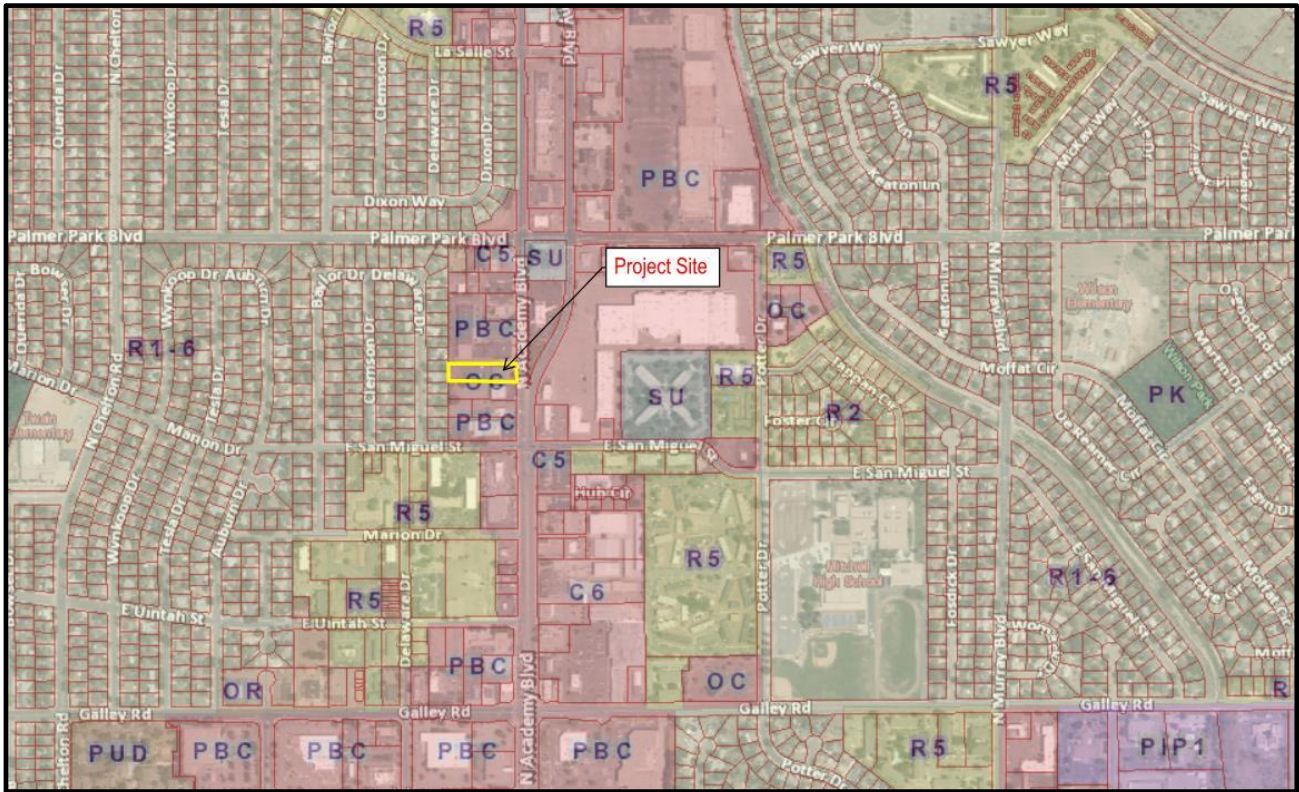


CITY PLANNING COMMISSION AGENDA
July 15, 2021

STAFF: WILLIAM GRAY

FILE NO:
CPC CU 21-00067 – QUASI-JUDICIAL

PROJECT: TOOL ZONE
OWNER: US TAEKWONDO CENTER, INC
DEVELOPER: TRINITY SCS REAL ESTATE, LLC
CONSULTANT: BUCHER DESIGN STUDIO, INC



PROJECT SUMMARY:

1. Project Description: The project includes an application for a use variance development plan for 38,560 square feet of land located at 1316 North Academy Boulevard. The project is herein referred to as "Tool Zone". The use variance request would allow for the conversion of a currently developed commercial building from a general retail use to construction sales and services in an OC (Office Complex) zone district (**see "Use Variance Development Plan" attachment**). The proposed use variance development plan illustrates the layout for the proposed use on the property.
2. Applicant's Project Statement: (**see "Project Statement" attachment**)
3. Planning and Development Team's Recommendation: City Planning staff recommends approval of the application as proposed.

BACKGROUND:

1. Site Address: The property associated with this project is located at 1316 North Academy Boulevard.
2. Existing Zoning/Land Use: The property is zoned OC (Office Complex) and is developed with an existing commercial building (the former use of the building was a proprietary school for Taekwondo).
3. Surrounding Zoning/Land Use:
North: PBC (Planned Business Center) and is developed with commercial uses (General Office).
South: PBC (Planned Business Center) and is developed with a fast food restaurant.
East: R-1 6000 (Single-Family Residential) and is developed with single family residential uses.
West: PBC (Planned Business Center) and is developed as a commercial center.
4. PlanCOS Vision: According to the PlanCOS Vision Map (**see "PlanCOS Vision Map" attachment**), the project site is identified as a Mature/Redeveloping Activity Center and is proximate to a Priority City Corridor (Academy Boulevard).
5. Annexation: The property was annexed into the City under the Austin Bluffs Addition No. 25 annexation plat (February 1, 1962; ordinance unknown)
6. Master Plan/Designated Master Plan Land Use: The project site is not part of a master planned area.
7. Subdivision: The property is platted as Lot 42 of Block 1 of Austin Estates Subdivision Filing No. 3.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The project site is developed. Improvements include an existing building, asphalt paved parking and drives and landscaping.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public notification process consisted of providing notice to surrounding homeowners associations and adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 183 property owners on two occasions: during the internal review and prior to the Planning Commission hearing. The site was also posted during the two occasions noted above. City Planning staff received one (1) public comment by phone regarding this project. The one comment from an interested citizen cited no concern for the proposed project but had concerns over public safety in the surrounding neighborhood.

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. The review agencies for this project included, Colorado Springs Utilities, City Engineering, City Traffic, City Fire, City SWENT,

City Parks, Council of Neighborhood Organizations (CONO) and City Police. None of the review agencies issued comments regarding the proposed application.

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

1. Review Criteria / Design & Development Issues:

a. Application Summary

i. Use Variance Development Plan:

The Applicant's requested Use Variance Development Plan for the Tool Zone project proposes a construction sales and service use on a site zoned OC (Office Complex) and 38,560 square feet in size (**see "Use Variance Development Plan" attachment**). A construction sales and services use is not permitted in the OC (Office Complex) zone district, pursuant to City Code Section 7.3.203 *Permitted, Conditional and Accessory Uses*. Therefore, for the proposed use to be established at this location a use variance application was submitted by the Applicant.

The project involves converting an existing commercial building from general retail to construction sales and services use. Tool Zone is a business that provides sales and repair services for hand tools, power tools, metal working, woodworking and other equipment and accessories to construction trades. In the case the proposed use equipment means, drill press, table saw, planer, lathe and not front loader or mini excavator. Through its subsidiary company, Safety Construction Supply, the use at this location will also include the sales of personal protective equipment in construction, utility industry safety products, and work zone safety traffic control products and safety equipment. There is no leasing of equipment or other products, no repair is done on-site and there is no outside storage.

The parking for the project will be brought into current compliance with accessible parking space requirements, as set forth in City Code Section 7.4.205 *Accessible Parking Space Requirements for Disabled*. The on-site drive aisles and parking spaces will be restriped. Landscaping will be enhanced along the western side of the property where the site is adjacent to single-family residential. The trash enclosure will be updated to screen the trash receptacle. Last, access to the site is from North Academy Boulevard and the City's Traffic Engineering Division of Public Works has determined that the existing access drives are adequate and acceptable for the proposed use.

As previously mentioned, the site contains an existing surface parking lot that has a total of 32 parking spaces. The proposed use requires 16 parking spaces to be provided and the parking lot is being restriped to meet City Code Section 7.4.203, *Parking Space Requirements by Use*. Included in this total is the required one (1) standard ADA parking space and the one (1) van accessible space.

When considering whether the proposed use should be permitted in the OC (Office Complex) zone, City Planning staff evaluated the request in terms of the three review criteria for granting a use variance, as set forth in City Code Section 7.5.803(B)(1-3) *Criteria For Granting A Use Variance*:

- Exceptional or Extraordinary Circumstances or Conditions Applicable to the Property:

The North Academy Boulevard corridor is comprised mainly of PBC (Planning Business Center), C-5 (Intermediate Business) and C-6 (General Business) zone districts. The project site and the adjacent parcel to the south, which contains a fast-food restaurant, are both zoned OC (Office Complex). This site shares similar characteristics of surrounding properties, primarily that it is located adjacent to North Academy Boulevard. If, the property was zoned PBC

(Planning Business Center), C-5 (Intermediate Business) or C-6 (General Business) a construction sales and service use would be permitted, so a use variance application would not be necessary. It is a use, as it is proposed, that is compatible with the commercial use types of the previously referenced zone districts and the commercial uses on the North Academy Boulevard corridor **(see “Context Map” attachments)**. The building and its location make it well-suited for a commercial retail use as proposed.

- **Preservation and Enjoyment of the Property:**

The repurposing of the commercial building with the proposed construction sales and service use will further the City’s desire and efforts to strengthen the corridor economically – making the neighborhood more viable.

- **Public Welfare or Convenience nor Injurious to the Property or Improvements of Other Owners:**

The proposed construction sales and service use will be a benefit to the City as well as the surrounding community. As proposed, all operations will occur on-site and within the current building. Off-site impacts due to noise or traffic are not anticipated to occur, as the Applicant has programmed the business to operate under all applicable development standards and requirements. For example, the a condition of the proposed use is that it will have no outside storage.

The reasonings outlined above reinforce why this proposal will be good for the immediate neighborhood and surrounding area. City Planning staff finds that the proposed plan, as stipulated, is in conformance with the authorizations for a use variance for a construction sales and services use that is otherwise not permitted on a property that is zoned OC (Office Complex), as set forth in City Code 7.5.803(A).

City Planning staff finds that the project addresses all the applicable review criteria set forth in City Code.

2. Conformance with South Academy Economic Opportunity Zone:

The project site is located within the South Academy Economic Opportunity Zone (SAEOZ). According to the Action Plan for the SAEOZ, more specifically, the project site is located with the Rustic Hills Catalyst Area, which encompasses the neighborhoods surrounding the Rustic Hills North Shopping Center and the project site is included in this area. In this catalyst area, there are above average vacancy rates for retail and office space in comparison to the rest of the City. High vacancy rates mean lots of potentially useable space. City Planning staff finds that the proposed Tool Zone project is a good example of repurposing an existing building for a greater use and realizes an opportunity to attract a new business and use to the area. The project is supportive of the vision for the corridor, as it will further efforts to reconnect the surrounding neighborhoods economically – making the area relevant and desirable. Additionally, the project was found to be complimentary and supportive of the surrounding area, which already contains a mix of commercial and industrial uses.

3. Conformance with the City Comprehensive Plan:

The project applications have been evaluated for conformance with the City’s current comprehensive plan (herein referred to as “PlanCOS”), adopted in January 2019. According to PlanCOS, the project site is identified as a Mature/Redeveloping Activity Center and is proximate to a Priority City Corridor (Academy Boulevard) **(see “PlanCOS Vision Map” attachment)**. The Tool Zone project is consistent with one of the core values of PlanCOS, which reinforces the importance of encouraging infill development proposals. One of the “Big Ideas” in the Unique Places 3 of PlanCOS is entitled “Embrace Creative Infill, Adaptation and Land Use Change”, which has goal VN-3 that states:

“Support infill and land use investment through the mature and developed area of the city.”

To do this, PlanCOS suggests, “Actively support ongoing and potential infill projects, employ problem-solving approaches and continue to implement process improvements in support of infill and redevelopment.”

A “Big Idea” from Chapter 4, entitled “Embrace Sustainability”, has Goal TE-4 that states:

“Focus on productively developing and redeveloping areas already in, nearby, or surrounded by the city in order to preserve open spaces, maximize investments in existing infrastructure, limit future maintenance costs, and reduce the impacts of disinvestment in blighted areas.”

A policy for this goal further reinforces that development should “*Prioritize development within the existing City boundaries and built environment (not in the periphery).*”

Adaptive and responsive land use change is one of the core values of PlanCOS. On balance with this perspective, City Planning staff has determined that the project’s land use, location and site design meet the overall intent of this idea.

For the reasons provided in this overall staff report, City Planning staff finds that this infill development proposal and its associated application to be in substantial conformance with PlanCOS and its guidance.

4. Conformance with the Area’s Master Plan:

The project site is not part of a master planned area. City Planning staff finds the Tool Zone project to be complimentary and supportive of the surrounding area, which contains a mix of commercial uses (**see “Context Map” attachment**). City Planning staff analyzed the overall impact of the project through consideration of the use variance development plan and the review criteria for authorizing a use variance, as set forth in City Code Section 7.5.803(B), the overall area impacts of the project were analyzed. (**See “Context Map” attachment**)

STAFF RECOMMENDATION:

CPC CU 21-00067 – Use Variance Development Plan

Recommend approval to Planning Commission a Use Variance Development Plan for the Tool Zone project, based upon the findings that the request meets the review criteria for granting a use variance, as set forth in City Code Section 7.5.803(B) and the development plan review criteria, as set forth in City Code Section 7.5.502(E).