Road to create a visually appealing buffer to creatively obscure the look of the metal containers from the right-of-way. This planting strategy includes grouping evergreen trees and upright evergreen shrubs to provide year-round screening of the proposed containers. The conditional use development plan also notes that upon completion of the

project, the owner is responsible for coordinating a full site inspection to review the landscaping and irrigation.

The applicant's proposal is a good fit for the surrounding area as an infill, transitional development. The project area is adjacent to the commercial corridor along Academy Boulevard and is within proximity to a variety of commercial development which is consistent with the nature of the proposed development. Residential customers primarily drive a storage facility use; the project site is surrounded by multi-family style residential developments to the North and West and is within proximity to a robust established suburban neighborhood to the East and South. The project site is a logical transition area that makes use of an underutilized infill lot, provides a community amenity, and is within proximity to a commercial area that development of the site for commercial use is not out of place. The project site is part of the Accident Potential Zone 2 (APZ2), a designation given to properties within flight tracks based upon analysis and historical data. The APZ2 limits the types of uses permitted for compatibility and safety reasons. Staff considers the proposed development a good use for the overall area as it is a low traffic generator, making it a good fit for the APZ2 area.

City Planning staff finds the application to be consistent with the purpose of the Conditional Uses and Development Plan criteria.

b. Non-Use Variance

The nonuse variance application requests relief to allow recycled asphalt as the primary surface material throughout the site where paving is required per City Code Section 7.4.206(K). The applicant requests the use of semipermeable recycled asphalt material to promote stormwater infiltration while eliminating dust and other environmental impacts of a completely unimproved surface. The recycled asphalt will be designed to meet the Fire Department's performance criteria of HS-20 Loading. The Fire Department and SWENT reviewed the alternative surface material and have no outstanding comments or concerns with the requested relief.

City Planning staff finds the request meets the three review criteria, per City Code Section 7.5.802(B), for a non-use variance to be granted:

- Extraordinary or exceptional physical conditions – The addition of recycled asphalt, instead of paving, provides more pervious surface throughout the site in low use areas which can positively impact on-site environmental features related to stormwater runoff.
- No reasonable use of the site – The size of the property and provision of on-site full spectrum detention greatly limits the ability to reasonably use the site in conformance with City Code, allowance of the semipermeable recycled asphalt creates more pervious surface throughout the site while mitigating impacts of an unimproved surface and is compliant with all Fire Code standards.
- No adverse impact upon surrounding properties – The granting of these variances will not be detrimental to public health, safety, or the welfare of the community. The existing property use includes the storage of materials on unimproved surfaces. The proposed surface material lessens the nonconformity by providing a variation of an improved surface.

City Planning staff finds the application to be consistent with the purpose of granting a non-use variance, as set forth by City Code Section 7.5.801, *Variance Purpose*.

c. Drainage

The City's Water Resources Engineering Division of Public Works (herein referred to as "SWENT") has reviewed the conditional use development plan and accompanying final drainage report, prepared by RESPEC. SWENT has accepted the analysis and recommendations set forth in the approved report. Stormwater from the proposed project will

be captured in an on-site private full spectrum detention sand basin filter. As designed, proposed retaining walls in the sand filter basin were found to be non-compliant with the requirements of the City Drainage Control Manual. SWENT advised the applicant that a non-routine variance would be required to allow the SWENT variance committee to consider the proposed design of the retaining walls. The variance for the retaining walls was approved by the SWENT variance committee and sent to Pueblo County for review and comment. Pueblo County agreed with the decision of the SWENT variance committee and approved the proposed, non-standard, design for the retaining walls in the sand filter basin.

2. Conformance with the City Comprehensive Plan:

Staff has evaluated the proposed project for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to the PlanCOS Vision Map, the project site is identified as an Established Suburban Neighborhood and proximate to Academy Boulevard, a Mature/Redeveloping corridor (see "**PlanCOS Vision Map**" attachment) Economic diversity is a core principle of PlanCOS and the foundation of supporting a thriving local economy. In Thriving Economies, Chapter 4 of PlanCOS, the project aligns with the "Big Idea" titled "Embrace Sustainability and Policy TE-4.A, which states

"Prioritize development within the existing City boundaries and built environment (not in the periphery)"

Load and Lock Storage proposes infill commercial development on the periphery of a major commercial corridor with direct benefits to the surrounding residential neighborhood. Another "Big Idea" in Chapter 4 of PlanCOS is "Expand Our Base" and its goal TE-2 to "diversify the local economy by fostering a range of business types and sizes". The project is utilizing a new prefabricated material to create a new take on an affordable neighborhood storage facility.

For the reasons provided in this staff report, City staff finds this redevelopment proposal to be in substantial conformance with PlanCOS and its guidance.

3. Conformance with the Area's Master Plan:

The project site is not part of an approved master plan; therefore, staff did not consider conformance with an approved master plan. City Planning staff finds the Load and Lock Storage project to be complimentary and supportive of the long-range vision for the immediate project area resulting from the goals of the Redeveloping/Mature as a significant infill development opportunity to establish viable business.

STAFF RECOMMENDATION:

CPC CU 20-00094 – Conditional Use Development Plan

Approve the Conditional Use Development Plan for a Miniwarehouse in the OC/APZ2/AO (Office Complex in the Accident Potential Zone (2) and Airport Overlay) zone district, based upon the findings that the request meets the review criteria for granting a Conditional Use as set forth in City Code Section 7.5.704 and meets the review criteria for granting a Development Plan as set forth in City Code Section 7.5.502(E).

CPC NV 20-00165 – Non-use Variance

Approve the nonuse variance request from City Code Section 7.4.206(K) allowing recycled asphalt as a surface material where paving is required, based upon the findings that the request complies with the non-use variance criteria in City Code Section 7.5.802(B).