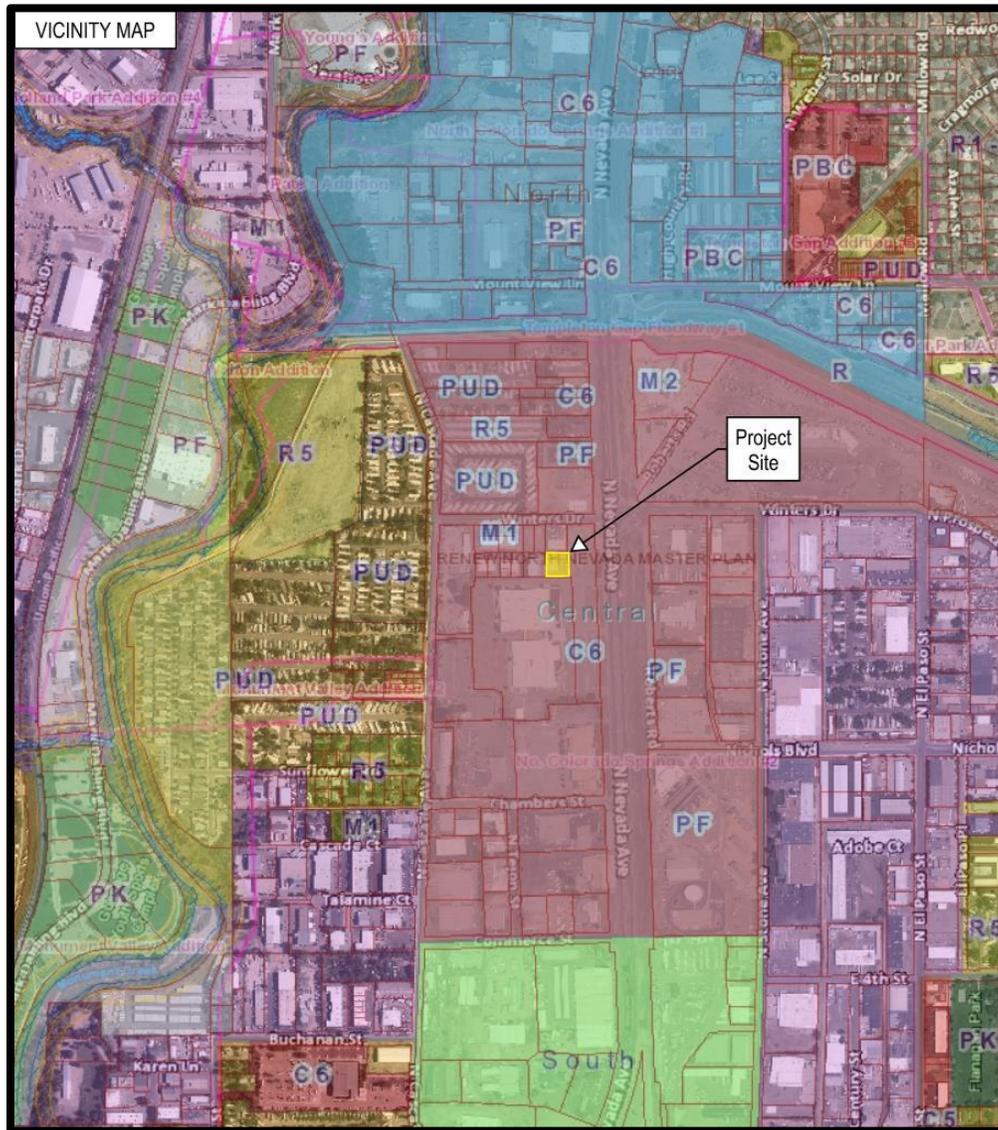


CITY PLANNING COMMISSION AGENDA  
September 14, 2022

STAFF: WILLIAM GRAY

FILE NO:  
CPC CU 22-00112 – QUASI-JUDICIAL

PROJECT: WINTERS DOGGIE DAYCARE  
OWNER/APPLICANT: BRC PROPERTIES, LLC  
CONSULTANT: HAMMERS CONSTRUCTION, INC



### **PROJECT SUMMARY:**

1. Project Description: This project application is for approval of a conditional use development plan for Winters Doggie Daycare located at 155 Winters Drive. The plan will allow the establishment of an indoor and outdoor kennel in a M-1/NNA (Light Industry with North Nevada Avenue Overlay) zone district **(see “Conditional Use Development Plan” attachment)**.
2. Applicant’s Project Statement: **(see “Project Statement” attachment)**
3. Planning and Development Team’s Recommendation: City Planning staff recommends approval of the application.

### **BACKGROUND:**

1. Site Address: The project site is addressed at 155 Winters Drive.
2. Existing Zoning/Land Use: The subject property is zone M-1/NNA (Light Industry with North Nevada Overlay) and is industrially developed as warehousing and distribution.
3. Surrounding Zoning/Land Use:  
North: M-1/NNA (Light Industry with North Nevada Avenue Overlay) and is industrially developed.  
South: Split zoned C-6/NNA (General Business with North Nevada Avenue Overlay) and M-1/NNA (Light Industry with North Nevada Avenue) and is commercially developed.  
East: C-6/NNA (General Business with North Nevada Avenue Overlay) and is partly vacant and commercially developed.  
West: M-1/NNA (Light Industry with North Nevada Avenue Overlay) and is industrially developed.
4. PlanCOS Vision: According to the PlanCOS Vision Map **(see “PlanCOS Vision Map” attachment)**, the project site is identified as a Changing Neighborhood and Reinvestment Area and Community Hub.
5. Annexation: The subject property was annexed into the City under the North Colorado Springs Addition #2 Annexation Plat (January 1, 1970).
6. Master Plan/Designated Master Plan Land Use: The project site is part of the Renew North Nevada Avenue Master Plan.
7. Subdivision: The property is platted as Lot 3, Winters Industrial Park Filing No. 2.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The property is industrially developed with a warehousing and distribution use.

### **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 43 property owners on two occasions; during the internal review stage and prior to the Planning Commission hearing. The site was also posted during the two occasions noted above. City Planning staff received four (4) written comments for the project. The major concern cited in all the written comments was increase noise associated with barking dogs **(see “Public Comment” attachment)**. The comments also mention city traffic and lighting impacts, however, these comments focused more on the new Kum & Go located at 3802 North Nevada Avenue. The Applicant provided a response letter to address the public comment **(see “Owner Statement Supplemental” attachment)**.

Staff input is outlined in the following sections of this report. Staff sent the conditional use development application plan to the standard internal and external review agencies for comments. Commenting

agencies included Colorado Springs Fire Department, City Engineering, Stormwater Enterprise, and City Traffic Engineering. City Planning staff notes that the following review agencies provided project specific comments:

- City Traffic - The City's Traffic Engineering Division stated that there are no traffic issues with the indoor/outdoor kennel.
- City Fire – The City's Fire Department (CSFD) did not have any comments or exceptions with the development plan as submitted.
- City Engineering – The City Engineering Development Review (EDR) had no comments with the project.
- SWENT -Stormwater Enterprise (SWENT) had no comments for this project.

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

#### 1. Review Criteria / Design & Development Issues:

##### a. Background

Per City Code Section 7.3.509 NNA – North Nevada Avenue Overlay, the overlay is the regulatory tool intended to implement the goals and vision of the Renew North Nevada Master Plan. A subsection in this part (City Code 7.3.509(B)(3)), establishes permitted, conditional, or accessory uses for the three sectors of the North Nevada Avenue Overlay. With land uses established specific to the overlay, it is important to note that base zone land uses are superseded.

##### b. Conditional Use Development Plan Proposal

The Applicant's proposal is for a Conditional Use Development Plan to establish an indoor and outdoor kennel use in accordance with City Code Section 7.3.509(B)(3), indoor and outdoor kennels are a conditional use within the Central Section of the North Nevada Avenue Overlay.

The site for Winters Doggie Daycare consists of a developed .4-acre lot with a 8,336 square foot industrial building and is accessed from Winters Drive. The kennel will operate seven (7) days a week from 8:00 am to 7:00 pm and provide daycare and boarding services. Drop-off and pick-up of dogs is accommodated by the eight (8) off-street parking spaces provided in front of the building. If there would ever be a need for additional parking spaces, all parking within the Winters Industrial Park is for the common use of all users, public or private. The daycare and boarding services being provided are primarily indoor activities. The only outdoor element of the proposed use is an outdoor play and exercise area on the south side of the building. New artificial turf will be installed in this area over the existing concrete surface. All landscaping is proposed to be completed pursuant to the final landscape plan and the trash dumpster for the use will be located in the fenced rear yard behind the building (**see "Conditional Use Development Plan"**).

##### c. Findings for Granting a Conditional Use Development Plan

##### i. *Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.*

City Planning Staff finds that the request will not injure the value and quality of the surrounding neighborhood, as the immediate area is currently developed with industrial and commercial uses. Noise was identified as a potential impact with the proposed use. The boarding and kenneling of dogs is primarily indoors and the only time dogs will be outside are bathroom time and to get fresh air and exercise in the rear yard play area. When outside, dogs will be in small groups and supervised. Not all dogs at the facility are let outside at the same time. There

outside play, exercise and bathroom times are staggered during business hours. If there are behavioral issues with dogs such as excessive barking when outside they will be returned inside, or they could not be allowed to return to the facility. If these aspects of the use are adhered to then noise impacts are adequately mitigated.

- ii. *Intent of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety, and general welfare.*

Based on City Code Section 7.5.509, NNA- North Nevada Avenue Overlay, “the purpose of the overlay is to implement the goals of the North Nevada Avenue Master Plan, and the applicable goal to this project is to “create a creative mix of business types and uses that support and employ our residents and serve as a regional economic magnet.” Indoor and outdoor kennel is a commercial use type that is identified as either a permitted or conditional use in the overlay. The use types that are included in the overlay have been specifically identified as they fit the overall objectives for the reasons why the overlay was established. The Applicant’s request to develop an indoor and outdoor kennel use is consistent with purpose and goals of both the Renew North Nevada Avenue Master Plan and the North Nevada Avenue Overlay. The reuse of a large industrial building for a use that is necessary for the City’s residents make the proposed project consistent with the intent and purpose of City Code to promote public health, safety and general welfare is adhered with.

- iii. *Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.*

The proposed indoor and outdoor kennel and conditional use development plan conforms to the goals and policies of the City Comprehensive Plan (herein referred to as “PlanCOS”). This project provides a service for the greater vicinity as there is a need for dog daycare in Colorado Springs and it is a compatible use with the commercial and industrial neighborhood. Refer to Section 3 below for additional details.

Staff finds the proposed use to be consistent with the purpose for uses in the North Nevada Avenue Overlay district, as set forth in City Code Section 7.3.509.B, the findings for granting conditional use development plan, as set forth in City Code Section 7.5.704, and a development plan, as set forth in City Code Section 7.5.502(E).

## 2. Conformance with the City Comprehensive Plan:

The project application has 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 Changing Neighborhood and is within the North Nevada Avenue Reinvestment Area & Community Hub (**see “PlanCOS Vision Map” attachment**). The Winters Doggie Daycare 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 Vibrant Neighborhood Chapter 2 of PlanCOS is entitled “Embrace Creative Infill, Adaptation and Land Use Change”, which has goal VN-3 that states:

*“Through neighborhood plans, associations, and partnerships, empower neighborhoods to reinvest in order to create community, vibrancy, and to address their specific vision and needs.”*

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.

3. Conformance with the Area’s Master Plan:

The Winter’s Doggie Daycare is part of the Renew North Nevada Avenue Master Plan. This master plan was as a public initiated plan. For the purpose of implementing the plan the North Nevada Area was divided into three (3) sectors, north, central and south. The Applicant’s request for an indoor and outdoor kennel is in the central zone. The central zone encourages a mix of land uses and is designated as an employment hub. The proposed use is identified as a conditional use and this new commercial service business will increase, even though it is small, employment opportunities in the corridor (**see “Context Map” attachment**). Through the review of the conditional use development plan application and consideration of the review criteria for establishing a development plan, as set forth in City Code Section 7.5.502(E), and the findings for authorizing a conditional use, as set forth in City Code Section 7.5.704, the overall area impacts of the project were analyzed, and staff finds the Winters Doggie Daycare project to be complimentary and supportive of the immediate area.

**STAFF RECOMMENDATION:**

**CPC CU 22-00112 – CONDITIONAL USE DEVELOPMENT PLAN0**

Approve the Conditional Use Development Plan for the Winters Doggie Daycare project in the M-1/NNA (Light Industry with North Nevada Avenue Overlay, based upon the finding that the request meets the findings for granting a Conditional Use as set forth in City Code Section 7.5.704 and the review criteria for granting a Development Plan, as set forth in City Code Section 7.5.502(E).