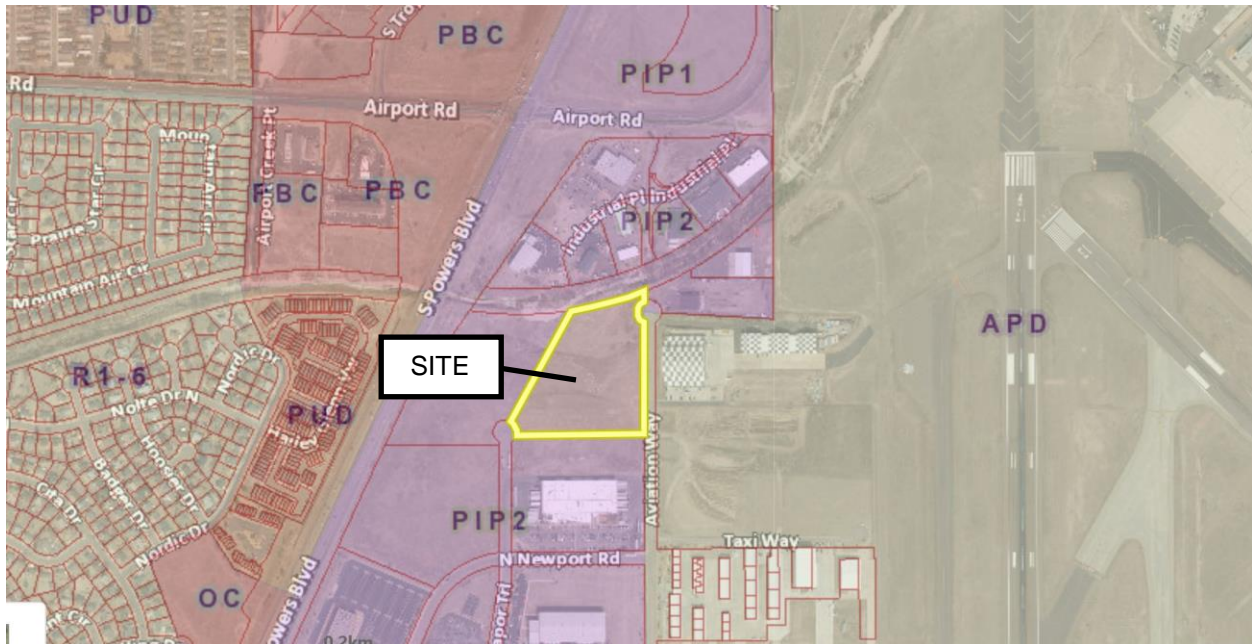


CITY PLANNING COMMISSION AGENDA  
September 17, 2020

STAFF: TASHA BRACKIN

ASSOCIATED FILES:  
CPC CU 20-00101 – QUASI-JUDICIAL

PROJECT: BIO 365 – 875 VAPOR TRAIL  
OWNER: COLORADO STRUCTURES INC  
CONSULTANT: WARE-MALCOMB



**PROJECT SUMMARY**

1. Project Description: This conditional use request is to allow construction of a new manufacturing facility on a vacant property zoned PIP2/CR/SS/AO (Planned Industrial Park/Condition of Record/Streamside Overlay/Airport Overlay). The property is 7.98 acres and is located at 875 Vapor Trail. The Streamside Overlay designation requires Conditional Use approval for the manufacturing use in the Planned Industrial zone district.
1. Applicant's Project Statement: **(Refer to Project Statement Attachment)**
2. Planning and Development Team's Recommendation: Staff recommends approval of the application.

**BACKGROUND**

1. Site Address: 875 Vapor Trail
2. Existing Zoning/Land Use: PIP2/CR/SS/AO (Planned Industrial Park/Condition of Record/Streamside Overlay/Airport Overlay)/vacant; Conditions of Record state that all uses in the M-1 zone district shall be allowed in this PIP2 zone district, and that there shall be no maximum lot coverage in the zone district.

3. Surrounding Zoning/Land Use:
  - North:* PIP2 (Planned Industrial Park)/developed industrial/warehouse/distribution
  - South:* PIP2 (Planned Industrial Park)/developed with warehouse/distribution center
  - East:* APD/R1-6/SS/AO/APZ1 (Airport Planned Development/Single-Family Residential/Streamside Overlay/Airport Overlay/Accident Potential Zone 1)/Colorado Springs Airport on opposite side of Vapor Trail
  - West:* PIP2 (Planned Industrial Park)/vacant parcel
4. Comprehensive Plan Consistency/PlanCOS:
  - Neighborhood Framework: Consistent (Airport)
  - Unique Places Framework: Enhances connections to and integrates with the City's green infrastructure networks via the Sand Creek Trail.
  - Thriving Economy Framework: Supports the Colorado Springs Airport as a Cornerstone Institution consistent with regional business attraction and retention efforts.
  - Strong Connections Framework: Conveniently located adjacent to the airport, supports efficient transport of goods; Supports Strategy SC-3.B-1: Design and construct stormwater improvements to incorporate recreational opportunities and protect infrastructure; Supports Strategy SC-3.B-2: Incorporate complete creek stormwater corridors as part of the City's overall non-motorized transportation network where feasible and environmentally sustainable.
5. Annexation: The property was annexed in 1971 as part of the Pikes Peak Addition Number 11.
6. Master Plan/Designated Master Plan Land Use: This property is part of the Newport Technology Center Master Plan approved in 1976, designating the land use as Industrial.
7. Subdivision: The property was originally part of the Newport Subdivision Filing 19, recorded in 2005, and later replatted as part of the TF Subdivision Filing No. 1 recorded in 2012.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is currently vacant and primarily flat/gently sloping toward the East Fork of Sand Creek at the property's north boundary.

### **STAKEHOLDER PROCESS AND INVOLVEMENT**

The public notification process for the associated application consisted of sending postcards to 106 property owners within 1,000 feet of the project site and also placing a poster describing the proposal on site for at least ten days. No public comments were received in response to the notice. The site was also posted prior to the Planning Commission public hearing.

The application was sent to the standard internal and external agencies for review and comment. Review agencies for this project included the Colorado Springs Airport, Colorado Springs Utilities, City Traffic, City Engineering, City Fire Department and Police/E-911, as well as the City's Landscape Architect, the Parks and Recreational Services staff, and the Pikes Peak Regional Building Department's Floodplain and Enumerations reviewers. The Colorado Springs Airport Commission reviewed the proposed development at their June 24<sup>th</sup> meeting, and recommended two conditions of approval, which have been added to the Development Plan cover page. All review comments received have been addressed.

### **ANALYSIS OF REVIEW AND CONFORMANCE WITH CITY COMPREHENSIVE PLANNING**

1. Conditional Use

The property is impacted by the Streamside Overlay Zone due to the stream channel partially occurring in the property. The proposed manufacturing use is listed as a Conditional Use under City Code Section 7.3.508 within the Streamside Overlay.

The property is also within the boundary limits of three separate economic incentive zones, listed below:

- A. Colorado Opportunity Zone (OZ) - The federal Opportunity Zone program is a federal tax incentive for investors to invest in low-income urban and rural communities through the favorable treatment of reinvested capital gains and forgiveness of tax on new capital gains.
- B. Enterprise Zone (EZ) – The Enterprise Zone Program is a state incentive which encourages new and established businesses to locate and expand in economically distressed areas of the state. Businesses in the Enterprise Zone can save thousands of dollars on their Colorado income tax bill each year for a number of activities identified on the County and State websites.

- C. Commercial Aeronautical Zone (CAZ) - businesses can benefit from numerous tax savings, including sales tax from El Paso County, which is rebated for businesses specifically engaged in a variety of aeronautical activities. This particular business does not appear to qualify for this opportunity zone, but does qualify for the zones described above in sections A and B.

The proposed development plan (**Development Plan Attached**) illustrates the layout intended for the 48,600 square-foot manufacturing facility along with a 28,000 square-foot future expansion area and associated parking, landscaping, and storm water detention areas. The proposed improvements meet City code site development requirements. There are two points of access into and out of this site: one from Vapor Trail and one from Aviation Way. The proposed detention facility serves to separate the manufacturing operations from the streamside area, and there is an open space area that will be landscaped and accommodate a trail between the building and the creek for employees to access the creek and trail amenities. There is also a trail easement that will be provided to the City for future construction of the Sand Creek Public Trail alongside the stream. Improvements to the sand creek channel are currently being designed to ensure the creek continues to function appropriately and that banks will be stabilized with infrastructure as well as landscaping. The paved parking and drive lane areas have concrete curbs to control storm water drainage, and the paved areas are located more than 200-feet from the stream, ensuring that no pollutants or sediment from the manufacturing operation will enter the waterway. All required storm water BMPs required by City Engineering will be utilized to ensure filtration of storm water and protection of water quality.

There are no environmental concerns related to the manufacturing facility adjacent to the stream. A description of the soil manufacturing process is included with the applicant's project statement. The applicant will be required to register with the State of Colorado for aspects of the manufacturing process that involve any fertilizers and soil conditioners, as well as the use of vermiculture. The State may regulate use of certain ingredients during manufacturing, and will inspect certain aspects of the process associated with weights/tonnage as well as post-manufacturing packaging claims included on the product labeling. The State of Colorado also regulates aspects of the business associated with vermiculture, which is considered a form of composting and is monitored in Colorado by both the Department of Agriculture's Composting Program as well as the Colorado Department of Public Health and Environment's Materials Management program.

Staff finds that the request for the conditional use development plan is in conformance with the City's Comprehensive Plan as well as the intent and purpose of the City Zoning Code standards to promote public health, safety, and welfare. Staff also finds that the proposed development would not injure the value and qualities of the surrounding neighborhood, and satisfies the criteria for a conditional use development plan in the Streamside Overlay Zone.

2. Conformance with the City Comprehensive Plan

- Neighborhood Framework: Consistent (Airport)
- Unique Places Framework: Enhances connections to and integrates with the city's green infrastructure networks via the Sand Creek Trail.
- Thriving Economy Framework: Supports the Colorado Springs Airport as a Cornerstone Institution consistent with regional business attraction and retention efforts.
- Strong Connections Framework: Conveniently located adjacent to the airport, supports efficient transport of goods; Supports Strategy SC-3.B-1: Design and construct stormwater improvements to incorporate recreational opportunities and protect infrastructure; Supports Strategy SC-3.B-2: Incorporate complete creek stormwater corridors as part of the City's overall non-motorized transportation network where feasible and environmentally sustainable.

The surrounding area contains industrial uses to the north, south and west, and the City airport is to the east (**Refer to attached Context Map**). The proposed use is appropriate for the PIP-2 zone district, and compatible with the surrounding nearby uses and the planned development of the area. The developer is working with the City's economic development department to utilize incentives available through airport economic opportunity zones. The project is also fiscally efficient as it uses

an existing platted lot already within the City with established infrastructure including streets and utilities.

3. Conformance with the Area's Master Plan

This property is part of the Newport Technology Center Master Plan approved in 1976, designating the land use as Industrial. The proposed use is consistent with the Master Plan designation.

**STAFF RECOMMENDATION**

**CPC CU 20-00101 – CONDITIONAL USE**

Approve the conditional use development plan for BIO 365 to allow construction of a new manufacturing facility in the PIP2/CR/SS/AO (Planned Industrial Park/Condition of Record/Streamside Overlay/Airport Overlay) zone district, based upon the finding that the conditional use development plan complies with the review criteria for granting a conditional use development plan as set forth in City Code Section 7.5.502.E, 7.5.704 and 7.3.508.C.