



CITY PLANNING COMMISSION AGENDA

**THURSDAY, APRIL 17, 2014
8:30 A.M.**

**CITY HALL COUNCIL CHAMBERS
107 NORTH NEVADA AVENUE
COLORADO SPRINGS, CO 80903**

CITY PLANNING COMMISSION MEETING PROCEDURES

MEETING ORDER:

The City Planning Commission will hold its regular meeting on **Thursday, April 17, 2014 at 8:30 a.m.** in the City Hall Council Chambers at 107 North Nevada Avenue, Colorado Springs, Colorado.

The Consent Calendar will be acted upon as a whole unless a specific item is called up for discussion by a Planning Commissioner, a City staff member, or a citizen wishing to address the Planning Commission.

When an item is presented to the Planning Commission the following order shall be used:

- City staff presents the item with a recommendation;
- The applicant or the representative of the applicant makes a presentation;
- Supporters of the request are heard;
- Opponents of the item will be heard;
- The applicant has the right of rebuttal;
- Questions from the Commission may be directed at any time to the applicant, staff or public to clarify evidence presented in the hearing.

VIEW LIVE MEETINGS:

To inquire of current items being discussed during the meeting, please contact the Planning & Development Team at 719-385-5905, tune into local cable channel 18 or live video stream at www.springsgov.com.

CITY PLANNING COMMISSION COMPREHENSIVE PLAN AND REVIEW CRITERIA

COMPREHENSIVE PLAN:

The City Planning Commission uses the Comprehensive Plan as a guide in all land use matters. The Plan is available for review in the Land Use Review Office, located at 30 S. Nevada Avenue, Suite 105. The following lists the elements of the Comprehensive Plan:

- Introduction and Background
- Land Use
- Neighborhood
- Transportation
- Natural Environment
- Community Character and Appearance
- 2020 Land Use Map
- Implementation

The Comprehensive Plan contains a land use map known as the 2020 Land Use Map. This map represents a framework for future city growth through the year 2020, and is intended to be used with the Comprehensive Plan's goals, policies, objectives and strategies. It illustrates a desired pattern of growth in conformance with Comprehensive Plan policies, and should be used as a guide in city land use decisions. The Comprehensive Plan, including the Land Use Map, may be amended from time to time as an update to city policies.

APPLICATION REVIEW CRITERIA:

Each application that comes before the Planning Commission is reviewed using the applicable criteria located in the *Appendix* of the Planning Commission Agenda.

CITY PLANNING COMMISSION APPEAL INSTRUCTIONS

In accordance with Chapter 7, Article 5, Part 906 (B) (1) of the City Code, “Any person may appeal to the City Council any action of the Planning Commission or an FBZ Review Board or Historic Preservation Board in relation to this Zoning Code, where the action was adverse to the person by filing with the City Clerk a written notice of appeal. The notice of appeal shall be filed with the City Clerk no later than ten (10) days after the action from which appeal is taken, and shall briefly state the grounds upon which the appeal is based.”

Accordingly, any appeal relating to this Planning Commission meeting must be submitted to the City Clerk (located at 30 S. Nevada Avenue, Colorado Springs, CO 80903) by:

Monday, April 28, 2014

A **\$176** application fee and a justification letter specifying your specific grounds of appeal shall be required. The appeal letter should address specific City Code requirements that were not adequately addressed by the Planning Commission. City Council may elect to limit discussion at the appeal hearing to the matters set forth in your appeal letter.

CITY PLANNING COMMISSION MEETING AGENDA THURSDAY, APRIL 17, 2014

1. Approval of the Record of Decision (minutes) for the February 20, March 13 and March 20, 2014 City Planning Commission Meetings
2. Communications
 - Selection of Planning Commission representatives for the Downtown Review Board and Parks Master Plan Task Force
3. Consent Calendar (None)
4. New Business Calendar (Items 4-5)..... Page 6
 Appendix – Review Criteria Page 62

NEW BUSINESS CALENDAR		
ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p>ITEM NO.: 4 CPC UV 13-00072 (Quasi-Judicial)</p> <p>PARCEL NO.: 6419203006</p> <p>PLANNER: Ryan Tefertiller</p>	<p>Request by Alexius Weston and Kurt Bunch for a use variance to allow a commercial kitchen in the existing R-2 (Two-family Residential) zoned house. The kitchen will be used to support the restaurant (Shuga’s) on the adjacent lot. The property is located at 17 W. Rio Grande Street, is roughly 4,400 square feet, and is located on the south side of W. Rio Grande Street between Sahwatch Street and S. Cascade Ave.</p>	6
<p>ITEM NO.: 5 CPC CU 14-00028 (Quasi-Judicial)</p> <p>PARCEL NO.: 7424104030</p> <p>PLANNER: Ryan Tefertiller</p>	<p>Request by Timothy and Janella Cranmer of Tim's Mannagift, Inc. on behalf of Michael and Christine Lobue for approval of a conditional use development plan to allow an automotive storage yard and automotive rental within the Streamside Overlay zone. The subject property is roughly 32,500 sq.ft, is zoned C-6/SS (General Business with Streamside Overlay) and located northeast of Eighth Street and Motor City Drive at 801 S. Eighth Street.</p>	17

CITY PLANNING COMMISSION AGENDA

ITEM NO: 4

STAFF:
RYAN TEFERTILLER

FILE NO:
CPC UV 13-00072 – QUASI-JUDICIAL

PROJECT: SHUGA'S COMMERCIAL KITCHEN – 17 W. RIO GRANDE ST.

APPLICANT: ALEXIUS WESTON AND KURT BUNCH

OWNER: ALEXIUS WESTON AND KURT BUNCH



PROJECT SUMMARY:

1. Project Description: This project consists of a use variance to allow the 4,400 square-foot, R-2 (Two-Family Residential) zoned property located at 17 W. Rio Grande St. to be used as a commercial kitchen for the adjacent restaurant located at 702 S. Cascade Ave. The subject property includes an 865 square-foot residential structure and a 144 square-foot shed, is zoned R-2 (Two-Family Residential), and is located on the south side of W. Rio Grande St. between S. Cascade Ave. and Sahwatch St.
2. Applicant's Project Statements: **(FIGURE 1)**
3. Planning and Development Team's Recommendation: **Approval of the applications with technical modifications.**

BACKGROUND:

1. Site Address: 17 W. Rio Grande Street
2. Existing Zoning/Land Use: R-2 (Two-Family Residential) / Single-Family **(FIGURE 2)**
3. Surrounding Zoning/Land Use:
North: OR (Office Residential) and R2 (Two-Family Residential) / office and single- and two-family residential
South: OR (Office Residential) and R2 (Two-Family Residential) / mostly single- and two-family residential
East: OR (Office Residential) and R2 (Two-Family Residential) / office, residential, and commercial uses.
West: R2 (Two-Family Residential) and FBZ (Form-Based Zone) / mostly single- and two-family residential, but also light industrial
4. Comprehensive Plan/Designated 2020 Land Use: Regional Center
5. Annexation: Town of Colorado Springs (1872)
6. Master Plan/Designated Master Plan Land Use: Imagine Downtown Master Plan (2009) / General Residential
7. Subdivision: Colorado Springs Addition No. 2 (1874)
8. Zoning Enforcement Action: none
9. Physical Characteristics: The property is developed with a fairly typical small (865 square feet) residential structure built in 1899 and a small shed in the rear yard.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The standard City notification and posting process was used with 68 property owners within 500 feet of the project notified at the time of submittal. Staff received one letter of support from the Downtown Partnership **(FIGURE 3)** and spoke to one neighbor who lives to the southwest of the subject property who expressed concerns with the application due to a fear of noise, odors, and other non-residential externalities. All applicable City agencies and departments were asked to review and comment; the vast majority of departmental comments were addressed within the applicant's revised plans. Those issues that are still not completely resolved appear below as technical and

informational modifications to the use variance development plan. Prior to the City Planning Commission hearing, the site will be posted and postcards mailed once again.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria / Design & Development Issues:

The subject property was developed with a modest single family home in 1899. The site has been zoned R-2 (two-family residential) since zoning was established in the City of Colorado Springs. The R-2 zone allows single-family and two-family dwellings as the principal permitted land use. Non-residential land uses are prohibited in the R-2 zone with the exception of limited in-home businesses and home-based childcare operations. However, in rare instance use variances allowing prohibited uses, like commercial uses in a residential zone, are supported by planning staff and the City's Planning Commission.

There are two options to permitting a commercial or office use on a residentially zoned property: 1) successfully change the zone to an office or commercial zoning district, or 2) obtain approval of a use variance by the City's Planning Commission. While a change in zone district is the more traditional approach, it also allows a range of similar uses over the life of the zone. In other words, once an office or commercial zone is established the use of the property can change from one commercial use to another with little to no government or neighborhood input. Conversely, a use variance is very specific, both to the proposed use as well as the approved site plan which calls out site details such as parking, landscaping, outdoor storage, trash management, and other uses which could impact surrounding properties. Additionally, notes and restrictions can be placed on the use variance plan limiting the business or instituting site specific requirements.

The proposed use variance is to allow a commercial kitchen in the R-2 zone district. Based on the use variance application, the project statement, and the use variance development plan, the proposed commercial kitchen is to be specifically used by the adjacent restaurant located at 702 S. Cascade Ave. Tying the two properties together through the proposed use variance will effectively limit the intensity of the operation. A similar situation could have been approved by an administrative home occupation permit; however, that permit requires that all employees associated with the commercial use reside on the premises. That restriction was not possible with this request as the primary staff member who will be working in the proposed kitchen is the business owner's mother who already has a home elsewhere in the city.

Although the use variance site plan (**FIGURE 4**) requires numerous plan improvements (see the technical modifications at the conclusion of this report) it also illustrates a number of provisions to mitigate impact on surrounding properties. Specifically, the plan illustrates adequate on-site parking for

employees using the kitchen, and a trash enclosure along the alley near the existing shed. The plan also includes numerous notes that restrict the use of property including the hours of operation, and that the use is tied to the restaurant at 702 S. Cascade Ave.

There are numerous reasons that the applicant provides to justify the proposed use. The site is on the edge of Downtown Colorado Springs, just outside the Form-Based Zone district which allows and even promotes mixed uses. Additionally, there is a history of use variances in the area; the associated business, Shuga's at 702 S. Cascade Ave., was originally approved through the granting of a use variance in 2001. Lastly, the intensity of the proposed kitchen is limited by: a) tying it to the adjacent restaurant use, b) the limited size of the structure and kitchen area, and c) by the notes on the plan itself.

While staff agrees with all these factors, the necessary use variance criteria must still be justified. The approval of a use variance requires the fulfillment of the three use variance criteria described in Section 7.5.803.B. of City Code. The applicant's project statement (**FIGURE 1**) addresses the required criteria.

The three required use variance criteria are:

- a) *Exceptional or extraordinary circumstances or conditions* – The property is just west of the commercially used Shuga's restaurant property. The existing restaurant use has been successful and has challenges keeping up with demand. The subject property at 17 W. Rio Grande is uniquely suited to serve as a prep kitchen and additional storage space for the adjacent restaurant. Aside from the fact that the cook/chef using the subject property will not be living on premise, the request is aligned with many of the provisions of the home occupation permit or with a commissary kitchen allowed with a peddler's license.
- b) *Preservation and enjoyment of a property right* – As a property within the Imagine Downtown Master Plan and roughly ½ block outside the Downtown Form-Based Zone, there is a reasonable expectation for use flexibility, even in the R-2 zone. While the proposed improvements and use could be achieved through a home occupation permit or peddler's license, the applicant desires staffing flexibility to best serve the adjacent successful restaurant use.
- c) *Not detrimental or injurious to public welfare of other owners of property* - The proposed use is aligned with many of the provisions of the home occupation permit or with a commissary kitchen allowed with a peddler's license in a residential zone. However, to ensure that the proposed use won't impact adjacent properties, a number of restrictions, plan modifications, and plan notes will be recommended.

Staff finds that the required criteria are substantially met and therefore recommends approval of the application with the inclusion of the technical modifications described at the conclusion of this report.

2. Conformance with the City Comprehensive Plan: This project is consistent with the City's Comprehensive Plan objectives, policies and strategies. Those statements that support the proposed project include:

Strategy LU 203b: Concentrate and Mix Uses

Concentrate and mix activities and uses in and around defined centers in order to create more diversity and synergy between uses, combine destinations, support more effective transit service, and provide viable pedestrian and bicycle access and circulation.

Policy LU 301: Promote a Mixed Land Use Pattern

Promote development that is characterized by a mix of mutually supportive and integrated residential and non-residential land uses, and a network of interconnected streets with good pedestrian and bicycle access and connections to transit.

Strategy LU 301a: Support Mixed-use Development in Neighborhoods

Support mixed-use development through neighborhood plans and zoning revisions. Develop zoning guidelines and standards that support mixed-use development and pedestrian access by facilitating the integration of residential and non-residential land uses.

Strategy N 201c: Evaluate Land Use Proposals Recognizing Anticipated Changes to Neighborhood Conditions

Evaluate land use proposals in existing, stable neighborhoods on the basis of projected changes in scale, traffic patterns, intensity of use, pedestrian orientation, and relationship of the site to adjacent development.

Strategy N 203b: Achieve Balanced Mix of Land Uses

Use the land development review process to plan well-functioning new neighborhoods. Reserve planned land uses in new neighborhoods to achieve a balanced mix of land uses over time.

Policy N 301: Identify and Develop Mutually Supportive Mixed Uses

Develop an appropriate mix of land uses and differing housing types in both new and existing neighborhoods.

Strategy N 301a: Identify Non-Residential Land Uses that Support Neighborhoods

Identify the type, scale and nature of non-residential uses that contribute to the efficient functioning and attractiveness of neighborhoods.

3. Conformance with the Area's Master Plan: The proposed project falls within the 2009 Imagine Downtown Master Plan where it is identified as being within the "General Residential" future land use category. The plan describes General Residential areas as "primarily intended to serve a range of residential use types and densities. However, a select number of non-residential uses may also be acceptable in General Residential areas, these include: low-impact shops and

services, small offices, parks and recreational areas, religious institutions, and schools.” Staff concludes that the proposed project is consistent with the master plan.

STAFF RECOMMENDATION:

Item No: 4 CPC UV 13-00072 – Use Variance

Approve the proposed Use Variance for a commercial kitchen in the R-2 (Two-Family Residential) zone, based upon the finding that the application complies with the review criteria in City Code Section 7.5.803.B and is subject to compliance with the following technical and informational plan modifications:

Technical and Informational Modifications to the Use Variance Development Plan:

1. Ensure that the plan is produced to a standard scale.
 2. Illustrate two parking stalls on the site (one stall must be handicapped accessible) as well as the presence of on-street parking adjacent to the site.
 3. Relocate the proposed trash enclosure northward, closer to the principal structure
 4. Illustrate existing and proposed hardscape, landscape, curb/gutter, and sidewalk.
 5. Illustrate and label the public right-of-way adjacent to the site.
 6. Illustrate and label any existing or proposed fencing on the site.
 7. Add the following note to the plan "any future development to this site will require the owner to construct the curb, gutter, sidewalk, & pedestrian ramp."
-

Use Variance Application

Site Location – 17 West Rio Grande

File #13-00072

Property Owners: Kurt Bunch and Alexius Weston (*owners of Shuga's restaurant & bar*)

Description of Proposed Use:

I, Alexius Weston, and my husband, Kurt Bunch, wish to use 17 West Rio Grande for a backup/kitchen prep area for our existing successful business known as Shuga's Restaurant and Bar. We purchased this property in 2011 based on its proximity to our business Shuga's and our love of the neighborhood. We also own two other houses 2 blocks south on Cascade Ave. and have been active advocates to growing our community and neighborhood while assisting in the revitalization of downtown Colorado Springs.

Shuga's opened in December of 2001 and has built a tremendous customer base to consist of the surrounding businesses and residents. We have grown steadily for the past 12 years and are generally busting at the seams. Our hopes are to be able to set up a commercial kitchen inside of this 865 square foot house. The kitchen use permitted through this application is to be used as accessory to the restaurant @702 South Cascade Ave. This kitchen would not be open to the public and would have limited hours of operation from 7am-9pm. My mother has been a huge culinary inspiration to this business and I would like to create a space that she can come and cook in order to bring new ideas to Shuga's and Colorado Springs, without having to be in the middle of our already insanely busy little kitchen at Shuga's.

Criteria for approval

1. *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property of class of uses in the same zone so that a denial of the petition would result in undue property loss...*

The extraordinary circumstance is that this property is owned by and connected by proximity to Shuga's. This use would be in line with the downtown development plan to continue to promote independent businesses and more mixed use and urban renewal. The property is only one half block outside of the Form Base Zone and is consistent with the goal to provide a high quality urban project that will ultimately create and support the community goal to bring more quality business to the downtown area. The end result would be an improvement to the neighborhood and a more creative use than its current zoning.

FIGURE 1

File #13-00072

2. *That such variance is necessary for the preservation and enjoyment of a property right of the petitioner...*

This variance would allow the property to be used in a manner that is consistent with the downtown partnership's development plan. Bringing more value and interest to the area. Improving the efficiency of an already existing business, and allowing us to service our customers better by having a bit more space to work.

3. *That such variance will not be detrimental to the public welfare or convenience nor in anyway injurious to the property of improvements of other owners of property.*

Because this variance would ease the efficiency and daily operations of our already existing successful business, Shuga's, and not be adding to the existing business' service area the surrounding residents and businesses and parking issues will not be negatively affected. This kitchen will operate in a way not to interfere with the neighborhood, will help protect the stability and value of the surrounding neighborhood, and add overall value. We have built great relationships over the many years with most of our neighbors and genuinely care about the neighborhood we are an integral part of both in business and a residential ownership in the area.

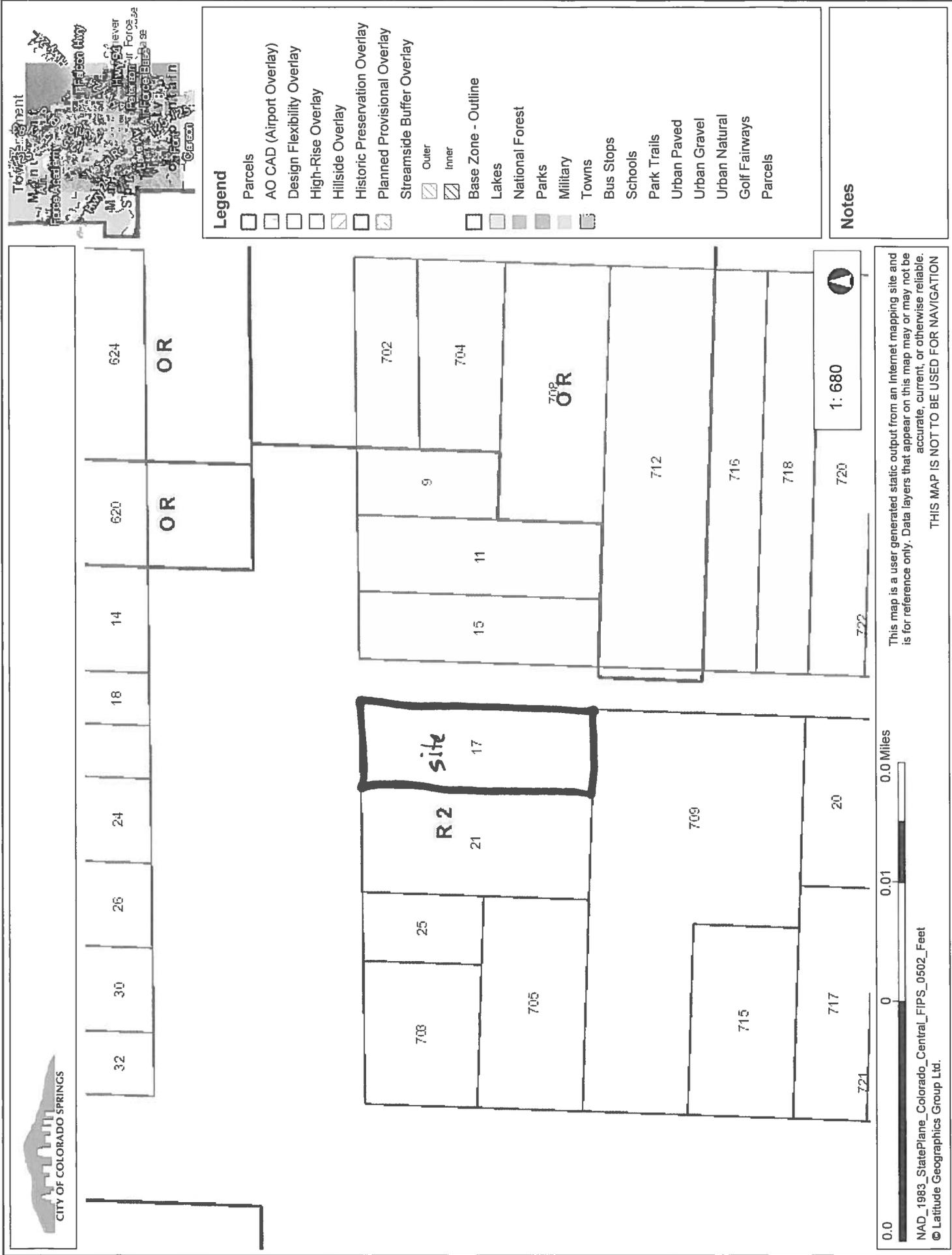


FIGURE 2

Tefertiller, Ryan

From: Susan Edmondson <Susan@downtowncs.com>
Sent: Tuesday, July 23, 2013 12:32 PM
To: Andrea Barker (andrea.barker@hbaa.com); Chris Jenkins; David Lord (DLord@griffisresidential.com); Eddie Bishop; Jim Rees; Lisa Tessarowicz; Randy Case ; Randy Case - Blackberry; Tefertiller, Ryan; Steve Engel; Urban Strategies/Les Gruen
Subject: DP development committee
Attachments: CPC UV 13-00072.pdf

Downtown Partnership Development Committee,

Please see the attached buckslip regarding use of a small home in the Mill Street neighborhood for commercial kitchen purposes. I have no concerns about this proposal and think it is a positive development. If you have any concerns and would like a meeting to review it, please let me know asap and I will get something scheduled.

Also, fyi, as followup to the KKTV satellite bay proposal, the architects (Nakai) have been very responsive and reviewed a new design with me last week that would be a stucco wall with stone posts on the north and west sides (as requested) and is a vast improvement over the chainlink and barbed wire of the original proposal.

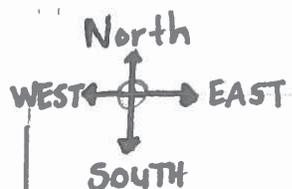
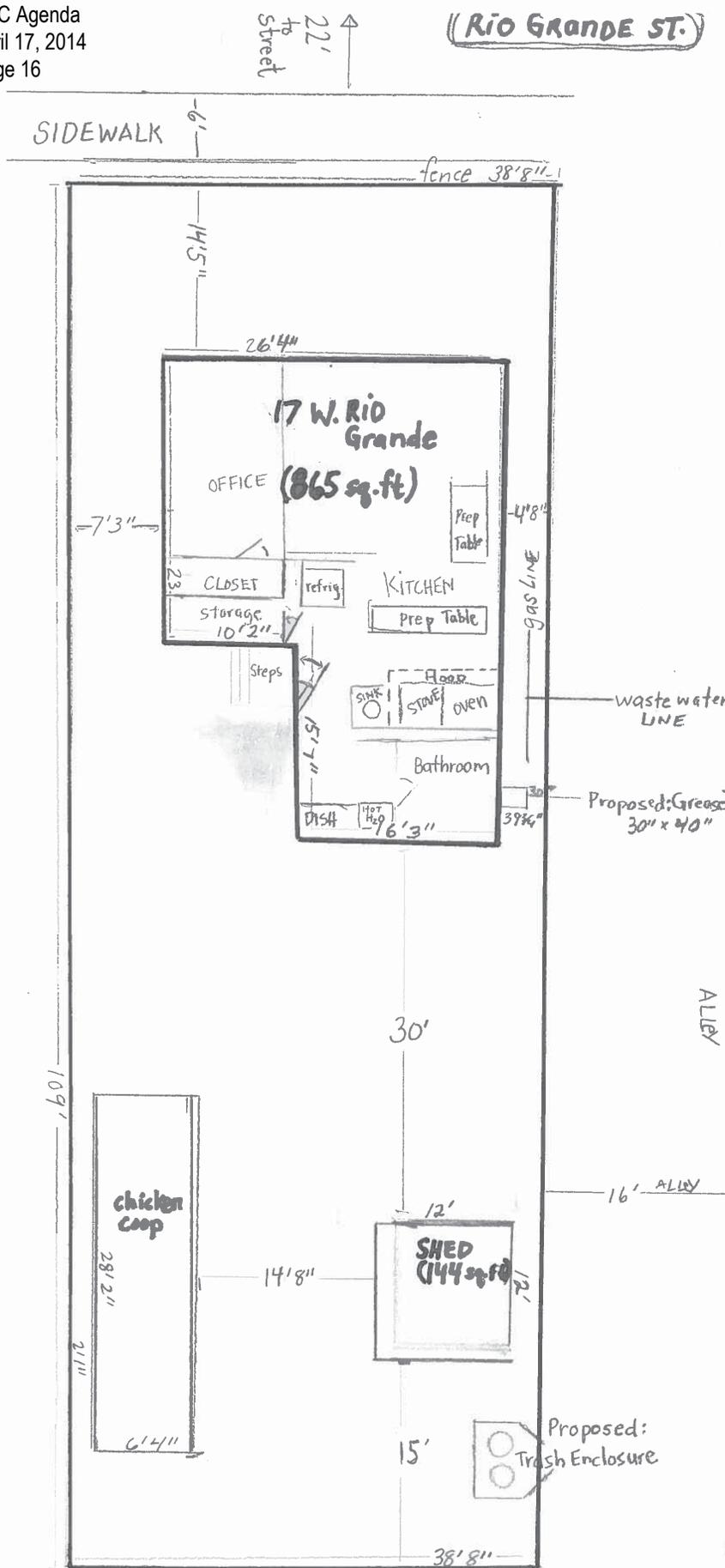
Thank you!



Susan Edmondson

President & CEO
Downtown Partnership of Colorado Springs
111 S. Tejon St. Ste. 404
Colorado Springs, CO 80903
719.886.0088
www.DowntownCS.com

(RIO GRANDE ST.)



- Use Variance MAP
- SITE LOCATION:
 17 West Rio Grande
 (E40 FT. OF LOTS 1,
 2 BLK 302 ADD
 2 COLO SPES)
- FILE # CPC UV
 13-00072

• property owners
 Kurt Bunch
 Alexius Weston

• project description:
 convert existing
 R2 into commercial
 kitchen to support
 existing restaurant,
 to east, Shuga's.

Scale
 1 inch = 10 feet

REVISED

Plan NOTES

- * THE KITCHEN USE PERMITTED THROUGH THIS APPLICATION IS TO BE USED AS ACCESSORY TO THE RESTAURANT AT 702 S. CASCADE AVE. ONLY.
- * HOURS OF OPERATION LIMITED TO 7AM - 9PM.
- * NO NEW LIGHTING OR SIGNAGE PERMITTED ON SITE.

FIGURE 4

FILE # CPC UV
 13-00072

CITY PLANNING COMMISSION AGENDA

ITEM NO: 5

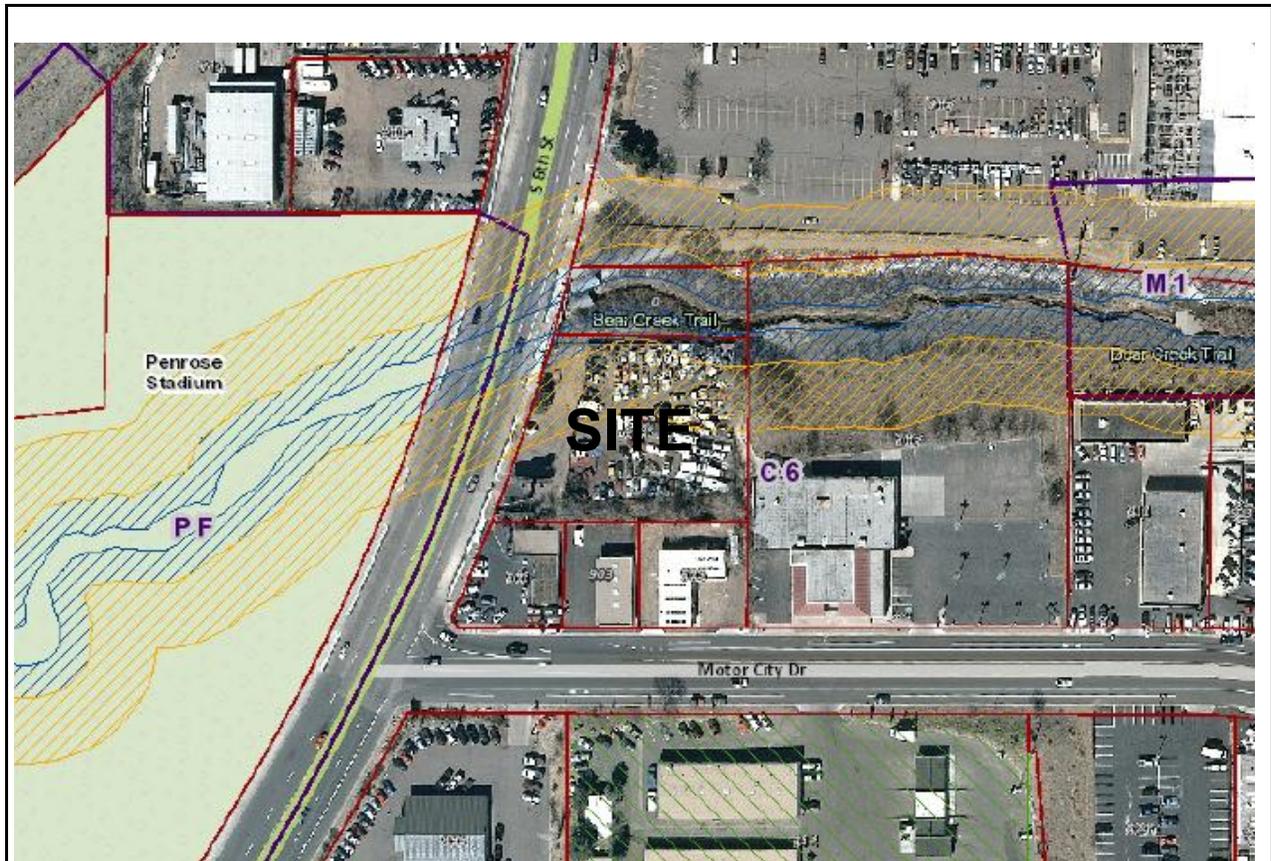
STAFF:
RYAN TEFERTILLER

FILE NO:
CPC CU 14-00028 – QUASI-JUDICIAL

PROJECT: 801 S. 8TH STREET TOW YARD AND AUTO RENTAL

APPLICANT: TIMOTHY AND JANELLA CRANMER OF TIM'S MANNAGIFT, INC.

OWNER: MICHAEL AND CHRISTINE LOBUE



PROJECT SUMMARY:

1. Project Description: This project consists of a conditional use for the 32,500 square foot, C6/SS (General Commercial with the Streamside Overlay) zoned property located at 801 S. 8th St. to allow the property to be used for auto rental. The subject property is unplatted and includes no permanent structures, but has been used for auto storage for many years. The majority of the site is fenced to contain the auto storage use and a mobile trailer has recently been set at the site to serve as a temporary office. The applicant is requesting a conditional use to allow auto rental (specifically U-Haul trucks and trailers) within the Streamside Overlay zone. The site is located on the east side of S. 8th St. just north of Motor City Dr.
2. Applicant's Project Statements: **(FIGURE 1)**
3. Planning and Development Team's Recommendation: **Approval of the application with technical modifications.**

BACKGROUND:

1. Site Address: 801 S. 8th Street
2. Existing Zoning/Land Use: C6/SS (General Commercial with the Streamside Overlay) / auto storage yard **(FIGURE 2)**
3. Surrounding Zoning/Land Use:
North: C6/SS (General Commercial with the Streamside Overlay) / Wal-Mart Supercenter
South: C6 (General Commercial) / auto-related commercial
East: C6 (General Commercial) / auto-related commercial
West: PF/SS (Public Facilities with the Streamside Overlay) and C6 (General Commercial) / Bear Creek Park, the Penrose Event Center, and auto-related commercial
4. Comprehensive Plan/Designated 2020 Land Use: Commercial Center
5. Annexation: Fountain Creek Addition (January 1958)
6. Master Plan/Designated Master Plan Land Use: None
7. Subdivision: Unplatted
8. Zoning Enforcement Action: none
9. Physical Characteristics: The property is developed as an auto storage yard, is relatively flat, and has no significant natural features in spite of being adjacent to Bear Creek

STAKEHOLDER PROCESS AND INVOLVEMENT:

The standard City notification and posting process was used with 19 property owners within 500 feet of the project notified at the time of submittal. Staff received no comments from adjacent property owners or other stakeholder groups. All applicable City agencies and departments were asked to review and comment; the majority of departmental comments were addressed within the applicant's plans. Those issues that are still not completely resolved appear below as technical and informational

modifications to the use variance development plan. Prior to the City Planning Commission hearing, the site will be posted and postcards mailed once again.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria / Design & Development Issues:

The subject property has been zoned commercially since annexation in 1958. Although surrounding properties have developed with a range of commercial uses, primarily auto-related uses, the subject property has not supported structural development. This is largely due to the fact that the site does not have access to sanitary sewer service without the use of a lift station to deliver the waste to a main in the Motor City Dr. right-of-way.

Although access to utilities has presented challenges to the full development of the property it has had a range of productive commercial uses. In 1991, a variance was granted by the City's Hearing Officer to allow the property to be used for RV storage. That use appears to have evolved into more generic automobile storage around 2007. While the current version of the Streamside Overlay zone requires that all automotive uses receive approval of a conditional use permit, staff has determined that the auto storage use pre-dated this requirement and is therefore considered legal non-conforming.

While the auto-storage use associated with the applicant's towing business is considered legal within the streamside overlay given the site's history, the applicant wishes to add an auto rental operation to the front of the site. Specifically, small and mid-sized U-Haul trucks and trailers are proposed to be rented from the property. This additional use on the site must receive a conditional use permit prior to commencing.

The site plan submitted to the City as part of the conditional use application (**FIGURE 3**) requires numerous improvements (see the technical modifications described at the conclusion of this report), but illustrates how the site is to be used, the extent of the streamside overlay zone, the extent of the 100-year floodplain, the rental office structure, customer parking, and limited landscaping. While the general site layout is supported by staff, there are numerous noteworthy plan improvements necessary including the paving the rental truck display area and minor landscape improvements along S. 8th St. and the creek. The applicant is currently in discussion with the property owner regarding these site improvements.

The ultimate factor for this application is the analysis of the required conditional use review criteria. The three conditional use criteria are:

- A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.

- B. Intent Of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.
- C. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.

The proposed use, auto rental, is consistent with similar uses in the area. The only difference with the subject property is the presence of the streamside overlay which restricts auto-related uses along the City's creeks and streams. While Bear Creek is immediately north of the site, the subject property includes few, if any, natural riparian characteristics. The site has been used for auto-storage, or similar uses, for over 20 years, and has little direct relationship with the stream. There is an existing public trail running parallel to the stream on the north creek bank, and therefore trail connections from the site to the trail are impossible. While the proposed auto rental will not directly benefit or support the adjacent stream it is not expected to create any new impacts given the surrounding land uses. The presence of existing culverts allowing the stream to flow under S. 8th Street and the existing overhead electrical lines are both bigger impacts to the natural environment than the proposed auto rental.

Staff finds that the proposed request is consistent with the necessary conditional use criteria and recommends approval of the application with numerous technical modifications.

- 2. Conformance with the City Comprehensive Plan: This project is consistent with the City's Comprehensive Plan objectives, policies and strategies. Those statements that support the proposed project include:

Policy LU 201: Promote a Focused, Consolidated Land Use Pattern

Locate new growth and development in well-defined contiguous areas in order to avoid leapfrog, scattered land use patterns that cannot be adequately provided with City services.

Policy LU 202: Make Natural and Scenic Areas and Greenways an Integral Part of the Land Use Pattern

Treat the City's significant natural features, scenic areas, trail corridors, and greenways as critically important land uses and infrastructure that represent major public and private investments and are an integral part of the city and its land use pattern.

Strategy LU 302c: Promote Compatibility between Land Uses of Differing Intensities

Design and develop mixed land uses to ensure compatibility and appropriate transitions between land uses that vary in intensity and scale.

Policy LU 401: Encourage Appropriate Uses and Designs for Redevelopment and Infill Projects

Work with property owners in neighborhoods, the downtown, and other existing activity centers and corridors to determine appropriate uses and criteria for redevelopment and infill projects to ensure compatibility with the surrounding area.

Strategy LU 702b: Redevelop and Infill Commercial Uses in Mature/Development Corridors to Form Activity Centers

Redevelop and infill commercial uses in mature/redevelopment corridors to support the formation and evolution of new activity centers. Coordinate the formation of new activity centers with the redevelopment of the entire corridor.

STAFF RECOMMENDATION:

Item No: 5 CPC CU 14-00028 – Conditional Use Development Plan

Approve the proposed conditional use development plan based upon the finding that the plan complies with the criteria in City Code Sections 7.3.508, 7.5.704 and 7.5.502.E and is subject to compliance with the following technical and informational plan modifications:

Technical and Informational Modifications to the Conditional Use Development Plan:

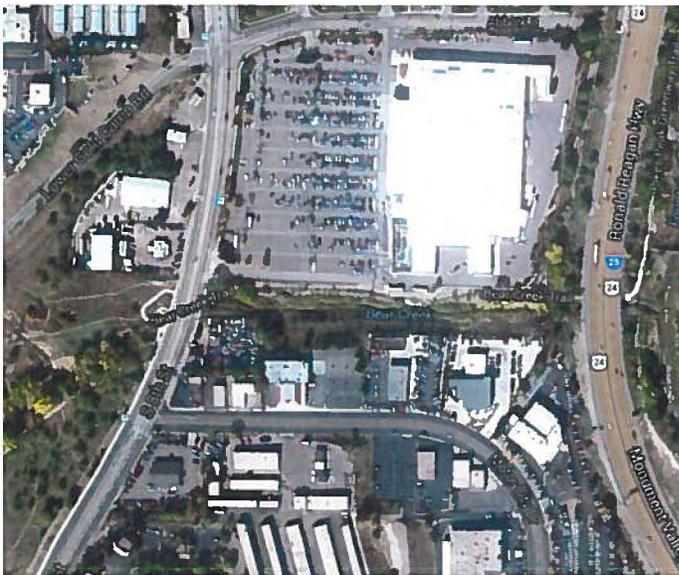
1. Add the file number to the bottom right-hand corner of the plan.
 2. Ensure that the plan is produced at a standardized scale.
 3. Update the plan data to include all the required information including: project name, property owner information, applicant information, and the tax schedule number.
 4. Relocate the southwestern-most parking stall to minimize potential conflicts with vehicles entering the site.
 5. Illustrate the paving of the auto rental (truck and trailer) display area with asphalt.
 6. Add the required streamside criteria and responses to the plan itself; this can be accommodated via a second or third plan sheet.
 7. Add the required streamside overlay data such as the name of the creek, the toe of the bank, and the percent impervious surface within the overlay.
 8. Add a note to the plan reading: any redevelopment of the site beyond the uses shown on the conditional use development plan will require the construction of the public sidewalk along the property's S. 8th St. frontage.
 9. Revise the plan to add landscaping near the property's northwestern corner to screen the auto/truck rental display area while also adhering to Colorado Springs Utilities standards for landscaping near overhead electrical facilities.
-



Mailing Address: PO Box 38086, Colorado Springs, CO 80937
Street Address: 801 S. 8th Street, Colorado Springs, CO 80905
Phone: (719) 578-5566 Fax: (719) 471-3481
Project Name: TMI 801 S. 8th St.

Conditional Use Cover Sheet

1.) Vicinity Map:



2.) Project Name: TMI 801 S. 8th St.

Description: Conditional Use Permit for 801 S. 8th Street, Colorado Springs, CO 80905

3.) Owner: Michael A. and Christine H. Lobue.

Developer Name: Tim's Mannagift, Inc, Timothy and Janella Cranmer

4.) Applicant Name: Tim's Mannagift, Inc, Timothy and Janella Cranmer

5.) Date Preparation: February 14, 2014

6.) Total Development Area: Total Lot Coverage 31,800 square feet, El Paso County Assessor's Total 32,500 square feet

7.) Legal Description:

TRACT IN NW4NE4 OF SEC 24-14-67 AS FOLS; BEG AT NE COR OF LOT 2 OF PORAK SUB, TH N 170.0 FT M/L TO SE COR OF TRACT CONV BY BK 2436-146, WLY ALG SLY BDRY OF SD TRACT 162.9 FT TO ELY R/W LN OF EIGHTH ST, SWLY ALG SD R/W LN 183.0 FT M/L, TH E 235.85 FT TO POB.



Mailing Address: PO Box 38086, Colorado Springs, CO 80937
Street Address: 801 S. 8th Street, Colorado Springs, CO 80905
Phone: (719) 578-5566 Fax: (719) 471-3481
Project Name: TMI 801 S. 8th St.

The Project Statement for the location of 801 S. 8th St, Colorado Springs, CO 80905 consists of several components that follow below. The company information is listed and pertinent information regarding the location is listed below. We encourage feedback if there are any questions regarding the following statement.

Site Address: 801 S. 8th St, Colorado Springs, CO 80905. The owners of the property are Michael A. and Christine H. Lobue. Mr. and Mrs. Lobue's address is 264 Chase Run, Lynch Station, VA 24571-2335.

Tax Schedule No: 7424104030

The legal description is the following:

TRACT IN NW4NE4 OF SEC 24-14-67 AS FOLS; BEG AT NE COR OF LOT 2 OF PORAK SUB, TH N 170.0 FT M/L TO SE COR OF TRACT CONV BY BK 2436-146, WLY ALG SLY BDRY OF SD TRACT 162.9 FT TO ELY R/W LN OF EIGHTH ST, SWLY ALG SD R/W LN 183.0 FT M/L, TH E 235.85 FT TO POB

100 Year Floodplain Map provided by Ryan Tefertiller, AICP - Senior Planner, City of Colorado



Springs, Land Use Review Division:

There is only a small portion of the North East corner that is part of the Flood Plain.

Project Plan Figure 1

Existing Land Uses and buildings that will remain with respective footprint and gross square footage and/or acreage: The existing land use is Automotive Storage, with approximately 31,800 square feet of

coverage. There are no existing buildings. This existing use will remain the same. We are asking for an additional use.

Developer and Business Leasing the property: Tim's Mannagift, Inc has entered into a three year lease for the property and is the Developer of the project. Tim's Mannagift, Inc is a small locally owned business. The owner's are Timothy and Janella Cranmer. Timothy is a Colorado Native and has lived in Colorado Springs most of his life. Timothy has over 33 years experience in the transportation business. He had a business partner and opened his first Colorado Springs company in June 2007. In October 2010 Tim's partner decided to retire, and that business was shut down. Tim and Janella began Tim's Mannagift, Inc November 2010. Janella has lived most of her life in Colorado Springs or Monument. Janella has a Masters degree in Executive Business Administration, has 30 years experience in retail sales and customer service, and 7 years experience as an Estate Planning, Wills, Trust and Corporate Planning Paralegal.

Tim's Mannagift, Inc is a local Towing company and Independent U-Haul Dealer. Colorado Springs Towing and Tim's Towing & Recovery are registered trade names of Tim's Mannagift, Inc. We are contracted with the City of Colorado Springs for the Rotational Accident Tow under 10k. We are also one of three companies that provide service for Manitou Springs Accident and Impound Tows. We market our towing services through a Smart Phone "Click to Call" website, through Restaurant Trivia Pages, sponsorship of Cheyenne Mountain Skyway Elementary Robotics Club, and Manitou Springs High School Alive to 25 program. We provide towing services for local mechanics, tire shops, auto body shops, auto part stores, and other businesses. We recommend local businesses all over town to our customers according to each of their unique specialties. Tim's Mannagift is a small company, but we do contribute to the local economy and we are patrons at many small businesses in town. We value our customers and community. As citizens in a community that we love, we are very strong about our civic duty and contribution in keeping our community the best it can be.

Tim's Mannagift, Inc believes in honesty, truthfulness, respect, having high standard of morals, a high level of integrity, being trustworthy, loyalty, dependability, stability, we do not take advantage of people nor overcharge people for our services, we believe in giving back to the community, social responsibility, and setting good examples. We aim to provide the best towing and customer service in Colorado Springs. We have been featured in the Westside Pioneer Community Newspaper twice since we opened in the articles "Meet a Westsider" and "Biz Buzz".

Proposed land use of a small portion of the Stream Overlay and buildings: The location of 801 S. 8th St has been used previously for the land use of a Towing Company and Auto Storage. Approximately half of the lot is an existing Stream Overlay. The Creek is located on the North side of the property line; the name of it is Bear Creek. The stream is a small trickle and it is our understanding the only time there is a lot of water in it, is during flooding. There are 3 Ponderosa or Austrian Pine Trees located on the North/West side of the property next to 8th St. The area of the Pines trees is part of the Stream Overlay. It is in this area that we are requesting a conditional use permit to strategically place U-Haul trailers and trucks. The width of the area is 34 feet wide from the Easement next to 8th Street east to the fence and is 47 feet long from the North corner of the lot. The square footage of the proposed U-Haul equipment area is 1,598.

The U-Haul portion of the business should not cause any environmental concerns regarding the Stream Overlay. U-Haul has a regular preventive maintenance program that is strictly adhered to. In addition, every piece of equipment returned from a rental is investigated for damage, leaks, mechanical failures, fluids checked, upon

return of the equipment. Therefore the proposed area to place the trailers and trucks will not include any broken, leaking nor damaged equipment. If there are any issues with the equipment it will be placed into the auto storage area inside of the fenced area, and promptly be reported to the U-Haul equipment maintenance department, and will be promptly picked up by a U-Haul representative and taken to a repair shop.

Mobile Construction Office: Tim's Mannagift, Inc owns a Mobile Construction Office. It is registered and has a SMM Sticker. The placement of the trailer should be along the South portion of the lot. There is a retaining wall located South 22 feet from the NW corner of the office, 10 feet from the SW corner of the office, 28 feet from the NE corner of the office and 16 feet from the SE corner of the office. The retaining wall is at the base of a very steep hill, the top of the hill is the property line and the hill rises quite a bit higher than the top of the Mobile Construction Office. The height of the office is 11.9 feet, and does not rise above the hill located between the office and the back of the property's neighbors, nor does it block the Lamar sign of 805 S. 8th St, Colorado Springs, CO 80905.

The mobile office requires 200 AMP electric service, consists of 3 rooms and a storage area. The site has electric service that was placed by Berwick Electric. The office is 12 feet wide and 60 feet long. The west room is used for U-Haul supplies (dollies, packing blankets, boxes etc.) The center room has a 107 inch dividing wall with sliding glass, on the south side of the wall is a desk, and on the north side of the wall there is a customer counter (for signing documents for the towing customers, insurance adjusters, towing companies and U-Haul customers) and the customer entrance to the office. On the east side of the dividing wall there is a door to enter the center room. The center room also has the storage room for cleaning supplies etc. The east room is used for towing tools and supplies (such as absorbent, cables, truck fluids etc), file storage, and has 2 outside employee entrances. The square footage of the building is 672 feet. The bottom of the office will be skirted and will seal up the access under the office as well as access into the fenced area. The office is 34 feet from the 10 foot 8th Street Easement from the West side of the office, and 94 feet from the 10 foot 8th Street easement from the east side of the office, and the fence is snugged up to the office on the north side of the office and the south side of the office. This allows for customers to have easy access into the office and allows employees easy access into the fenced yard without opening the gate every time.

There is water delivered by Deep Rock Water. There is no public bathroom; there is an S & B Porta-Bowl Restrooms Inc., Portable Restroom that will sit between the office and the retaining wall, within the fenced area, so it will not be seen by passing traffic and customers. The Portable Restroom is 5 feet wide by 5 feet long and 8 feet tall. The service for the Portable Restroom is every Tuesday, for waste collection and cleaning, hand sanitizer and tissue restocked by S & B Porta-Bowl Restrooms.

The customer entrance into the office will have steps and an ADA approved ramp. The ramp will extend from the deck in front of the customer entrance; the deck is 8' x 2" from east to west and 8' x 6" from the north to the south. From the south east corner of the deck the ramp will be 4' wide, 16' long, with a 1 inch rise per foot, then come to a resting flat spot of 5' x 5'. From the resting spot the 4' wide ramp will extend 20', with a 1 inch rise per foot, along the west side of the 6' solid wood fence then a 5' x 5' resting flat spot located in front of the 14' x 18' Handicap Parking Space.

The use of the office will facilitate the following:

Towing Business Use of Office:

1. Storage files for tows, documentation for Colorado Public Utilities, DOT/MC, Driver's Files, Towing Tools, Cables, Fluids, etc.
2. Allow someone to be on site and have shelter, heat/air conditioner and lights Monday – Friday 9:00 a.m. to 5:00 p.m. and Saturday 9:00 a.m. to Noon , for customers, insurance adjusters, towing companies to pick up vehicles from our storage.
3. Electricity to plug diesel tow trucks in, to keep trucks up and running during below freezing temperatures.

U-Haul Business Use of Office:

1. To operate computer, printer and internet for U-Haul contracts and receipts.
2. Storage of U-Haul contracts and receipts.
3. Storage of U-Haul dealer supplies (oil, windshield washer fluid, replacement light bulbs, and trailer light plugs, etc).
4. Storage of U-Haul Customer Moving Supplies (packing blankets, utility dollies, furniture dollies, appliance dollies, boxes, packing paper, etc).
5. To allow shelter and heat/air conditioner for customers during the rental process.

Existing Easement: 10 Foot Easement on West and North sides of the location. The easement should remain the same. Most of the North easement is for Colorado Springs Utilities and has steep inclines, the West easement is public use along 8th Street.

Parking Information Provided by Ryan Tefertiller, AICP - Senior Planner, City of Colorado Springs, Land Use Review Division:

“Generally, the number of parking stalls required is based on the square footage of your building. I’ve cut/pasted the requirements for an auto storage yard and auto sales (which is the formal land use type for a U-Haul rental) below. Because your building is so small, I think 3 stalls are adequate for customers, but your employee parking should be called out too (assuming it is within the fenced area). Yes, one ADA stall is adequate. **Automotive storage yard:** 1 space per 400 square feet of office space¹. **Automotive sales:** 1 space per 400 square feet of office space plus adequate space for vehicle storage and display¹.”

Based on the information provided by Mr. Tefertiller we have placed 3 parking spaces on the site plan, one of which is an ADA stall, as well as 4 staff parking within the Automotive Storage Yard. The square footage of the Construction Mobile Office is 672 square feet. The equation provided above would be $672/400= 1.68$ parking spaces.

Geologic hazard disclosure statement: non-applicable.

Notes describing additional standards for specific uses: non-applicable.

Notes describing any approved variances which apply to the property, including City file number and approval date: non-applicable

Zone district and any applicable conditions of record with City Ordinance number: C6/SS

Notes describing the project's inclusion within a special district, improvement incorporation and/or its subjectivity to a development agreement: non-applicable

Notes describing the use, ownership and maintenance of common areas, tracts, no-build and/or preservation areas and easements: The easement on the West side of the property is common public areas and sidewalks. The easement on the North side of the property is for Colorado Springs Utilities High Voltage Transmission Power Lines and Poles; in addition there is a steep incline on the South side of the Stream that travels along the North side of the property. North of the Stream is Bear Creek Trail, on the North side of the trail is Walmart Super Center 707 S. 8th St. The use, ownership, maintenance of the common areas of the easements would be Colorado Springs Utilities and Colorado Springs Parks and Recreation. As citizens of Colorado Springs we certainly will due our share of making sure that the areas we have direct access to are free litter.

Schedule of Development:

The setting of the Mobile Construction Office, Fence upgrade on the west side, U-Haul opening and planting of trees will be completed within 4 months from approval. The tree planting is subject to weather conditions and the frozen ground of course.

Non-residential Projects: Indicate the potential land use types and approximate site area and building use, floor area, minimum lot area and width, minimum front, side and rear setbacks, building height and percent of lot coverage. Indicate the total percent of site covered with both structures and impervious surfaces: The potential conditional land use that we are asking for is for the small portion of the streamside overlay to be able to use for Automotive sales, which is really not for sales, but rather for U-Haul truck and trailer rentals. The percentage of use is approximately .05% of the lot, and 1,598 square feet. The Construction Mobile Office and Portable Restroom impervious surface is approximately .03% of the lot, and 697 square feet. There is approximately 11% of pre-existing impervious surface with the black top of 3,362 square feet. Total impervious surface is approximately 11.03% and 4,059 square feet. Total together between proposed U-Haul usage of lot and impervious surface and buildings is approximately 11.08% of the lot, and 5,657 square feet.

Explanation of the graphic components on the site plan:

City Boundaries: non-applicable

Property boundaries and dimensions: North boundary is 162.9 Feet, East boundary is 159.72 Feet, South boundary is 235.85 Feet, West boundary is 183.0 Feet.

Existing and proposed lots and tract lines, with dimensions: non-applicable

Existing and proposed land uses within the property boundaries. Include area, dimensions, and densities (if applicable): Auto Storage Yard is existing zone C6/SS, the boundaries of the storage yard are inside of the fenced area. North boundary is 128.9 feet with a 6 foot solid wood fence, East boundary is 145.72 feet with a 6 foot chain link fence, South boundary is 98 feet with a retaining wall, a steep hill that has a 6 foot chain link fence at the top of the hill, the west side is 133 feet of 6 foot solid wood fence and 12 foot of the construction Mobile Office.

Existing and proposed zone district boundaries: the entire lot is C6/SS Automotive Storage Yard, we are proposing to only add a small portion of conditional use of Automotive Sales, for U-Haul rentals.

Existing and proposed public or private open space and common areas. Provide sizes and dimensions: Existing public open space boundaries are as follows: North Boundary begins at the most North entrance into the property 44 foot, East boundary is the 6 foot solid wood fence and is 121 feet, the South boundary is the Construction Mobile Office 48 feet, the East boundary is the most Southern entrance to the most Northern entrance and is 80 feet. In addition, to the common areas in the lot there is a 10 foot easement along the west side of the property with a City sidewalk.

Existing streams and other natural features as shown in the approved Land Suitability Analysis. Show Preservation easements and/or protection areas: The existing stream is Bear Creek just west of its junction with Fountain Creek. The protection area is North of the Northern boundary of the property as well as the Northern Fences (6 foot solid wood fence and 40 inch 2 rail cedar fence). This area will not be touched, disturbed, or changed in any manner; North of the property, north of the easement, north of the protected area, north of the outer buffer and inner buffer and north of Bear Creek is the Bear Creek Trail.

Existing historic sites and resources: None known.

Existing and proposed topography at two-foot maximum contour intervals: non-applicable.

Show existing and proposed easements, indicating dimensions, use and maintenance information: 10 Foot Easement on West and North sides of the location. The easement should remain the same. Most of the easements are steep inclines or public use along 8th Street.

Location and dimensions of building and landscape setbacks and buffers: The location of the Construction Mobile Office and Portable Restroom are on the South West side of the property. The location of the landscaping privacy screening of the property is on the North West side of the property. The screening is the current 3 Ponderosa or Austrian Pine Trees, and a proposed additional 3 Ponderosa or Austrian Pine Trees.

Subdivision name labels for all lots adjacent to the site: The lots adjacent to the site are all commercial lots; the businesses that are operating at those locations are the following: North of site, Walmart Super center, 707 S. 8th St, East of site no businesses, open spaces until Interstate 25, South of site (West to East) Circle Auto Center 901 Motor City Dr., Fillmore Auto Brokers 913 Motor City Dr, Auto Express 915 Motor City Dr, West of site Helton Auto Inc, 806 S. 8th St, Bruno's Party Time Rental 740 S. 8th St.

Show land uses, principal Buildings, street names, significant natural features, public facilities, easements, and zone districts for sites within 100 feet of the property boundaries:

The lots adjacent to the site are all commercial lots; the businesses that are operating at those locations are the following: North of site, Walmart Super center, 707 S. 8th St Zone C6/M1/SS, Retail Sales, East of site no businesses, open spaces until Interstate 25, South of site (West to East) Circle Auto Center 901 Motor City Dr. Zone C6 Automotive Sales, Fillmore Auto Brokers 913 Motor City Dr. Zone C6/SS Automotive Sales, Auto Express 915 Motor City Dr. Zone C6/SS Automotive Sales, West of site Helton Auto Inc, 806 S. 8th St. Zone C6, Automotive Sales, Bruno's Party Time Rental 740 S. 8th St. Zone C6.

Show location of any water quality features: North of site is Bear Creek, part of the Fountain Water Shed. East boundary of the site is a Drainage System/Water Canal.

Streets and Alleys:

Existing and proposed streets, intersections, street names, classifications, with the exact location and widths of right-of-ways and pavement types, curb types and other street improvements: The existing street is South 8th Street. No proposed streets.

Identify all streets as “public” or “private”: 8th Street is a public street.

Show and label all access points to the property from adjacent streets and alleys: There are 2 access points (curb cuts) into the property from 8th Street.

Show and label all speed line of sight visibility areas at all street intersections: The speed on 8th Street which is West of the property is 35 MPH.

All existing and proposed medians, traffic islands, traffic control devises, and roundabouts. Provide dimensions and size and identify maintenance responsibilities: No proposed medians, traffic islands, traffic control devises nor roundabouts.

Show all existing and proposed acceleration and deceleration lanes, including dimensions, length and width: No proposed acceleration or deceleration lanes. Existing Dedicated Right Turn Lane and existing Center Turn Lane on 8th Street.

Show any existing or proposed encroachments into the public right-of-way that require a Revocable Permit: Non-applicable.

Provide typical cross-sections for all proposed streets and alleys: Non-applicable.

Sidewalks and Trails:

Show all existing and proposed locations, dimensions and surface materials of all sidewalks, trail and bicycle pathways. Note the condition of these facilities: No proposed facilities.

Show pedestrian ramps at all pedestrian crossing, at all intersections with reference made to City standard type: Non-applicable.

Show any and all sidewalks connecting building entries to exterior and public sidewalks: The connecting building entry for handicap will be a new ADA ramp. No other sidewalks on the site. Public access City sidewalk on West boundary of site.

Show and label existing and proposed public improvement easements for sidewalks and pedestrian ramps outside of dedicated right-of-way areas: Non-applicable.

For detached sidewalks, show the distance from the back of curb to the edge of sidewalk: Non-applicable.

If applicable, show the size and location and provide a detail of bicycle storage/parking racks:

Non-applicable.

Internal Traffic Circulation, Driveways, Aisles and Fire Lanes: Non-applicable

Provide location, grade, dimensions and pavement material for all access travel-ways including driveways, drive aisles, fire lanes, curb cuts, and intersections. Call out City standard details if within City right-of-way or easements: Non-applicable

Show and label any access easements, existing or proposed: There are two existing curb cut accesses into the property from the West boundary, which is 8th Street.

Show the location and dimensions of all loading and maneuvering areas and stacking lanes. Provide pavement type, as well: Non-applicable.

Identify location and type of any curbs and/or sides of roadways and extents thereof to be marked as fire lane(s): Non-applicable.

For residential projects, indicate the minimum length of driveways from garage door to property line and to back of sidewalk: Non-applicable.

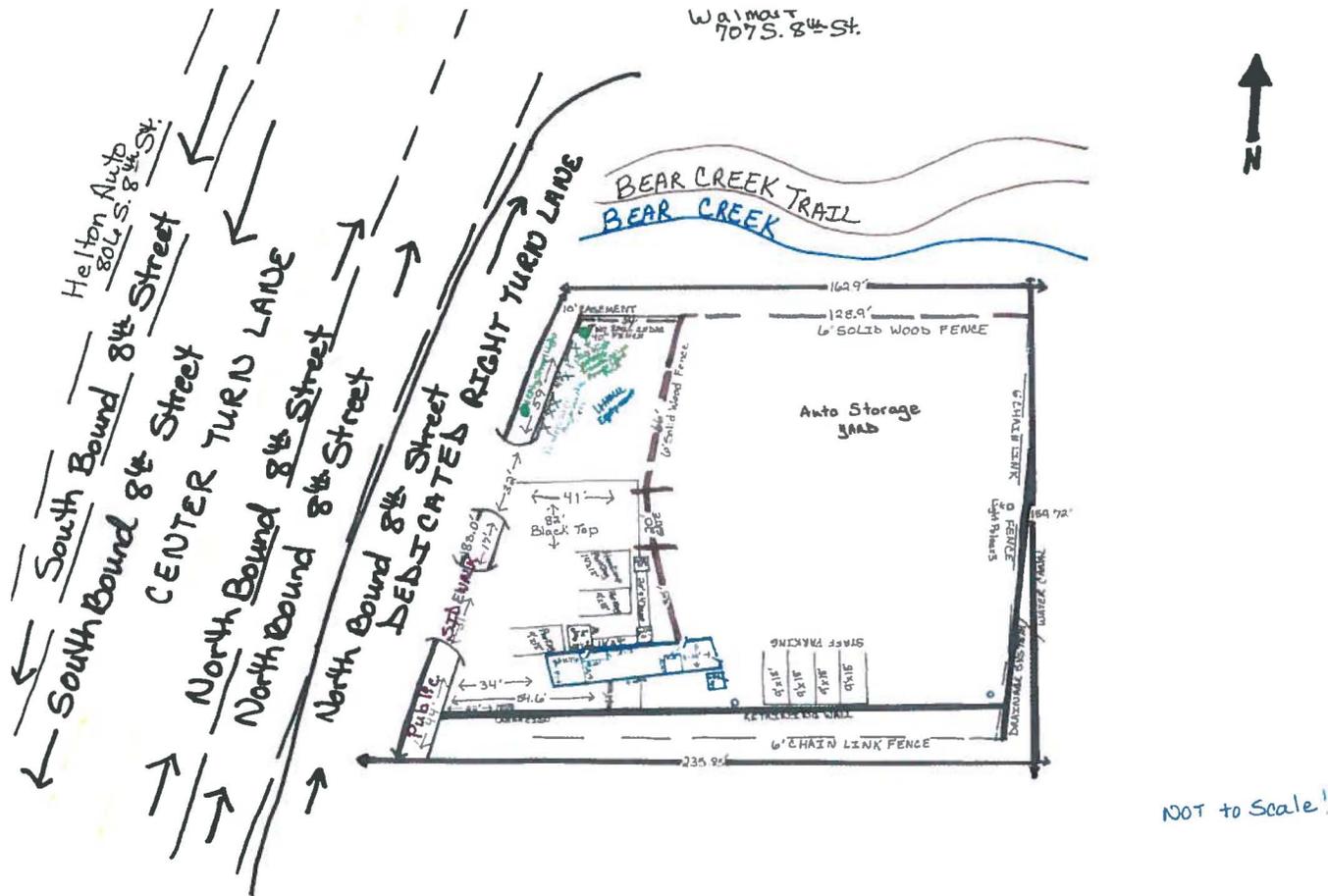
Show any noise mitigation methods (i.e. sound barrier walls, etc), if applicable: Non-applicable.

External Traffic Patterns: South bound direction of traffic on 8th St includes a middle turning lane, the most southern part of the turning lane begins the left turn onto Motor City Dr. The Northbound direction of traffic on 8th St. directly along the west side of the property includes a designated right turn only lane into the Walmart Parking lot.

The traffic into our business should not cause issues for the neighbors, on the North side: Walmart and the South side: Circle Auto Center Inc. Most of Walmart's traffic enters from the North side of Walmart on Lower Gold Camp Road. The traffic from our business should remain minimal considering how small of a U-Haul dealer we are, and most of the towed vehicles are not brought to our lot. Most of our towing business consists of broken down vehicles being picked up at the disablement location and brought to a repair shop. The vehicles that are brought to our yard are from the accident tow rotations with the City of Colorado Springs and accident tow rotations and impound rotations the City of Manitou Springs.

Should the City of Colorado Springs have any traffic circulation patterns of concern, we believe that a sign leaving the location that states "No Left Turn" or "Right Turn Only" would keep the customers safe leaving the property and the center turn lane would keep customers safe, entering the property from South bound 8th St, and the designated right turn lane would keep customers safe entering the property from North bound 8th St.

The procedure for renting out the equipment includes a U-Haul Dealer to hook up trailers to the customer's vehicle and pulling the trucks out for the easiest departure route for the customer. Therefore upon completing the U-Haul rental paperwork and payment, we take care of the equipment hook-up for the customer. This procedure includes instruction for departure to the customer, during which time we can re-iterate to depart from the property by turning right only. To give you an idea of the amount of traffic we are talking about, the 2013 gross sales were \$34,122.33 and the number of transactions (rentals) was 72.



Project Plan Figure 2

Parking lots, Areas & Spaces

Location and dimensions of parking lots/area and drive aisles. Indicate pavement material: Pre-existing Black Top.

Location and number of all regular, compact, and handicapped spaces and access aisles: 2 regular parking spaces and 1 handicapped space.

Provide a typical or detail with dimensions of typical regular and compact parking spaces types: The regular parking space dimensions are 9 feet wide and 18 feet long.

Provide a detail with dimensions of typical handicap parking spaces, side aisles, ramp design and location and signage: The dimensions of the handicap parking space is 14 feet wide and 18 feet long. The handicap ramp is located directly in front of the handicap space with a landing spot of 5 feet wide by 5 feet long, the ramp goes south from the landing area 20 feet long by 4 feet wide with a rise of 1 inch per 1 foot of ramp then flows into a resting spot of 5 feet wide and 5 feet long then the ramp continues West 16 feet long by 4 feet wide with a 1 inch rise per foot, then comes to rest on the deck that is 8 feet 2 inches wide and 8 feet 6 inches long. The handicap parking sign will be placed on the wooden fence in front of the parking space.

Indicate the type of curbs and provide details for the perimeter enclosure for parking areas and landscape islands: Non-applicable.

Buildings and Structures:

Indicate the use for all buildings: Mobile Construction Office: Tim's Mannagift, Inc owns a Mobile Construction Office. It is registered and has a SMM Sticker. The placement of the trailer should be along the South portion of the lot. There is a retaining wall located South 22 feet from the NW corner of the office, 10 feet from the SW corner of the office, 28 feet from the NE corner of the office and 16 feet from the SE corner of the office. The retaining wall is at the base of a very steep hill, the top of the hill is the property line and the hill rises quite a bit higher than the top of the trailer. The height of the office is 11.9 feet, and does not block the hill located between the office and the back of the property's neighbor, nor does it block the Lamar sign of 805 S. 8th St, Colorado Springs, CO 80905.

The mobile office requires 200 AMP electric service, consists of 3 rooms and a storage area. The lot has electric service that was placed by Berwick Electric. The office is 12 feet wide and 60 feet long. The west room is used for U-Haul supplies (dollies, packing blankets, boxes etc.) The center room has a 107 inch dividing wall with sliding glass, on the south side of the wall is a desk, and on the north side of the wall there is a customer counter (for signing documents for the towing customers, insurance adjusters, towing companies and U-Haul customers) and the customer entrance to the office. On the east side of the dividing wall there is a door to enter the center room. The center office also has the storage room for cleaning supplies etc. The east room is used for towing tools and supplies (such as absorbent, cables, truck fluids etc), file storage, and has 2 outside employee entrances. The square footage of the building is 672 feet. The bottom of the office will be skirted with new siding and will seal up the access under the office as well as access into the fenced area. The office is 34 feet from the 10 foot 8th Street Easement from the West side of the office, and 94 feet from the 10 foot easement from the east side of the office, and the fence is snugged up to the office on the north side of the office and the south side of the office. This allows for customers to have easy access into the office and allows employees easy access into the fenced yard without opening the gate every time.

There is water delivered by Deep Rock Water. There is no public bathroom; there is an S & B Porta-Bowl Restrooms Inc., Portable Restroom that will sit between the office and the retaining wall, within the fenced area, so it will not be seen by passing traffic and customers. The Portable Restroom is 5 feet wide by 5 feet long and 8 feet tall. The service for the Portable Restroom is every Tuesday, for waste collection and cleaning, hand sanitizer and tissue restocked by S & B Porta-Bowl Restrooms.

The customer entrance into the office will have steps and an ADA approved ramp. The ramp will extend from the deck in front of the customer entrance; the deck is 8' x 2" from east to west and 8' x 6" from the north to the south. From the south east corner of the deck the ramp will be 4' wide, 16' long then come to a resting flat spot of 5' x 5'. From the resting spot the 4' wide ramp will extend 20' along the west side of the 6' solid wood fence then a 5' x 5' resting flat spot located in front of the 14' x 18' Handicap Parking Space.

The use of the office will facilitate the following:

Towing Business Use of Office:

4. Storage files for tows, documentation for Colorado Public Utilities, DOT/MC, Driver's Files, Towing tools, cables, fluids, etc.
5. Allow someone to be on site and have shelter, heat/air conditioner and lights Monday – Friday 9:00 a.m. to 5:00 p.m. and Saturday 9:00 a.m. to Noon for customers, insurance adjusters, towing companies to pick up vehicles from our storage.
6. Electricity to plug diesel tow trucks in, to keep trucks up and running during below freezing temperatures.

U-Haul Business Use of Office:

6. To operate computer, printer and internet for U-Haul contracts and receipts.
7. Storage of U-Haul contracts and receipts.
8. Storage of U-Haul dealer supplies (oil, windshield washer fluid, replacement light bulbs, and trailer light plugs, etc).
9. Storage of U-Haul Customer Moving Supplies (packing blankets, utility dollies, furniture dollies, appliance dollies, boxes, packing paper, etc).
10. To allow shelter and heat/air conditioner for customers during the rental process.

Show the exact location, dimensions, footprint, size and height of buildings: The Construction Mobile Office location is the South Western portion of the site, it is 12 feet wide by 60 feet long, and 11.9 feet tall, the Portable Restroom is 5 feet wide by 5 feet long and 8 feet tall.

Show the exact distance to the property lines: The Construction Mobile Office is located 34 feet from the West property line, and 12-16 feet from the South retaining wall.

Location and type of freestanding and low-profile signs: The Handicap Parking sign will be located on the 6 foot solid wood fence in front of the Handicap Parking space.

Location, type, materials, size and height with detailed exhibits for all fences, retaining walls and sound barrier walls:



Project Plan Figure 3



Project Plan Figure 4

Fence: The retaining wall on the property is along the South and the East side of the property. In addition to the retaining wall on the east side there is a drainage system/water run off canal. The fence that is pre-existing along the South and the East side is 6 foot chain link fence. The North side of the property has a pre-existing 6 foot solid wood fence. The West side of the property has a pre-existing 6 foot chain link fence that is falling down. We will place a 6 foot solid wood fence with a 20 foot gate entrance into the fenced area which is for auto storage and employee parking. The fence will snug up to the office on the north side and south side of the office. The wooden fence will allow privacy for the auto storage, towing equipment, employee parking and Portable Restroom.

Location, type, materials, size and height with detailed exhibit for all trash enclosures: Non-applicable. No enclosure, a 2 yard dumpster from Springs Waste.

Building Elevation Drawings: Non-applicable, not a permanent structure, 11 feet 9 inches tall, does not block surrounding properties, placed at the bottom of a very steep hill.



Project Plan Figure 5



Project Plan Figure 6

Site lighting:

Location of all site exterior light fixtures including freestanding and those attached to a building if known (if attached to a building, show also on the elevation drawings): Porch light with motion sensor attached to the Construction Mobile Office at the customer entrance and the back entrance. Three Light fixtures that are freestanding 20 foot light poles that were not connected to the 200 amp service and do not turn on.

Indicate the type of light (i.e. metal halide): Porch lights are halogen, unknown about the freestanding light poles that are non-functional.

Ensure all lighting is full cut-off and provide a detail of each light with mounting or pole height details, wattage and lumens of each fixture: Porch lights are 8 feet high and the wattage is 150 watts, the freestanding light poles are 20 feet and non-functional.

Show the type and location of existing and proposed street-lights, if this information is available: One City Street light located just North of the most North entrance onto site.



Project Plan Figure 7

A photometric plan may be required for certain uses that are adjacent to other less intensive uses, uses that are often extensively lit, such as gas canopies, convenience food stores, and auto sales. This plan will be required on a case by case basis, and the planner will notify the applicant as early in the process as possible: Non-applicable?

If no exterior lights are proposed, then a note shall be added to specifically state that no site lighting will be provided for the project: No exterior lighting other than the existing mounted porch lights on the Construction Mobile Office are requested.

Code Requirement for a Specific Use: Non-applicable

Specify any Code requirements for any additional standards for specific uses (i.e. human service establishments, accessory structures, liquor establishments, etc. and indicate how compliance is provided: None known.

Phasing Plan:

Phase area boundaries and sequence: The setting of the Mobile Construction Office, West Fence upgrade, U-Haul opening and planting of trees will be completed within 4 months from approval. The planting

of trees will be conditional upon frozen ground and weather conditions. The sequence will begin with the contractor pulling the Pikes Peak Regional Building Department permit to set the Construction Mobile Office, the West fence upgrade, installing the ADA ramp, placement of parking spaces, U-Haul opening up for business and planning of the trees.

Provide phase timing and sequencing information for the construction of the project and the construction and installation of public utilities, facilities, and site improvements for each phase area: The setting of the Mobile Construction Office, West Fence upgrade, U-Haul opening and planting of trees will be completed within 4 months from approval. The planting of trees will be conditional upon frozen ground and weather conditions. The sequence will begin with the contractor pulling the Pikes Peak Regional Building Department permit to set the Construction Mobile Office, the West fence upgrade, installing the ADA ramp, placement of parking spaces, U-Haul opening up for business and planning of the trees.

Show barriers at edges of each phase to prevent vehicles from entering and parking on unpaved areas (if applicable): Non-applicable.

Additional Components:

Preliminary Grading Plan: Non-applicable.

Preliminary Utility and Public Facility Plan: Non-applicable.

Preliminary or Final Landscape Plan: Non-applicable.

Coordinated Sign Plan (CSP), if applicable: Non-applicable.

Hillside or Streamside Compliance Plan, if applicable: Streamside Overlay Submittal is in this packet.

Land Suitability Analysis (if not approved with Master Plan or Concept Plan): Non-applicable.

Development Plan Review Criteria:

1. Will the project design be harmonious with the surrounding land uses and neighborhood? **Our belief is that yes, our business will be harmonious with the surrounding land uses and commercial neighborhood.**
2. Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities? **We do believe that the land use will be compatible with the surrounding commercial neighborhood. We do not believe that our U-Hauls sales history is small enough that we should not overburden the capacities of existing streets, utilities, parks, schools and other public facilities.**
3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties? **The Construction Mobile Office and Portable Restroom are located to minimize the impact of their use and bulk on adjacent properties.**

4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off-site negative influences and to buffer adjacent properties from the negative influences that may be created by the proposed development? **The solid wood fence will buffer the Auto Storage Yard from undesirable views, noise, lighting or other off-site negative influences and to buffer adjacent properties from the negative influences that may be created by the proposed development. The Proposed U-Haul area in the small area outside of the fence will buffer the public from undesirable views, noise, (there is no lighting) or other off-site negative influences and to buffer adjacent properties from the negative influences that may be created by the proposed development.**

5. Will vehicular access from the project to the streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise, and pollution and promotes free traffic flow without excessive interruption? **We believe that there is a natural flow of traffic due to the street design on 8th Street, the center turn lane north of Motor City allows safe waiting and passage to enter the property from Southbound 8th Street, and the designated turn lane allows for safe passage to enter the property from Northbound 8th Street. We believe those lanes are convenient, safe and allows traffic to flow in a manner that minimizes traffic friction, noise, and pollution and promotes free traffic flow with out excessive interruption.**

6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project? **Non-applicable. There are no streets within the project site.**

7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic? **Non-applicable. There are no streets within the project site.**

8. Will adequately sized parking areas be located throughout the project to provide safe? **The formula for the site project is one space for every 400 foot of the office building square footage. That is $673/400=1.68$ parking spaces. We have 2 regular parking spaces and 1 handicap parking space.**

Conditional Use Review Criteria:

7.5.704: AUTHORIZATION AND FINDINGS:

The Planning Commission may approve and/or modify a conditional use application in whole or in part, with or without conditions, only if all three (3) of the following findings are made:

- A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured. The businesses on the south side of 801 S. 8th St, are Circle Auto Center Inc. (901 Motor City Dr.), Fillmore Auto Brokers (913 Motor City Dr. and Auto Express (915 Motor City Dr.) all of which sale vehicles. The rental of U-Hauls will not impact the sale of vehicles even though the zoning is the same for both. The businesses on the west side of 8th St are Helton Auto (806 S. 8th St.) and Bruno's Party Time Rental (740 S. 8th St.), again the rental of U-Hauls

does not impact Helton Auto's vehicle sales, nor does U-Haul have any items for rent that would compete with Party Time rentals. The business on the north side of the property is Walmart Supercenter (707 S. 8th St.), the rental of U-Hauls does not compete with the items Walmart has for sale, however the one item that U-Haul has for sale that would compete is clear packing tape, which U-Haul sales for \$2.79 each and Walmart sales the packing tape for \$2.50 each. Walmart beats the price of U-Haul, so our sales history for the tape has been very small.

B. Intent Of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.

The rental of U-Hauls does not promote nor decline public health. There are U-Hauls located all over Colorado Springs and they serve the purpose of people moving in a quick, efficient manner and to make one trip for the move rather than multiple trips to move. The safety of the U-Haul customers comes into play with arrival and departure of the customers. We feel that the center turn lane for the south bound 8th St customers allows sufficient waiting room to safely turn into the property without disturbing the traffic that turns left onto Motor City Drive. Also that departure from the property allows enough room to safely merge from the dedicated right turn lane into Walmart and the right lane of 8th St north bound traffic.

C. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.

Comprehensive Plan

“The Comprehensive Plan is used to guide the physical growth of the city to the year 2020. In doing so, it serves as a long-range vision of what we want our city to become, as a tool for making decisions about how that vision should be achieved, and as a specific program of action for reaching our stated objectives. As a long-range vision, the Plan sets forth the values we want to realize as the city changes over the next 20 years and ties those values to the physical development and shaping of the community. It also presents an official policy framework and mapped context for making incremental decisions regarding land development issues. Finally, the Plan outlines the strategies and steps the community can follow to make it a reality. There are a variety of maps referenced in the Comprehensive Plan [Map Gallery](#).”

The 2020 Land Use Map shows this area as “Commercial Center”

Approved Comprehensive Plan

A VISION FOR THE FUTURE OF COLORADO SPRINGS

This vision for the future of Colorado Springs? is intended to guide the city's growth to the year 2020. It is based on preserving, protecting, and sustaining the best characteristics of our built and natural environment, on effectively addressing our community needs, and on giving positive direction to the changes and growth we can anticipate, and on finding effective solutions to our existing problems.

OUR COMMUNITY ENVISIONS A COLORADO SPRINGS

* That is the most liveable city on the Front Range of the Rocky Mountains,” **Allowing a conditional use for U-Haul rentals allows convenience for moving customers in as a drop off center and convenience as a pick up center for customers that move in nearby neighborhoods.**

- * "That respects its heritage and its natural setting," allowing a conditional use for U-Haul rentals and for our mobile office will not upset the heritage of the commercial area nor the natural setting as we will be planting 3 Ponderosa or Austrian Pine trees and there not being any change to the grading nor any construction on the property.
- * "That projects a highly attractive image and protects its unique character and scenic beauty," again allowing a conditional use for U-Hauls rentals and for our mobile office will not disturb the image nor character and scenic beauty.
- * "That provides an incomparable system of open spaces, natural areas, and greenways," again allowing a conditional use for U-Hauls rentals and for our mobile office will not disturb the open space, natural areas nor greenways.
- * "That is truly a city of neighborhoods - with affordable housing, walkable destinations, convenient parks, and quality schools," allowing a conditional use for U-Hauls rentals and for our mobile office will allow a walkable destination that is convenient for nearby residential areas to assist in their moving needs.
- * "That establishes positive connections between different land uses and achieves a well designed balance between their location and mix, encourages innovation and creativity in development and the creation of an aesthetically appealing community," allowing a conditional use for U-Hauls rentals and for our mobile office will allow a positive connection in the different land uses in the surrounding locations, that will not harm surrounding businesses and encourages economic growth along the 8th St corridor and allowing for new residents and businesses to make their moves more convenient and economically priced.
- * "That successfully integrates the uses and activities that meet the daily needs of residents, including housing, shops, work places, schools, parks, and civic facilities," allowing a conditional use for U-Hauls rentals and for our mobile office do meet the needs of residents and businesses that are moving in and out of the nearby neighborhoods.
- * "That has a transportation system with a high degree of efficiency, mobility, accessibility, connectivity, and a range of real choices for traveling between destinations within the community," South bound direction of traffic on 8th St includes a middle turning lane, the most southern part of the turning lane begins the left turn onto Motor City Dr. The Northbound direction of traffic on 8th St. directly along the west side of the property includes a designated right turn only lane into the Walmart Parking lot.

The traffic into our business should not cause issues for the neighbors, on the North side: Walmart and the South side: Circle Auto Center Inc. Most of Walmart's traffic enters from the North side of Walmart on Lower Gold Camp Road. The traffic from our business should remain minimal considering how small of a U-Haul dealer we are, and most of the towed vehicles are not brought to our lot. Most of our towing business consists of broken down vehicles being picked up at the disablement location and brought to a repair shop. The vehicles that are brought to our yard are from the accident tow rotations with the City of Colorado Springs and accident tow rotations and impound rotations the City of Manitou Springs.

* "That is equitable and fiscally responsible in providing, maintaining, and upgrading public services and infrastructure," allowing a conditional use for U-Hauls rentals and for our mobile office will allow for more economic growth in the area, Tim's Mannagift, Inc has been an U-Haul Independent Dealer for over 3 years at a previous location, during this transition period of a new location, there has been a business lost. Tim's Mannagift, Inc is a locally owned business and we spend our money locally supporting Colorado Springs Businesses and locally economy.

* "That supports the economic health of the community by maintaining a strong environment for business environment and education," again, allowing a conditional use for U-Hauls rentals and for our mobile office will allow for more

economic growth in the area, Tim's Mannagift, Inc has been an U-Haul Independent Dealer for over 3 years at a previous location, during this transition period of a new location, there has been a business lost. Tim's Mannagift, Inc is a locally owned business and we spend our money locally supporting Colorado Springs Businesses and locally economy.

*" And that works proactively with other communities to create and maintain a high quality of life in the Pikes Peak Region." Tim's Mannagift, Inc is one of three towing companies that are on Accident and Impound Rotation with the City of Manitou Springs. As a U-Haul Independent Dealer we are part of a network of Colorado Springs and neighboring communities U-Haul Dealers that share equipment and supplies and refer customers.

"The approved conditional use and development plan shall be binding on the property until an amendment is approved changing the use of the property. Except as otherwise recommended by the Planning Commission, the development of a conditional use shall conform to the applicable regulations of the district in which it is to be located. (Ord. 80-131; Ord. 82-247; Ord. 91-30; Ord. 94-107; Ord. 01-42; Ord. 12-74)"

City of Colorado Springs "Comprehensive Plan", Springs.Gov, Land Use Review, Publications & Map. Date of publication unknown. Date of Access February 10, 2014.

Project Plan Figures Index:

Project Plan Figure 1: 100 Year Floodplain Map provided by Ryan Tefertiller, AICP - Senior Planner, City of Colorado Springs, Land Use Review Division

Project Plan Figure 2: Traffic and Stream Diagram, Not to Scale!

Project Plan Figure 3: Pre-existing Retaining Wall Photo 1

Project Plan Figure 4: Pre-existing Retaining Wall Photo 2

Project Plan Figure 5: Building Elevation, Photo taken facing South on the North side of site (from Walmart)

Project Plan Figure 6: Building Elevation, Photo taken facing North on the West side of site Public sidewalk, Street Light, Colorado Springs Utilities High Voltage Transmission Power Line Pole, Bear Creek Fountain Water Shed sign.

Project Plan Figure 7: Photo taken facing North on the West side of site Public sidewalk, Street Light, Colorado Springs Utilities High Voltage Transmission Power Line Pole, Bear Creek Fountain Water Shed sign.

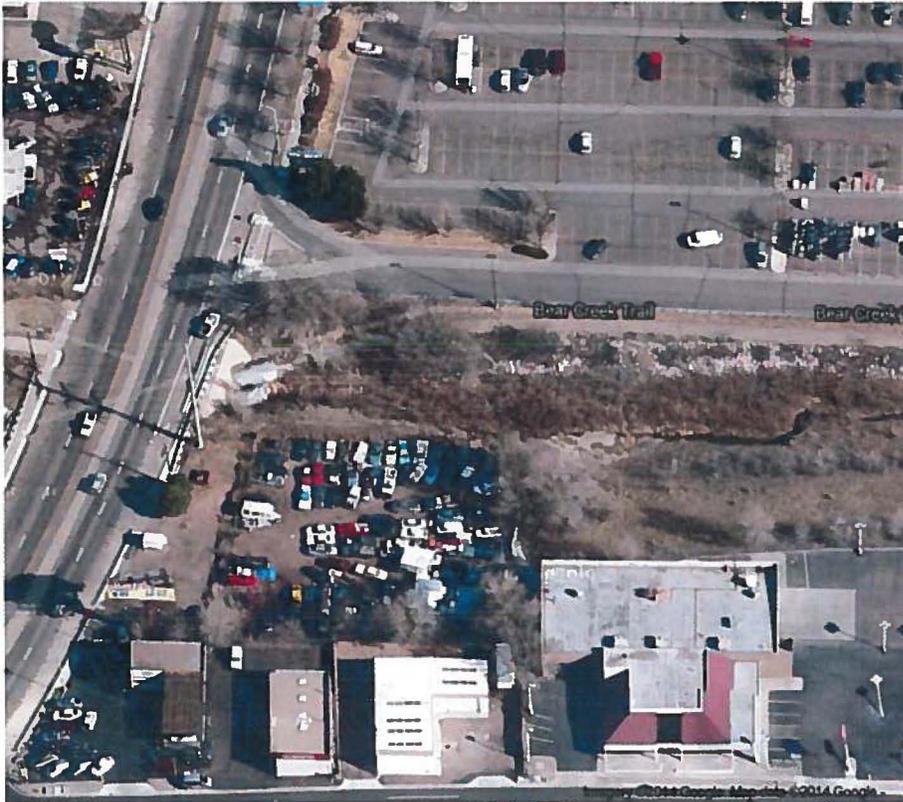


Mailing Address: PO Box 38086, Colorado Springs, CO 80937
Street Address: 801 S. 8th Street, Colorado Springs, CO 80905
Phone: (719) 578-5566 Fax: (719) 471-3481
Project Name: TMI 801 S. 8th St.

Streamside Plan Items

Project Name: TMI 801 S. 8th St.

Vicinity Map:



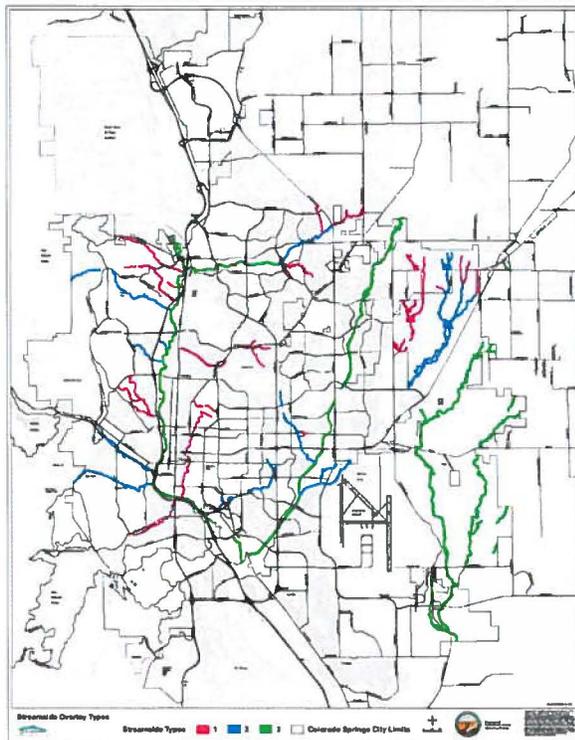
Streamside Figure 1

- Streamside Overlay Boundaries – show and identify the following:

1. Name of stream and type (East Fork of Sand Creek – Type III): **Bear Creek**
(West of Fountain Creek) **Type II**



Streamside Figure 2



Streamside Figure 3

2. Toe of Channel Bank



Streamside Figure 4

3. Inner Buffer



Streamside Figure 5



Streamside Figure 6



Streamside Figure 7



Streamside Figure 8



Streamside Figure 9

4. Outer Buffer



Streamside Figure 10



Streamside Figure 11



Streamside Figure 12

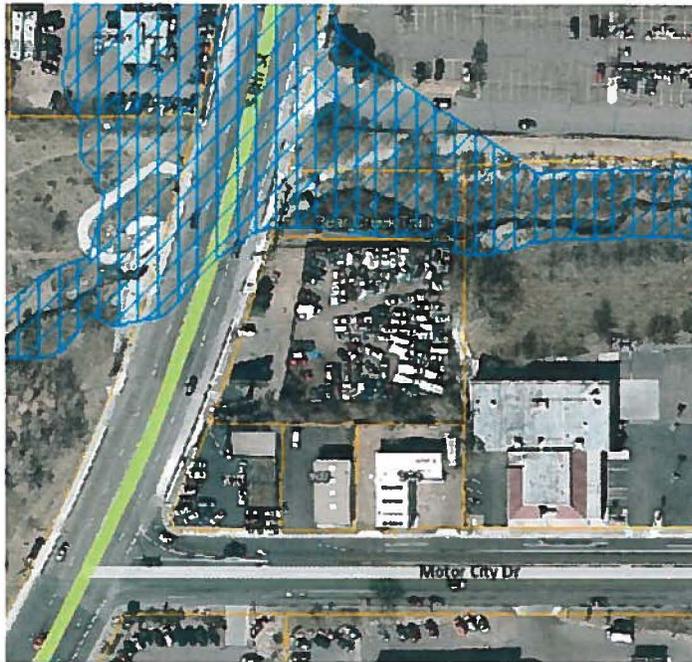
● Streamside Evaluation Information:

1. Entire project boundary – **approximately 2,000 square feet**
2. Total area of the property within the Streamside Overlay – **Approximately 15,900**



Streamside Figure 13

3. Percent impervious surface within the Streamside Overlay – **Approximately 11% of pre-existing impervious surface with the black top of 3,362 square feet.**
4. Elevations for the top and bottom of wall measurements **Unknown, see figures 16-18**
5. 100 year floodplain boundary- **North Eastern Corner of Lot, see Streamside Figure 14**
-Provide any Conditional Letter of Map Revision or Letter of Map Revisions-**Non-applicable.**



Streamside Figure 14

6. Proposed grading within the buffer area- **None**
7. Improvements proposed for the stream, for example drop structures- **None**

C. The Land Suitability Analysis shall include the following:

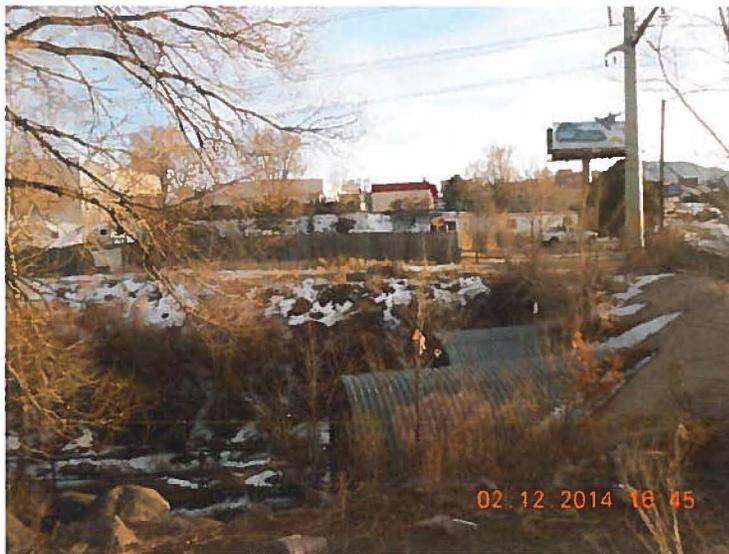
- Graphic component

1. Show the streamside overlay area including the toe of the channel bank and the buffers.



Streamside Figure 15

2. Slope analysis and general topographic information in the form of 2' contours.
- Identification of slope ranges in increments from 0-8%, 8-12%, 12-15%, 15-25%, and 25+%. – **Unknown See Figures Streamside 16-18**



Streamside Figure 16



Streamside Figure 17



Streamside Figure 18

3. Illustrate areas of riparian vegetation and wildlife include the following:
- a) Ecological communities, wildlife habitat and migration corridors;
Unknown see Streamside Figures

b) any significant or manmade features; **Bear Creek Trail, Fountain Creek Water Shed, tunnels under 8th St for the trail and the creek. No significant or manmade features on site.**

c) location and type of existing vegetation; **Native Grasses and Non-Noxious Weeds**



Streamside Figure 19



Streamside Figure 20

d) Colorado Forest Service Ecosystems; and - **Unknown**

e) Wildfire Hazard Potential Assessments. - **Unknown**

4. Show any geologic hazards: **Unknown**

- include identification of geologic hazards and constraints which will require mitigation during design and construction - **None , no construction proposed**.

5. Soil type- **Unknown. Please see attached email.**

6. Composite Map showing development opportunities and constraints to support proposed land use. – **Non-applicable**

● Written component

1. Summarize the existing features and constraints and describe how the development of the site will occur in a manner which considers the opportunities and constraints.

Summary of Stream Overlay: The location of 801 S. 8th St has been used previously for the land use of a Towing Company and Auto Storage. Approximately half of the lot is an existing Stream Overlay. The Creek is located on the North side of the property line; the name of it is Bear Creek. The stream is a small trickle and it is our understanding the only time there is a lot of water in it, is during flooding. There are 3 Ponderosa or Austrian Pine Trees located on the North/West side of the property next to 8th St. The area of the Pines trees is part of the Stream Overlay. It is in this area that we are requesting a conditional use permit to strategically place U-Haul trailers and trucks. The width of the area is 34 feet wide from the Easement next to 8th Street east to the fence and is 47 feet long from the North corner of the lot. The square footage of the proposed U-Haul equipment area is 1,598. Tim's Mannagift, Inc is only requesting to be able to operate our U-Haul Dealer business and strategically place U-Haul truck and trailers in a small portion of the Stream Overlay. We are not requesting the following list: no placement of a structure, no grading and landform, no change of wildlife habitat preservation, no placement of trails and recreation, no changes in the floodplain and no change to significant natural features.

The U-Haul portion of the business should not cause any environmental concerns regarding the Stream Overlay. U-Haul has a regular preventive maintenance program that is strictly adhered to. In addition, every piece of equipment returned from a rental it is investigated for damage, leaks, mechanical failures, fluids checked, upon return of the equipment. Therefore the proposed area to place the trailers and trucks will not include any broken, leaking nor damaged equipment. If there are any issues with the equipment it will be placed into the auto storage area inside of the fenced area, and promptly be reported to the U-Haul equipment maintenance

department, will be picked up by a U-Haul representative and taken to a repair shop.

The opportunities of this area are to continue the preservation of the proposed area, with little to no disturbance to the wild life, no disturbance to the stream overlay, no disturbance of the neither inner nor outer buffers. There are no known constraints to the proposed usage within the stream overlay. The proposed use is only slightly different than the current allowable usage, the current use is Auto Storage, and the proposed use is a very small area for Auto Sales/Rentals.

2. Written analysis to address mitigation for the physical constrains and hazards on-site.

Analysis of Stream Overlay Mitigation: The Mitigation for the physical constrains and hazards on-site for the proposed area, the U-Haul portion of the business should not cause any environmental concerns, physical constrains nor hazards regarding the Stream Overlay, Wildlife Preservation nor the Stream Buffers. U-Haul has a regular preventive maintenance program that is strictly adhered to. In addition, every piece of equipment returned from a rental it is investigated for damage, leaks, mechanical failures, fluids checked, upon return of the equipment. Therefore the proposed area to place the trailers and trucks will not include any broken, leaking nor damaged equipment. If there are any issues with the equipment it will be placed into the auto storage area inside of the fenced area, and promptly be reported to the U-Haul equipment maintenance department, then will be picked up by a U-Haul representative and taken to a repair shop.

3. Include a bibliography of reference sources and qualifications of preparer. (Not to be construed to imply a standard of qualifications for preparers.)

City of Colorado Springs "Bear Creek Trail Map", Springs.Gov, Parks, Recreation & Cultural Services. Date of publication unknown. Date of Access January 30, 2014.

<<http://www.springsgov.com/units/parksrec/maps/tbearcrk.htm>>

City of Colorado Springs provided by Ryan Tefertiller, AICP - Senior Planner, City of Colorado Springs Land Use Review Division, Date of Publication unknown. Date of Access January 30, 2014.

"Bear Creek Trail Map", Springs.Gov, Parks, Recreation & Cultural Services. Date of publication unknown. Date of Access January 30, 2014.

<<http://www.springsgov.com/units/parksrec/maps/tbearcrk.htm>>

City of Colorado Springs "Streamside Design Guidelines", Springs.Gov, City of Colorado Springs, Colorado Revised 2009. Date of Access January 20, 2014.
<<http://www.springsgov.com/units/parksrec/maps/tbearcrk.htm>>

The qualifications of the preparer: The preparer is Janella Cranmer, MBA.

4. Ecological communities as defined under the National Vegetation Classification System developed by the Nature Conservancy. – **Unknown See Figures Streamside.**

5. Soil analysis. - **None**

D. Streamside Review Criteria Analysis:

● Provide a written explanation of how each criteria below is met. Include this discussion on the LSA plan page. See pages 10-41 of the Streamside Design Guidelines for an explanation of the criteria.

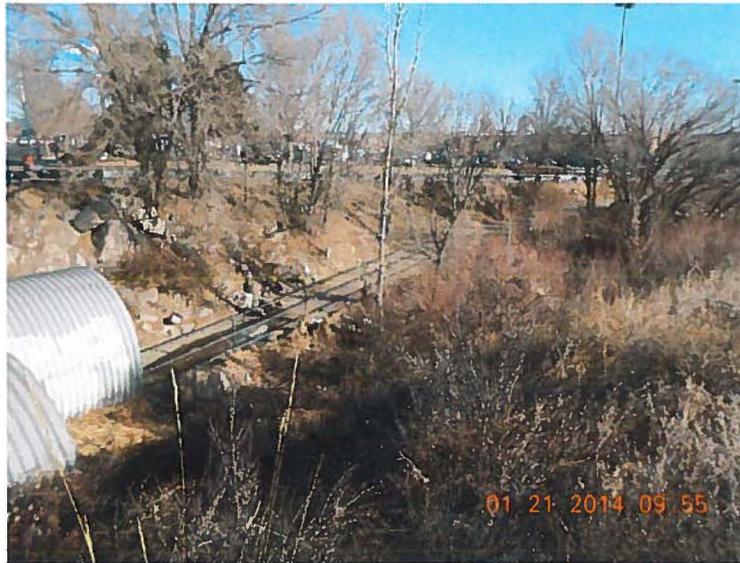
1. Grading and Landform-**No Grading and Landform proposed**
2. Site Design- **See attached**
3. Wildlife Habitat Preservation - **No disturbance to Wildlife Habitat proposed**
4. Trails and Recreation – **There is an existing trail, Bear Creek Trail, no proposed changes to existing trail.**



Streamside Figure 21



Streamside Figure 22



Streamside Figure 23

5. Floodplain- **See Streamside Figure 14 above.**

6. Significant Natural Features- **Currently there are 3 Ponderosa or Austrian Pine trees. Proposed to plant 3 Ponderosa or Austrian Pine trees for a grand total of 6.**

7. Complementary Plans- **Currently there are 3 Ponderosa or Austrian Pine trees. Proposed to plant 3 Ponderosa or Austrian Pine trees for a grand total of 6.**

8. Riparian Buffers and Impervious Surfaces- **No proposed changes to the Riparian Buffers.**

9. Landscape **Currently there are 3 Ponderosa or Austrian Pine trees. Proposed to plant 3 Ponderosa or Austrian Pine trees for a grand total of 6.**

10. Stream Bank Stabilization – **No disturbance to the Stream Bank Stabilization**

11. Stream Reclamation- **No disturbance to the Stream, only to Stream Overlay- currently there are 3 Ponderosa or Austrian Pine trees. Proposed to plant 3 Ponderosa or Austrian Pine trees for a total of 6.**

Streamside Figure Index:

Streamside Figure 1: Vicinity Map from Google Maps,

<https://maps.google.com/maps?q=801+S+8th+St,+Colorado+Springs,+CO&hl=en&ll=38.997934,-105.550567&sspn=4.848929,7.064209&oq=801&hnear=801+S+8th+St,+Colorado+Springs,+Colorado+80905&t=m&z=16>, accessed January 14, 2014.

Streamside Figure 2: Photo taken facing North on the West side of site Street Light, Colorado Springs Utilities High Voltage Transmission Power Line Pole, Bear Creek Fountain Water Shed sign.

Streamside Figure 3: City of Colorado Springs “Streamside Design Guidelines”, page 87, Springs.Gov, City of Colorado Springs, Colorado Revised 2009. Date of Access January 20, 2014.

<http://www.springsgov.com/units/parksrec/maps/tbearcrk.htm>

Streamside Figure 4: Toe of Channel, Photo taken facing South on the North side of site (from Bear Creek Trail).

Streamside Figure 5: Inner Buffer, Photo taken facing South on the North side of site (from Bear Creek Trail).

Streamside Figure 6: Inner Buffer, Photo taken facing South on the North side of site (from Bear Creek Trail).

Streamside Figure 7: Inner Buffer, Photo taken facing South on the North side of site (from Bear Creek Trail).

Streamside Figure 8: Inner Buffer, Photo taken facing South on the North side of site (from Bear Creek Trail).

Streamside Figure 9: Inner Buffer, Photo taken facing South on the North side of site (from Bear Creek Trail).

Streamside Figure 10: Outer Buffer, Photo taken facing South on the North side of site (from Bear Creek Trail).

Streamside Figure 11: Outer Buffer, Photo taken facing South on the North side of site (from Bear Creek Trail).

Streamside Figure 12: Outer Buffer, Photo taken facing South on the North side of site (from Bear Creek Trail).

Streamside Figure 13: Streamside Overlay Map provided by Ryan Tefertiller, AICP - Senior Planner, City of Colorado Springs, Land Use Review Division

Streamside Figure 14: 100 Year Flood Plain Map provided by Ryan Tefertiller, AICP - Senior Planner, City of Colorado Springs, Land Use Review Division

Streamside Figure 15: Photo taken from North side of Site, facing North, Stream, buffers and Vegetation.

Streamside Figure 16: Slope, Photo taken facing South on the North side of site (from Walmart)

Streamside Figure 17: Slope, Photo taken facing South on the North side of site (from Walmart)

Streamside Figure 18: Slope, Photo taken facing South on the North side of site (from Walmart)

Streamside Figure 19: Vegetation, Photo taken facing North on the North side of site

Streamside Figure 20: Vegetation, Photo taken facing North on the North side of site

Streamside Figure 21: City of Colorado Springs "Bear Creek Trail Map", Springs.Gov, Parks, Recreation & Cultural Services. Date of publication unknown. Date of Access January 30, 2014.

<http://www.springsgov.com/units/parksrec/maps/tbearcrk.htm>

Streamside 22: Bear Creek Trail, Photo taken facing North on the North side of site

Streamside 23: Bear Creek Trail, Photo taken facing North on the North side of site

Subj: **RE: Streamside Subittal Requirements**
Date: 1/23/2014 4:07:56 P.M. Mountain Standard Time
From: RTefertiller@springsgov.com
To: tmsmannagift@aol.com

Hi Janella,

Great questions, and I don't doubt that many of the items on the form seem pretty foreign. What I would recommend is to just submit the plan with as much information as is readily available – call out presence of vegetation, approximate location of steep slopes or the slope break, identify the approximate location of the creek itself, and the approximate location of the stream “buffers”.

If we feel that there are items that we really need but are missing, we can add that in our review letter.

Thanks,
Ryan

Ryan Tefertiller, AICP - Senior Planner
City of Colorado Springs
Land Use Review Division
719-385-5382

From: tmsmannagift@aol.com [mailto:tmsmannagift@aol.com]
Sent: Thursday, January 23, 2014 1:22 PM
To: Tefertiller, Ryan
Subject: Streamside Subittal Requirements

Dear Ryan,

Can you tell me if there is anymore data on file for 801 S 8th St for Land Suitability Analysis? Or can you direct me to someone or a department that I may find the components for this section? I do not know how to proceed. For instance, I do not know who or how to determine a slope analysis, determine the type of existing vegetation (all looks like weeds to me), soil type..... I have been reading through the Streamside Manual, but so far have not found how I determine the factors.

Thank you,

Janella Cranmer
Vice President



PO Box 38086, Colorado Springs, CO 80937
Phone: (719) 578-5566 Fax: (719) 471-3481 www.mannagift.com

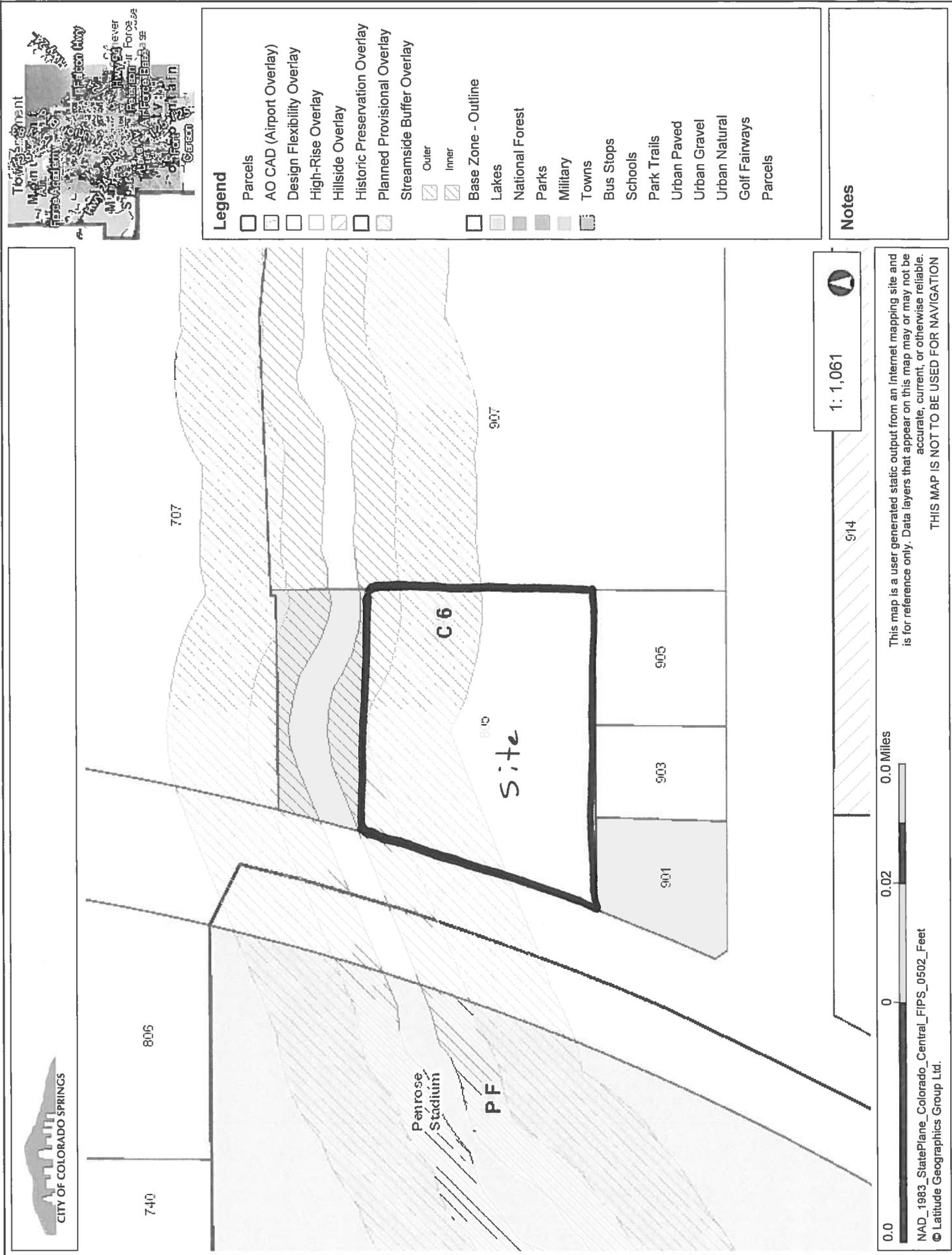


FIGURE 2

WALMART SUPER CENTER 707 S. 8th ST.
 ZONE C6/M1/SS

BEAUMONT PARTNERS
 740 S. 8th ST.
 ZONE C6

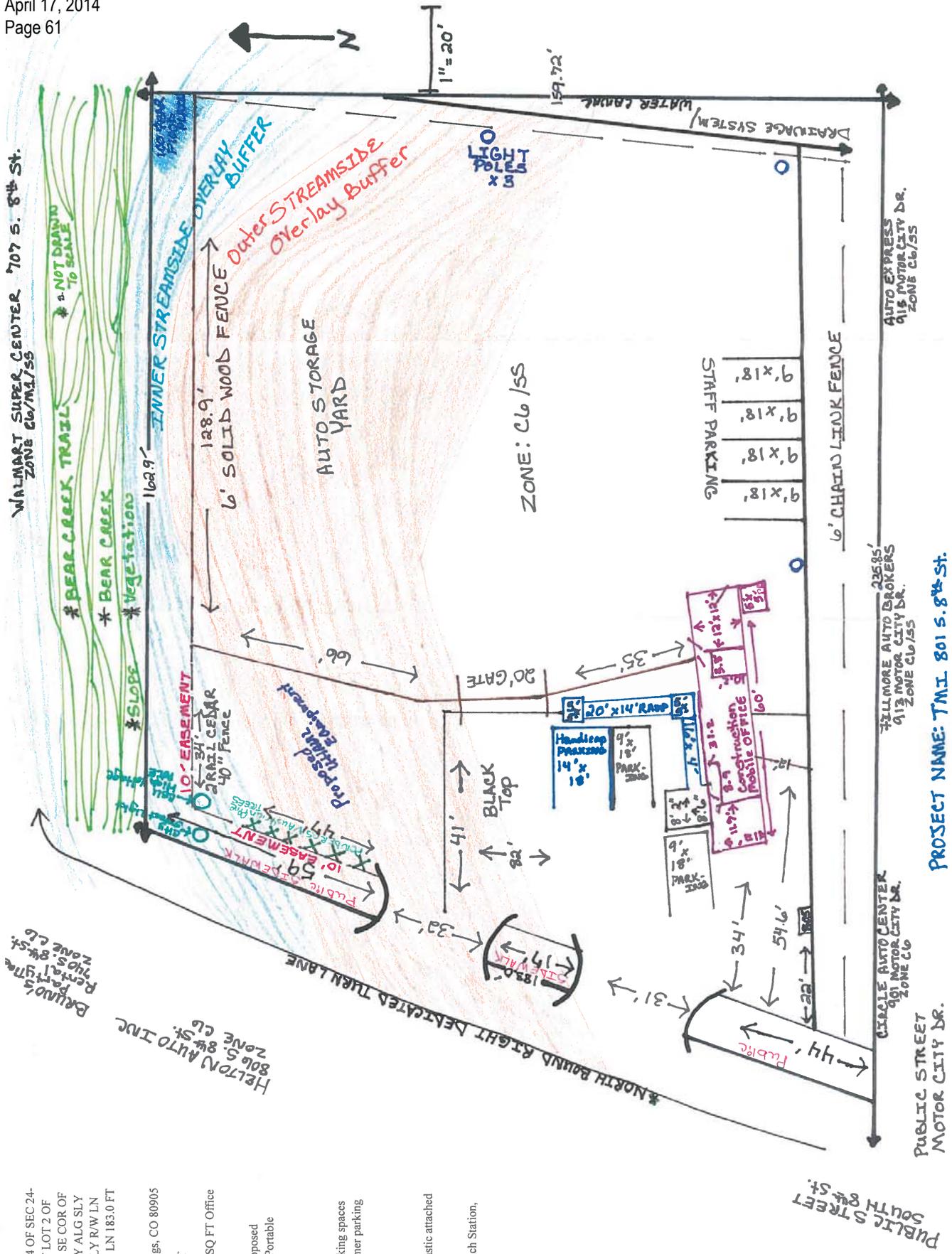
HELTON AUTO INC
 806 S. 8th ST.
 ZONE C6

CIRCLE AUTO CENTER
 901 MOTOR CITY DR.
 ZONE C6

HILLMORE AUTO BROKERS
 913 MOTOR CITY DR.
 ZONE C6/ISS

AUTO EXPRESS
 916 MOTOR CITY DR.
 ZONE C6/SS

PROJECT NAME: T.M.I. 801 S. 8th ST.



- Legal description: TRACT IN NW4NE4 OF SEC 24-14-67 AS FOLS; BEG AT NE COR OF LOT 2 OF PORAK SUB, TH N 170.0 FT MIL TO SE COR OF TRACT CONV BY BK 2456-146, WLY ALG SLY BDRY OF SD TRACT 162.9 FT TO ELY R/W LN OF EIGHTH ST, SWLY ALG SD R/W LN 183.0 FT M/L, TH E 235.85 FT TO POB.
- a. Address 801 S. 8th St, Colorado Springs, CO 80905
- b. Lot size approximately 31,800 SQ FT
- c. Square footage of each structure 672 SQ FT Office 25 SQ FT Portable Restroom
- d. Lot coverage of each existing and proposed structure 672 SQ FT Office 25 SQ FT Portable Restroom
- e. Total lot coverage 697 SQ FT
- f. Number of existing and proposed parking spaces 50 auto storage parking spaces, 3 customer parking spaces
- g. Proposed building height 11.9 FT
- h. Dimension and size of signs 2 x 6 plastic attached to side of Office near front door
- i. Owner's address 264 Chase Run, Lynch Station, VA 24571-2335

FIGURE 3

APPENDIX

Development Application Review Criteria

DEVELOPMENT PLAN IN A STREAMSIDE OVERLAY ZONE

7.3.508 (C): DEVELOPMENT PLAN REVIEW CRITERIA:

- C. Development Plan Review Criteria: The purpose of this section is to prescribe criteria to be used to review and evaluate development projects located within streamside overlay areas. In addition to the development plan review criteria as set forth in article 5, part 5, section 502 of this chapter, all development plans submitted for review for property wholly or partially contained within the streamside overlay zone shall be consistent with the recommendations of the 1) streamside design guidelines manual, 2) the development project's land suitability analysis and 3) shall conform with the following streamside development plan review criteria:
1. Has natural landform been maintained within the overlay area and does grading conform to the specific grading limitations of the streamside ordinance as well as all other City grading and filling regulations?
 2. Does the development incorporate the stream ecosystem into the project design and complement the natural streamside setting? Has the project been designed to link and integrate adjacent properties with the stream corridor using access ways, creek front plazas, employee recreational areas or other site planning and landscaping techniques which include the stream corridor as an amenity?
 3. Has the project been designed to minimize impact upon wildlife habitat and the riparian ecosystem which exists on or adjacent to the site? Does the project design protect established habitat or any known populations of any threatened or endangered species or species of special concern?
 4. Have existing or potential community trail networks and other recreational opportunities been identified and incorporated into the project design?
 5. Has the project been designed to protect the subject property from potential flood damage and to accommodate flood storage and conveyance needs?
 6. Have all significant natural features within the project streamside area been identified, and has the project been designed to minimize the impact on these features?

7. Does the project identify and implement the recommendations of any approved subarea plans (such as the City Greenway master plan, City open space plan or a specific drainage basin planning study) and of any approved public works projects and habitat conservation plans?
8. Does the project design:
 - a. Implement a riparian buffer of specified width between the developed portions of the site and the adjacent waterway to assist in preventing point and non-point source pollutants and sediment from entering the waterway?
 - b. Exclude impervious surfaces from the inner buffer zone and meet imperviousness restrictions across the entire overlay?
 - c. Incorporate all stormwater best management practices required by City Engineering throughout the developed site and adjacent to the buffer to encourage onsite filtration of stormwater and protect water quality?
 - d. Incorporate visual buffer opportunities of the stream between identified existing and/or proposed projects on opposing sides of the stream?
9. Are inner and outer buffer zone landscaping standards met? Have disturbed areas been revegetated to minimize erosion and stabilize landscape areas and does the project landscaping design specify plants selected from the riparian plant communities as set forth in appendix A of the landscape policy manual? Does the proposal meet all other requirements of the City's Landscape Code?
10. Have stream bank and slope areas been identified (particularly those over fifteen percent (15%) slope)? Has the disturbance to these areas and any protective or stabilizing vegetative cover been minimized? Does the plan provide for the suitable revegetation and stabilization of any disturbed areas?
11. Have opportunities to reclaim the drainageway been identified and implemented where practical? For this criterion, reclamation constitutes any action that improves the quality of that drainageway visually, functionally or recreationally, and brings that drainageway into a more natural condition.

Judgment of the above criteria shall be made using the project justification statement submitted with streamside development plan applications which shall include a narrative discussion of how each of the streamside development plan review criteria have been considered and applied in the design of the project and should demonstrate consistency with the opportunities and constraints identified in the project's land suitability analysis. This requirement may be satisfied by the written summary submitted with the land suitability analysis if that summary has

been broadened to include analysis of the streamside development plan review criteria. (Ord. 07-179)

7.5.502 (E): DEVELOPMENT PLAN REVIEW CRITERIA:

E. Development Plan Review Criteria: A development plan shall be reviewed using the criteria listed below. No development plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the land uses surrounding the site. Alternate and/or additional development plan criteria may be included as a part of an FBZ regulating plan.

1. Will the project design be harmonious with the surrounding land uses and neighborhood?
2. Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?
3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties?
4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off site negative influences and to buffer adjacent properties from negative influences that may be created by the proposed development?
5. Will vehicular access from the project to streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption?
6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?
7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic?
8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?
9. Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design?
10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?
11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?
12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design? (Ord. 94-107; Ord. 95-125; Ord. 01-42; Ord. 02-64; Ord. 03-74; Ord. 03-157; Ord. 09-50; Ord. 09-78)

CONDITIONAL USE REVIEW CRITERIA:

7.5.704: AUTHORIZATION AND FINDINGS:

The Planning Commission may approve and/or modify a conditional use application in whole or in part, with or without conditions, only if all three (3) of the following findings are made:

- A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.
- B. Intent Of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.
- C. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.

The approved conditional use and development plan shall be binding on the property until an amendment is approved changing the use of the property. Except as otherwise recommended by the Planning Commission, the development of a conditional use shall conform to the applicable regulations of the district in which it is to be located. (Ord. 80-131; Ord. 82-247; Ord. 91-30; Ord. 94-107; Ord. 01-42)

USE VARIANCE REVIEW CRITERIA:

7.5.803 (B): CRITERIA FOR GRANTING A USE VARIANCE:

The following criteria must be met in order for a use variance to be granted:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same zone so that a denial of the petition would result in undue property loss; and
2. That such variance is necessary for the preservation and enjoyment of a property right of the petitioner; and also
3. That such variance will not be detrimental to the public welfare or convenience nor injurious to the property or improvements of other owners of property.