



SHOPS AT WOODMEN ZONE CHANGE

Planning Commission June 12, 2024

Staff Report by Case Planner: Austin Cooper



Quick Facts

Applicant

Susan Mizuno
Arrow Civil Engineers

Property Owner

Chun Paik

Developer

TAD Builders Inc

Address / Location

7410 Horseshoe Road

TSN(s)

5308002011

Zoning and Overlays

Current: A/AP-O (Agriculture with Airport Overlay)

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

Site Area

3.50 acres

Proposed Land Use

Commercial

Applicable Code

UDC

Project Summary

The applicant is requesting a Zone Change from A/AP-O (Agriculture with Airport Overlay) to MX-M/AP-O (Mixed-Use Medium Scale with Airport Overlay) with a land use statement to support the rezoning request. The applicant has identified the intent to construct multiple commercial buildings to support retail and restaurant uses.

| File Number | Application Type | Decision Type |
|--------------|-------------------------------------|----------------|
| ZONE-22-0001 | Zone Change with Land Use Statement | Quasi-Judicial |

Background

Prior Land-Use History and Applicable Actions

| <i>Action</i> | <i>Name</i> | <i>Date</i> |
|--------------------------|---------------------|--------------------|
| Annexation | Woodmen Heights #6 | July 7, 2004 |
| Subdivision | Horseshoe Rancheros | September 19, 1963 |
| Master Plan | Woodmen Heights | January 25, 2022 |
| Prior Enforcement Action | N/A | |

Site History

The subject property is part of the Woodmen Heights Master Plan which was originally approved in 2004 around the same time as the property was annexed. The zoning has remained A/AP-O (Agricultural with Airport Overlay) since Annexation which is commonly used as a holding zone until an end user is found and an appropriate zoning established. This site, similar to the parcels to the north, have been called out in the Master Plan as Neighborhood Commercial/Office and have remained with that designation since the Master Plan's inception despite numerous amendments. The zoning designation being requested is consistent with the zoning of the Neighborhood Commercial/Office designated parcels to the north.

Applicable Code

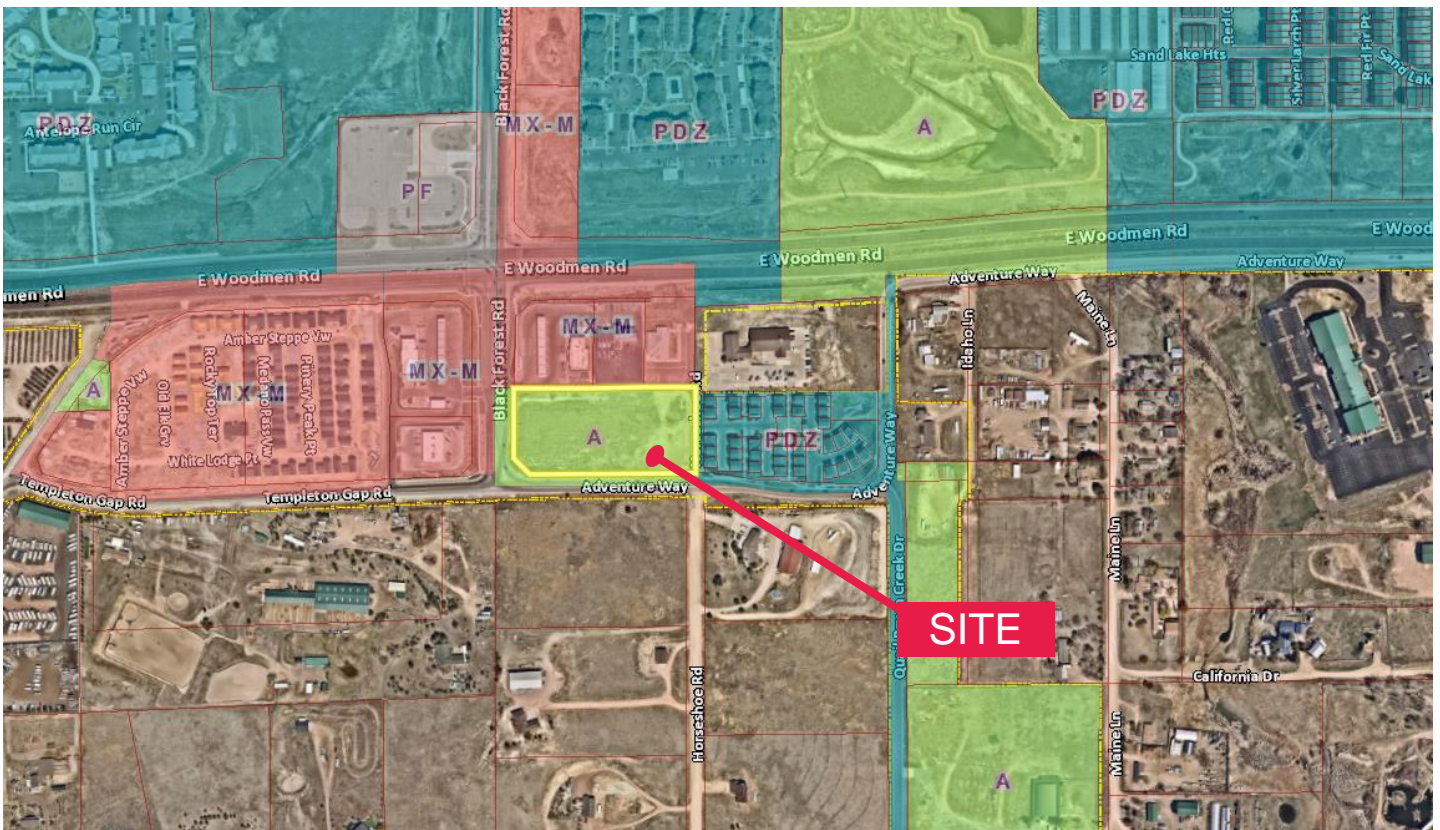
The subject application(s) were submitted prior to the implementation date (06/05/2023) of the ReTool project, and as such, the applicant is permitted to elect which Code they prefer their application(s) be reviewed under. The subject application(s) were chosen to be reviewed under the Unified Development Code per the applicant's instructions. All subsequent references within this report that are made to "the Code" and related sections are references to the 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 | Commercial | Gas Station, Car Wash and Veterinary Clinic |
| West | MX-M | Commercial | Gas Station and Liquor Store |
| South | County | Vacant | Residential County Zoning |
| East | PDZ | Single-Family Residential | |

Zoning Map



Stakeholder Involvement

Public Notice

| | |
|---|---|
| Public Notice Occurrences (Poster / Postcards) | Initial Review / Prior to Planning Commission Hearing |
| Postcard Mailing Radius | 1000' |
| Number of Postcards Mailed | 43 |
| Number of Comments Received | None |

Public Engagement

No written comments were received.

Timeline of Review

| | |
|--------------------------|-----------------|
| Initial Submittal Date | August 16, 2022 |
| Number of Review Cycles | Five |
| Item(s) Ready for Agenda | May 1, 2024 |

Agency Review

Traffic Engineering

The proposed development does not meet the threshold of peak hour trip generation per the Traffic Engineering Criteria Manual. Therefore, a Traffic Impact Study (TIS) is not required for this site.

Planning Surveyor

Comments addressed.

Parks

No comments received.

SWENT

No comments received.

Colorado Springs Airport:

The following comments were presented at the 9/22/2022 Airport Advisory Commission with no objections:

Avigation Easement: An avigation easement is required or provide proof of previous recording (book/page or reception number).

FAA Form 7460-1: If use of equipment (permanent or temporary) will exceed 200 feet above ground level in height at this site, the applicant is to file an airspace evaluation case with the Federal Aviation Administration (FAA) and provide the results to the Airport before the commencement of construction activities. FAA's website

(<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>).

Zone Change with Land Use Statement

Summary of Application

In accordance with UDC Section 7.5.704.A, the purpose of a Zoning Map Amendment is to establish standards and provide a mechanism for the City to review and decide on an application to rezone property within the City's jurisdiction, where the City has determined that rezoning of those areas is appropriate. An application to establish or change the boundaries of any zone district is required to include a Land Use Plan unless waived or a development plan is submitted in conjunction with the zone map amendment request. The applicant requested a Land Use Plan waiver by submitting a Land Use Statement demonstrating that a Land Use Plan would not serve the purposes of the UDC because one or more of the criteria for a waiver outlined in UDC Section 7.5.514.B.3.a.(1)-(6) are met (Attachment 1 - Land Use Statement).

- (1) The land area under review is less than ten (10) acres and is planned to be developed in a single phase;

Staff Analysis: The lot is 3.5 acres which is well under 10 Acres.

- (2) The land is contained in and subject to a previously approved Master or Concept Plan;

Staff Analysis: This lot is within the Woodmen Heights Master Plan and the zoning is consistent with the allowed uses.

- (3) The land is included in a Development Plan application;

Staff Analysis: Not applicable

- (4) The land area is part of an established surrounding development pattern;

Staff Analysis: The surrounding land use pattern consists of commercial and other uses permitted within the MX-M zoning district.

(5) The proposed zoning pattern for the land aligns with adjacent existing zoning or development; and/or

Staff Analysis: The proposed rezoning would match the zoning to the north and west.

(6) Major infrastructure or urban services for the land including but not limited to access points and roadway systems, have already been established and are not proposed to be changed.

Staff Analysis: There are no proposed changes to major infrastructure or urban services. The lot will establish roadway connections to the surrounding street network during the development plan review process.

Staff finds that the request to waive the requirements for a Land Use Plan has been met in accordance with UDC Section 7.5.514.B.3.

Application Review Criteria

UDC Code Section 7.5.704.D

1. The proposed rezoning is consistent with the goals and policies of the Colorado Springs Comprehensive Plan, with other plans and policies adopted by the City Council; and with the purpose statement of the proposed zone district(s).

Staff Analysis: This site is served by a Privately Initiated Master Plan named Woodmen Heights. Despite this plan being amended upward of fifteen times, this section of the plan has remained as Neighborhood Commercial/Office. The surrounding area that was identified for this land use type was rezoned to PBC, now named MX-M (Mixed-Use Medium Scale) in the UDC, in 2006. This application is proposing the same zoning designation as the adjacent parcels and is proposing retail and restaurant uses for the site which would be consistent with the Master Plan and compatible with the other Neighborhood Commercial/Office property to the north.

Please also reference the section immediately following this analysis labeled Compliance with PlanCOS.

2. The rezoning will not be detrimental to the public interest, health, safety, convenience, or general welfare.

Staff Analysis: The request will allow for additional commercial property along the Woodmen Road corridor and would conform to the plan for this lot to be used commercially as shown in the Master Plan.

3. The location of the lands in the zoning map area being amended are appropriate for the purposes of the proposed zone district(s).

Staff Analysis: The proposal will allow for commercial, and office uses along a road designated as an Expressway.

4. If the application proposes to rezone a small area of land, the application demonstrates that the size, scale, height density, and multimodal traffic impacts of the proposed rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions.

Staff Analysis: The proposal will not lead to a noticeable increase in traffic and compliance with development standards would be ensured in the review of the development plan application. In addition, this is a small area of land, under 10-acres, and the future development will adhere to the same standards for size, scale and height as established under the same zoning on adjacent properties.

5. If the application proposes to rezone a relatively small area of land, the application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Colorado Springs Comprehensive Plan goals that would be achieved by approval of the application.

Staff Analysis: The site of the proposed rezone is vacant and has been vacant since its annexation in 2004. The requested rezone is not in conflict with PlanCOS goals.

6. If a Land Use Plan or amendment to a Land Use Plan accompanies the application, the Land Use Plan or amendment complies with the applicable criteria in Subsection 7.5.514.C.3 (Land Use Plan Criteria).

Staff Analysis: This criterion is not applicable as the applicant has submitted an accompanying Land Use Statement.

7. The application is consistent with any approved Concept Plans in the area for which the map is being amended or includes or is accompanied by a provision that approved Concept Plans that have been classified as implemented do not have to be amended in order to be considered consistent with an amended zoning map.

Staff Analysis: There is not an approved concept plan for this lot.

8. If the application is for creation of an ADS-O district, the approval criteria applicable to the creation of the text of the ADS-O district in Section 7.2.607.D (Decision) shall also apply to consideration of the zoning map amendment required to create or amend the boundaries of the ADS-O district.

Staff Analysis: The zone map amendment is not for an ADS-O district.

9. If rezoning to a PDZ district, the proposed PDZ district provides significant community amenities or other benefits, as determined by the Manager, that promote the achievement of Colorado Springs Comprehensive Plan goals and would not otherwise be required of the applicant under this UDC or other City or governmental regulations.

Staff Analysis: The zone map amendment is not for a PDZ district.

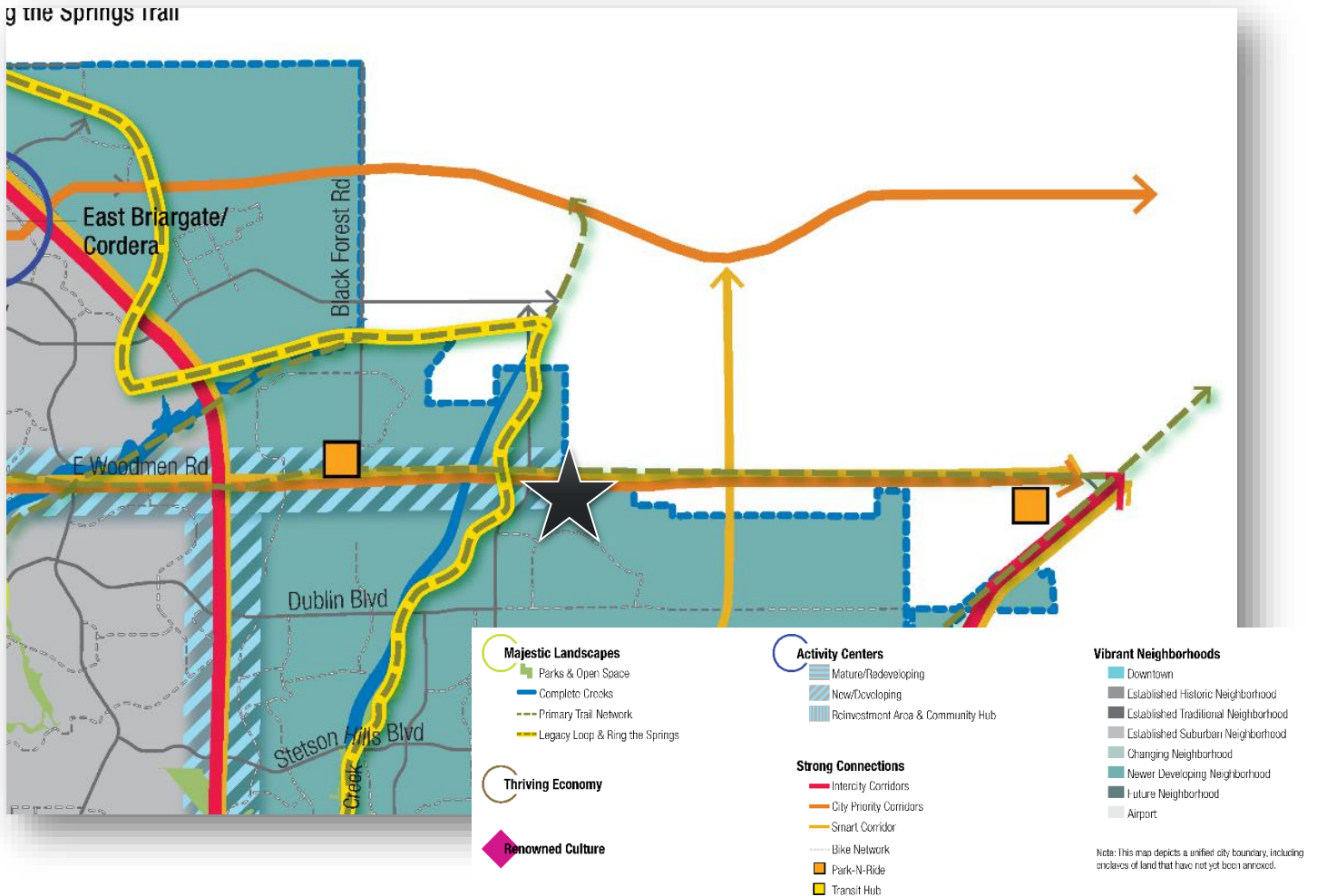
10. Complies with the additional standards of the base zone district where the property is located (see Article 7.2 (Zone Districts)) or in an overlay district that applies to the property (see Part 7.2.6 (Overlay Districts)).

Staff Analysis: The subject property is within the Airport Overlay however the airport did not have any immediate objections to this proposal and will be a review agency for any development plan submittals in the future.

After evaluation of code section 7.5.504.D the application meets the review criteria.

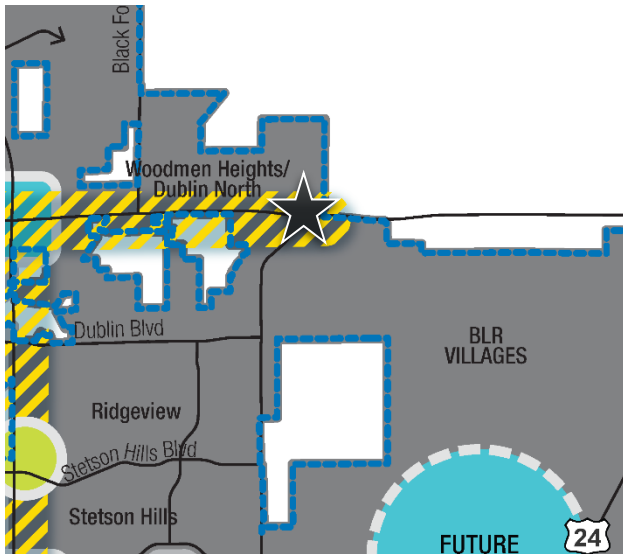
Compliance with PlanCOS

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 the PlanCOS, the project site is identified as being within a "New/Developing" Activity Center or Corridor. New/Developing Corridors are defined as developing, automobile-dominated with more limited access points and often with greater separation from the roadway.

Staff finds the proposed rezone to be substantially in compliance with the goals, policies, and strategies within PlanCOS

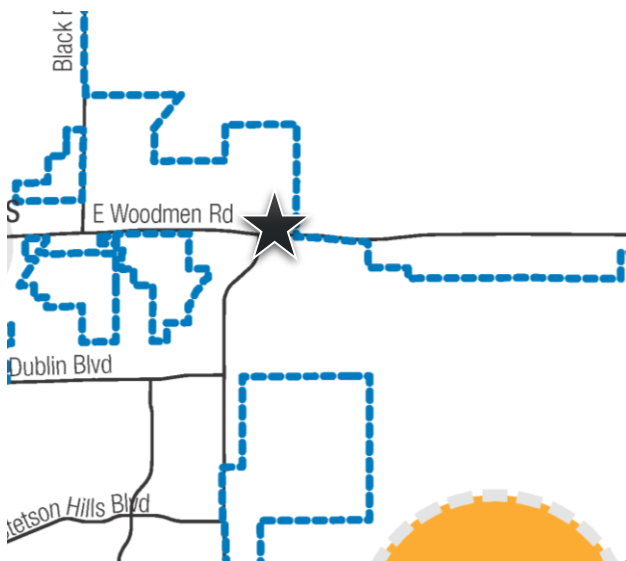


Predominant Typology

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

Unique Places

In Policy UP-4.A, PlanCOS asks us to encourage a development pattern consisting of unique centers located along new and redeveloped corridors and at other designated areas throughout the city. Strategy UP-2.A-4 calls for active support of ongoing and potential infill projects. This site offers a chance for commercial development of a property that was planned for such development and has been vacant within the city for 20 years. This gives opportunity for locating support services in commercial centers along our major developing corridors.



Predominant Typology

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

Thriving Economy

Strategy TE-2.C-3 asks that we identify and develop new and underutilized areas as opportunities for unique attraction of new retail, dining, entertainment, and housing development. This zoning designation would allow for all the above. Strategy TE-3.A-1 allows us to consider regional and statewide market conditions and development trends when creating new land use regulations. This area is developing quickly and the Agricultural zoning classification does not meet the needs of this area.

Statement of Compliance

ZONE-22-0001

After evaluation of the Zone Change with Project Statement the application meets the review criteria.