



Legislation Text

File #: CPC DP 18-00149, **Version:** 2

A Development Plan for a contractor's yard, office, and associated improvements on 5.1 acres located at 3570 Aerospace Boulevard.

(QUASI-JUDICIAL)

Related File: CPC ZC 18-00148

Presenter:

Peter Wysocki, Director, Planning and Development Department

Hannah Van Nimwegen, Senior Planner, Planning and Community Development Department

Summary:

Applicant: Thomas & Thomas

Owner: Ermand Ruybal

Location: Southwest corner of Drennan Road and Aerospace Boulevard

The subject proposal consists of a zone change and a development plan for a 5.1 acre site located on the southwest corner of Drennan Road and Aerospace Boulevard. The zone change is to remove a condition of record prohibiting outdoor storage. The development plan illustrates a contractor's yard and office building with accessory outdoor storage.

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. At that time, the subject parcel was zoned PIP-2/CR (Planned Industrial Park with Conditions of Record). The Conditions of Record are outlined in Ordinance 88-122. 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. 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.

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.

The subject parcel is located within the Accident Potential Subzone 2 (APZ-2). This subzone applies

to ground level development up to the maximum height of the base zoning district, and disallows hotels, mobile homes, multi-family residential, single-family residences, schools, churches, and hospitals. The Airport Advisory Commission heard the subject proposal on November 28, 2018 and had no objections.

The subject site is 5.1 acres in size and the development plan proposes the construction of a 16,800 square foot, single-story building for the use of indoor storage and offices. The development plan also proposes a parking area and outdoor storage of materials and equipment. The outdoor storage area will be screened by a six-foot tall concrete panel fence on all sides. The development plan also illustrates landscaping, parking, and a privately owned full spectrum detention basin in southern portion of the property. The zone change is not intended to change the land use, but to remove a condition that limits the industrial uses on the property. Ordinance 88-122 established the PIP-2/CR (Planned Industrial Park with Conditions of Record) zone over 2,432 acres of Banning Lewis Ranch including the subject site. The Conditions of Record outline prohibited land uses such as the manufacturing of dentures, drugs, inked ribbons, brushes, brooms, and silverware; and outlines development standards such as building setbacks, lot coverage, building height, and maximum floor area ratio. There is no clear history of the reasoning for these original conditions. The zone change requests to remove one condition of record prohibiting outdoor storage. Condition 2 of Ordinance 88-122 reads, "No outdoor storage of components or stockpiling shall be permitted, but above-ground storage of high pressure gas and chemicals used in the manufacture of high technology components shall be permitted."

The proposed land use best matches the Colorado Springs Zoning Code definition of a Construction/Contractor's Yard: "establishments engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites." This land use is permitted by right in the PIP-2 zone district, and Condition 3.A of Ordinance 88-122 further states, "uses as listed in the PIP-2 district are permitted with the exception of those listed in the conditions"- of which a contractor's yard is not listed as prohibited.

Staff is of the opinion the zone change is necessary in order to rectify inconsistent allowances and requirements between the Colorado Springs Zoning Code and the zone district's conditions of record. Further, staff is of the opinion the outdoor storage use is in character with other established land uses in the area, particularly those located west on Drennan Road which includes the storage of ethanol, gasoline, and jet fuel by NuStar Energy and City of Colorado Springs Street Department's outdoor storage of excess aggregate, inert, and vegetation. Staff is of the opinion the request also meeting the criteria for granting a zone change found in zoning code section 7.5.603.

The subject parcel is within the jurisdiction of the Amended and Restated Banning Lewis Ranch Annexation Agreement. Section III Zoning states, "Any such rezoning requests must be a minimum of 300 contiguous acres, except when an ownership interest is less than 300 contiguous acres, the entire contiguous ownership interest must be included in the rezoning request." The property owner owns 29 contiguous acres, including the subject parcel, but is only seeking to remove the condition prohibiting outdoor storage on the 5.1 acres. This particular clause of the Amended and Restated Banning Lewis Ranch Annexation Agreement applies only the rezoning request constitutes a change in land use category and/or a change in the master plan designation. There is also language in the reinstated agreement that does not mandate rezoning to PUD in instances where total redevelopment is not intended. Because the zone change is to rectify conflicting allowances and regulations within the existing zone district and zoning code, staff felt it was appropriate to only

rezone the 5.1 acres to remove the condition prohibiting outdoor storage. Again, this rezoning request does not change the land use designation of industrial, but will remove a condition prohibiting outdoor storage.

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 area is influenced by the airport, a Cornerstone Institution. 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:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

On October 17, 2019, the City Planning Commission unanimously voted to approve the subject zone change and development plan as part of the consent calendar.

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.

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. The Airport Advisory Commission had no objections to the proposal and indicated the proposed use is permissible within the APZ-2 Subzone.

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 Advanced Concrete Development Plan, based upon the finding that the amended plan complies with the development plan review criteria in City Code Section 7.5.502.E.

N/A