



## Legislation Details (With Text)

**File #:** CPC ZC 16-00022    **Version:** 4    **Name:**

**Type:** Planning Case    **Status:** Mayor's Office

**File created:** 5/4/2016    **In control:** City Council

**On agenda:** 8/9/2016    **Final action:** 8/9/2016

**Title:** Ordinance No. 16-78 amending the zoning map of the City of Colorado Springs relating to 2.95 acres located north of the intersection of Elkton Drive and Chestnut Street from R/HS (Estate Single-family residential with Hillside Overlay) to PBC/CR/HS (Planned Business Center with Conditions of Record and Hillside Overlay)

(Quasi-Judicial)

Related File: CPC DP 16-00023

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

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ZC\_ORD\_PikesPeakAthletics, 2. Exhibit A\_LEGAL DESCRIPTION for zone change Ord, 3. Signed Ordinance 16-78.pdf

Date	Ver.	Action By	Action	Result
8/9/2016	3	City Council	finally passed	Pass
7/26/2016	2	City Council	approved	Pass
7/26/2016	2	City Council	approved on first reading	Pass
6/16/2016	1	Planning Commission	referred	Pass
5/19/2016	1	Planning Commission	postpone to a date certain	

Ordinance No. 16-78 amending the zoning map of the City of Colorado Springs relating to 2.95 acres located north of the intersection of Elkton Drive and Chestnut Street from R/HS (Estate Single-family residential with Hillside Overlay) to PBC/CR/HS (Planned Business Center with Conditions of Record and Hillside Overlay)

(Quasi-Judicial)

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## **Summary:**

Appeal

Appellant: Kirk McCormick

Applicant/Developer: Kristin Albers of Ireland Dean

Owner: Pikes Peak Athletics Training Center, LLC

Location: Northeast of the Elkton Drive and Chestnut Street intersection

The appeal was filed by Mr. Kirk McCormick, a homeowner near the proposed project. Mr. McCormick is appealing the Planning Commission's recommendation for approval of the proposed change of zone and development plan for the Pikes Peak Athletics project.

## **Zone Change**

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.

On July 26, 2016, City Council heard the appeal made by Mr. McCormick and denied the appeal. City Council then went on to vote on the Zone Change and Development Plan for Pikes Peak Athletics. Councilmember Murray made the motion to approve the zone change with Councilmember Strand giving the second. This item was approved on first reading with a vote of 9-0-0 and will heard for second reading on August 9, 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 and prior to the June 16th, 2016 Planning Commission meeting. The site was also posted on three occasions-after the submittal of the application, prior to the Planning Commission meeting on May 19th, 2016, prior to the Planning Commission meeting on June 16th, 2016. Meetings between staff, the applicant, and neighbors were held on April 25th, 2016, May 18th, 2016, and June 22nd, 2016.

### **Alternatives:**

#### **Appeal Alternatives**

1. Deny the action, uphold the decision of City Planning Commission;
2. Approve the action, reversing the decision of the City Planning Commission; or
3. Refer the matter back to the City Planning Commission

#### **Zone Change 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:**

#### **Proposed Motion for the Appeal**

Deny the appeal, upholding City Planning Commission's recommendation to the City Council of a change of zone application CPC ZC 16-00022 and approval of the development plan application CPC DP 16-00023, based on the finding that the applications meet City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries) and City Code Section 7.5.502.E (Review Criteria for Development Plans), respectively, subject to the technical modifications noted.

#### **Proposed Motion for Zone Change**

**CPC ZC 16-00022 - CHANGE OF ZONE**

Approve the change of zone district from R/HS (Estate Single-Family Residential with Hillside Overlay) to PBC/CR/HS (Planned Business Center Conditions of Record and Hillside Overlay), based upon the finding that the zone change complies with the review criteria outlined in City Code Sections 7.5.603.B.

**Conditions of Record:**

The following land uses shall be prohibited:

1. Automotive rentals
2. Automotive repair garage
3. Automotive sales
4. Automotive service
5. Automotive wash
6. Bar
7. Campground
8. Construction sales and services
9. Drive-in or fast food restaurants
10. Liquor sales
11. Medical marijuana center
12. Medical marijuana cultivation operation
13. Medical marijuana infused product manufacturer
14. Sexually oriented business
15. Social Service Center

An ordinance amending the zoning map of the City of Colorado Springs relating to 2.95 acres located north of the intersection of Elkton Drive and Chestnut Street from R/HS (Estate Single-family residential with Hillside Overlay) to PBC/CR/HS (Planned Business Center with Conditions of Record and Hillside Overlay)