



## Legislation Details (With Text)

**File #:** CPC ZC 19-00047      **Version:** 3      **Name:**

**Type:** Ordinance      **Status:** Mayor's Office

**File created:** 5/29/2019      **In control:** City Council

**On agenda:** 8/13/2019      **Final action:** 8/13/2019

**Title:** Ordinance No. 19-51 amending the zoning map for the City of Colorado Springs pertaining to 8.69 acres located at 2420 Victor Place, changing the zoning from C-6/AO/cr (General Business with Airport Overlay and Conditions of Record) to PIP-2/AO (Planned Industrial Park with Airport Overlay).

(QUASI-JUDICIAL)

Related File: CPC CP 15-00119-A1MJ19

Presenter:  
Peter Wysocki, Director Planning and Community Development  
Tasha Brackin, Senior Planner, Planning & Community Development

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ZC\_ORD\_VictorPlace.pdf, 2. EXHIBIT A, 3. EXHIBIT B, 4. vicinity map 1, 5. Signed Ordinance 19-51.pdf

Date	Ver.	Action By	Action	Result
8/13/2019	2	City Council	finally passed	Pass
7/23/2019	2	City Council	approved on first reading	Pass
6/20/2019	1	City Planning Commission	referred	Pass

Ordinance No. 19-51 amending the zoning map for the City of Colorado Springs pertaining to 8.69 acres located at 2420 Victor Place, changing the zoning from C-6/AO/cr (General Business with Airport Overlay and Conditions of Record) to PIP-2/AO (Planned Industrial Park with Airport Overlay).

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**Summary:**

Owner: Joy Focht/Oceans Investments, LLC  
Developer: Joseph Quinn  
Representative: Jack Bestall/Bestall Collaborative Limited

Location: 2420 Victor Place

The project includes concurrent applications for a zone change and major concept plan amendment for 8.69 acres of land. The proposed zone change causes the property to revert back to the PIP-2/AO (Planned Industrial Park with Airport Overlay) zone, and removes previous conditions of approval placed when the site was rezoned to C-6 (General Business) three years ago. The Concept Plan illustrates the proposed contractor storage yard, which is an allowable use in the PIP-2 zone district.

**Previous Council Action:**

City Council previously took action on this property in 2016, approving a requested zone change from PIP-2/AO to C-6/AO, in order to allow an auto dealership. Auto dealerships are not permitted in the PIP-2 zone, but are allowed by right in the C-6 zone. Conditions of approval added at that time prohibited certain land uses, including contractor storage yards and body and fender repair services, because a portion of the property would have been left undeveloped after construction of the auto dealership. The development never materialized.

On July 23, 2019, this Ordinance was approved on first reading on the Consent Calendar.

**Background:**

The subject property is located at 2420 Victor Place and was annexed into the City in 1963 under the Smarts Additional Number Nine. The site has remained vacant since annexation, with the adjacent pad sites being developed with a variety of industrial and commercial uses including warehousing, mini storage, manufacturing, and service businesses.

The project applications were reviewed for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"). According to PlanCOS, the applications appear to be consistent with the envisioned land use patterns for the subject parcels and larger commercial corridor. From the Vibrant Neighborhoods chapter of PlanCOS, the project site is identified as being adjacent to an Established Suburban Neighborhood of Rustic Hills. For this neighborhood typology, which is generally seen as predominantly built-out, the City expects infill and redevelopment to occur on undeveloped or underdeveloped properties. When new development is proposed, projects are encouraged to preserve neighborhood character as well as to encourage and support flexible site and building designs that are adaptable to the specific site. The project applicant has worked with neighbors to address the concerns with potential new uses at the commercial/residential border. These measures seek to preserve and protect the adjacent neighboring properties as well as maintain the existing neighborhood's character. From the Unique Places chapter of PlanCOS, the project site and larger Powers Boulevard commercial corridor are identified as a New/Developing Corridor under the urban place typologies. This topology encompasses major arterial streets with developed properties and patterns involving automobile-dominated development. A recommendation of this typology is to integrate and connect pedestrian, bicycle, and transit facilities along the corridor with attention to streetscape design. To this end, the proposed Concept Plan indicates a 25-foot deep landscaped setback area along Victor Place as well as accommodation of the Rock Island Multi-Use Trail along the project frontage.

The zone change will cause the property's zone designation to revert to the original PIP-2 zoning that previously existed on this property. The property is located in an area primarily developed with light-industrial uses, including mini-storage, office and warehouse type uses; all allowed uses within the PIP-2 zone district. The proposed rezone would allow the same uses that are permitted within the zone existing on the adjacent properties to the north and south. The C-6 zoning has fewer constraints

than the PIP-2 zoning in regards to certain development standards, specifically building setbacks and lot coverage. The proposed use would comply with the increased standards of the PIP-2 zone, specifically the 100-foot setback from adjacent residential property.

The applicant's proposed site plan is similar to the previous Concept Plan approved for the proposed auto dealership that was never developed. The proposed plan involves a layout for vehicle parking, a 25-foot landscaped front setback, and a 100-foot rear setback. The main difference is that the proposed Concept Plan does not include any buildings as part of the facility. All site operations are to be monitored remotely via video, and the property is secured with fencing and gates along the Victor Place frontage, and an 8-foot tall solid privacy fence along the western edge adjacent to residential uses. In addition, the applicant will be required to secure Development Plan approval prior to operation, which will examine in more detail the proposed operational and visual aspects of the contractor storage yard including fencing details, landscaping, grading, and drainage.

The attached City Planning Commission staff report summarizes the project in detail.

The proposed land use strengthens the Colorado Springs economy through the continued growth of the corridor, as it will allow for the site to be utilized by local service businesses that are currently without adequate storage locations for their equipment and vehicles. This in turn supports expansion of employment opportunities for the community.

**Financial Implications:**

N/A

**Board/Commission Recommendation:**

At the Planning Commission meeting held on June 20, 2019, these items were approved under the Consent calendar. The Planning Commission voted 7-0-2 in favor of the items (with Commissioners McDonald and McMurray absent).

Please reference the minutes from the hearing for a detailed record.

**Stakeholder Process:**

The public notification process provide mailed notice to 186 property owners within 1,000 feet of the site 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. During the internal review notification, City Planning staff received comments from two residents in opposition to the project. The applicant contacted eight neighbors immediately adjacent to the property and held a meeting in February of 2019 to discuss concerns and proposed mitigations that would address their concerns. To address neighbor concerns, the applicant agreed to limitations in the operations of the proposed use, including:

1. Solid fence with landscape buffer along the west property line, where the commercial zone abuts the residential zone.
2. A setback of 100 to 160-feet wide between the residential uses and any contractor vehicle parking;
3. No on-site living on the property in any vehicles;
4. Hours of operation allowed 24 hours a day, seven days a week, but quiet hours of sunset to sunrise to be strictly enforced;
5. Constant video monitoring of facility as well as regular on-site inspections;

6. Lighting to be directed away from neighborhood and installed with full cut-off fixtures;
7. Refuse at facility are required to be regularly serviced, and inoperable vehicles, fabrication/repair activities, and scrap piles are expressly not allowed.

These agreed-to limitations are included as part of the applicant's project statement, for incorporation as part of the proposed use.

In terms of internal and external agency reviews, staff sent the applications to the standard agencies and service providers. All comments received from the review agencies have been addressed.

Please see the Planning Commission staff report for more details.

**Alternatives:**

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration

**Proposed Motion:**

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Adopt an ordinance changing the zoning for 8.69 acres from C-6/AO/cr (General Business with Airport Overlay and Conditions of Record) to PIP-2/AO (Planned Industrial Park with Airport Overlay), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603(B).

An ordinance amending the zoning map for the City of Colorado Springs pertaining to 8.69 acres located at 2420 Victor Place, changing the zoning from C-6/AO/cr (General Business with Airport Overlay and Conditions of Record) to PIP-2/AO (Planned Industrial Park with Airport Overlay).