



Legislation Details (With Text)

File #: CPC ZC 16-00061 **Version:** 3 **Name:**
Type: Planning Case **Status:** Mayor's Office
File created: 8/1/2016 **In control:** City Council
On agenda: **Final action:** 10/25/2016
Title: Ordinance No. 16-104 amending the zoning map of the City of Colorado Springs pertaining to 7.05 acres located at the southwest corner of North Academy Boulevard and Maizeland Road from PBC/cr (Planned Business Center with conditions of record) to PBC/cr (Planned Business Center with conditions of record).

(Quasi-Judicial)

Related Files: CPC DP 16-00060, CPC DP 16-00062, CPC DP 16-00068

Presenter:
Mike Schultz, Principal Planner, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Sponsors:

Indexes: Mike Schultz

Code sections:

Attachments: 1. Ordinance Academy and Maizeland v2, 2. Exhibit A_Legal Description, 3. Exhibit B_Vicinity Map, 4. Academy and Maizeland CC Presentation - Schultz, 5. Maizeland and Academy Aug CPC - Schultz_DJS-edits, 6. Figure 1 - 1988 Ordinance, 7. Figure 5 - Project Statement, 8. Figure 6 - Resident letters and emails, 9. Figure 7 - 88 zone change diagram, 10. Figure 8 - Draft Ordinance Academy and Maizeland, 11. Figure 9 - Letter from Carls Jr, 12. Figure 10 - Walmart and Family Dollar Examples, 13. Maizeland and Academy Aug CPC - Schultz_DJS-edits, 14. CPC AUGUST 18 Meeting Minutes - Maizeland and Academy, 15. 7.5.603.B Establishment or change of zone district boundaries, 16. Signed Ordinance 16-104.pdf

Date	Ver.	Action By	Action	Result
10/25/2016	3	City Council	finally passed	Pass
10/11/2016	2	City Council	approved on first reading	Pass
8/18/2016	1	Planning Commission	referred	Pass

Ordinance No. 16-104 amending the zoning map of the City of Colorado Springs pertaining to 7.05 acres located at the southwest corner of North Academy Boulevard and Maizeland Road from PBC/cr (Planned Business Center with conditions of record) to PBC/cr (Planned Business Center with conditions of record).

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Related Files: CPC DP 16-00060, CPC DP 16-00062, CPC DP 16-00068

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Summary:

Applicant: Olsson Associates and YOW Architects

Owner: Harwal Inc. (c/o Tom Dermody)

Location: Southwest corner of North Academy Boulevard and Maizeland Road

This project includes concurrent applications for a Zone Change and three (3) Development Plans for a 7.05-acre site located at the southwest corner of North Academy Boulevard and Maizeland Road.

The three (3) Development Plans include a Kum & Go, with a 6,217 square foot convenience store and seven (7) fueling pumps on 1.96 acres. A Carl's Jr. fast food restaurant consisting of a 2,968 square foot building with drive thru service on .793-acre. And the Your Self Storage mini-storage facility, proposing 10 storage buildings and an on-site manager on 3.75 acres located on the western half of the block. The proposed development will also have a share detention pond, consisting of .497-acre located in the southeast corner of the block. The property is also under administrative review for a final plat.

Previous Council Action:

N/A

Background:

This property is located at the southwest corner of North Academy Boulevard and Maizeland Road and is currently vacant. Most of the surrounding residential homes were constructed in the late 1960's and early to mid-1970's. The property was rezoned from R-5 (Multi-family Residential) to PBC/cr (Planned Business Center with conditions of record) in 1988. The zone change had an accompanying concept plan that demonstrated general retail along the east half of the site (along North Academy Boulevard) and general office along the west half of site; access appears to have been restricted along Sussex Lane and Alpine Place even though the conditions of record do not cite that restriction.

The current conditions of record relating to the zoning were negotiated between the neighbors and the owners during the proposed zone change in 1988. It is difficult to determine if the conditions of record played a factor in the property sitting vacant since the 1988 zone change while the remainder of Academy Boulevard developed for various commercial uses. The conditions may have contributed to concerns by potential purchasers that the conditions would limit tenants who may have otherwise occupied the type of retail space typical along Academy Boulevard.

The conditions of record that will be modified or removed include the following:

Existing Condition #2: Only office buildings and uses will be permitted adjacent to Sussex Lane, and the architecture of the office buildings will be residential in character.

Proposed Condition #2: Buildings adjacent to Sussex Lane will provide architectural elements of residential character.

The following uses will be struck from the old ordinance and excluded within the proposed ordinance, thus allowing the land uses on the property.

Existing Condition #3: The following uses will not be permitted:

- e. Fast Food Restaurants
- f. Drive-thru Food or Liquor Outlets
- m. Gasoline Pumps
- q. Miniwarehouses

Two new land uses will be added to the list of restricted uses; those include:

- Any marijuana related uses, medicinal or recreational, including but not limited to the sale, grow, manufacturing or consumption of marijuana;
- Tattoo shops

Please see the attached Planning Commission staff report for more details relating to the project as well as how neighborhood issues have been addressed.

This project supports the City's strategic plan by promoting local workforce and job opportunities, encouraging infill development as well as encouraging new development within the South Academy Economic Opportunity Zone.

Financial Implications:

N/A

Board/Commission Recommendation:

At their meeting on August 18, 2016 the City Planning Commission voted unanimously (5-0) to approve the applications as part of the new business calendar; Commissioners Graham, Gibson and McDonald were excused from the meeting; Commissioner Shonkwiler was excused during the course of the meeting and was not part of the final vote.

Stakeholder Process:

The public process involved with the review of these applicants included three (3) neighborhood meetings regarding the proposed removal of some of the conditions of record that would allow those land uses to occur on the site. Below are the meeting dates, the number of notices sent out and the number of the number of attendees:

- March 19, 2014; 78 notices mailed, 40 attendees
- February 18, 2016; 139 notices mailed, 40 attendees
- May 12, 2016; 146 notices mailed, 25 attendees

The owner's representative indicated that other meetings with the neighbors were conducted after the 2014 meeting, but staff was not present and there is no confirmation that the meetings occurred or what was discussed.

A number of residents remain opposed to removing any of the restricted land uses as called out in within the ordinance. Staff provides analysis of how some of the concerns were addressed in the review section of the staff report to the City Planning Commission. Also within the City Planning Commission staff report are letters and e-mails received from residents in both opposition and support of the project.

Staff also sent the plans to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire,

City Finance, Police and E-911. All agency comments have been addressed for this project.

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:

CPC ZC 16-00061 - CHANGE OF ZONING TO PBC

Adopt an ordinance changing the zoning of 7.05 acres from PBC/CR (Planned Business Center with conditions of record) to PBC/CR (Planned Business Center with conditions of record), based upon the findings that the change of zoning request complies with the three (3) applicable review criteria for granting of zone changes as set forth in City Code Section 7.5.603(B).

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 7.05 acres located at the southwest corner of North Academy Boulevard and Maizeland Road from PBC/CR (Planned Business Center with conditions of record) to PBC/CR (Planned Business Center with conditions of record); with the following conditions of record:

Conditions of Record

1. The maximum height of all buildings, facades and other architectural features will be 35 feet and not more than two stories; and
2. Buildings adjacent to Sussex Lane will provide architectural elements of residential character; and
3. The following uses will not be permitted:
 - a. Taverns
 - b. Nightclubs
 - c. Pool/Billiard Parlors
 - d. Video Arcades
 - e. Liquor Outlets
 - f. Liquor Stores
 - g. Private Club or Lodge Serving Liquor or Allowing Gambling
 - h. Fish, Fowl, or Seafood Store not in conjunction with a restaurant; provided that a specialty grocery store selling the items listed shall be permitted
 - i. Movie Theatre
 - j. Chemical Abuse Rehabilitation Center
 - k. Pre-school or Day Care Center
 - l. Automobile Sales or Repair
 - m. Tire Stores
 - n. Car Washes
 - o. Ambulance Service
 - p. Day Old and/or Used Clothing Stores
 - q. Adult Uses as Defined in City Code Chapter 7 of the Zoning Code 2001, as amended
 - r. Laundromat/Dry Cleaning Business
 - s. Family Counseling/Abortion Clinics
 - t. Any marijuana related uses, medicinal or recreational, including but not limited to the sale, grow, manufacturing or consumption of marijuana
 - u. Tattoo shops

