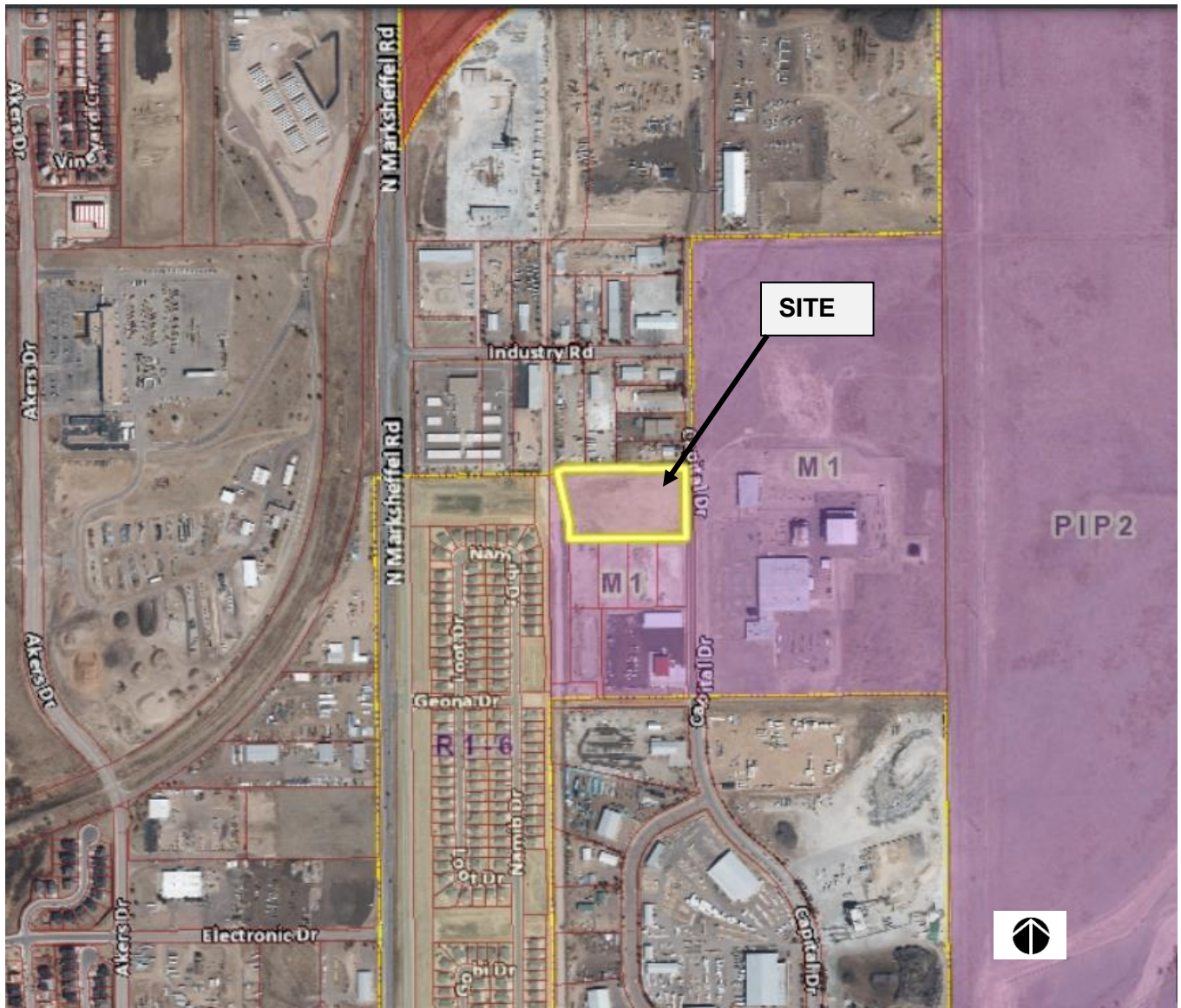


CITY PLANNING COMMISSION AGENDA
June 14, 2023

STAFF: TAMARA BAXTER

FILE NO(S):
CUDP-23-0002 – QUASI-JUDICIAL

PROJECT: EQUIPMENTSHARE
OWNER/DEVELOPER: EQUIPMENTSHARE.COM, INC.
CONSULTANT: KIMLEY-HORN AND ASSOCIATES, INC.



PROJECT SUMMARY

1. **Project Description:** This project includes a conditional use development plan to support a construction equipment rental and sales commercial business with outdoor storage and an 11,203 square-foot building and ancillary improvements (**see “Conditional Use Development Plan” attachment**). The project, Equipmentshare, consists of 4.46-acres, is zoned M-1/AO/SS (Light Industrial with Airport and Streamside Overlay), located at 8026 Iron Tower Court. The proposed use is permitted in the M-1 (Light Industrial) zone district, but conditionally permitted in the streamside overlay.
2. **Applicant’s Project Statement:** (**see “Project Statement” attachments**)
3. **Planning and Development Recommendation:** Staff recommends approval of the application.

BACKGROUND

1. **Site Address:** The property is addressed as 8026 Tower Court located in the Sand Industrial Park development.
2. **Existing Zoning/Land Use:** The property is zoned M1/AO/SS (Light Industrial with Airport and Streamside Overlays) per Ordinance 18-62.
3. **Surrounding Zoning/Land Use:**
 - North: I-3 CAD-O (County) and industrial development.
 - South: M-1/AO/SS (Light Industrial with Airport and Streamside Overlays) and approved for warehouse development (under construction).
 - West: R1-6000/DF/AO/SS (Single-Family Residential with Airport and Streamside Overlays) and detention facility/water quality pond and single-family residential
 - East: M-1/AO (Light Industrial with Airport Overlay) and is manufacturing processing.
4. **PlanCOS Vision:** According to the PlanCOS Vision Map (**see “PlanCOS Vision Map” attachment**), the project site is identified as an ‘Established Suburban Neighborhood’.
5. **Annexation:** The property is part of The Sands Additional No 1 (July 18, 2018; Ordinance 18-58).
6. **Master Plan/Designated Master Plan Land Use:** There is no master plan for this area.
7. **Subdivision:** The property is platted as Lot 1, The Sands Industrial Park Filing No. 1.
8. **Zoning Enforcement Action:** None
9. **Physical Characteristics:** The site is vacant with sparse vegetation and slopes in a southwesterly direction. Sand Creek tributary is along the western property boundary.
10. **City Code:** This request was submitted prior to the Unified Development Code (UDC) effective date of June 5, 2023, and as such was processed and reviewed under Chapter 7 standards. All established requirements in Chapter 7 have been met and therefore should be reviewed by this body under those standards.

STAKEHOLDER PROCESS AND INVOLVEMENT

The public notification process consisted of providing notice to adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 87 property owners on two (2) occasions; during the internal review stage and prior to the Planning Commission hearing. The site was also posted during the two occasions noted above. No public comments were received.

Copies of the plan set and supporting documentation were available through the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Airport, Colorado Springs Utilities, Land Use Review Landscape Reviewer, Streamside Overlay Reviewer, City Engineering, City Engineering Development Review, Colorado Springs Fire Department, City Traffic Engineering, and Stormwater Enterprise Division. Staff and review agencies’ input is outlined in the following sections of this report.

ANALYSIS OF REVIEW CRITERIA, COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE

1. Review Criteria / Design & Development

a. Background

This property is part of the Sand Industrial Park development which abuts Sand Creek tributary. Not all properties in this development include the streamside buffer zones (inner and outer buffers). This subject property contains the outer streamside buffer along the western boundary. Therefore, per City Code Section 7.3.508.E.2.d.(2) *Conditional Uses*, due to the potential negative impacts the use may have on the streamside overlay area, the proposed use, construction equipment rental and sales, is identified as a conditional use, although it is a permitted use in the M-1 (Light Industrial) zone district.

b. Conditional Use Development Plan

The conditional use development plan is in general conformance with the provisions of the current zone code, known as Chapter 7. The proposed use meets the three findings in City Code Section 7.5.704 *Conditional Uses*. The proposed use is consistent with the existing and proposed industrial/warehouse use types in the area, the intent of the zoning code, and PlanCOS. A single-family residential development is located southwest of the property, adjacent to the Sand Creek tributary. After much discussion between City Planning staff and the project team and the property owner regarding the site design of the project, further discussed under 'Streamside Overlay Review', the project team solicited comments/petitions from some of the neighbors in the residential development and provided a statement from The Sands Metropolitan District president (**see "Metro District and Neighborhood Statements" attachment**). It is unclear if the residential neighbors were notified that outdoor storage of construction equipment would be placed on the west side of the subject property and not along Capital Drive which may affect this residential development.

Access to the site will be off Tower Court which is a hammer-head private road off Capital Drive. The maximum building height in the zone district is 40 feet. The proposed building will be approximately 29 feet in height. Outdoor storage of construction equipment for rental and sales will be located west of the proposed building. Screening of equipment is in accordance with City Code Section 7.2.302.C.2.k. Customer parking on-site is by a surface parking lot near Capital Drive. The parking spaces provided for the conditional use development plan are following City Code Section 7.4.203 (Parking Space Requirements). A pedestrian trail is proposed from the parking area west to the creek to an area with a bench. Landscaping for the project meets the required landscape standards (**see "Conditional Use Development Plan" attachment**).

c. Streamside Overlay Review

In accordance with City Code Section 7.3.508, "*certain areas of the City are characterized by intermittent and perennial streams...*" and the objective of the Streamside Overlay Zone is "*to protect and enhance streamside areas...*". In addition, "*property wholly or partially contained within the streamside overlay zone shall be consistent with the recommendations of the streamside design guidelines manual, the land suitability analysis, if required, and shall conform with the streamside development plan review criteria*".

City Planning staff and the project team and the property owner/developer met numerous times regarding the proposed site design and orientation of the proposed building and the outdoor equipment storage/rental area on the property. Staff encouraged the project team to reverse the proposed layout (mirror image of itself) where the outdoor storage would be adjacent to Capital Drive, and the main office portion of the building would be adjacent to the creek allowing customers and employees to interact with the creek. Integrating with the streamside is an important site design which is encouraged and illustrated in the *Streamside Design Guidelines*. The proposed integration with the stream

includes a pathway from the parking lot to a seated area near the creek. Suggestions from staff were not taken into consideration with respect to the site design. Instead, the project team petitioned only a few of the residential neighbors that only signed a petition. Staff did not receive any written public comment on this project (see **“Streamside Statement” attachment**).

This tributary has been improved which has resulted in the integrity of the stream to change in this area. Nonetheless, development along a stream is reviewed in accordance with the streamside development plan review criteria and in conformance with the *Streamside Design Guidelines*. This area is a mix of city and county property along the creek. El Paso County does not have any streamside criteria, thus industrial development to the north and south of the subject site is built right up to the creek and does not require integration with creeks throughout the county.

Per City Code Section 7.3.508.E.2.d.(2).e *Fence Requirements*, fences constructed within the streamside overlay area must be of an open design allowing the stream to be visible from the subject property. Opaque fencing is prohibited in the streamside overlay. After much discussion with the project team and the owner about relocating the proposed building near the stream and placing the outdoor storage area near Capital Drive, City staff required that a concrete decorative wall with additional evergreens be installed along the creek. The purpose of the opaque fence is to provide screening from the residential development to the west, and the evergreens will provide year around screening. On-going irrigation of the vegetation is required and will be monitored.

2. Conformance with the City Comprehensive Plan

City Planning staff has evaluated the proposed application for conformance with the City’s current comprehensive plan (“PlanCOS”), adopted in January 2019. According to PlanCOS ‘Vision Map’ (see **“PlanCOS Vision Map” attachment**) the project site is identified as a ‘Establish Suburban Neighborhood’. This area consists of county and city land and lands that are fully developed or vacant. The proposed project is consistent with the adjacent industrial uses in the area. The following goals, policies and strategies encourage and foster industrial development within the City boundary.

- **Goal TE-2:** *Diversify the local economy by fostering a range of business types and sizes.*
 - **Policy TE-2.A:** *Preserve and strengthen the city’s Industry Icons Typology (Typology 5).*
 - **Strategy TE-2.A.-4:** *Ensure screening or other mitigation around high impact industrial districts to reduce impacts on nearby residential areas.*

City Planning staff finds the project in question to be in substantial conformance with PlanCOS and its guidance.

3. Conformance with the Area’s Master Plan:

The project site is not part of a master plan area. The neighborhoods surrounding the project are developed with a mix of city and county, consisting of industrial and residential land use types (see **“Context Map” attachment**). The proposed use is complimentary of the land use patterns except for the single-family residential to the west which the City approved in 2019 when the property was annexed into the City boundary limits. Through staff’s review of the development plan application and consideration of the review criteria for establishing a development plan, as set forth in City Code Section 7.5.502(E), and the review criteria for granting a Conditional Use as set forth in City Code Section 7.5.704 the overall area impacts of the project were analyzed.

STAFF RECOMMENDATION

Item: CUDP-23-0002

Approve the conditional use development plan for the Equipmentsshare project, based upon the finding that the conditional use request complies with the review criteria for granting a conditional use as set forth in City Code Section 7.5.704, and the development plan complies with criteria for development plans set forth in City Code Section 7.5.502.