Legislation Details (With Text)

File #:	CPC DP 16-00023 **Version:** 2	**Name:**	
Type:	Planning Case	**Status:**	Passed
File created:	5/4/2016	**In control:**	City Council
On agenda:	7/26/2016	**Final action:**	7/26/2016
Title:	(The Appeal was included with the zoning application under item CPC ZC 16-00022.) Development Plan A development plan for a 28,890 swim and athletic facility located north of the intersection of Elkton Drive and Chestnut Street associated with the proposed change of zone district. (Quasi-Judicial) Related File: CPC ZC 16-00022 Presenter: Hannah Van Nimwegen, Planner II, Planning and Community Development Department Peter Wysocki, Planning Director		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Appeal Letter, 2. Figure 1 - Development Plan, 3. 7.5.502.E Development Plan Review, 4. 7.5.906 (B)		

Date	Ver.	Action By	Action	Result
7/26/2016	2	City Council	approved	Pass
6/16/2016	1	Planning Commission	referred	Pass
5/19/2016	1	Planning Commission	postpone to a date certain	

(The Appeal was included with the zoning application under item CPC ZC 16-00022.)

Development Plan
A development plan for a 28,890 swim and athletic facility located north of the intersection of Elkton Drive and Chestnut Street associated with the proposed change of zone district.

(Quasi-Judicial)

Related File: CPC ZC 16-00022

Presenter:
Hannah Van Nimwegen, Planner II, Planning and Community Development Department
Peter Wysocki, Planning Director

Summary:
This project includes concurrent applications for zone change and development plan for 2.95 acres located north of the intersection of Elkton Drive and Chestnut Street. The zone change proposes a rezoning from R/HS (Estate Single-Family Residential with Hillside Overlay) to PBC/CR/HS (Planned Business Center with Conditions of Record and Hillside Overlay) to accommodate an aquatic training facility. The development plan illustrates a 28,890 square foot structure (20,478 square foot building footprint) with 123 parking stalls.

Previous Council Action:
The appellant requested a onetime postponement of the project as permitted in City Code Section 7.5.906.B.3. On July 12, 2016, as a matter of course, the Council motioned to postpone the hearing to the next regular City Council meeting on July 26, 2016.

Background:
The project site contains a total of 2.95 acres and is located northeast of the Chestnut Street and Elkton Drive intersection. The requested zone change application is necessary to allow the proposed indoor swim training use with personal improvement and therapeutic treatment components on the subject property. The development plan application illustrates all aspects of the site's assembly. The subject site is not governed by a master plan, but in 1998 a concept plan was approved for the subject site and two additional building sites to the immediate north and east. The concept plan illustrated the subject property with an outdoor pool, outdoor tennis courts, and a clubhouse. Two office buildings were shown on the adjacent sites.

The proposed aquatic facility will largely operate as a teaching and training center for those at all skill and experience levels. Pikes Peak Athletics provides swimming lessons to beginners of all ages, as well as technical lessons and endurance training to more experienced swimmers. Pikes Peak Athletics does not intend championship, large-scale swim meets to occur at this facility; however, smaller meets could be hosted as well. This facility is not proposed as a public pool.

Staff is supportive of the applications as presented and considers the applications to be in conformance with the review criteria for zone changes and development plans. The Pikes Peak Athletics facility as proposed will not be detrimental to the interest, health, safety, or welfare of the general public. The proposal is also consistent with the goals and policies of the Comprehensive Plan as noted in the staff report. A Master Plan does not exist on this property, but the proposed development is within substantial conformance with the approved concept plan showing an outdoor swimming pool.

This item supports the City's strategic goal to create jobs and support growing local business. Pikes Peak Athletics is a locally owned and operated company which intends to provide a respected service to Colorado Springs residents. The facility will also support "Olympic City, USA" values and aspirations.

Financial Implications:
N/A

Board/Commission Recommendation:
At their meeting on June 16, 2016, the Planning Commission voted unanimously to recommend approval of the zone change and development plan applications.

Stakeholder Process:
Public notice was provided to 71 property owners within 500 feet of the site following the application submittal, prior to the June 16, 2016 Planning Commission meeting, and prior to the July 12, 2016 City Council meeting. The site was also posted on four occasions-after the submittal of the application, prior to the Planning Commission meeting on May 19, 2016, prior to the Planning Commission meeting on June 16, 2016, and prior to the July 12, 2016 city Council meeting. Staff was made aware of an issue regarding the public notice for the May Planning Commission hearing and the neighbors did not receive the standard postcard notifying of the hearing date and time. Staff postponed the hearing to the following June 2016 meeting to ensure all parties received sufficient notice.

Five letters of concern were received following the initial notice, which state concerns regarding the proposed structure's architecture, the uses potentially permitted with the change in zone district, noise emitted from the mechanical equipment and the new use, the location of windows on the northern side of the building, and the site's lighting. A meeting was held on April 25, 2016 to discuss those concerns. The applicant was able to accommodate a pitched roof on a portion of the building, and was able to relocate a portion of the mechanical equipment into the attic space of the pitched roof. The property owner also agreed to limit the permitted land uses on this site, noted as Conditions of Record tied to the zone change ordinance. Two letters of support were received by staff after the initial comment period, too.

Another meeting was held between staff, the HOA President, and neighbors on Wednesday, May 18, 2016. The neighbors iterated continuing concern regarding the proposed use's noise potential from swim meets which could be transmitted through open windows on the northern building façade and up the cliff's face. Potential signage, the proposed flat roof, and landscaping were also discussed. The applicant issued another response to those concerns which included prohibiting an "electronic message center" for signage, no building-mounted signage, added trees along the northern property line to help screen the building from the neighbors, and a more in depth explanation to the business' operation and the potential swim meets.

Before the Planning Commission hearing, but after writing the staff report, the applicant informed staff of new building alterations. These were made per the concerns of the Pinecliff neighborhood. The alterations included: additional trees along the property line; relocating the portion of roof-mounted mechanical equipment (not already located in the attic of the pitched roof) to a raised building section on the southern building façade, therefore using the building face to block generated noise; and changing the fully operable windows to entirely fixed, inoperable windows on the northern building façade. These concessions are noted as technical modifications to the development plan. These alterations were presented to Planning Commission and were considered when recommending approval. Also before the Planning Commission hearing, but after writing the staff report, staff received additional letters from neighbors. These letters were written prior to the knowledge of the above mentioned alterations, and are a part of the appeal letter by Mr. McCormick.

A short "touch base" meeting was held between staff and the HOA President on June 22, 2016 to discuss left over concerns and the process moving forward. Following the Planning Commission hearing, four main concerns remain: traffic congestion on Chestnut Street, permitted land uses, the roof's architecture, and noise potential. However, only three of these were listed as remaining concerns in the appeal letter. Staff offered to schedule a meeting with neighbors and the Traffic Engineering Department to discuss the "bottle-neck" issue when attempting to reach Garden of the

Gods Road from Elkton Drive. However, staff has not received follow up interest from neighbors to schedule the meeting. The applicant also agreed to further limit the permitted land uses, noted as Conditions of Record. The conflict regarding the roof's architecture remains unresolved.

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:

(The motion concerning the appeal was included with the zoning application, CPC ZC 16-00022)

Approve the development plan for a swim and athletic facility based upon the finding that the development plan meets the review criteria as set forth in City Code Section 7.5.502.E. subject to compliance with the following technical modifications:

Technical Modifications to the Development Plan:
Revise the Development Plan to alter the following:

1. Revise all existing and proposed zone districts from PBC/HS to PBC/CR/HS on Development Plan sheets.
2. Place the Conditions of Record on sheet one of the Development Plan.
3. Label the neighboring property to the west's subdivision name on site plan (sheet two) as "McCullough Sub."
4. An additional handicap accessible parking stall is required for the number of parking stalls provided. When added, adjust the parking count accordingly.
5. Adjust sidewalk connection from Elkton Drive to building entrance to be handicap accessible. This connection currently proposes stairs, which are not ADA compliant.
6. Provide a note stating, "Electronic message center signage prohibited."
7. Provide a note stating, "Flat roof area to be painted beige."
8. Provide a note corresponding to the northern building elevation, "All windows on northern building face to be inoperable."
9. Revise the building elevations to include the new raised building section for the remaining mechanical equipment.
10. Revise the Landscape Plan to include six additional evergreen trees along the northern property line.
11. Provide evidence the turf in the setback does not exceed the 50% maximum, or make the planting area larger. We do not include the parkway in this calculation, only the setback (this is applicable "by category"). Staff calculates the total area the same (about 12,500 sf) and the proposed turf to be about 6900 sf. Please further increase the planting / drip area in the setback.

N/A