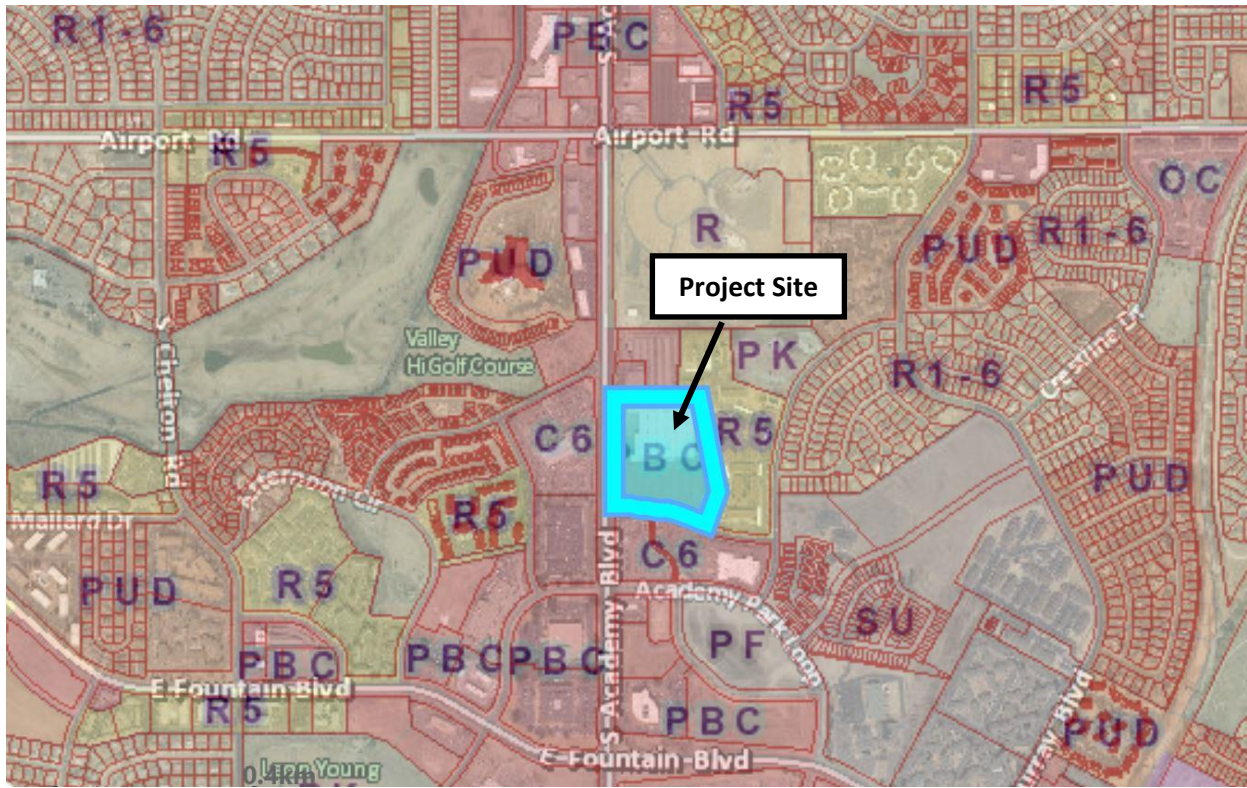


CITY PLANNING COMMISSION AGENDA
December 17, 2020

STAFF: TASHA BRACKIN

FILE NO(S):
CPC UV 20-00158 – QUASI-JUDICIAL

PROJECT: PROJECT ACADEMY
OWNER: REALTY INCOME PROPERTIES 25 LLC
DEVELOPER: NONE
CONSULTANT: WARE-MALCOMB



PROJECT SUMMARY:

Project Description: The project involves an application for a use variance for 11.75 acres of land located at 715 South Academy Boulevard. The project is herein referred to as “Project Academy”. The use variance request proposes to allow a delivery station use at a property that is already developed and was formerly used for the Sam’s Club retail center. No new construction is proposed and the applicant is utilizing the current development plan to illustrate the existing layout of the 136,834 square-foot building and other existing site improvements (see “**Development Plan**” attachment).

1. Applicant’s Project Statement: (see “**Project Statement**” attachment)

2. Planning and Development Team's Recommendation: City Planning staff recommends approval of the application as proposed.

BACKGROUND:

1. Site Address: The project site is addressed as 715 South Academy Boulevard.
2. Existing Zoning/Land Use: The subject property is currently zoned PBC/AO (Planned Business Center with Airport Overlay) and is commercially developed.
3. Surrounding Zoning/Land Use:
North: PBC AO (Planned Business Center with Airport Overlay); developed with commercial– auto parts store and mini-storage.
East: R-5 AO (Multi-Family Residential with Airport Overlay); developed with apartments.
South: C-6/CR/AO (General Business with Condition of Record and Airport Overlay); developed with auto sales lot.
West: C-6/CR/AO (General Business with Condition of Record and Airport Overlay); developed with auto sales lot.
4. PlanCOS Vision: According to the PlanCOS mapping, this site is located within an area experiencing a medium to high level of change. The Vibrant Neighborhoods Map (**see “PlanCOS Neighborhoods Map” attachment**), the project site is located in the Gateway Park neighborhood, an established suburban neighborhood. It is also located along a “Mature/Redeveloping Activity Corridor” as well as a “Smart Corridor” as identified on the **PlanCOS Vision Map** attachment. Additionally, the **PlanCOS Thriving Economy Map** attachment indicates the Academy Park Loop area as having predominantly “Life/Style” and “Cornerstone” Institutions.
5. Annexation: The property was annexed into the City under the Pikes Peak Park Addition #9. (April 1971)
6. Master Plan/Designated Master Plan Land Use: The project site is part of the Gateway Park Master Plan, a privately initiated master plan. The master plan is considered implemented.
7. Subdivision: The property was platted as Lot 1 of the Sam's Properties Filing Number 1.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The property is commercially developed and gradually slopes to the northwest corner.

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 279 nearby property owners on two occasions: during the internal review stage; and prior to the City Planning Commission hearing. The site was also posted during the two occasions noted above. Staff received two emailed public comments in favor of the application, and one email expressing questions about potential concerns related to the application. Copies of the comments received are included as the attachment labeled “**Neighbor Comments**”.

City Planning 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 Fire Prevention, City Stormwater Enterprise, City Parks & Recreation, Council of Neighborhood Organizations (CONO), Police, United States Air Force Academy. Staff notes that the following review agencies provided project specific comments:

- City Traffic Engineering – no concerns, as the anticipated daily vehicle count will be much less than what was designed for the retail center.

- City Engineering – Please add the following Note to plans: "All existing curb, gutter, sidewalk, pedestrian ramps and crosspans posing a safety hazard, damaged, exhibiting excessive deterioration or not meeting current City Engineering Standards along Academy Blvd. and Wentworth Dr. adjacent to the site will need to be removed and replaced prior to issuing the certificate of occupancy (C.O.). An on-site meeting can be set up with the Engineering Development Review Inspector to determine what, if any, improvements are required. The Inspector can be reached at 719-385-5977." (*Note has been added to plan*).
- Colorado Springs Police / Crime Prevention Through Environmental Design - The surrounding area has seen consistent criminal activity specifically in regards to burglary of motor vehicles, motor vehicle thefts and commercial burglaries. If there are on site vehicles, they could be a target of criminal activity.
- City Engineering/Streets - If infrastructure construction, storm sewer, or utility tie-in work impact WENTWORTH DR, developer needs to be familiar with the City's degradation fee schedule and restoration specification. Restoration limits and degradation fees will be defined in the field based on extent of impact. Degradation fees are graduated based on area of impact and the age of the current roadway surface treatment. For a more detailed explanation of these fees and how they are calculated, please contact City Right-of-way management at 385-5977.

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

1. Review Criteria / Design & Development Issues:

a. Use Variance

The requested use variance is illustrated using the existing development plan for the property (**see "Development Plan" attachment**) which consists of an existing 136,834 square foot concrete masonry building at an existing height of 26 feet 8 inches for a delivery station. The plan also depicts ancillary site improvements that are also existing. The building will be used to store, sort and load onto vans small to medium size packages for delivery to local households and businesses.

The use variance establishes the use to be located at this site as a delivery station. More specifically, the use variance will allow a use that is similar to a warehouse and distribution center. The major difference is that there will be no high-pile or high-bay racking in the building that would typically be associated with a warehouse and distribution center. The applicant has indicated that this difference is the reason for defining the use as a delivery station at this location, in addition to the fact that the packages can be handled by a single employee loading packages into vans for delivery. The delivery operation will involve an estimated daily vehicle count of approximately 178 Autos, seven tractor-trailer trucks, and 86 vans at the site.

The applicant's justification for the use variance request can be found in the project statement (**see "Project Statement" attachment**). Staff's assessment of the review criteria appears further below.

The plan depicts 556 parking spaces dedicated for the parking of employee vehicles and delivery vans. Large trucks will visit the site in limited circumstances to make deliveries, and will access the loading docks located adjacent to the Academy Boulevard frontage.

The existing building elevation drawings are illustrated on sheet seven of the Development Plan attachment. The red "clouding" around three locations on the elevation drawings indicates previous sign locations, which are no longer used. Any signs to be located on the existing facility will require a separate permit from the City's development review enterprise.

Because there are no building additions proposed, the use variance does not trigger the requirement to provide new landscape plantings under City Code Section 7.4.3 *Landscape*

Standards. However, the applicant's consultant has stated that the potential user is open to "sprucing up" existing plantings and ground cover along Academy Boulevard. A 15-foot landscape setback would typically be required along the eastern property line where this use is adjacent to apartments, and an even wider buffer exists.

The use variance criteria found in Section 7.5.803.B. are listed below and staff believes they are justified for the application under review based on the explanations provided in the applicant's "**Project Statement**":

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;*

Given the arrival of e-commerce and recent trends in retail development, the list of potential users for a large "big-box" retail building is dwindling as time passes. Without a suitable retail user, the site could remain as it has for the past five years as an empty facility that results in loss of revenue for the property owner, or a failure to achieve the highest and best use. This condition does not apply to similar properties or classes of use due to the large size (136,000+ square feet) as well as the prominent location on a major travel corridor.

2. *That such variance is necessary for the preservation and enjoyment of a property right of the petitioner; and also*

As noted above, to preserve the ability for a revenue-generating user to occupy the existing developed property is proving to be a challenge given the limited types of uses allowed in the PBC zone and the size/type and location of the existing facility.

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 use of the existing facility does not involve any changes to the building footprint, access points, or parking area. The proposed use will involve less daily vehicular traffic than what was experienced when the site was utilized as a retail establishment, therefore the existing roadways were designed to accommodate the level of traffic expected. Van loading will take place inside the existing building, which further reduces potential noise or other disturbance.

City Planning staff finds that the proposed use is consistent with the purposes for granting relief in the form of a use variance per City Code Section 7.5.801. Based on staff's analysis of the proposal and surrounding land use pattern, the proposed use is well-suited for the area. (**See "Context Map"**)

b. Traffic:

The project did not warrant the preparation of a traffic impact study, the City's Traffic Engineering Division of Public Works (herein referenced as "Traffic") has reviewed the proposed use variance development plan and has no concerns as the proposed level of daily vehicle trips is well less than what was designed for the former retail establishment.

c. Drainage:

The City's Water Resources Engineering Division has reviewed the development plan and has no comments given there is no proposed ground disturbance. No on-site treatment or detention facilities are required at this time.

d. Economic Development:

The project site lies within an area designated as the Fountain/Academy Opportunity Zone which encompasses nearly 430 acres in this quadrant of the community. The federal Opportunity Zone program is a federal tax incentive for investors to invest in communities through the favorable treatment of reinvested capital gains and forgiveness of tax on new capital gains. The applicants have expressed interest in this program and are currently coordinating with the City's Economic Development staff on this incentive.

2. Conformance with the City Comprehensive Plan:

Staff has evaluated the proposed application 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 an Established Suburban Neighborhood (**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 "Critical Support" (**see "PlanCOS Thriving Economy Map"**) the main goal of this typology is "to ensure fundamental needs to residents and businesses are reliably met every day." The delivery station will provide a service to the residents within this portion of the City.

City planning staff finds the use variance to be in substantial conformance with PlanCOS and its guidance.

3. Conformance with the Area's Master Plan:

The project is located within the Gateway Master Plan area. The Master Plan has been deemed "Implemented", according to City Code Section 7.5.402(B)(2) *Implemented Master Plan*. A determination of "Implemented" occurs when the area covered by a master plan is 85% or more built out. Based on the surrounding land use pattern, which contains a mix of uses, staff finds the project to be complimentary and supportive of the immediate area.

STAFF RECOMMENDATION:

CPC UV 20-00158 – Use Variance

Approve the use variance development plan for a delivery station use at the existing developed site, 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 review criteria for granting a development plan, as set forth in City Code Section 7.5.502.E.