



Legislation Text

File #: CPC CU 18-00170, **Version:** 2

A conditional use development plan for an indoor motorcross training facility on 10.09 acres zoned PIP-2/CR/AO APZ-2 (Planned Industrial Park with Conditions of Record and an Airport Overlay-Accident Potential Subzone 2), located south of the southwest corner of Drennan Road and Aerospace Boulevard.

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A22MJ18, CPC CU 18-00170

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development Department
Peter Wysocki, Planning & Community Development Director

Summary:

Owner: Ermand Ruybal

Developer: Ermand Ruybal

Representative: Kimley Horn

Location: South of the southwest corner of Drennan Road and Aerospace Boulevard

The subject proposal consists of a major master plan amendment and a conditional use development plan for a 10.09-acre site. The major amendment to the Banning Lewis Ranch Master Plan requests to amend the subject parcel's land use designation from Research & Development to Commercial. The conditional use development plan illustrates a 100,000 square foot structure intended for a private indoor motocross training facility with associated parking, landscaping, and detention pond.

Background:

The subject parcel was annexed into the city in 1988 as part of the 24,000-acre annexation of Banning Lewis Ranch and Colorado Center and was zoned PIP-2/CR (Planned Industrial Park with Conditions of Record). The Banning Lewis Ranch Master Plan, established at the same time as zoning, designated areas around the airport (including the subject parcel) for Research and Development land uses. Staff determined that the proposed land use best fits within the "indoor sports and recreation" land use category defined in Colorado Springs Zoning Code Section 7.2.302 Definitions of Use Types, "Predominantly participant uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, mechanical and electronic amusement galleries, indoor racquetball, swimming, and/or tennis facilities." The proposed applications are compliant with the Conditions of Record attached to the zone district.

This property is located within the Pikes Peak Enterprise Zone, which is a state tax incentive that encourages new and established businesses to locate and expand into economically distressed areas of the state. This property is also located within a Commercial Aeronautical Zone, a sales tax

rebate program for business owners who operate aeronautical or construction related businesses within the boundaries. Lastly, this property is nearby the federal Airport Qualified Opportunity Zone. City Planning consulted the Economic Development department who did not see an initial issue with the subject business' adjacency to the QOZ.

As stated above, the Banning Lewis Ranch Master Plan designated parcels adjacent to the airport for Research and Development land uses at the time of annexation. Colorado Springs Zoning Code Section 7.5.410 Master Plan Land Use Definitions describes the "Office; Industrial Park/Research & Development" use category as structures that are used for a combination of industrial, office and research and development activities. The requested amendment would change this designation to Commercial, which, in the same section, describes the "Commercial" use category as either individual structures, mixed use centers, or unified developments, which rely more heavily on the flow of "customers" throughout their hours of operation, which typically include evenings and weekends. Commercial designations conform to generally accepted standards for; offices, neighborhood commercial, community commercial, regional commercial, and highway oriented commercial. Because of this description, and the likened commercial land use category of Indoor Sports and Recreation, staff is of the opinion that the proposed indoor motocross land use would require the amendment presented.

The parcel of land proposed for the motocross development is 10.09 acres in size, however the property owner's entire ownership holdings equates to 28.11 contiguous acres. As proposed, all 28.11 acres will be designated for commercial uses and the fiscal impact analysis accounts for all 28.11 acres. The zone district will remain PIP-2/CR/AO APZ-2 (Planned Industrial Park with Conditions of Record and an Airport Overlay-Accident Potential Subzone 2), though. In addition to the subject proposal, the amendment will allow flexibility in land uses which are permitted in the zone district and within the commercial master plan designation. City Planning staff felt it was appropriate to leave the zone district PIP-2 versus also rezoning to a commercial zone district, in order to keep any future land uses compatible with the surrounding development. The Commercial master plan designation allows additional land uses outside of Research and Development, however, the PIP-2 zone district limits the potential commercial uses to those that are more compatible with an industrial area.

The subject site is 10.09-acres in size and proposes the construction of a 100,000 square foot, 36-foot tall single structure to be used as an all-indoor private motocross training facility with no spectator seating. The conditional use development plan also proposes a parking area with 146 parking spaces, and a custom parking ratio was established for the land use. According to Colorado Springs Zoning Code Section 7.4.203 Parking Space Requirements by Use, recreational parking ratios are specific to certain uses such as amusement parks, bowling alleys, golf driving ranges, theaters, stables, pool halls, etc. None of the of the listed land uses are similar enough to the proposed indoor motocross facility to utilize their parking ratio effectively (e.g. four parking spaces per bowling lane, one parking space per stall for a stable, one parking space per four seats, etc). Because there is no spectator seating, and generally no more than a few people will be permitted on the track at a time, staff felt it was appropriate to use a parking ratio that is commonly used for industrial land uses requiring vast indoor spaces such as the proposed-one stall per 750-square feet. For a 100,000 square-foot structure, this equals 133 parking spaces, which 146 are provided (five (5) van accessible). Sidewalk along Aerospace Boulevard will be extended and will provide ADA compliant access. The development plan also illustrates a privately owned full spectrum detention basin in southern portion of the property.

In the PIP-2 (Planned Industrial Park) zone district, indoor sports and recreation land uses require approval of a conditional use. Because this conditional use is accompanied by a major master plan amendment, the review authority shall be raised from the City Planning Commission to the City Council who is the review authority for such master plan amendments. Staff is of the opinion that the subject proposal meets the review criteria applicable to conditional use applications as well as development plans. Staff believes the location of the proposed land use will minimize its impacts on adjacent land uses and is compatible with the development occurring in the area.

The Banning Lewis Ranch master plan designates this area as “Research and Development”, but is proposed to be amended to “Commercial.” Staff believes the proposed amendment will continue to support compatible land uses will allowing additional flexibility.

Staff has evaluated the proposed applications for conformance with the City’s comprehensive plan, “PlanCOS”. According to PlanCOS, the project site is identified on the plan’s Vision map as a Future Neighborhood. Per the Future Neighborhoods typology, Banning Lewis Ranch is the most notable future neighborhood with the inclusion of many industrial and commercial areas. The Thriving Economy Framework Map also indicates the airport, a Cornerstone Institution, influences the area. The airport’s presence has spurred some industrial development in the area with some of the uses supporting the airport. However, largely the surrounding area remains undeveloped, but zoned for future industrial land uses.

Previous Council Action:

N/A

Financial Implications:

The Colorado Springs Zoning Code dictates that all major master plan amendments require a fiscal impact analysis to be conducted by the city’s budget office. The analysis was previously discussed in the Financial Implications section of this memo. This analysis is used to determine conformance with master plan amendment review criteria stating, “the fiscal impact analysis demonstrates no adverse impact upon the general community and ... [identifies] the infrastructure and service needs for public works, parks, police and fire services.” The analysis determined the proposed change would net in a positive cumulative cash flow over a 10-year timeframe and the levels of service required by the development would not change from the previous land use designation.

City Council Appointed Board/Commission/Committee Recommendation:

This item was heard by the City Planning Commission on May 21st, 2020. This item was a part of the consent calendar, but was called off consent by two members of the public who requested a formal hearing on the item in order for them to make comments on the proposal. Those comments are summarized in the following section. Ultimately, the City Planning Commission voted to recommend approval of all three items 8-0 (aye: Wilson, Hente, Graham, Rickett, Almy, McMurry, Raughton, and Eubanks; absent: McDonald).

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

Stakeholder Process:

At the initial application stage, the public notification process consisted of providing notice to the neighbors by placing a poster for the project on-site and sending postcards to 68 property owners

within 1,000 feet. No comments or concerns were received by the public. This process was repeated prior to the City Planning Commission meeting and the same 68 property owners were notified. At the City Planning Commission meeting, two individuals commented on the proposal. One was concerned with potential noise generated by the land use, which staff explained the use would be subject to noise regulations found in code section 9.8.104:

| Zone | 7:00 A.M. To Next 7:00 P.M. | 7:00 P.M. To Next 7:00 A.M. |
|------------------|----------------------------------------|----------------------------------------|
| Residential | 55 dB(A) | 50 dB(A) |
| Commercial | 60 dB(A) | 55 dB(A) |
| Light industrial | 70 dB(A) | 65 dB(A) |
| Industrial | 80 dB(A) | 75 dB(A) |

If there were an issue with noise, the Neighborhood Services division would investigate and remediate as appropriate. Also discussed were issues with increased traffic, speeding, and street racing on Marksheffel Road and a fear the proposed land use would exacerbate the issue. City Traffic Engineering comments are discussed in more detail below, and staff encouraged the individual to contact the Colorado Springs Police Department when they were witnessing illegal street racing occurring.

The applications were sent to the standard internal and external agencies for review and comment. No technical modifications remain. Review agencies for this project include Colorado Springs Utilities, City Traffic, City Engineering, City Fire Department and Police/E-911, Enumerations, and Peterson Air Force Base and the Airport Advisory Committee.

- Peterson Air Force Base: Plans were distributed to the military installation, but no comments were received.
- AAC (Airport): The proposal was heard at the November 28, 2018 meeting of the Airport Advisory Commission. The AAC had no objections to the proposal and indicated the proposed use is permissible within the APZ-2 Subzone.
- City of Colorado Spring Budget Office: The Colorado Springs Zoning Code dictates that all major master plan amendments require a fiscal impact analysis to be conducted by the city’s budget office. The analysis was previously discussed in the Financial Implications section of this memo.
- City Traffic Engineering: City traffic Engineering conducted their standard review for development projects in addition to requesting the applicant to produce a trip generation letter for the proposed land use and surrounding uses. With the numbers provided by the applicant’s traffic engineer, City Traffic Engineering determined the proposed land uses would not substantially impact the level of service of the Drennan Road and Marksheffel Boulevard intersection.

All other comments were revisionary and minor in nature.

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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Approve the conditional use development plan, based upon the findings that the application meets the review criteria for granting a conditional use as set forth in City Code Section 7.5.704 and meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E).