



Quick Facts

Applicant

Greenberg Farrow

Property Owner

Johnson Investments, Inc. c/o
Christian Brothers Automotive

Developer

Valvoline

Address / Location

Northeast corner of
Marksheffel Rd and
Constitution Ave

TSN(s)

5333300006

Zoning and Overlays

Current: MX-M/AP-O (Mixed-
Use Medium Scale with
Airport Overlay)

Site Area

0.77 acres

Proposed Land Use

Automobile and Light Vehicle
Repair, Minor

Applicable Code

UDC

Project Summary

The applicant is proposing an Automobile and Light Vehicle Repair, Minor use at this location which will consist of an oil change facility.

File Number	Application Type	Decision Type
CUDP-23-0027	Conditional Use with Land Use Statement	Quasi-Judicial

Background

Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	The Sands Annexation No. 4 (Ord 18-61)	9/6/2018
Subdivision	Unplatted	N/A
Master Plan	The Sands	7/10/2018
Prior Enforcement Action	N/A	

Site History

The subject property is unplatted, vacant land. The Sands Master Plan and Concept Plan, approved July 10, 2018, shows commercial land use type on the site as part of a larger commercial development that includes a variety of commercial uses. Per UDC section 7.5.503.B.2.a, this property must be platted before a building permit can be approved.

Applicable Code

The subject application was submitted after the implementation date (06/05/2023) of the ReTool project, and thus was reviewed under the development standards set forth in the UDC (Unified Development Code).

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	MX-M/AP-O (Mixed-Use Medium Scale with Airport Overlay)	Vacant	N/A
West	MX-M/AP-O (Mixed-Use Medium Scale with Airport Overlay)	Commercially Developed	Dentist office
South	El Paso County	Commercially Developed	King Soopers; commercial center
East	MX-M/AP-O (Mixed-Use Medium Scale with Airport Overlay)	Commercially Developed	Christian Brothers Automotive

Zoning Map



Stakeholder Involvement

Public Notice

Public Notice Occurrences (Poster / Postcards)	2, internal review and prior to City Planning Commission hearing
Postcard Mailing Radius	1000'
Number of Postcards Mailed	224
Number of Comments Received	One (1)

Public Engagement

- No neighborhood meeting was held for this entitlement request.
- One public comment was received. The commenter expressed concern regarding the fact that there are two automotive uses nearby, namely Christian Brothers Automotive directly adjacent to the subject property and Brakes Plus across Constitution. (See "Attachment #2: Public Comment")

Timeline of Review

Initial Submittal Date	December 21, 2023
Number of Review Cycles	Two (2)
Item(s) Ready for Agenda	One (1); include date of CPC agenda prep

Agency Review

Traffic Engineering

Traffic Engineering reviewed the Trip Generation Letter and determined that the letter was complete and provided adequate information and analyses per the requirements of the Traffic Criteria Manual and Traffic Engineering staff.

SWENT (Stormwater Enterprise)

Comments will be provided at the time of the development plan entitlement.

Colorado Springs Utilities

Comments will be provided at the time of the development plan entitlement.

Fire

Fire had no issues with the Conditional Use application. Further comments will be provided at the time of the development plan entitlement.

Conditional Use with a Land Use Statement

Summary of Application

An oil change facility, which is classified in the UDC as the “Automobile and Light Vehicle Repair, Minor” use type, is an acceptable use in the MX-M (Mixed-Use Medium Scale) zone district only after the applicant obtains conditional use approval in accordance with UDC section 7.5.601. Prior to the June 5th adoption of the UDC and the city-wide rezoning, the subject property was zoned PBC (Planned Business Center). An oil change facility was a permitted use in the PBC (Planned Business Center) zone district. The adoption of the UDC changed the proposed oil change facility from a permitted use to a conditional use at this site.

The property is adjacent to commercially developed properties, including another automobile repair facility. The developer stated that they will use full cut-off exterior light fixtures to minimize light pollution. Noise pollution will also be minimized by locating the air compressor in a soundproof room. In regard to traffic, Valvoline is expected to generate a minor amount of traffic volume per the traffic impact study approved by City Traffic Engineering. (See “Attachment #1: Project Statement”)

Application Review Criteria

UDC Code Section 7.5.601.C.2: Conditional Use

In accordance with UDC Section 7.5.601.A, the purpose of a conditional use application is to evaluate a conditionally permitted land use in a zone district to consider its unique operating and/or physical characteristics and allow careful consideration of their impact upon the neighborhood and public facilities. The UDC allows for a conditional use to be reviewed with a Land Use Statement (7.5.514.B.3) when meeting the waiver criteria and providing a Land Use Statement or with a development plan. This is a new entitlement process option for conditional use application requests with the newly adopted UDC.

The project team chose to submit a conditional use request with a Land Use Statement. This process allows the applicant team to receive a determination from the city if an oil change facility would be supported at this location before submitting

a development plan which requires a lot more detailed site information and supporting documentation. If an oil change facility is supported by City Planning Commission, the next step would be for the project team to submit a development plan to the planning department which would be reviewed and considered administratively.

A conditional use is considered based on the following review Criteria for Approval

- a. The application complies with any use-specific standards for the use in Part 7.3.3 (Use Specific Standards),
- b. The size, scale, height, density, multimodal traffic impacts, and other impacts of the use are compatible with existing and planned uses in the surrounding area, and any potential adverse impacts are mitigated to the extent feasible; and
- c. The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, have adequate capacity to serve the proposed development and any burdens on those systems have been mitigated to the maximum extent feasible.

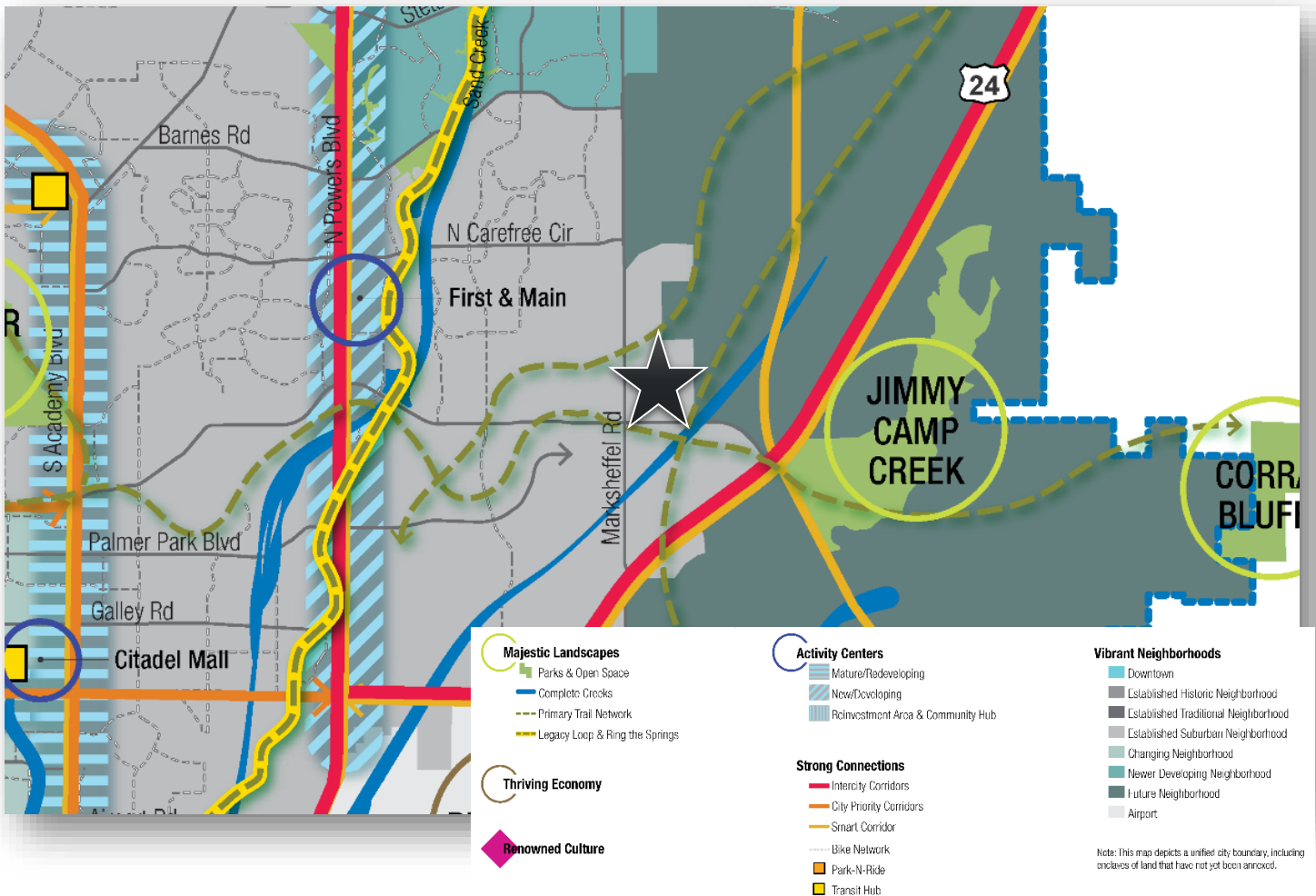
Staff finds that the proposed conditional use has met the review criteria listed above.

The requirements of the Automobile and Light Vehicle Repair, Minor and Major portion (7.3.303.I.1) of the use-specific standards section cannot be fully judged until development plan review. All three regulations must be met before a development plan can be approved. The use specific standards are as follows:

- a. All work on vehicles shall be done entirely within an enclosed building.
- b. Automotive parts or junk vehicles may not be stored outside.
- c. The nearest point of the building in which the repair activity occurs shall be more than one hundred (100) feet from the boundary of any residential zone district.

The entirety of the buildable area of the subject property is at least 200 feet from the nearby residential zone, thus the third standard will likely be met. Staff believes that the potential impacts to city infrastructure can be mitigated through the development plan review and that there would be no adverse impacts to the surrounding area given the auto-oriented nature of the surrounding land uses.

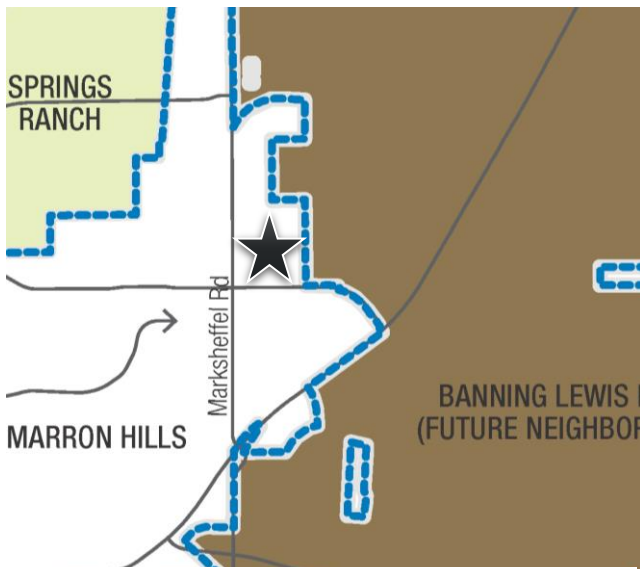
PlanCOS Vision



Staff evaluated the proposed application for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to PlanCOS, the project site is identified as an "Established Suburban Neighborhood". It is adjacent to a "Future Neighborhood".

The goal of the 'Established Suburban Neighborhood' is to *"recognize, support, and enhance the existing character of these neighborhoods, while supporting their ongoing investment and improved adaptation. New development and/or redevelopment should incorporate elements of the existing neighborhoods."* Established Neighborhoods are predominantly built-out and have been for at least a few decades. Relative to other neighborhoods, they are stable and do not anticipate high levels of land use changes. However, most Established Neighborhoods within the city should expect some degree of infill and redevelopment.

Staff finds the proposed conditional use for an oil change facility to be substantially in compliance with the goals, policies, and strategies within PlanCOS.

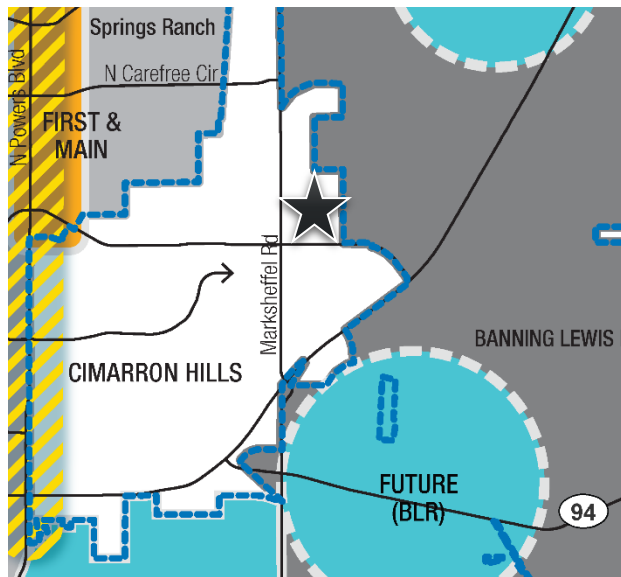


Predominant Typology

- | | |
|-----------------------------------|--------------------------------------|
| Downtown | Established Traditional Neighborhood |
| Newer Developing Neighborhood | Established Suburban Neighborhood |
| Changing Neighborhood | Airport |
| Established Historic Neighborhood | Future Neighborhood |

Vibrant Neighborhoods

In the Vibrant Neighborhoods chapter, PlanCOS recognizes the integration of mixed-use development in neighborhoods supports the creation of vibrant neighborhoods. The project site is not in an identified typology in the Vibrant Neighborhoods section of PlanCOS; however, it is near a “Future Neighborhood” typology area.

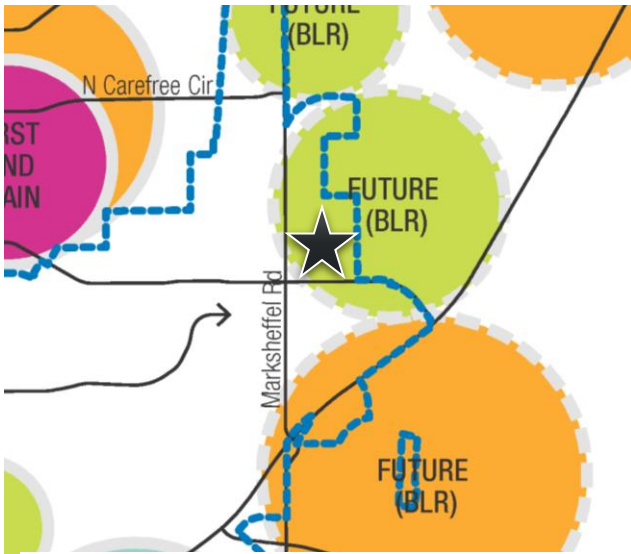


Predominant Typology

- | | |
|--|-------------------------------------|
| Neighborhood Centers | Mature/Redeveloping Corridors |
| Community Activity Centers | New/Developing Corridors |
| Entertainment and Commercial Centers | Reinvestment Area and Community Hub |
| Regional Employment and Activity Centers | |
| Downtown | |

Unique Places

This project is near a couple of future Banning Lewis Ranch Regional Employment and Activity Centers. This typology recommends increasing a mix of supporting land uses. The project continues the integration of a new commercial center into the growing neighborhoods nearby, through which it meets the “Focus on Corridors and Centers” big idea.

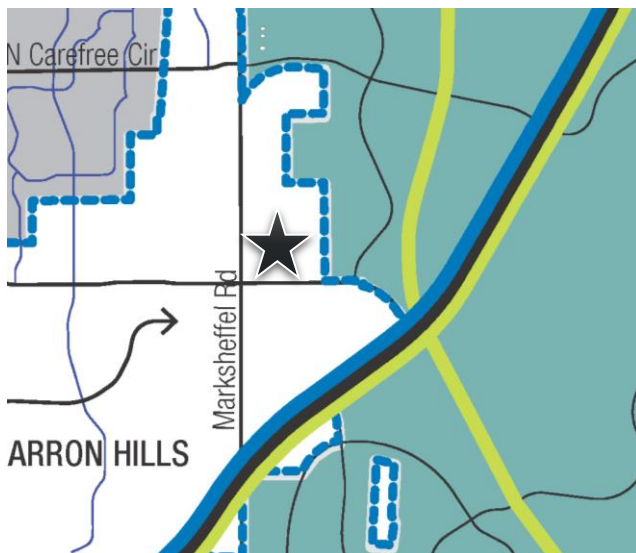


Thriving Economy

The subject property is within a Future Banning Lewis Ranch Spinoff and Startup typology area, which encourages the clustering of businesses. The proposed project fulfills this recommendation, as well as the “Embrace Sustainability” big idea, by being built in an existing commercial center.

Predominant Typology

- Cornerstone Institutions
- Life and Style
- Spinoffs and Startups
- Industry Icons
- The Experience Economy
- Critical Support
- City Boundary
- Interstate 25
- Major Roads

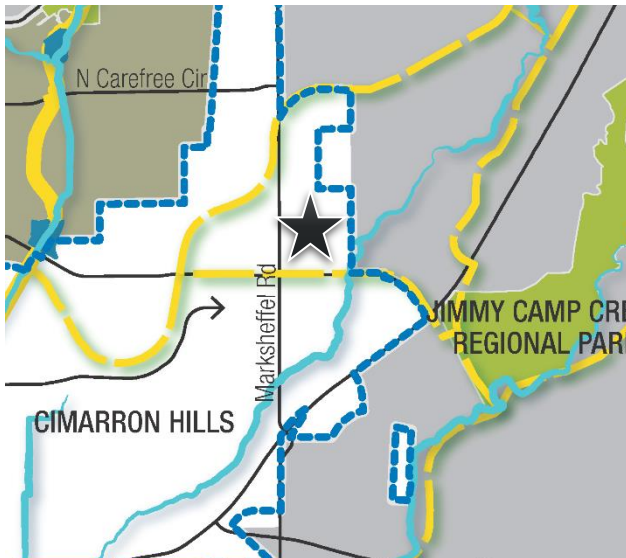


Strong Connections

This project is located near the corner of two Major Roads, Marksheffel Road and Constitution Avenue. It is near a Future Streets typology area, which indicates that there will be more connectivity in this area in the future.

Predominant Typology

- Urban Core Streets
- Smart Corridors
- Established Suburban Streets
- Multimodal Corridors
- Developing Suburban Streets
- Bike Master Plan Network
- Future Streets
- Major Destination Areas
- Transportation Hubs
- Park-N-Rides

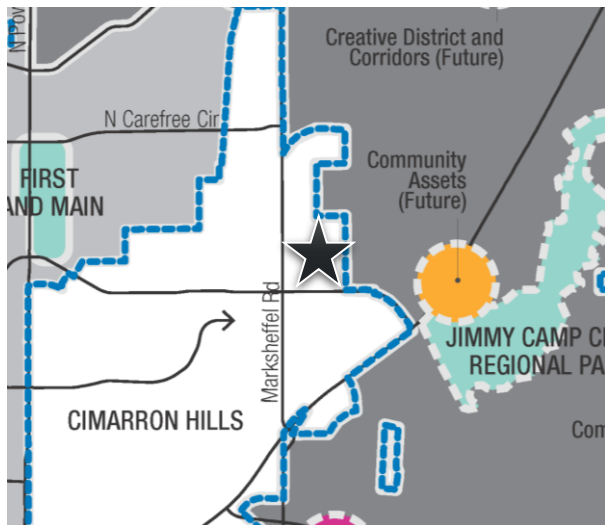


Predominant Typology

- | | |
|---|------------------------|
| Neighborhood Greenspace | Trails and Connections |
| Sports and Active Recreation | Major Trail Corridors |
| Natural Resources and Regional Recreation | Complete Urban Creeks |
| Community Education Landscapes | Complete Greenways |

Majestic Landscapes

The proposed project is located near Jimmy Camp Creek Regional Park and the planned Rock Island Trail, which runs along Constitution Avenue. By providing accessibility to parks and trails, this development meets the “Provide Parks for the People” big idea.



Predominant Typology

- | | |
|----------------------------------|----------------------------------|
| Defining Institutions | Cultural and Tourist Attractions |
| Historic Districts | Community Assets |
| Creative Districts and Corridors | Pop-Up Culture |

Renowned Culture

The subject property provides commercial services for a nearby Future Community Assets typology area within Banning Lewis Ranch.

Statement of Compliance

CUDP-23-0027

After evaluation of the Valvoline Instant Oil Change Conditional Use, the application meets the review criteria.