



Legislation Details (With Text)

File #: CPC UV 18-00159 **Version:** 2 **Name:**
Type: Planning Case **Status:** Passed
File created: 2/28/2019 **In control:** City Council
On agenda: 5/28/2019 **Final action:** 5/28/2019
Title: A Use-Variance to allow a fueling station with a convenience store within the streamside overlay. This C-5 (Intermediate Business) zoned site is located at the southeast corner of Motor Way and S. Tejon Street and consists of 1.93 acres.

(Quasi-Judicial)

Related file: CPC V 18-00160

Presenter:
Peter Wysocki, Director, Planning and Community Development
Matthew Fitzsimmons, Planner II, Urban Planning Division

Sponsors:

Indexes:

Code sections:

Attachments: 1. CPC Staff Report_Maverik, 2. FIGURE #1 - Use Variance DP, 3. FIGURE #2 - Project Statement, 4. FIGURE #3 - Existing Zoning, 5. FIGURE #4 - Stakeholder comment, 6. FIGURE #5 - Streamside Overlay, 7. FIGURE #6 - PlanCOS-Unique Places Framework, 8. FIGURE #7 - Comp Plan 2020 Land Use, 9. Exhibit B - Vacation Exhibit, 10. FIGURE #8 - Traffic Study, 11. 7.5.803.B Use Variance Review Criteria, 12. 7.5.502.E Development Plan Review, 13. 7.3.508.C Streamside Overlay Zone, 14. Draft_Minutes_Maverik

Date	Ver.	Action By	Action	Result
5/28/2019	2	City Council	approved	Pass
4/18/2019	1	Planning Commission	referred	Pass

A Use-Variance to allow a fueling station with a convenience store within the streamside overlay. This C-5 (Intermediate Business) zoned site is located at the southeast corner of Motor Way and S. Tejon Street and consists of 1.93 acres.

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Summary:
Applicant: N.E.S. Inc.

Owner: Maverik, Inc.

Location: 1403, 1049, and 1411 S. Tejon St., 111, 113, 117, 123, and 125 E. Motor Way, and 1402 Iliff Ct.

This project includes concurrent applications for a use variance, vacation of right of way and a final plat

a. Use Variance: The proposed application would allow for a Maverik fueling station and convenience store on a C-5 zoned site with a Streamside Overlay.

b. Vacation of City Right of Way: The proposed application would vacate the north-south running alley from Motor Way to 1411 S. Tejon St. (252.44' in length).

Staff is also administratively reviewing a final plat that will combine nine individual parcels and the vacated alleyway to create the single development area for the project.

Previous Council Action:

None

Background:

The applicant has submitted plans to construct a Maverik fueling station and convenience store on a C-5 (Intermediate Business) zoned site that includes the Streamside Overlay. This 1.93 acre site consists of nine (9) parcels and a public alleyway and is located at the southeast corner of S. Tejon Street and E. Motor Way. To allow the development as planned, the applicant was required to submit three applications: a Use Variance, a Vacation of City Right of Way, and a Replat. The Use Variance is required by code because a fueling station with convenience food sales, while allowed in the C-5 zone, is not allowed in the Streamside Overlay. The Vacation of Right of Way is required to join all the parcels together into one large lot. Finally, an administratively reviewed Final Plat is required to combine all of the parcels and alleyway into one lot.

Please see the attached City Planning Commission staff report for additional detailed analysis.

Financial Implications:

N/A

Board/Commission Recommendation:

At the April 18, 2019 Planning Commission hearing, this item was placed on the New Business Agenda. After a presentation from Staff and the Applicant, four citizens opposing the project spoke to the Planning Commission. The Planning Commission voted 5-0 to approve the applications.

Stakeholder Process:

On five separate mailings, postcards were sent out to the owners of 108 properties within 1,000 feet of the site. In addition, posters were placed along South Tejon Street and East Motor Way for the mandatory 10 days.

In addition to the original submittal notification and the notification for Planning Commission's public hearing and City Council's public hearing, the neighborhood was notified on two additional occasions for two neighborhood meetings at the Ivywild School in June of 2018 and January of 2019.

In total, 36 letters addressing this project were received: three in favor of the development and the rest opposing it.

The applicant has replied to each of these emails.

The main concerns that were brought up by the neighbors included the following:

- **Traffic Concerns:** Increased traffic from I-25 and the surrounding area would create more congestion and safety issues at one of Colorado Springs' most accident-prone intersections (S. Tejon and Motor Way).
- **Environmental Concerns:** The Use Variance is required because a gas station with convenience store is being proposed within the Streamside Overlay. Neighbors are concerned that this business will be detrimental to the environment.
- **Crime and Safety Concerns:** Some residents believe this business and trail will attract more crime and loitering by people experiencing homelessness and others.
- **Historic Neighborhood:** The removal of a couple of original residential structures and their replacement with a modern gas station will change the historic feel of the neighborhood.

Staff's input is outlined in the City Planning Commission report. Staff sent plans to the standard internal and external review agencies for comment. All review agencies concerns have been addressed or are included as technical modifications.

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:

Approve the Use Variance for the Maverik - Motor Way Plan, based upon the finding that the application complies with the Use Variance review criteria in City Code Section 7.5.803.B, the Development Plan criteria in Section 7.5.502.E. and the Streamside Overlay criteria in Section 7.3.508.C. subject to compliance with the technical and/or informational plan modifications listed below:

1. Gain final acceptance of the project's drainage report.

N/A