



CITY PLANNING COMMISSION AGENDA

**THURSDAY, September 17, 2015
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, September 17, 2015 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.coloradosprings.gov.

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, Suite #101, Colorado Springs, CO 80903) by:

Monday, September 28, 2015

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, September 17, 2015

1. Approval of the Record of Decision (minutes) for the August 20, 2015, City Planning Commission Meetings
2. Communications
3. Consent Calendar (A1 and B1) Pg 8
4. New Business Calendar (Items 4A through 4C, 5, 6A and 6B, and 7A through 7B). . Pg 17

CONSENT CALENDAR		
ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p>ITEM: A1 CPC MP 06-00219-A5MJ15 (Legislative)</p> <p>PARCEL NO.: 6200000656</p> <p>PLANNER: Meggan Herington</p>	<p>A request by NES, Inc. on behalf of Pulpit Rock Investments, LLC for approval of a major amendment to the Flying Horse Master Plan.</p> <ol style="list-style-type: none"> 1. The proposed amendment will eliminate a 25 acre Community Park and replace the land use with 23 acres of residential development at 2 – 3.5 dwelling units per acre 2. The proposed amendment will also create a new pocket park and a number of trail connections and other minor changes to parks configurations and land use configurations. <p>The property has 25 acres, is zoned A (Agricultural) and located North of New Life Drive and west of future Powers Boulevard.</p>	8
<p>ITEM: B1 CPC PUD 15-00064 (Quasi-Judicial)</p> <p>PARCEL NO.: 6318305067</p> <p>PLANNER: Rachel Teixeira</p>	<p>Request by N.E.S., Inc. on behalf of Pueblo Bank & Trust Company c/o Premier Homes for approval of the following application:</p> <p style="padding-left: 40px;">The Creekside at Rockrimmon development plan. The proposed development plan will have 71 multi-family units, designed in a townhouse configuration for student housing at 0, 151, 152, and 192 Heavy Stone View.</p> <p>The site is located at the northwest of Delmonico Drive and Rockrimmon Boulevard, has 11.2 acres and is zoned PUD/CR/HS/SS (Planned Unit Development with Condition of Record, Hillside and Streamside Overlays).</p>	14

NEW BUSINESS CALENDAR		
ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p>ITEM: 4A CPC A 14-00144 (Legislative)</p> <p>ITEM: 4B CPC PUZ 15-00024 (Legislative)</p> <p>ITEM: 4C CPC PUP 15-00025 (Quasi-Judicial)</p> <p>PARCEL NO.: 5316000017</p> <p>PLANNER: Meggan Herington</p>	<p>A request by Drexel Barrell and Company on behalf of Peakmark Heights, LLC, The Dominic and Vivian M. Zarraretti Trust and The Walter Family Trust for approval of the following applications:</p> <ol style="list-style-type: none"> 1. Annexation of the 44.71 acre Mountain Valley Preserve to the city of Colorado Springs. 2. Establish the PUD/AO (Planned Unit Development with Airport Overlay) zone district. 3. The Mountain Valley Preserve Concept Plan. The concept plan illustrates future development of 141 single family lots at an overall density of 3.77 dwelling units per acre. <p>The annexation is located east of Marksheffel Road and south of Dublin Boulevard. The zone district and concept plan have 37.35 acres located directly east of Marksheffel Road and south of Dublin Boulevard.</p>	17
<p>ITEM: 5 CPC UV 14-00126 (Quasi-Judicial)</p> <p>PARCEL NO.: 6434301021</p> <p>PLANNER: Mike Schultz</p>	<p>Request by Neil Olesky of Olesky Investments for approval of the following application:</p> <p style="padding-left: 40px;">A use variance to permit a landfill (shingle stockpile remediation) within a streamside overlay.</p> <p>The subject property is zoned M-1/SS (Light Industrial with Streamside Overlay), consists of 2.01 acres and is located south at 3320 and 3330 Drennan Industrial Loop.</p>	22

<p>ITEM: 6A CPC CU 15-00044 (Quasi-Judicial)</p> <p>ITEM: 6B AR R 15-00310 (Quasi-Judicial)</p> <p>PARCEL NO.: 6414108002</p> <p>PLANNER: Mike Turisk</p>	<p>A request by John Schwab of JPS Engineering on behalf of Bill Darnell for approval of the following applications:</p> <ol style="list-style-type: none"> 1. A proposed conditional use development plan to establish an indoor RV storage facility on a currently vacant .89 acre property. The project proposes one 17-foot 9-inch building with 11 storage stalls. A conditional use is required because the project site lies within the city's streamside overlay 2. An administrative relief to allow for a 15% increase in permitted impervious area/surface within the streamside overlay buffer and to allow for a 15% reduced building setback at the southwest corner of the RV storage facility and the property line. <p>The property is zoned PIP-2/AO-APZ 2/SS (Planned Industrial Park with Airport Overlay with Accident Potential Zone 2 subzone and Streamside Overlay). The property is located at 4750 Town Center Drive.</p>	<p>27</p>
<p>ITEM: 7A CPC MPA 04-00043-A2MN15 (Quasi-Judicial)</p> <p>ITEM: 7B CPC PUZ 15-00051 (Quasi-Judicial)</p> <p>ITEM: 7C CPC PUP 15-00052 (Quasi-Judicial)</p> <p>PARCEL NO.: 7336200001</p> <p>PLANNER: Steve Tuck</p>	<p>A request by RTA Architects on behalf of Turtle Creek Grandview Office LLC for the consideration of the following applications:</p> <ol style="list-style-type: none"> 1. A minor amendment to the Hill Master Plan. The amendment proposes revising the land use designations. The existing master plan designates the area as neighborhood commercial, office and general industrial. The proposed amendment shows hospital and office uses. 2. A Zone Change from PBC/OC/PIP-1 (Planned Business Center, Office Complex, Planned Industrial Park) to PUD (Planned Unit Development) for the Penrose-St. Francis New Campus. A hospital, office, and commercial, with 200' maximum building height. 3. A concept plan for the Penrose-St. Francis New Campus. A hospital with office and commercial uses. <p>The property consists of 51.05 acres and is currently zoned PBC/OC/PIP-1 (Planned Business Center, Office Complex, and Planned Industrial Park) and is located at the northeast corner of Fillmore Street and Centennial Boulevard.</p>	<p>32</p>

CONSENT CALENDAR

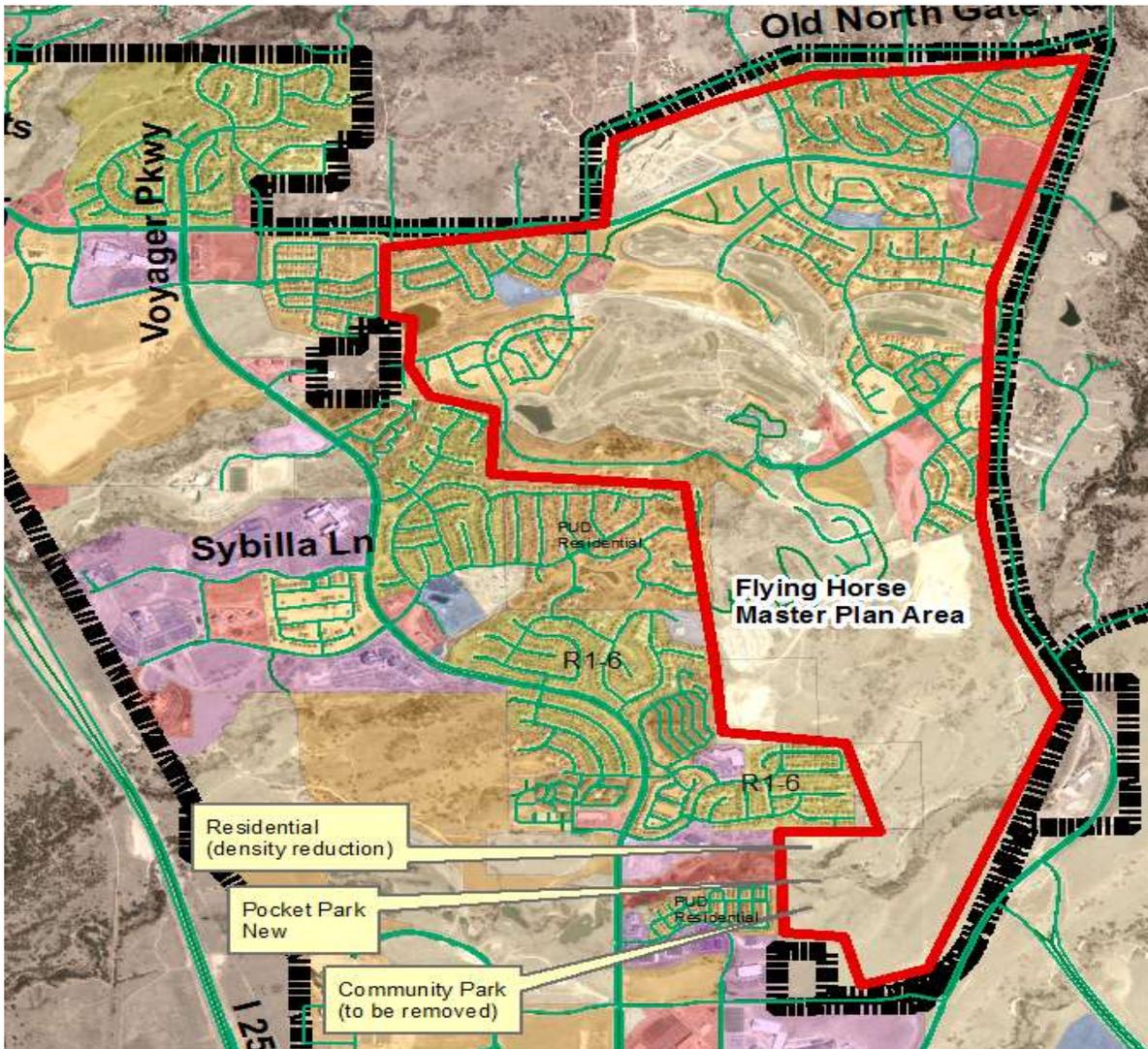
CITY PLANNING COMMISSION AGENDA

ITEM NO: A1

STAFF: MEGGAN HERINGTON

FILE NO:
CPC MP 06-00219-A5MJ15 – LEGISLATIVE

PROJECT: FLYING HORSE MASTER PLAN AMENDMENT
APPLICANT: NES, INC.
OWNER: PULPIT ROCK INVESTMENTS, LLC



PROJECT SUMMARY:

1. Project Description: This is a request for a major master plan amendment to the Flying Horse Master Plan. The property is located in the Flying Horse community, west of Highway 83 and north of New Life Drive.

The amendment proposes several administrative updates and two major land use changes. Those changes included in bold are considered major land use changes (**FIGURE 1**):

- Clarify actual lots for all developed parcels (illustrated on the MP with a box around the total per parcel)
 - Redefine Lizard Leap Park (Parcel 33) to reflect approved Park Master Plan for the site
 - Refine Parcels Areas 3 and 4 and clarified proposed circulation connections
 - CDOT purchase of Parcel 14 converts that site to open space use
 - **Reduce density in Parcel 10 from 3.5-8 DU per acre (115 units anticipated) to 2-3.5 DU per acre (45 units anticipated).**
 - Clarify and defined the trail connections through the southern portion of the master plan. Illustrating the Black Squirrel Creek Trail and proposed crossing.
 - **Convert the Community Park use (parcel 28) to Residential Use 2-3.5 DU per acre (80 units anticipated)**
 - **Propose a note requiring payment of applicable Park fees for Parcel 28 at the time of development with an additional \$200 per home to assist in funding the necessary bridge crossing of Black Squirrel Creek.**
 - Modify Multi-Family Site (Parcel 13) from 14 acres to 16 acres (250 units anticipated)
 - Inclusion of several Pocket Parks for communities in the southern portion of the Master Plan
2. Project Statement: (**FIGURE 2**)
 3. Planning and Development Department's Recommendation: Staff recommends approval of the application.

BACKGROUND:

1. Site Address: The site is not currently addressed.
2. Existing Zoning/Land Use: There are no structures on site.
3. Surrounding Zoning/Land Use:
 - North: A and R-1 6000/Single-family Residential
 - South: A/Vacant, Future Multi-Family
 - East: A/Vacant, Future Commercial
 - West: PUD/Single-family Residential
4. Comprehensive Plan/Designated 2020 Land Use: The southern portion of the site, which is the proposed community park site to be removed, is designated as candidate open space. The site north of the creek is designated as general residential.
5. Master Plan/Designated Master Plan Land Use: Flying Horse Master Plan / This is a major amendment and changes the designated land use. The general categories are Community Park and Residential 2 - 3.5 Dwelling Units per Acre.
6. Subdivision: The property is not platted.
7. Zoning Enforcement Action: None
8. Physical Characteristics: There are a few different parcels being impacted by this amendment. Generally, the properties are sloping and are bordered by Black Squirrel Creek. The creek area will remain largely undisturbed, and will be utilized as a trail connection through the development. The site currently designated as Community Park has significant topography that does not lend itself well to the activities occurring at a community type park. Playing fields and playground areas require a larger, flatter topography.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The stakeholder process involved posting the property on three occasions and sending postcards to 160 property owners within 700 feet of the property. A neighborhood meeting was held on June 9, 2015. Approximately 25 neighbors attended the meeting. Concerns included the overall opposition to elimination of the Community Park and traffic generated by the change of use, promises made by the developer about the location of the park, and impacts to property values. Staff did receive a number of emails from the neighbors in the Deer Creek neighborhood to the north of the site that are attached as part of **FIGURE 3**.

Because the major master plan amendment proposes to eliminate a community park, City Land Use Review staff has worked closely with City Parks staff to evaluate the request. In accordance with Colorado Springs City Code Section 4.1.105, the Parks and Recreation Advisory Board “shall coordinate its work with that of the Colorado Springs Planning Commission so that both shall be working for the accomplishment of the same general purposes with reference to park, trail, open space and recreation development.” The park elimination also requires a recommendation to Council from the Parks and Recreation Advisory Board. The Parks and Recreation Advisory Board held a hearing on August 13, 2015 to discuss the request to eliminate the community park. There was only one neighbor in attendance expressing concerns about the timing of the trail connection. The Board unanimously recommended approval of the proposal. The hearing exhibits, staff analysis, and letters from neighbors are attached as **FIGURE 3**.

Staff also sent the plans to the standard internal and external review agencies for comments. All comments received from the review agencies have been addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, School District 20, Police and E-911.

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

1. Background

The Flying Horse Master Plan was approved by City Council in 2003 and the annexation finalized in 2004. In the past 12 years the City has approved 12 amendments to the master plan. Past requests have been both major and minor in nature; moving land uses, adding new land uses and making revisions to residential densities.

2. Review Criteria / Design & Development Issues:

Major Master Plan Amendment

This property is part of the Flying Horse Master Plan. This master plan amendment proposes:

- Clarify actual lots for all developed parcels (illustrated on the MP with a box around the total per parcel)
- Redefine Lizard Leap Park (Parcel 33) to reflect approved Park Master Plan for the site
- Refine Parcels Areas 3 and 4 and clarified proposed circulation connections
- CDOT purchase of Parcel 14 converts that site to open space use
- Reduce density in Parcel 10 from 3.5-8 DU per acre (115 units anticipated) to 2-3.5 DU per acre (45 units anticipated).
- Clarify and defined the trail connections through the southern portion of the master plan. Illustrating the Black Squirrel Creek Trail and proposed crossing.
- Convert the Community Park use (parcel 28) to Residential Use 2-3.5 DU per acre (80 units anticipated)

- Propose a note requiring payment of applicable Park fees for Parcel 28 at the time of development with an additional \$200 per home to assist in funding the necessary bridge crossing of Black Squirrel Creek.
- Modify Multi-Family Site (Parcel 13) from 14 acres to 16 acres (250 units anticipated)
- Inclusion of several Pocket Parks for communities in the southern portion of the Master Plan

The major changes with this amendment are the elimination of the 25 acre community park and the reduction of density in Parcel #10.

Because the master plan amendment involves elimination of a future community park site, there is significant input from City Park's staff and the Parks and Recreation Advisory Board. The proposal presented was to eliminate the 25 acres community park and replace the park area with two smaller pocket parks as well as an expanded trail connection. The developer will also pay an additional \$200.00 per lot in this area to fund the bridge connection for the trail over the Black Squirrel Creek. **Figure 3** of this staff report is the detailed background on the staff recommendation and the analysis based on the parkland service area and the overall density reduction in Flying Horse. Staff conducted a thorough analysis of the site and found that the steep topography does not support an active community park. The community park includes programmed playing fields that require flatter topography. The northwestern portion of this site slopes significantly to the west. Staff analysis also found that with the significant reduction in density from the originally approved Flying Horse Master Plan, the parkland dedication for these 25 acres is not met based on dedication and density calculations. The Parks and Recreation Advisory Board agreed with staff. Comments from Board members included that the density reduction does not lend itself to this additional dedication if the dedication is already met based on current densities. They did encourage staff to start looking for alternative sites and ways to serve the northern reaches of Colorado Springs. The proposal was approved unanimously by Parks Board.

City Code Chapter 7 Article 5 outlines criteria for administration of, and procedures related to, the amendment of master plans. This Article recognizes the need for master plan flexibility and that long term planning and consistency must be balanced with the need to amend plans as conditions change. The intent is to permit changes to a master plan that conform to contemporary standards and current codes, policies and plans.

Section 7.5.403(C)(1) guides the master plan amendment process and outlines criteria for when a major master plan amendment is acceptable. A major master plan amendment is a change that potentially has a significant impact upon one or all of the following:

- a. The transportation system,
- b. Utility infrastructure,
- c. Public facilities, such as parks and schools,
- d. The provision of public safety services and facilities.
- e. Changes in master plan land use classification designation.

The request for amendment to the master plan is supported by staff based on the submitted documentation and thorough analysis of park service needs conducted by the City Parks Department, along with the positive recommendation by the Parks and Recreation Advisory Board. The master plan amendment is in conformance with City Code.

3. Conformance with the City Comprehensive Plan:
Comprehensive Plan 2020 Land Use Map: The 2020 Land Use Map designates the area is Candidate Open Space and General Residential.

Strategy LUM 202b: General Residential Primary Uses

Identify primary uses as all types of residential development at average gross densities greater than three dwelling units per acre. Cluster higher density developments along collector and major roads and as a transition to nonresidential uses.

Strategy LUM 202c: General Residential Secondary Uses

Include supporting uses such as neighborhood centers with pedestrian-oriented, low-impact shops and services, parks and recreation areas, religious institutions, and schools. Neighborhood centers may range up to 5 acres in size. Consider proposed secondary uses that individually or cumulatively exceed five acres, as proposed Map amendments from General Residential to a more intense Map designation to allow significant land use changes to be analyzed on a neighborhood and citywide basis.

Strategy LU 303a: Design Pedestrian Friendly Environments

Plan and design neighborhoods and activity centers as coordinated pedestrian friendly environments.

Objective LU 5: Develop Cohesive Residential Area

Neighborhoods are the fundamental building block for developing and redeveloping residential areas of the city. Likewise, residential areas provide a structure for bringing together individual neighborhoods to support and benefit from schools, community activity centers, commercial centers, community parks, recreation centers, employment centers, open space networks, and the city's transportation system. Residential areas also form the basis for broader residential land use designations on the citywide land use map. Those designations distinguish general types of residential areas by their average densities, environmental features, diversity of housing types, and mix of uses. Residential areas of the city should be developed, redeveloped and revitalized as cohesive sets of neighborhoods, sharing an interconnected network of streets, schools, parks, trails, open spaces, activity centers, and public facilities and services.

Policy LU 501: Plan Residential Areas to Integrate Neighborhoods into the Wider Subarea and Citywide Pattern

Plan, design, develop, and redevelop residential areas to integrate several neighborhoods into the citywide pattern of activity centers, street networks, environmental constraints, parks and open space, school locations and other public facilities and services.

Strategy LU 501a: Link Neighborhood Layout and Design to a Larger Residential Area

In master plans and in community planning areas, layout and design individual neighborhoods to form a coherent residential area.

Strategy LU 502b: Plan Public Facilities to Serve Neighborhoods Within a Residential Area

Plan and locate public facilities, services, and civic buildings to serve multiple neighborhoods within a residential area.

It is the finding of the Land Use Review Division that the Flying Horse Master Plan Amendment will substantially conform to the City Comprehensive Plan 2020 Land Use Map and the Plan's goals and objectives.

4. Conformance with the Area's Master Plan:

This is a request to amend the existing master plan. This is the 13th amendment since it was adopted in 2004. The goal of the master plan is to provide a mix of uses and a master planned and designed community. The requests are in conformance with the overall goals of the Flying Horse Master Pan.

STAFF RECOMMENDATION:

ITEM NO.: CPC MP 05-00080-A4MJ14 – MAJOR MASTER PLAN AMENDMENT

Approve the major amendment to the Flying Horse Master Plan, based upon the finding that the amendment meets the review criteria for master plan amendments as set forth in City Code Section 7.5.408.

AMENDMENT #13 (Park Dedication/ Open Space)

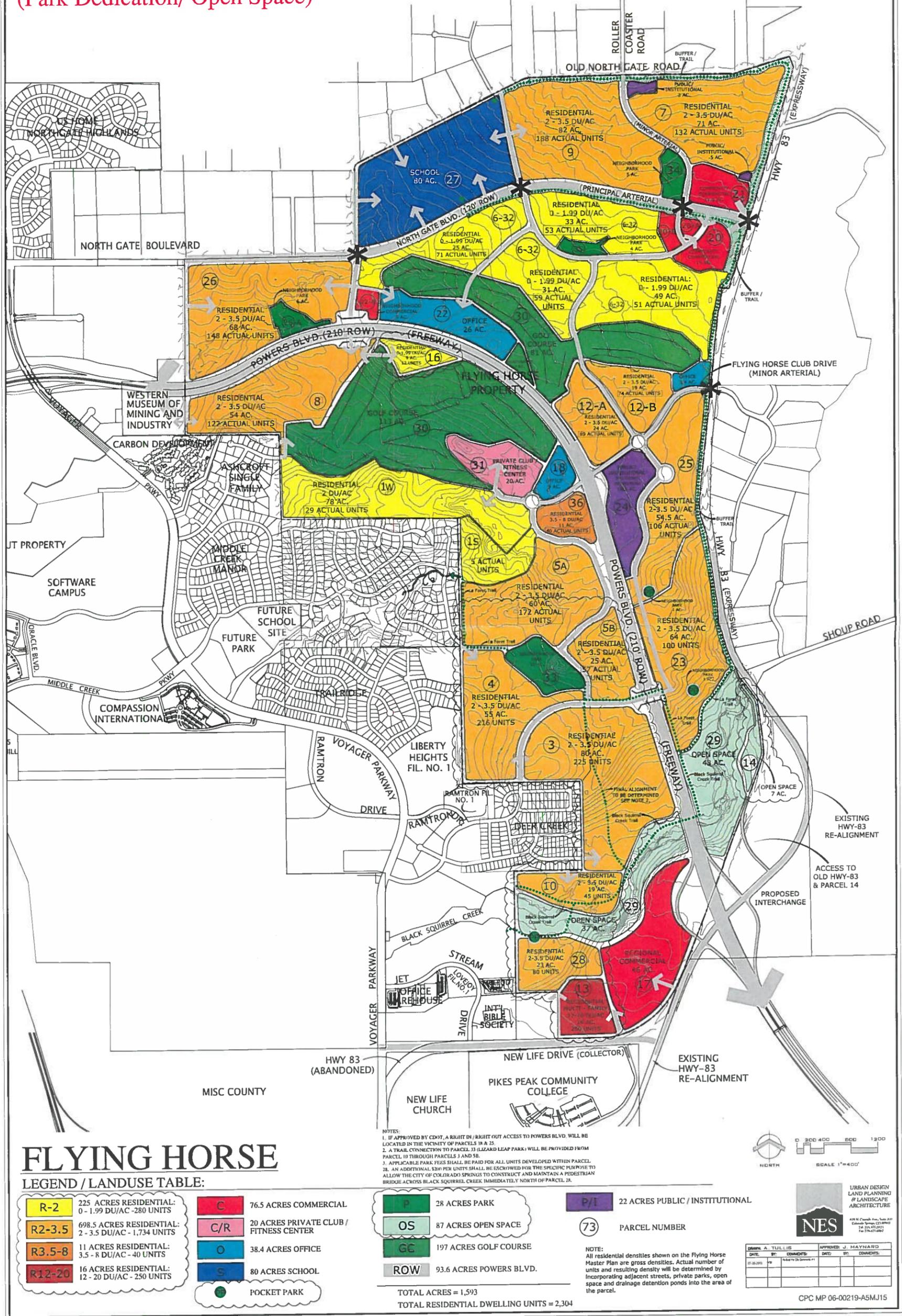


FIGURE 1

Project Statement

Flying Horse Master Plan Amendment

May 2015

Revised July 30, 2015

This Amendment to the Flying Horse Master Plan addresses the Park component of the Plan. The proposed change to the Master Plan will remove the 25 acre Community Park located adjacent to Black Squirrel Creek in the southwest portion of the Master Plan. This site is constrained by topography, which could have been overcome if access to the site had been provided by the adjacent subdivision to the west. The site is bisected by a significant grade change which combined with restricted access available only from the south, yields an inferior site for a community park.

The Flying Horse Master Plan was originally planned for 3975 residential units. Current plans reduce this number to approximately 2304 units for a reduction of 42%. For those neighborhoods that have final subdivision plats, the actual units platted is illustrated in a box on the plan. The southern portion of the master plan has undergone the most modifications. The 10 acre neighborhood park site is oriented and sized to match the recently approved park site master plan. Road connections and land use areas have also been updated for Parcels 3 and 4 to reflect the current intent for the area. Clearly defined trail connections are illustrated for the La Foret and Black Squirrel Creek Trails. The density for Parcel 10, immediately south of the Deer Creek neighborhood, has been reduced from 115 planned units to 45 units. The multi-family parcel 13 has increased slightly in acreage but the planned 250 units remain the same. CDOT purchased parcel 14 and it will remain open space.

The 25 acres previously planned for a community park (parcel 28) will be changed to residential use on the Master Plan. This land is separated from a neighborhood park by the Black Squirrel Creek open space and drainage. A trail from the Black Squirrel open space to Lizard Leap Park has been shown in a conceptual location (pending subdivision design) on the Master Plan. To access this park from the former community park site, a bridge over Black Squirrel Creek will be required. Flying Horse proposes to pay park fees for each unit platted on the former community park site. The fee will be augmented by an additional \$200/unit. The park fees and the additional fee are to be used by the City to build a bridge over Black Squirrel Creek.

Neighborhood Parks and trails will continue to be provided within the Flying Horse Master Plan by the Flying Horse Metropolitan District. Three Neighborhood parks have been constructed (Barefoot Park, Angels Mist Park and Frogs Leap Park), and the fourth (Lizard Leap Park) is in the planning/design stage with the park master plan approved by the Parks Advisory Board in

March 2015. Neighborhood parks are designed, constructed, and maintained by a Metropolitan District. With this proposed amendment, the Black Squirrel Creek drainage continues to include open space and trail corridor for a branch of the La Foret Trail and Black Squirrel Creek Trail. Along this trail the developer will place recreational amenities which may include benches, pocket parks, picnic tables and similar amenities. These amenities will be maintained by adjacent HOA's. The northern branch of the La Foret Trail is also being implemented as an urban trail.

Flying Horse is unique in that membership to the Fitness Center is included with all lot sales. The Fitness Center has tennis, swimming, spa, indoor gym, and fitness rooms among its facilities. The Fitness Center provides many Community Park functions including classes. The Golf Club, while private, provides open space to offset the density of adjacent properties.

Flying Horse Master Plan Amendment #13

Summary of Master Plan Changes:

- Clarification of actual lots for all developed parcels (illustrated on the MP with a box around the total per parcel)
- Redefined Lizard Leap Park (Parcel 33) to reflect approved Park Master Plan for the site
- Refined Parcels Areas 3 and 4 and clarified proposed circulation connections
- CDOT purchase of Parcel 14 converts that site to open space use
- Reduced density in Parcel 10 from 3.5-8 DU per acre (115 units anticipated) to 2-3.5 DU per acre (45 units anticipated).
- Clarified and defined the trail connections through the southern portion of the master plan. Illustrating the Black Squirrel Creek Trail and proposed crossing.
- Conversion of Community Park use (parcel 28) to Residential Use 2-3.5 DU per acre (80 units anticipated)
- Proposed note requiring payment of applicable Park fees for Parcel 28 at the time of development with an additional \$200 per home to assist in funding the necessary bridge crossing of Black Squirrel Creek.
- Modification of Multi-Family Site (Parcel 13) from 14 acres to 16 acres (250 units anticipated)
- Inclusion of several Pocket Parks for communities in the southern portion of the Master Plan

COLORADO SPRINGS PARKS AND RECREATION DEPARTMENT
PARKS AND RECREATION ADVISORY BOARD

Date: August 5, 2015

Item Number: Action Item #?

Item Name: Request on Behalf of Pulpit Rock Investments, LLC to Approve the Proposed Flying Horse Master Plan Amendment

BACKGROUND:

The City has received a request by NES, Inc. on behalf of Pulpit Rock Investments, LLC (Developer) for approval of a major amendment to the Flying Horse Master Plan. The amendment will eliminate a 25 acre Community Park and replace the land use with 23 acres of residential development at 2 – 3.5 dwelling units per acre, a new pocket park and a number of new trail connections. The property is 25 acres zoned A (Agricultural) and is located north of New Life Drive and west of the future Powers Boulevard.

The Flying Horse Master Plan was originally approved in 2004 and has been amended twelve times, including minor adjustments to park, open space, and trail corridors. The area identified as a “future community park” on the current Flying Horse Master Plan is privately owned by the Developer. The future community park site has not been dedicated to the City; therefore, the City does not have an ownership interest in the existing park site. The Flying Horse Annexation Agreement and District Service Plan require dedication of parkland. The Service plan stipulates that neighborhood parks within the District will be designed, constructed and maintained by the District. The Service Plan stipulates that the future community park will be designed, constructed and maintained by the City.

The Flying Horse Master Plan Amendment is being administered through the City’s Land Use Review Department. A public meeting was held at the Flying Horse Club House on June 9, 2015. The Parks and Recreation Advisory Board will consider the proposed Master Plan Amendment on August 13, 2015. This item is expected to be considered by Planning Commission on September 17, 2015. City Council will consider the proposed Master Plan Amendment at a date to be determined.

In accordance with Colorado Springs City Code, 4.1.105, the Parks and Recreation Advisory Board “shall coordinate its work with that of the Colorado Springs Planning Commission so that both shall be working for the accomplishment of the same general purposes with reference to park, trail, open space and recreation development...” (Ord. 1757; 1968 Code §1-159; Ord. 88-265; Ord. 97-99; Ord. 01-42)”

CURRENT STATUS:

Pulpit Rock Investments has submitted to the Planning and Community Development Department a Major Master Plan Amendment for Flying Horse. The current Flying Horse Master Plan identifies a 25-acre community park site located at the southern end of the development, along Black Squirrel Creek. The Master Plan Amendment proposes the following

changes to park, open space and trail related facilities: eliminate the community park, provide a pocket park, provide additional trail connections and provide a funding mechanism for a pedestrian bridge.

Cumulative amendments to the Flying Horse Master Plan have resulted in a significant overall decrease in density and number of residential units. The original Flying Horse Master Plan included 3,975 residential units. The proposed Master Plan Amendment is based upon 2,304 units, a 42% reduction. To date, 1,364 residential units have been platted/constructed and 928 future units are projected. Three neighborhood parks (Barefoot Park, Frog's Leap Park, and Angel Mist Park) have been built and are maintained by the District. A fourth neighborhood park, Lizard Leap Park, will be constructed and maintained by the District in the near future.

In accordance with the Parkland Dedication Ordinance, the amount of parkland required within a development is determined by the number of residential units. Based upon the number of existing and proposed residential units proposed for Flying Horse, the developer is required to provide 50.02 acres of parkland. The Master Plan amendment identifies 107 acres of land dedication, consisting of 27 acres of developed parkland and trails (active recreation), and 80 acres of open space (passive recreation). **The proposed Master Plan Amendment is based upon active areas receiving full credit (27 acres) and the passive recreation areas receiving 30% credit (equates to 24 acres), for a total land dedication of 51 acres – fulfilling the parkland dedication requirement.**

To provide some recreational opportunities in the absence of the community park site, the plan includes additional development of the Black Squirrel Creek Trail (in accordance with the Park System Master Plan), the additional development of interior trails to link the Black Squirrel Creek Open Space with Lizard Leap Neighborhood Park and the La Foret Trail, the additional development of a pocket park, and a mechanism to generate funding to construct a pedestrian bridge over Black Squirrel Creek (each residential unit proposed within the former community park site will contribute \$200 per unit at time of platting).

The 2014 Park System Master Plan identifies the need for a community park site in the northern reaches of Colorado Springs as determined by projected population growth and service radius standards. The Parks System Master Plan provides a framework for decision making for planning community parks throughout the City. In accordance with the current Parks System Master Plan:

“Colorado Springs’ community parks are generally 25 to 100 acres in size and are intended to serve several neighborhoods as well as community-wide needs. Community parks provide active recreational facilities such as athletic fields, community recreation buildings and/or other special features that cannot be easily accommodated in neighborhood parks. In addition to highly developed sports facilities, community parks typically provide large areas for open play, walking, and other non-programmed uses.

The Park System Master Plan identified the following standards for community park sites:
Community Park Purpose/Function: *Community parks should serve as a focal point for community wide activities and provide facilities that are less appropriate for neighborhood parks due to noise, lights, traffic, etc... Often opportunities exist to reserve large group picnic areas. Should maintain a balance between programmed sports facilities and other community activities such as gardens, plazas, etc...*

Community Park Site Characteristics: *Sports and facilities and other athletically programmed areas should be limited to a maximum of 50% of the total park area,*

including parking. Portions of the site should have gentle sloping topography to accommodate active sports fields and open turf areas for passive recreation

Community Park Service Area/Access: Community parks should have a 2.0 mile service radius; parkland standard of 3 acres/1000 people, good access from an arterial street and direct access to regional trail system.

Status of current community park ownership throughout the City: The City currently owns and maintains seven developed community parks: America the Beautiful Park, Cottonwood Creek Park, Memorial Park, Monument Valley Park, Quail Lake Park, and Rampart Park. In addition, City owns and maintains two partially developed community parks: Coleman Park and Wilson Ranch Park. The City currently owns one community park site that is under construction (Venezia) and two undeveloped community park (Indigo Ranch and Skyview) One additional undeveloped community park site is to be owned, constructed and maintained by a special district (Banning Lewis Ranch Community Park). Three future community park sites are identified within existing development master plans including: Wolf Ranch Master Plan, Flying Horse Master Plan and Indigo Ranch. These three community park sites are not owned by the City but are planned to be dedicated to the City in the future. (See attached chart for additional information).

<u>COMMUNITY PARKS:</u>	<u>Status</u>	<u>Date Acquired</u>	<u>Acreage</u>
America the Beautiful Park	Developed	2003	16.90
Coleman, Norman Park	Par.developed	1995	54.01
Cottonwood Creek Park	Developed	1985	77.13
<i>Flying Horse Park</i>	<i>Proposed</i>	*	20.94
<i>Indigo Ranch Park</i>	<i>Proposed</i>	2013	15.26
Memorial Park	Developed	1912	196.07
Monument Valley Park	Developed	1907	153.33
Quail Lake Park	Developed	1974	113.02
Rampart Park	Developed	1984	78.44
Sky View Park	Undeveloped	2005	20.36
Venezia, John Park	Under Const.	2006	29.51
Wilson Ranch Park	Developed	1997	11.44
<i>Wolf Ranch Park</i>	<i>Proposed</i>	*	26.31

*Indicates Master Planned Community parks not owned by the City

Status of City park development: The City has a backlog of park development needs. Development costs for community parks typically range from \$200,000-\$300,000 per acre, suggesting a total estimated cost of \$27-\$41 million to complete the current list of community parks. Development of these community park sites is subject to the availability of capital funding for park construction and availability of ongoing maintenance funding. Venezia Community Park is currently under construction.

In addition, the City owns two sports complex sites that are not yet developed (Ochs Sports Complex and Tutt Sports Complex) with a combined estimated construction cost in excess of \$20 million.

<u>SPORTS COMPLEXES:</u>	<u>Status</u>	<u>Date Acquired</u>	<u>Acreage</u>
El Pomar Youth Sports Complex	Developed	1999	57.40
Gossage Youth Sports Complex	Developed	1992	36.85

Ochs, Lawrence Sports Complex	Undeveloped	2003	60.32
Sky View Adult Softball Complex	Developed	1990	40.95
Tutt Sports Complex	Undeveloped	2000	22.20
Young, Leon Youth Complex	Developed	1986	24.89

Public Process:

The public input process for this proposed Master Plan Amendment is being administered through the City's Land Use Review Department. A public meeting was held within Flying Horse at the Flying Horse Club House on June 9, 2015. Post cards were sent to addresses within 1,000 ft. of the community park site. The site was posted with signs identifying the proposed Master Plan Amendment with meeting dates and locations. The Land Use Review Department has been receiving comments from the neighborhood and surrounding community. (See attached.)

The Parks and Recreation Advisory Board will consider the proposed Master Plan Amendment on August 13, 2015. The Parks and Recreation Advisory Board meeting provides an opportunity for public comment. Post cards have been sent to addresses within 1,000 ft. of this community park site inviting participation at the Parks Board meeting. The existing community park site has been posted in advance of the Board meeting.

This item is expected to be considered by Planning Commission on September 17, 2015. It is anticipated that City Council will consider the proposed Master Plan Amendment after the Planning Commission meeting at a date to be determined. The Planning Commission Meeting and City Council Meeting provide additional opportunities for public comment.

Staff has received numerous comments regarding the proposed Master Plan Amendment. All comments received to date are attached for the Board's review.

The current Flying Horse Community Park site offers a number of unique attributes, including but not limited to, superlative views of the Front Range, proximity to open space and trails, and good pedestrian/bike access to surrounding neighborhoods. The site also poses challenges for future community park development including steep topography, proximity to residences, and vehicular access. If the proposed Flying Horse Master Plan Amendment is approved and the current community park site eliminated, staff recommends that opportunities be pursued in the future to secure a suitable community park site to serve residents in the far northern reaches of Colorado Springs in accordance with the Park System Master Plan.

STAFF RECOMMENDATION:

Staff has reviewed the proposed Flying Horse Master Plan Amendment and recommends approval.

ACTION NEEDED BY THE BOARD:

A motion to approve the Flying Horse Master Plan Amendment as presented.

PARTIES NOTIFIED OF THIS MEETING:

Meggan Herrington, City Development Review
Drew, Balsick, Pulpit Rock Investments, LLC
Tim Seibert, NES, Inc.
Public Notification – Post Card Mailing and Sign Posting

Parkland Requirements

Proposed Amendment #13 2304 du

Park Land Dedication required: 50.02 acres

Active Parks and Trails
 Provided/Planned: 27 acres

Open Space:
 80 acres (30% credit given) 24 acres

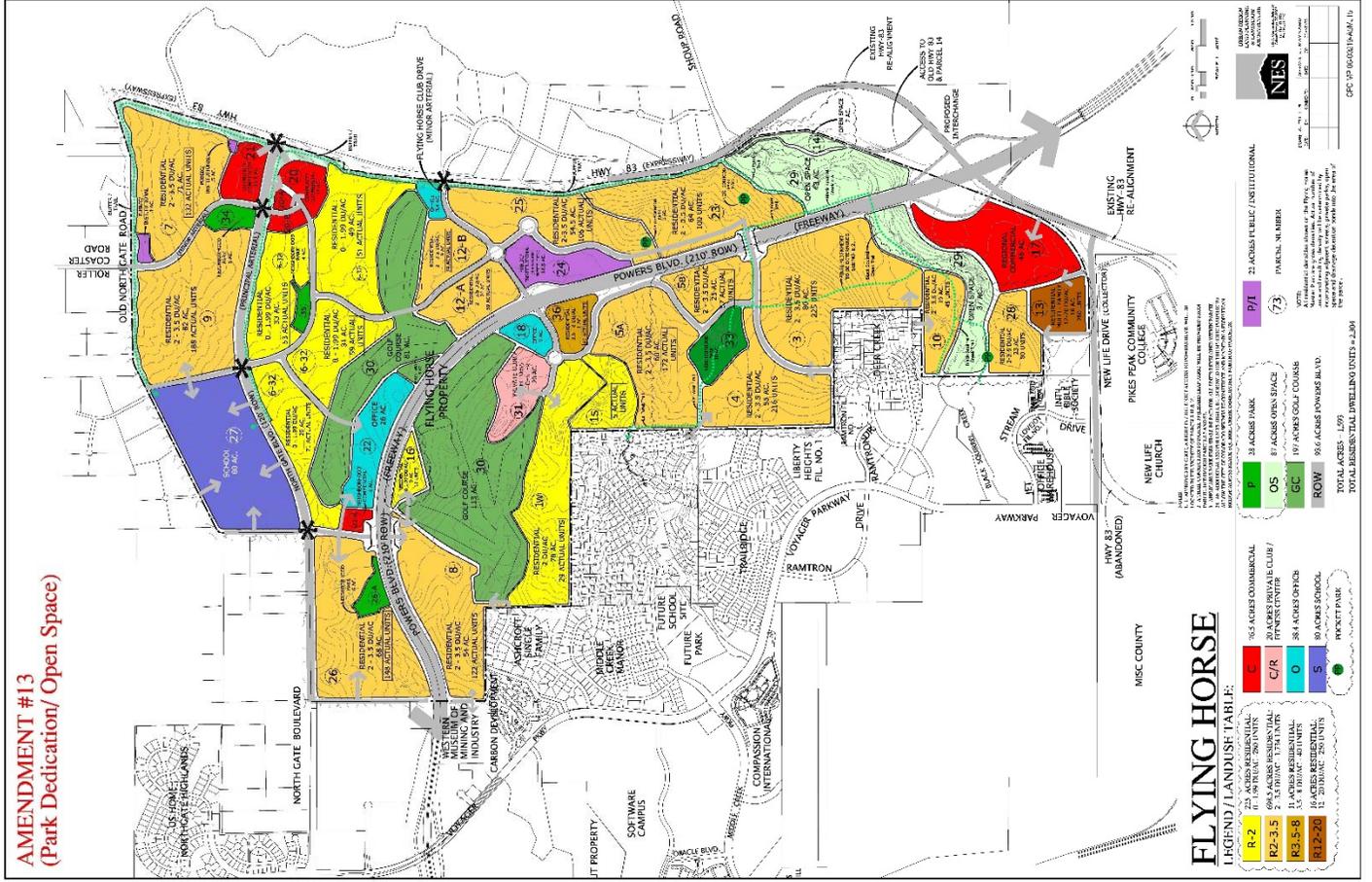
TOTAL PARKLAND PROVIDED
 with Amendment #13: 51 acres

All units constructed in Parcel 28 (former Community Park site) will pay applicable park fees and an additional \$200 per unit to assist in the completion of the pedestrian bridge across Black Squirrel Creek.



Master Plan Amendment #13

FIGURE 3



MASTER PLAN															
Parcel #	MP ACRE	USE (Residential, Park, Commercial, Institutional)	Density	AVERAGE DENSITY	UNITS PER AVERAGE DENSITY	LAND DEDICATION REQUIREMENT (Per Average Density)	PROPOSED UNITS FROM THE MP #13	ACTUAL UNITS FROM THE MP	Actual Density	RATE: Below 8 DU/Acre Multiplier (.02325)	RATE: Above 8 DU/Acre Multiplier (.01650)	Land Dedication (Per MP UNITS)	PROPOSED & BUILT PARKLAND	PROPOSED OPEN SPACE	Change Notes
1S/W	78	Residential	2	2	156.00	3.63		34	-	0.02325		0.79			* MP vs. NES Figures
3	75	Residential	2-3.5	2.75	206.25	4.80	225	-	-	0.02325		5.23			
4	47	Residential	2-3.5	2.75	129.25	3.01	216	-	-	0.02325		5.02			
5A	56	Residential	2-3.5	2.75	154.00	3.58		172	-	0.02325		4.00			
5B	42	Residential	2-3.5	2.75	115.50	2.69		57	-	0.02325		1.33			
6-32	25	Residential	0-1.99	0.99	24.75	0.58	-	71	2.84	0.02325		1.65			
6-32	33	Residential	0-1.99	0.99	32.67	0.76	-	53	1.61	0.02325		1.23			
6-32	31	Residential	0-1.99	0.99	30.69	0.71	-	59	1.90	0.02325		1.37			
6-32	49	Residential	0-1.99	0.99	48.51	1.13	-	51	1.04	0.02325		1.19			
7	71	Residential	2-3.5	2.75	195.25	4.54	-	132	-	0.02325		3.07			
8	54	Residential	2-3.5	2.75	148.50	3.45	-	122	-	0.02325		2.84			
9	82	Residential	2-3.5	2.75	225.50	5.24	-	188	2.29	0.02325		4.37			
10	19	Residential	3.5-8	7.5	142.50	3.31	45	-	-	0.02325		1.05			
12A	24	Residential	2-3.5	2.75	66.00	1.53	-	69	2.88	0.02325		1.60			
12B	19	Residential	2-3.5	2.75	52.25	1.21	-	74	3.89	0.02325		1.72			
13	14	Multi Family Residential	12-20.0	16	224.00	3.70	250	-	-		0.0165	4.13			
14	7	Multi Family Residential SOLD TO CDOT	12-20.0	16	112.00	SOLD		-	-		0.0165	0.00			-7 acres - SOLD
16	9	Residential	3.5-8.0	5.75	51.75	1.20	12			0.02325		0.28			
17	46	Commercial										0.00			
18	9	Office										0.00			
20 (A/B/C)	14?	Commercial										0.00			
21	14.5?	Commercial										0.00			
22	26	Office										0.00			
22A	5	Commercial										0.00			
23	62	Residential	2-3.5	2.75	170.50	3.96	100			0.02325		2.33			
23A	3	Neighborhood Park										0.00	2.00		- 3 Acre Park / + (2) 1 ac
24	18.5	Public Institutional										0.00			
25	55.5	Residential	2-3.5	2.75	152.63	3.55		106		0.02325		2.46			
26	68	Residential	2-3.5	2.75	187.00	4.35		148	2.18	0.02325		3.44			
26A	6	Neighborhood Park										0.00	6.00		
27	80	School Site										0.00			
28	25	Community Park/Residential	2-3.5	2.75	68.75	1.60	80		0.00	0.02325		0.00			-25 Acre park/Add Res
29	37	OPEN SPACE										0.00	37.00		
29	43	OPEN SPACE										0.00	43.00		
30	194	Golf Course (includes a maint yard)										0.00			
31	20	Private Club & Fitness Center										0.00			
33	10	Neighborhood (10 Acre Site)										0.00	10.00		
34	5	Neighborhood Park (in Parcel 9 - BUILT)										0.00	5.00		
35	4	Neighborhood Park (in 6/32 - Not sure if built)										0.00	4.00		
36	11	Residential	3.5-8.0	5.75	63.25	1.47		40		0.02325		0.93			30% of 80 is 24 Acre
	0.3	Public Institutional										0.00			
	3.0	Public Institutional										0.00			
					2757.50	60.00	928	2304				50.02	27.00	80.00	
													+ 24 acre OS		51.00

FIGURE 3

Herington, Meggan

From: Jim Tiedemann <jteeds@comcast.net>
Sent: Saturday, June 13, 2015 7:57 PM
To: Herington, Meggan
Subject: Future 25-acre development south of Deer Creek

Megan,

This is a follow-up to our meeting and discussion last Tuesday night in which the residents of Deer Creek expressed concern. We would like you to be aware of the following:

Deer Creek is a self-contained development within Northgate; so is Flying Horse. In order to develop the 25 acres adjacent south of Deer Creek for Flying Horse (if that becomes a reality), Flying Horse needs its own access road in and out, just as it has for the remaining portions of Flying Horse. Flying Horse should NOT be allowed to use Snowflake Drive and Silver Creek Drive for construction or future access of the development of this portion of Flying Horse since these streets are part of the Deer Creek development.

No other developments which are presently adjacent to Flying Horse (Stone Crossing, Middle Creek Manor, Trail Ridge) are or have been encumbered by using the streets within their developments to access Flying Horse, not while the other portions of Flying Horse were under construction and not now after they are built up. Why should we? As part of the Flying Horse development plan, the access to this portion of the development should be from either Voyager Parkway, New Life Drive/Jet Stream Drive or Highway 83.

Snowflake and Silver Creek Drives have posted residential speed limits. This is a quiet residential area and we have children playing near the streets. We should not have to be encumbered by heavy construction trucks or future residents who use our streets as a stepping stone to get to their development.

Let me make it clear that the residents of Deer Creek would prefer the park to the future development of another portion of Flying Horse.

Thank you for your consideration.

Jim Tiedemann, SRA
Residential Appraiser and Deer Creek Homeowner (first to build in Deer Creek)

Herington, Meggan

From: Jennifer Dastrup <jdastrup@hotmail.com>
Sent: Friday, June 12, 2015 1:33 PM
To: Herington, Meggan
Subject: Re: CPC MP 06-00219-A5MJ15

Ms. Herington,

I would like to register my opposition to the change to the plan CPC MP 06-00219-A5MJ15 to build 80 residential homes.

Thank you,

Jennifer Dastrup
Resident of Deer Creek Neighborhood
1911 Fieldcrest Dr
Colorado Springs CO 80921
719-351-6840

Herington, Meggan

From: Vince Greco <vince.greco@aogusafa.org>
Sent: Friday, June 12, 2015 9:16 AM
To: Herington, Meggan
Cc: grecoiii@msn.com
Subject: Flying Horse Master Plan Keep the 25-acre park!

Good morning Ms. Herington,

Thank you for taking a moment to read this email and consider my request. I would have preferred to attend the city hearing earlier this week to discuss the proposed changes developers at Flying Horse want to make to the Master Plan. They want to replace a 25-acre park with 80 residential homes (plan #CPC MP 06-00219-A5MJ15). Unfortunately I just learned of this via a postcard in the mail.

We have lived in the Deer Creek Development for eight years, it is a vibrant neighborhood, that for years has been waiting for the development of the park immediately south of Deer Creek, now we all of a sudden learn the developer wants to change the infrastructure?

I don't have to tell you Colorado Springs has one of the best parks and trail systems in America. I think it has been proven over time that creating parks and recreation facilities are vital to establishing and maintaining the quality of life in Colorado Springs not to mention ensuring the health and well-being of our residents. Our parks and trail system are the primary reason Colorado Springs consistently ranks in the top ten for fittest city in America!

While the benefits are clear, many don't realize the impact that our parks and trails have on the economic and environmental growth of our great city. Let's not get caught up in choosing between economic growth and open space. There really shouldn't be a choice, in most cases a city's parks and trail system not only provide health and environmental benefits, a sense of community and a higher quality of life, it is also good for the city's bottom line. Parks can significantly increase property values, attract and retain businesses, we know this part of town is booming with new business. More importantly parks can increase tax revenues. For example, a greenbelt in Boulder, Colorado helped increase the value of surrounding homes by approximately \$5.4 million and was shown to potentially generate \$500,000 annually in property tax revenue for the neighborhood.

Travel around to some of the bigger cities in Colorado, Denver, Castle Rock, Westminster, Boulder the list goes on and on. These cities all have "**Curb Appeal**", you drive through them and ask yourself why can't Colorado Springs do this? The answer is simple we can! Developers will build their 80 houses make their money and walk away. A beautiful park along Black Squirrel Creek will be there long after we leave this earth. The curb appeal will last a lifetime!

Thank you for listening and I sincerely hope you make the right decision.

V/r

Vince

Vince Greco | Director of Business Programs
Association of Graduates | U.S. Air Force Academy
Office: 719.472.0300, ext.150 | Cell: 719.433.0230
<http://www.usafa.org> | [Follow us on Twitter](#) | [Like us on Facebook](#)

Herington, Meggan

From: Monroe, Karen <KMonroe@Houseloan.com>
Sent: Friday, June 12, 2015 7:51 AM
To: Herington, Meggan
Cc: Monroe, Tom
Subject: Plan #CPC MP 06-00219-A5MJ15

Ms. Meggan, in regards to the proposed replacement of a 25 acre park with 80 residential homes immediately south of Deer Creek. the Monroe household would really love to see the park come in.

There are plenty of houses being built all around and we would really like a nice park that we could walk to.

Thank you for your time, Thomas and Karen Monroe

Karen Monroe, Cornerstone Home Lending! Please excuse spelling errors, sent from cell phone!



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Herington, Meggan

From: MICHAEL J ESTES <mestes3@msn.com>
Sent: Thursday, June 11, 2015 9:17 PM
To: Herington, Meggan
Subject: Flying horse master plan change #CPC MP 06-00219-A5MJ15

Dear Ms. Herington,

This note is to voice our opposition to the change in master plan at Flying Horse. The 80 homesites that would replace the park in the previous plan would add more traffic to our Deer Creek neighborhood and would leave us with one less green space in our area. It seems that the change is driven by the number of dollars that come with 80 more sites rather than the overall good of the neighbors.

Sincerely,
Mike & Gail Estes
2005 Coldstone Way
Colorado Springs, CO 80921

Herrington, Meggan

From: Wade and Denise Bowe <wdbowe@msn.com>
Sent: Thursday, June 11, 2015 8:29 AM
To: Herrington, Meggan
Subject: Flying Horse Plan

Hello Ms. Meggan Herrington,

I live in the Deer Creek subdivision here by Flying Horse, and since we bought new here 12+ years ago, looked forward to the proposed park that was to go in to the south of our development. We understood that it wouldn't happen overnight, as there weren't enough homes to support it, but knew that Flying Horse would eventually help in that regard, merging the 2 neighborhoods and allowing to enjoy some of their open spaces. I was dismayed to see that Flying Horse is wanting to change that plan and instead put homes on that site. I think that is a mistake for them and for our city, and that a park there would serve numerous communities as a place people could walk to and enjoy the awesome scenery in our area.

We would love to have a destination to walk or run to like a park instead of jogging up Voyager and would appreciate you considering this when you decide whether they can change their plan.

Respectfully,
Denise Bowe
11871 Cloudy Creek Ct
Colorado Springs, CO 80921

Herington, Meggan

From: Kelly Jones <kbjones@q.com>
Sent: Wednesday, June 10, 2015 4:59 PM
To: Herington, Meggan
Cc: Rick & Nancy White; Neil Arnold; Mike & Robin Thorne; Ralph McLain
Subject: Flying Horse Neighborhood Meeting

Dear Meggan,

Thank you for letting the residents of Deer Creek attend this informational meeting last evening with regard to a potential amendment to the Flying Horse Master Plan, **Re: File No. CPC MP 06-00219-A5MJ15**. This will be Amendment 14 which will eliminate a 25 acre Community Park (Parcel 28) and replace the land use with 23 acres of residential development at 2-3.5 dwelling units per acre (80+ units), a new pocket park, and a number of new trail connections. Parcel 10 which is directly south and adjoining Snowflake Drive and Silver Creek in Deer Creek will be slightly less dense in residence housing with 19 aces and 45 units.

My major concerns are the vehicular speeds and increased traffic on Snowflake and Silver Creek as well as the safety of all residents in Deer Creek. These 2 streets will be the only access to the residences in Parcel 10.

I'm in favor of eliminating the Community Park since another park will be constructed on Powers Blvd. near the Old Ranch intersection. The Community Park in Plot 28 would no nothing but increase additional traffic, noise, lighting, and other things that usually accompany Community Park activities. I certainly would be in favor of more land left for open space adjoining the southern boundary of Deer Creek. The neighborhood park, Lizard's Leap, should serve Deer Creek and the surrounding communities well without the need for the Community Park as originally designated in Plot 28.

As I understand the all development agencies are leaning toward this new Amendment 14.

Kelly and Nancy Jones
1863 Snowflake Drive
Colorado Springs, CO 80921
719-487-9951
kbjones@q.com

Herington, Meggan

From: Joshua Carter <dentistman@gmail.com>
Sent: Wednesday, June 10, 2015 2:02 PM
To: Herington, Meggan
Cc: Kathleen Carter
Subject: Flying Horse Meeting

Hy Meggan,

Thank you again for helping facilitate the meeting last evening!

I wanted to again share my concern regarding the amendment File No. CPC MP 06-00219-A5MJ15.

From the information I gathered last night, it would seem that Flying Horse is eliminating the planned community park based purely on motive to make more money with their land. The fact that they are willing to pay \$150,000+ in penalties to the city instead of building a community park clearly exhibits their goal of making money instead of providing a "Colorado" like atmosphere in the form of park land the community as a whole can benefit from. If this choice was given to the future home owners in the Southern portion of flying horse, I'm confident that they would also choose to have a community park as well. Unfortunately, that choice is impossible to gauge.

I was also concerned regarding the fact that there are specific signs at all current parks in Flying Horse that prohibit non-Flying Horse residents from accessing the parks. Flying Horse clearly used the parks to get the approval they needed from the City and then have forbidden any non-residents from using them with Security Guard enforcement. Providing a "community" park in the area would allow all citizens access to this beautiful area.

It is my hope that the City of Colorado Springs will allow the community of Flying Horse as well as the surrounding communities a park they can enjoy for years to come in this awesome city.

I look forward offering additional assistance and attending the meetings as they come.

Thanks!!

Joshua Carter, DDS, PLLC
Northgate Dental
12225 Voyager Parkway Suite 6
Colorado Springs, CO 80921
719-488-2292 office
719-306-3212 cell
719-488-9116 fax
www.northgatedentalcare.com
Like US on Facebook: www.facebook.com/NorthGateDental

Herrington, Meggan

From: Ramon Reyes <blast4mitch@gmail.com>
Sent: Wednesday, June 10, 2015 11:41 AM
To: Herrington, Meggan
Subject: Opposition - Flying Horse Master Plan Change

Ms. Herrington,

As part of our support for our homeowner's association, please note that we are politely opposing the proposed plan to replace the 25 acre park into 80 residential homes.

Thanks for your attention,

Ramon

Herington, Meggan

From: robert.sanders@comcast.net
Sent: Wednesday, June 10, 2015 9:10 AM
To: Herington, Meggan
Subject: Flying Horse Master Plan Change

Ms. Herington,

Would like to politely register my opposition to the changing of the Flying Horse master Plan.

Current residents living in that area currently don't have enough parks and recreation areas in the community, in order to sustain a quality of life outdoor areas must be sufficient for families to live and enjoy the great outdoors. I understand that the Flying Horse community owners want to earn more money by selling more houses and condensing out beautiful scenic area. Once they are complete in building they will move on to another area to build and earn more money.

They submitted an original plan that was approved that balanced living and outdoors for all families living in the area, and now they want to back track on the plan. We need the 25-acre park to enhance the quality of living and maintain our investments, in our, house, children, and living conditions.

Sincerely hope the city does not allow this and continuance of over populating an area at the cost of families and the greed of builders. Someone must start to stand with families and their considerations on quality of life. Parks are desperately needed in the area where families can get outside and enjoy our beautiful area.

Sincerely,

Robert Sanders

Herington, Meggan

From: Anne De Laurell <adelaurell@me.com>
Sent: Tuesday, June 09, 2015 8:35 PM
To: Herington, Meggan
Subject: Purposed change from 25 acre park to 80 residential homes

Ms. Megan Herington,

I am concerned with the purposed change to the Master Plan of Flying Horse to change a 25 acre park into 80 residential homes. We live in the Deer Creek community and feel this would greatly affect the value of our home as well as change what would be a great use of the land as a park. Why should we increase the number of homes with out providing places for family to gather. This park would provide value to our Northgate community and we should reject this plan.

Best Regards,

Anne De Laurell
adelaurell@mac.com
719-393-5960

Herington, Meggan

From: Hugh Jones <hjones@capincrouse.com>
Sent: Tuesday, June 09, 2015 7:20 PM
To: Herington, Meggan
Subject: Flying Horse Master Plan

Hi Meggan,

I am writing to register our family's opposition to the change to the Flying Horse master plan. We purchased a home in Deer Creek at Northgate in 2008 based in part on the park that was part of the Flying Horse master plan. We obtained this master plan from the Flying Horse website. Since that time, our three daughters have been eagerly awaiting the park. Furthermore, I do not think we would have purchased our home if we knew all the adjacent land would become rooftops. I hope the city holds Flying Horse to the promises upon which so many homeowners relied.

Thank you for all your hard work on this matter ☺.

Hugh Jones

Tax Counsel



o 719.291.6242
o 719.528.6225 x1507



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Herington, Meggan

From: Jim Coffey <coffeyjc3@yahoo.com>
Sent: Tuesday, June 09, 2015 6:02 PM
To: Herington, Meggan
Subject: Flying Horse Residential Homes, Plan #CPC MP 06-00219-A5MJ15

Ms. Herington

Ma'am,

We are writing to advise you we oppose the change in the Flying Horse's proposed plan to change the designated 25-acre park with 80 residential homes.

Sincerely,

Jim & Jennifer Coffey
1911 Snowflake Dr
C/S CO, 80921

Herington, Meggan

From: Thomas Hornstrom <thornstrom@comcast.net>
Sent: Tuesday, June 09, 2015 1:18 PM
To: Herington, Meggan
Subject: CPC MP 06-00219-A5MJ15

Ms Herington,

I cannot attend the public meeting in regards to this request.

I am completely opposed to this change to the Flying Horse Master Plan. It will eliminate too much open area and replace it with hard cover. In addition, it will drastically increase traffic in the surrounding areas (beyond what is already anticipated).

This additional burden on existing communities should not be approved.

Thank you

Thomas Hornstrom
11777 Laurelcreek Dr
COS 80921

Sent from my smarter than me phone

Herington, Meggan

From: Karen Clemmensen <kcl Emmensen@mac.com>
Sent: Tuesday, June 09, 2015 9:53 AM
To: Herington, Meggan
Subject: Proposed changes to Flying Horse Master Plan

Dear Ms. Herington,

As a resident of Deer Creek neighborhood, I have long looked forward to the 25-acre park that was one of the proposed attractions that influenced my decision to purchase a home in Deer Creek. There is a need for such a park in this area as there are none located within a reasonable distance of my neighborhood. Colorado residents cherish our state's reputation as a healthy area in part because we embrace outdoor activities. The promised 25-acre community park enhances our state's healthy reputation; 80 new homes do not.

It is difficult to understand why Flying Horse needs to eliminate a community park in favor of more houses when they own hundreds of acres of open space where homes can be built.

I urge you, Ms. Herington to reject plan #CPC MP 06-00219-A5MJ15.

I am grateful to the Deer Creek HOA's representation at the hearing on June 9th as health precludes my ability to attend.

Thank you for your consideration of my and my neighbor's concerns about Flying Horse's proposed change to a long-established plan for northern Colorado Springs.

Sincerely,
Karen Clemmensen
2029 Silver Creek Drive
Colorado Springs, CO 80921
719-488-0550

Herington, Meggan

From: Tom Hahn <hahns@outlook.com>
Sent: Tuesday, June 09, 2015 7:55 AM
To: Herington, Meggan
Subject: Flying Horse Master Plan Changes

Ms. Harrington,

For the record, we oppose the change to the Flying Horse Master Plan #CPC MP 06-00219-A5MJ15. We live in the Deer Creek neighborhood. It would be our preference that Flying Horse would remain with the original plan of a 25 acre park vs. the 80 residential homes that they would like to build just south of our neighborhood. Thank you for your consideration.

Tom and Jolene Hahn
2102 Fieldcrest Drive
Colorado Springs, CO 80921
(719) 380-9632
hahns@outlook.com

Herington, Meggan

From: Sonja Daum <sonjadaum@oci.org>
Sent: Monday, June 08, 2015 8:17 PM
To: Herington, Meggan
Subject: opposed to Flying Horse changes to master plan...

Dear Ms. Meggan Herington,

We would like to express our opposition to the changes Flying Horse is planning to make to their master plan south of Deer Creek (CPC MP 06-00219-A5MJ15). Many people made their decisions to buy based on the original plan. We hope your planning committee takes those that live in the community into consideration.

Sincerely,
David and Sonja Daum
2112 Fieldcrest Dr.
Colorado Springs 80921

Herington, Meggan

From: William.Hennessy <William.Hennessy@comcast.net>
Sent: Monday, June 08, 2015 6:24 PM
To: Herington, Meggan
Subject: Flying Horse master plan changes

Ms. Herington,

Hello, I am a neighbor of Flying Horse. Please provide links or files related to the Flying Horse proposed master plan and changes, especially those pertaining to the public meeting on 6 p.m. on June 9th at the Flying Horse Club.

Thank You,

William Hennessy
2125 Coldstone Way
80921

Herington, Meggan

From: Dale Giebink <djgiebink@outlook.com>
Sent: Thursday, June 04, 2015 10:33 AM
To: Herington, Meggan
Cc: rkmclain@rmi.net
Subject: Flying House Amendment

Dear Ms Herington,

I am a home owner in the Deer Creek Community adjacent to the Flying Horse development. Yesterday I received the public notice in the mail concerning the amendment to the Flying Horse Master Plan to eliminate a 25 acre Community Park and replace it with more residential development.

I would imagine that the initial plan included a 25 acre community park along the Black Squirrel Creek to promote and sell the overall Flying Horse development plan to the community and to the City of Colorado Springs. Now they desire to eliminate the park and replace it with more homes. The motive for this requested change in the plan seems to be quite clear, but unfortunately it would come at the expense of nearby residents. The residents are left with increased noise, traffic, congestion, and possible property devaluation, as well as the elimination of a nearby highly desirable natural open space and park. More homes in this location (parcel #28) would also impinge on the Black Squirrel Creek and undoubtedly adversely affect the plant and wildlife of this drainage basin. Parcel #10 on the plan, which is on the opposite side of the creek from the parcel #28, is also situated extremely close to the creek. This creek basin is home to beaver, fox, geese, ducks, hawks, Preble mice, and occasional deer and coyotes. How close are the developers allowed to build to the creek and the beaver ponds? Are environmental studies required first to determine the impact on this important watershed creek basin?

It appears that if the Flying Horse developers are allowed to proceed, that they will have deceptively misled the surrounding residents and the City of Colorado Springs to their original intentions, all in pursuit of their own financial gain. I will not be able to attend the meeting on Tuesday, June 9th, but it would be helpful if you would address these questions and concerns of the nearby homeowners at the meeting.

Respectfully

Dale Giebink
2017 Silver Creek Dr
ph: 388-0113

Herington, Meggan

From: Sara Foxley Smith <ssfoxley@gmail.com>
Sent: Wednesday, June 03, 2015 10:55 AM
To: Herington, Meggan
Subject: Re:

Dear Meggan,

Yes, you are correct....June 9th. I miss read the card. However, I am going to be out of town the 9th. I would love to come to the meeting, but cannot.

My concern is that those who don't belong to Flying Horse do not have the privilege of the open space, or lovely golf course. The public already pays taxes etc...it would be wonderful for this community to have a park nearby.

Lastly, I noticed in the revision that the persons who submitted it said the housing development for Flying House went down by about 1000 homes. However, that does not necessarily translate into open space, community or parks; does it? I don't see that indicated on the map. I am wondering what the purpose is for noting the difference.

The document notes a reduction in housing by 37%; what replaces the 37%? commercial buildings...I am not sure. Will there be an increase of 37% in open space, parks and trails? Just trying to get a clearer picture.

Thank you so much for your help,

Respectfully, Sara Smith

On Wed, Jun 3, 2015 at 7:05 AM, Herington, Meggan <mherington@springsgov.com> wrote:

Sara, I'm working closely with the City Parks Department and will provide Chris Lieber, Parks Manager, with all of the comments I receive. We have the meeting set for June 9th. You say the 12th in your email? Did you receive a postcard that stated the 12th? At that meeting on the 9th Chris with Parks and possibly a few members of the Parks Board will attend the meeting with residents to hear the concerns. You can email me any of your concerns in writing and I will share those with Parks. Thanks, Meggan

From: Sara Foxley Smith [<mailto:ssfoxley@gmail.com>]
Sent: Tuesday, June 02, 2015 5:27 PM
To: Herington, Meggan
Subject:

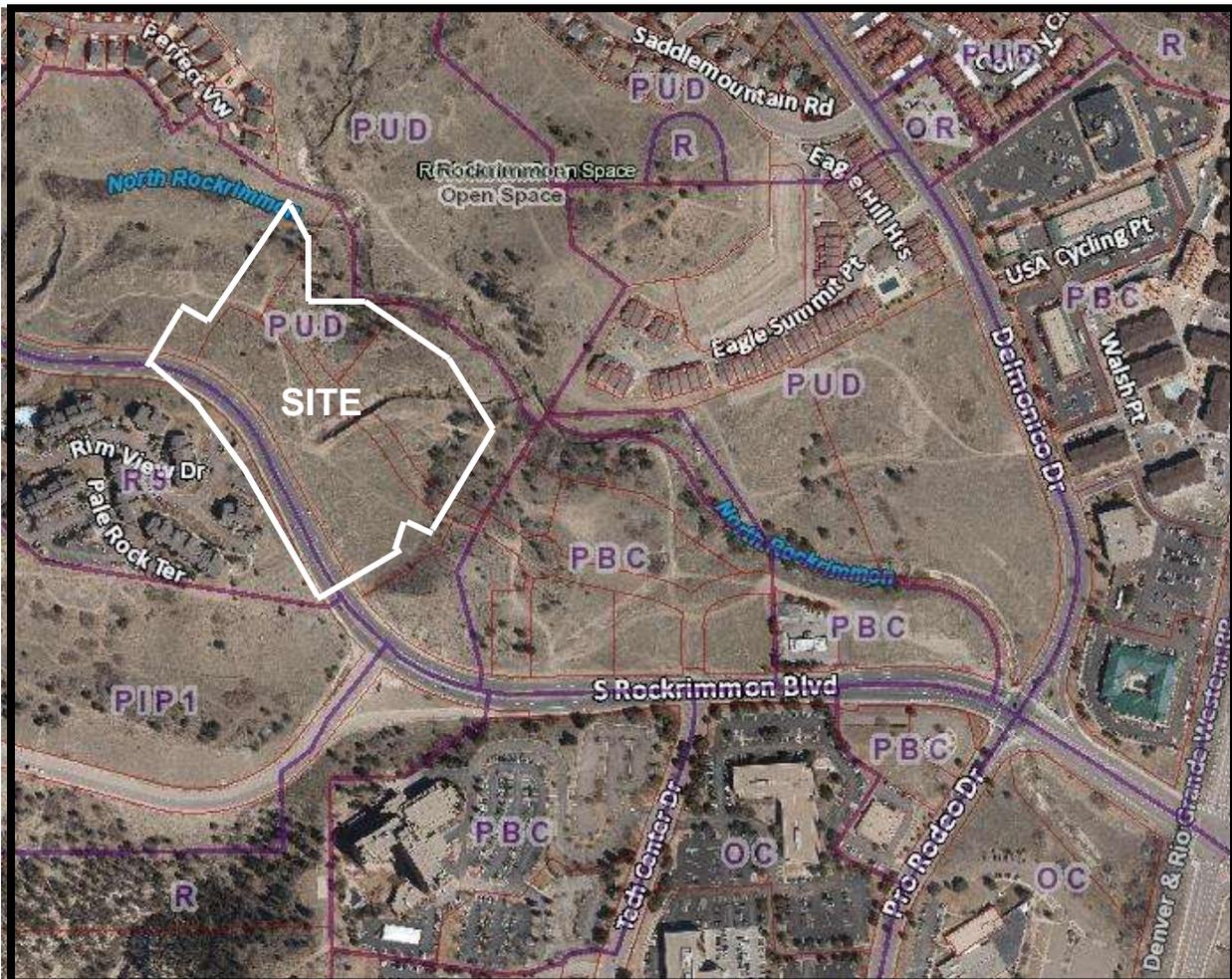
Dear Mrs. Herington,

CITY PLANNING COMMISSION AGENDA

ITEM NO: B1
STAFF: RACHEL TEIXEIRA

FILE NO:
CPC PUD 15-00064 – QUASI-JUDICIAL

PROJECT: CREEKSIDE AT ROCKRIMMON
APPLICANT: N.E.S, INC.
OWNER: PUEBLO BANK & TRUST COMPANY C/O PREMIER HOMES



PROJECT SUMMARY:

1. **Project Description:** This project includes a PUD Development Plan to allow multi-family residential development (71 units in a townhouse configuration) in an existing PUD (Planned Unit Development) zone district. This project is Phase III and IV of a multi-phase project for student housing. Phase I of this project was approved on June 24, 2014 for 38 units and a clubhouse building, while Phase II of the same project was approved on March 19, 2015 for 32 units. The site location is northwest of Delmonico Drive and Rockrimmon Boulevard and contains 11.2-acres. **(FIGURE 1)**

2. Applicant's Project Statement: (FIGURE 2)
3. Planning & Development Department's Recommendation: Approve the PUD development plan application, subject to technical modifications as outlined in the staff report.

BACKGROUND:

1. Site Address: 0, 151, 152, and 192 Heavy Stone View.
2. Existing Zoning/Land Use: PUD/cr/HS/SS (Planned Unit Development with conditions of record with Hillside and Streamside Overlays) / Vacant lot planned for multi-family (proposed student housing).
3. Surrounding Zoning/Land Use:
 - North: PUD/HS/SS / vacant/multi-family
 - South: R5/PIP-1/PBC / multi-family/vacant/hotel
 - East: PUD/HS/SS/ new student housing under construction
 - West: PUD/HS / vacant
4. Comprehensive Plan/Designated 2020 Land Use: General Residential.
5. Annexation: Golden Cycle Addition #1, April 1966.
6. Master Plan: Rockrimmon Master Plan (Implemented) / office/support/multi-family.
7. Subdivision: Creekside at Rockrimmon Filing No. 1.
8. Zoning Enforcement Action: n/a.
9. Physical Characteristics: The vacant site is near the northwest corner of Delmonico Drive and Rockrimmon Boulevard and has hillside and streamside characteristics (steep slopes and significant vegetation) throughout the property. The North Rockrimmon Creek runs on the north side of the property.

STAKEHOLDER PROCESS AND INVOLVEMENT:

Standard public notification and posting process was used during the internal review. Twenty-five property owners within a 500 foot buffer distance and the Discover/Rockrimmon Homeowners Association were notified via postcard. City planning staff received no written correspondence either in support or opposed to the project.

The property will be posted and mailing notification sent again prior to the September 17th City Planning Commission meeting.

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

1. Review Criteria / Design & Development Issues:

This is the third and fourth phase to the Creekside at Rockrimmon site. The property was rezoned in 2008 to PUD/HS/SS/cr (Planned Unit Development with Hillside and Streamside Overlays and conditions of record). The conditions of record per Ordinance No. 08-194 states 1. Any development plan for the property must be brought before the City Planning Commission for approval, and 2. The maximum building height for the multi-family residential cannot exceed 45 feet in height.

The PUD zoning allows single-family and multi-family residential with a density up to 7.61 dwelling units per acres that allows as many as 168 multi-family units and 62 single-family units over 30.2 acres. The amended 2014 Creekside at Rockrimmon concept plan illustrates the multi-family and single family residential land uses for Lots 7 and 8, Creekside at Rockrimmon Filing No. 1.

The City Planning Commission approved Phase I for 38 units of student housing and a clubhouse at the June 24, 2014 meeting. On March 19, 2015, the Planning Commission approved 32 units of student housing for Phase II. Phases I and II for Creekside at Rockrimmon are currently under construction.

The PUD development plan shows multi-family residential use for 71 student housing units with 267 bedrooms in a townhouse configuration. Lot 7 has five buildings that house 47 units with 152 parking spaces on 4.43 acres, Lot 8 has three building that house 24 units with 53 parking spaces on 3.99 acre site. Tract C is for open space and preservation, utilities, and drainage and is to be owned and maintained by the City of Colorado Springs.

Access into the area is from the private roads of Red Ash Point and Heavy Stone View which are platted from Creekside at Rockrimmon Filing No. 1 subdivision plat. Parking for student housing requires one parking

space per bedroom. Phases III and IV provide a total of 284 parking spaces for the 267 bedrooms in the 71 student housing units; this exceeds the City's requirements. The plan illustrates a trail along the creek (along the northern property line) per the Streamside Overlay requirement and the trail is to be maintained by the owner of Lot 8.

Staff finds that the PUD Development Plan is in conformance with the City Code criteria for PUD Development Plan approval.

2. Conformance with the City Comprehensive Plan:

Objective LU 4: Encourage Infill and Redevelopment

Encourage infill and redevelopment projects that are in character and context with existing, surrounding development. Infill and redevelopment projects in existing neighborhoods make good use of the City's infrastructure. If properly designed, these projects can serve an important role in achieving quality, mixed-use neighborhoods. In some instances, sensitively designed, high quality infill and redevelopment projects can help stabilize and revitalize existing older neighborhoods.

Strategy LU 502e: Locate Higher Density Housing as a Transition and Buffer to Residential Areas

Locate higher density housing in relation to activity centers and gradually decrease the density of that housing as a transition and buffer to the surrounding residential areas.

Objective LU 6: Meet the Housing Needs of All Segments of the Community

Planning and development activities, both in the public and private sector, shall include measures intended to ensure the sufficient provision of housing to meet the needs of the entire community, including housing affordable to lower-income households.

Staff finds that the project is in conformance with the City of Colorado Springs Comprehensive Plan.

3. Conformance with the Area's Master Plan:

This development is part of the Rockrimmon Master Plan and is permitted to have multi-family. The Rockrimmon Master Plan has been implemented.

STAFF RECOMMENDATION:

ITEM NO: B CPC PUD 15-00064 – PUD DEVELOPMENT PLAN

Approve the Creekside at Rockrimmon PUD Development Plan, based upon the finding that the project complies with the PUD Development Plan review criteria in City Code Section 7.3.606, subject to the following technical and/or informational plan modifications:

Technical and Informational Modifications to the PUD Development Plan:

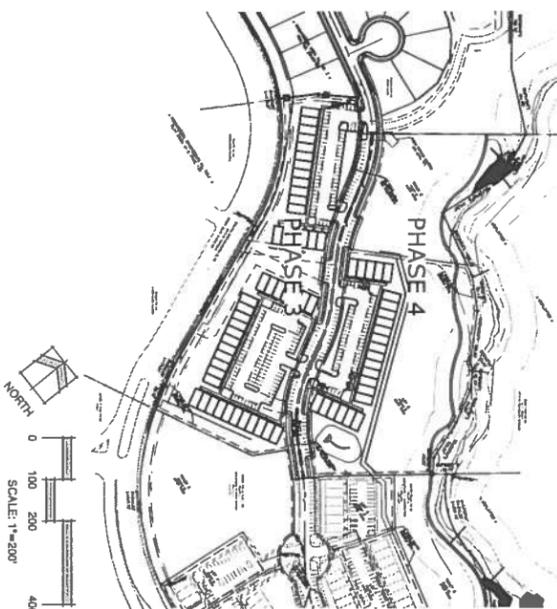
1. Provide the signage poles and ramps per the accessible parking space requirements for the disabled to the site plans. Add a note and provide the details for the handicapped signage to Sheet 1 of 13.
2. Provide the appropriate labels for plant materials from the "Alias" column of the Plant Schedule.
3. Provide the landscaping Site Category Calculations.
4. Provide details for retaining walls and fences including height, type, and general material used.
5. Indicate maintenance responsibility for landscape, medians, fence, and walls.
6. Note that the soil analysis is to be submitted with Final Landscape Plan with Building Permit.
7. Show and appropriately label major existing vegetation to be retained and removed, by size and species, with elevation of retained plants, and protection measures.
8. Revise the plan to show the installation of an additional ten (10) trees to replace the 10 that were removed from the streamside overlay area.
9. Revise the plans to show the additional retaining walls and revised contours.

SITE DATA:

SITE ACREAGE: 488,402 SF (11.2 AC)
SITE ADDRESSES: 152, 152.1, 0 Heavy Stone View
 201 Folsom Blvd, Suite 100
 08194
ORDINANCE NO.: ANY DEVELOPMENT PLAN FOR THE PROPERTY MUST BE BROUGHT BEFORE THE CITY PLANNING COMMISSION FOR APPROVAL. THE MAXIMUM BUILDING HEIGHT FOR THE MULTIFAMILY HOMES CANNOT EXCEED 45 FEET IN HEIGHT.
CONDITIONS OF RECORD: MULTIFAMILY/STUDENT HOUSING
 6318329507, 6318329507, 6318329507
USE: Summer 2016
TRAILER PARKING SCHEDULE: CONCEPT PLAN
CONCEPT PLAN: CRENSIDE AT ROCKRIMMON, FL 1
SUBDIVISION NAME: CRENSIDE AT ROCKRIMMON, FL 1
PROPOSED GROSS BUILDING AREA: 64,113 SF
PROPOSED PAVEMENT AREA: 100,873 SF
PROPOSED LANDSCAPE AREA: 323,416 SF (includes 1 tract C)
PERCENT BUILDING COVERAGE: 13%
PERCENT PAVEMENT COVERAGE: 21%
PERCENT LANDSCAPE COVERAGE: 66% (includes Tract C)
PARKING REQUIREMENT: 1 space per bedroom
PHASE 3&4 ONLY: 71 Units
 267 Beds
 267 spaces required (7 accessible spaces)
ALLOWED BUILDING HEIGHT: 45' MAX.
PROPOSED BUILDING HEIGHT: 28'

PHASE 3 & 4 LEGAL DESCRIPTION LOT 7, LOT 8, TRACT C AND TRACT E, CRENSIDE AT ROCKRIMMON FILING NO. 1.

PHASING MAP



OWNER/DEVELOPER:

PUEBLO BANK & TRUST

APPLICANT:

N.E.S. INC.
 619 N. CASCADE AVE., SUITE 200
 COLORADO SPRINGS, CO 80903

DEVELOPER:

PREMIER HOMES
 200 W. 1ST STREET
 PUEBLO, CO 81003

NOTES:

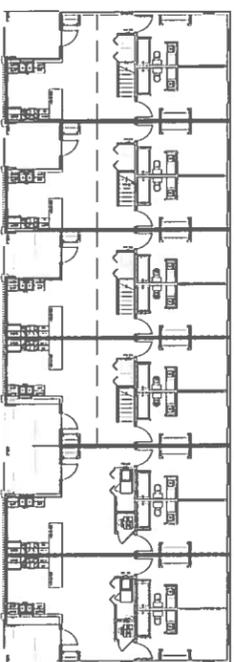
1. WATER QUALITY POND SHOWN ON LOT 8 TO BE INSTALLED IN PHASE 3.
2. TRACT E IS TO BE USED FOR ACCESS, PARKING, AND UTILITIES, AND IS TO BE MAINTAINED BY OWNER DEVELOPER.
3. TRACT C IS TO BE USED FOR OPEN SPACE AND PRESERVATION, UTILITIES AND DRAINAGE. THE TRACT IS TO BE OWNED AND MAINTAINED BY THE CITY OF COLORADO SPRINGS, AND IS TO BE DEED TO THE CITY PRIOR TO THE ISSUANCE OF THE FIRST BUILDING PERMIT FOR PHASE 3.
4. EACH UNIT HAS A LOCKING BIKE RACK IN THE COURTYARD.
5. ALL RESIDENTIAL BUILDINGS WILL BE FIRE SPRINKLERED AND WILL HAVE A 2 HOUR FIRE WALL BETWEEN UNITS.
6. PORTIONS OF THIS SITE ARE WITHIN A SPECIAL FLOOD HAZARD AREA INUNDED BY 100-YEAR FLOOD, ZONE AE, AS DETERMINED BY GRAPHIC INTERPRETATION, FLOODPLAIN INFORMATION WAS OBTAINED FROM F.E.M.A. FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR EL PASO, COLORADO, PANEL NUMBER 080410G512 F, EFFECTIVE DATE MARCH 17, 1987. NO BUILDINGS WILL BE CONSTRUCTED WITHIN THE FLOODPLAIN.
7. RED ASH POINT AND HEAVY STONE VIEW ARE PRIVATE DRIVES AND WILL BE OWNED AND MAINTAINED BY OWNER DEVELOPER.
8. THIS PROPERTY IS SUBJECT TO THE FINDINGS, SUMMARY, AND CONCLUSIONS OF THE GEOLOGIC HAZARD REPORT PREPARED FOR LOTS 7 AND 8 BY ENTECH ENGINEERING DATED JULY 10, 2015 IN ADDITION TO A PRELIMINARY GEOLOGIC HAZARD REPORT PREPARED BY ENTECH ENGINEERING DATED DECEMBER 18, 2014. THIS REPORT HAS BEEN PLACED WITHIN FILE: CPC PUD 15-00064 OF THE CITY OF COLORADO SPRINGS - DEVELOPMENT SERVICES DIVISION, CONTACT DEVELOPMENT SERVICES DIVISION, 30 SOUTH NEVADA AVENUE, SUITE 301, COLORADO SPRINGS, COLORADO. IF YOU WOULD LIKE TO REVIEW SAID REPORT, THIS SITE IS SUBJECT TO DOWNSLOPE CREEP, POTENTIALLY UNSTABLE SLOPES AND UNSTABLE SLOPES, AS WELL AS OTHER GEOLOGIC HAZARDS, MITIGATION MEASURES FOR THESE HAZARDS ARE OUTLINED IN THE GEOLOGIC HAZARD REPORT. THE RECOMMENDATIONS IN THE GEOLOGIC HAZARD REPORT NEED TO BE ADHERED TO AND LOT-SPECIFIC INVESTIGATIONS AND ANALYSES ARE TO BE CONDUCTED FOR USE IN DESIGN OF RETAINING WALLS AND FOUNDATIONS.
9. ALL CURB, GUTTER, PEDESTRIAN RAMPS AND SIDEWALK FORMING A SAFETY HAZARD OR EXHIBITING EXCESSIVE DETRIMENTAL ALONG ROCKRIMMON BLVD. ADJACENT TO THE SITE WILL NEED TO BE REMOVED AND REPLACED. AN ON-SITE MEETING CAN BE SET UP WITH THE CITY ENGINEERING INSPECTOR, BRIAN MARTINEZ, TO DETERMINE WHAT, IF ANY IMPROVEMENTS ARE REQUIRED. THE INSPECTOR CAN BE REACHED AT 985-5064.
10. THE PROPOSED GRAVEL TRAIL ALONGSIDE THE CREEK WILL BE FIELD LOCATED WITH FINAL GRADING AND WILL BE MAINTAINED BY OWNER/DEVELOPER.
11. THIS IS A HILLSIDE DEVELOPMENT PLAN. HILLSIDE SITE/GRADING PLAN TO BE SUBMITTED WITH BUILDING PERMIT CONSTRUCTION SET.
12. A DEVELOPMENT AGREEMENT WAS APPROVED FOR THIS SITE AND IS FILED IN THIS DEVELOPMENT PLAN FILE CPC CU 14-00148. THE DEVELOPMENT AGREEMENT SPECIFIES WHEN FINANCIAL ASSURANCES MUST BE POSTED FOR PUBLIC IMPROVEMENTS (PUBLIC STREET AND STORM SEWER, CHANNEL, IMPROVEMENTS, AND TRAFFIC SIGNAL) AND WHEN THESE IMPROVEMENTS MUST BE COMPLETED (SEE SCHEDULE TABLE ON THIS SHEET).
13. THE TRAIL ON THE SOUTH SIDE OF THE CREEK WILL BE MAINTAINED BY THE OWNER OF LOT 8.
14. LANDSCAPE, MEDIANS, FENCES, AND WALLS WILL BE MAINTAINED BY OWNER/DEVELOPER.

DEVELOPMENT IMPROVEMENTS AGREEMENT SCHEDULE:

IMPROVEMENT	FINANCIAL ASSURANCE AMOUNT	TRIGGERING EVENT
Traffic Signal Participation	\$200,000	Prior to 1st Building Permit for Phase 2
Can Contribution	\$56,000	Prior to 1st Building Permit for Phase 2
Left Turn Lane on South Rockrimmon Blvd	\$56,000	Prior to 1st Building Permit for Phase 2
Median at South Rockrimmon Blvd & Red Ash	N/A- Private	Prior to 1st Building Permit for Phase 2
Red Ash Point	N/A- Private	Prior to 1st Building Permit for Phase 2
Channel Improvements	\$130,791	Prior to 1st Building Permit for Phase 2
Channel Improvements	\$50,111	Complete by 1st CO for Phase 2
Channel Improvements	\$50,111	Prior to 1st Building Permit for Phase 2
Channel Improvements	\$50,111	Complete by 1st CO for Phase 4

*Channel Improvements for Phase 1 and 2 need to be complete before the first building permit is issued for Phase 3 and 4.

BUILDING LAYOUT (TYPICAL)



BUILDING LAYOUT (TYPICAL)

SCALE: 1/16"=1'-0"

VICINITY MAP: N.T.S.



TRACT TABLE:

TRACT	SIZE	USE	OWNERSHIP/ MAINTENANCE
Tract C	78,827 S.F. 1.81 AC	Open Space, Preservation, Utility, Drainage	City of Colorado Springs*
Tract E	42,650 S.F. 0.98 AC	Private Drive, Utility	Owner/ Developer

*Tract C will be deeded to the City of Colorado Springs prior to the first building permit issuance for this site.

Proprietary Owner(s) acknowledge and agree to the following upon approval of Preliminary Utility Plan:

The drawing is a Preliminary Utility Plan and therefore, Colorado Springs Utilities shall make the final determination of the location of all water, wastewater, electric, and gas facilities, which may not be the same location as shown on the Preliminary Utility Plan.

Proprietary Owner(s) ("Owner") acknowledge that the connection and/or extension of utility services to the property identified in the Preliminary Utility Plan ("Propriety") shall be in accordance with all applicable codes and regulations. Springs Utilities shall be responsible for the design, construction, and maintenance of all utility services, including but not limited to water, wastewater, electric, and gas. The Propriety shall be designed and installed in accordance with all applicable codes and regulations, and all wastewater collection system facilities and appurtenances, and any water or wastewater service lines to and within the Propriety. Owner may be eligible for a cost recovery agreement as provided in Utilities Rules and Regulations.

Owner acknowledges responsibility for the costs of relocation of utility system appurtenances, but Springs Utilities determines necessary to provide utility services to the Propriety or to ensure timely development of the Propriety and systems serving the Propriety and areas outside the Propriety (including the costs to design and install all poles and non-potable water system facilities and appurtenances, and all wastewater collection system facilities and appurtenances, and any water or wastewater service lines to and within the Propriety. Owner may be eligible for a cost recovery agreement as provided in Utilities Rules and Regulations.

Spring Utilities' utility services are available on a "first-come, first-served" basis, and therefore no specific allocations or amounts of utility services, locations, conditions or supplies are reserved for the Owner, and Springs Utilities makes no representation as to the availability of any utility services and shall not be held responsible for any such allocation.

Only with the prior written approval of Springs Utilities, Owner may cause the relocation or alteration of any existing utility facilities within the Propriety at the Owner's sole cost and expense. If Springs Utilities determines that Owner's relocation of utility facilities within the Propriety is not in the best interest of Springs Utilities, Owner shall reimburse Springs Utilities for such Water-quality Maintenance Costs within thirty (30) days of receipt of an invoice for such costs.

Owner shall contact Springs Utilities Field Engineering to secure approval of gas-service-line pressures in excess of Springs Utilities' standard gas-system pressure, and the location of all meters and transformers. (Contact them Work Center 688-4885 or South Work Center 688-5241).

This water distribution system facilities must meet Springs Utilities' criteria for water quality, reliability and pressure. The water distribution system facilities must meet Springs Utilities' Water Standards.

Owner recognizes that the expansion of water system facilities may reduce the quality of water in Springs Utilities' water system. Springs Utilities shall be responsible for the design, construction, and maintenance of all water system facilities necessary to insure that the water quality in the system is not reduced below the minimum acceptable level. (Contact them Work Center 688-4885 or South Work Center 688-5241).

It shall not be permissible for any person to modify the grade of the earth on any Springs Utilities' easement or rights of way without the written approval of Springs Utilities (City Code 17.2.540).

Spring Utilities' approval of the Preliminary Utility Plan shall not be construed as a finding from the authority of Springs Utilities to apply its Standards and there are no conflicts between any approved easements and any other easements or Standards or the City Code, then the Standards shall apply. Springs Utilities' approval of the Preliminary Utility Plan shall not be construed as a finding upon the authority of the City or the Springs Utilities to adopt different ordinances, rules, regulations, resolutions, orders or codes which change any of the provisions of the Standards so long as those apply to the City property and are in respect with the Preliminary Utility Plan, rules, regulations and codes of Springs Utilities.



N.E.S. Inc.
 619 N. Cascade Avenue, Suite 200
 Colorado Springs, CO 80903
 Tel. 719.471.0073
 Fax 719.471.0267
 www.nescolordado.com
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Creekside at Rockrimmon
 Phase 3 & 4
 Development Plan

DATE: 07/20/15
 PROJECT NO: A. SALDAN
 PREPARED BY: K. WHITFORD

SHEET INDEX:

NO.	BY	DESCRIPTION
1	BY	Cover Sheet
2	BY	Development Plan
3	BY	Preliminary Grading Plan
4	BY	Preliminary Utility Plan
5	BY	Preliminary Landscape Plan- Phases 3
6	BY	Preliminary Landscape Plan- Phases 4
7	BY	Landscape Details
8	BY	Building Elevations
9	BY	Site Plan
10	BY	Site Plan
11	BY	Land Suitability Analysis
12	BY	Land Suitability Analysis
13	BY	Land Suitability Analysis

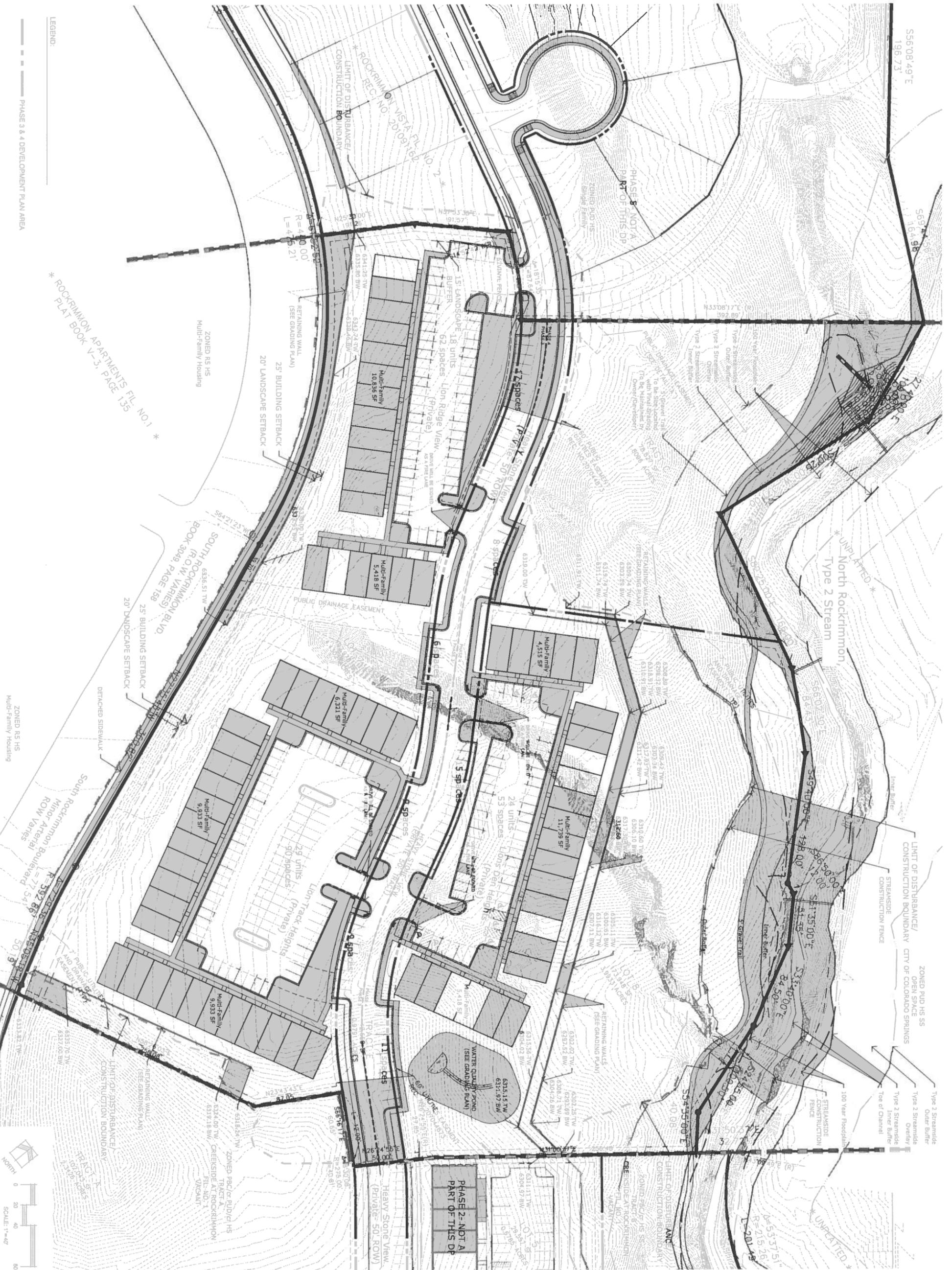
COVER SHEET

1 OF 13

CPC PUD 15-00064

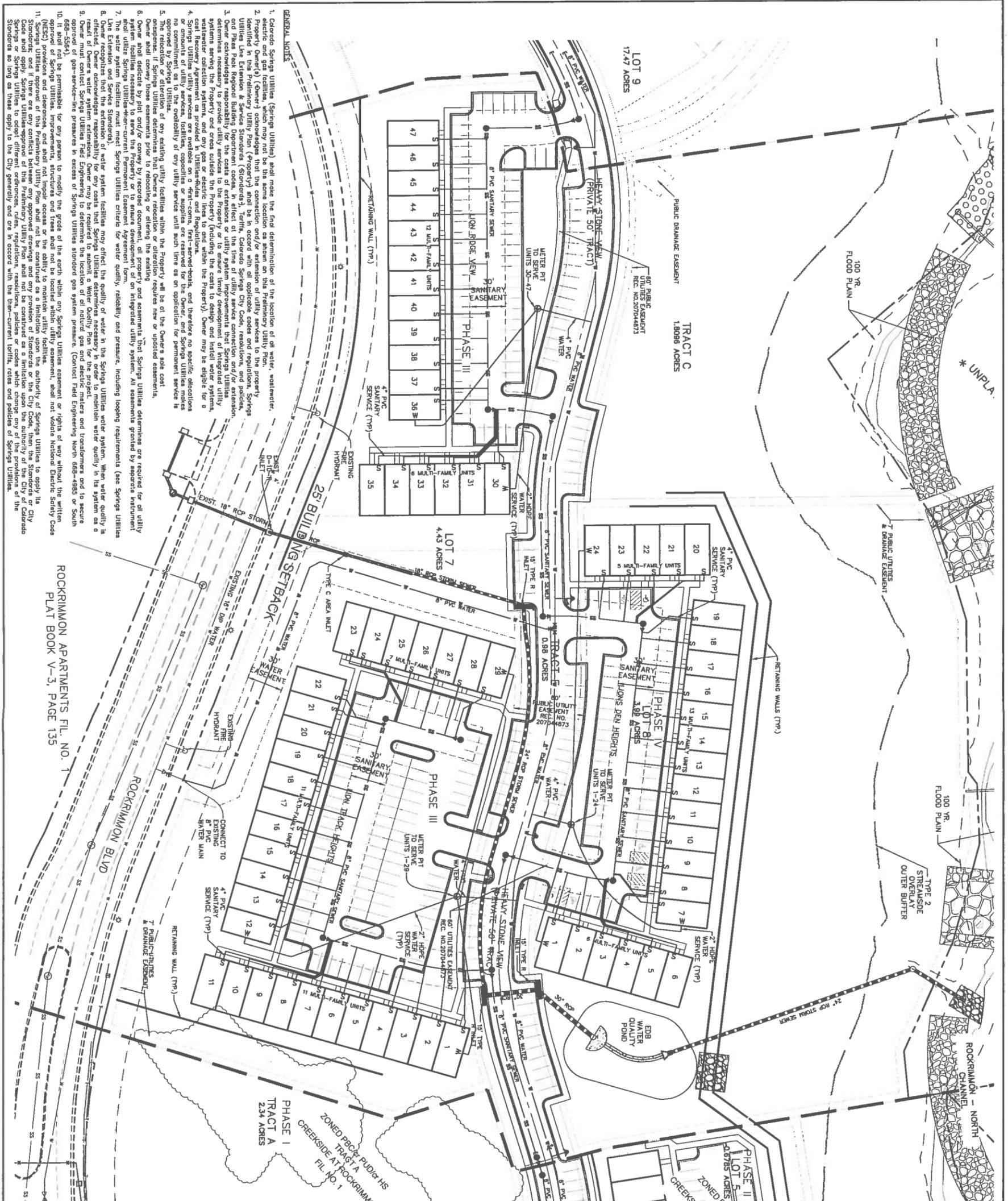
FIGURE 1

F:\Pender Homes\Creekside at Rockrimmon Phases 3 and 4\Drawings\Planning\Develop\CreeksidePh3-4_DP_08-10-2015.dwg [DP] R/13/2015 3:32:58 PM lvhbbd



PLANNING	DATE: 07/02/2015	PROJECT NO:	070027815
DESIGN	DATE: 07/02/2015	PROJECT NAME:	Creekside at Rockrimmon
CONSTRUCTION	DATE: 07/02/2015	PREPARED BY:	A. BILLOW, K. WHITFORD
PHASE 3 & 4 DEVELOPMENT PLAN AREA	DATE: 07/02/2015	PROJECT INFO:	Phase 3 & 4 Development Plan
LEGEND:	DATE: 07/02/2015	ASSOCIATION:	
PHASE 3 & 4 DEVELOPMENT PLAN AREA	DATE: 07/02/2015	PLANNING LINEWORK AND REPORT:	
	DATE: 07/02/2015	619 N. Cascade Avenue, Suite 200	
	DATE: 07/02/2015	Colorado Springs, CO 80903	
	DATE: 07/02/2015	Tel: 719.471.0073	
	DATE: 07/02/2015	Fax: 719.471.0267	
	DATE: 07/02/2015	www.nescolorado.com	
	DATE: 07/02/2015	© 2011, All Rights Reserved.	

FIGURE 1

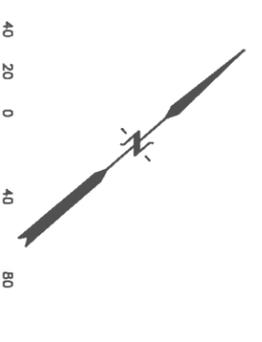


- GENERAL NOTES**
1. Colorado Springs Utilities (Springes Utilities) shall make the final determination of the location of all water, wastewater, and gas lines. The location of all water, wastewater, and gas lines shall be in accordance with the City Code, regulations, and policies. The location of all water, wastewater, and gas lines shall be in accordance with the City Code, regulations, and policies.
 2. Property Owner(s) (Owner) acknowledges that the connection and/or extension of utility services to the property identified in this Preliminary Utility Plan (Standard) shall be in accordance with applicable codes and regulations. Springs Utilities Line Extension & Service Standards (Standard), Terms, Colorado Springs City Code, regulations, and policies, and Plans Pack Region Building Department codes, in effect at the time of utility service connection and/or extension, shall apply.
 3. Owner acknowledges responsibility for the costs of extensions or utility system improvements that Springs Utilities is required to provide to the Property, including the costs to design and install water systems, wastewater collection systems, and any gas or electric lines to and within the Property. Owner may be eligible for a cost Recovery Agreement as provided in Utilities Rules and Regulations.
 4. Springs Utilities utility services are available on a first-come, first-served basis, and therefore no specific obligations are made by Springs Utilities to provide utility services to the Property. Springs Utilities does not have any obligation or commitment as to the availability of any utility service until such time as an application for permanent service is approved by Springs Utilities.
 5. The relocation or alteration of any existing utility facilities within the Property will be at the Owner's sole cost. The relocation or alteration of any existing utility facilities within the Property will be at the Owner's sole cost.
 6. Owner shall dedicate by plat and/or convey by recorded document, all property and easements that Springs Utilities determines are required for all utility system facilities necessary to serve the Property or to ensure development of an integrated utility system. All easements granted by separate instrument shall be subject to the terms and conditions of the Springs Utilities Standard Easement Agreement form.
 7. The water system facilities must meet Springs Utilities criteria for water quality, reliability and pressure, including looping requirements (see Springs Utilities Standard Easement Agreement form).
 8. Owner recognizes that the extension of water system facilities may affect the quality of water in the Springs Utilities water system. When water quality is affected, Owner acknowledges responsibility for any costs that Springs Utilities determines necessary in order to maintain water quality in the system as a result of Owner's water system extensions. Owner may be required to submit a Water Quality Plan for the project.
 9. Owner must contact Springs Utilities Field Engineering to determine the location of all natural gas and electric meters and transformers and to secure 688-5564) gas-meter-to-the-pressure in excess of Springs Utilities standard gas system pressure. (Contact Field Engineering North 888-9825 or South 688-5564).
 10. It shall not be permissible for any person to modify the grade of the earth within any Springs Utilities easement or rights of way without the written approval of Springs Utilities. Improvements, structures and trees shall not be located within utility easements, shall not violate National Electric Safety Code (NESC) provisions and standards, and shall not impede access or the ability to maintain utility facilities.
 11. Standards and if there are any conflicts between any approved drawings and any provisions of Standards or the City Code, then the Standards or City Code shall apply. Springs Utilities approval of this Preliminary Utility Plan shall not be construed as a limitation upon the authority of the City of Colorado Springs or Springs Utilities to adopt different ordinances, rules, regulations, resolutions, policies or codes which change any of the provisions of the Standards as long as these apply to the City generally and one in accordance with the then-current terms, rules and policies of Springs Utilities.

ROCKRIMMON APARTMENTS FL. NO. 1
 PLAT BOOK V-3, PAGE 135

811
 Know what's below.
 Call before you dig.
 CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRAVE, OR UNDERGROUND MEMBER UTILITIES.

UT01
 PRELIMINARY PUBLIC FACILITY/UTILITY PLAN
 PROJECT NO. 20645-01CSOV
 DRAWING NO.



ISSUE	DATE
INITIAL ISSUE	7/02/15
LATEST ISSUE	6/12/15

DESIGNED BY: TDU
 DRAWN BY: GCS
 CHECKED BY: TDU
 FILE NAME: 20645-01P3UT
 PREPARED UNDER THE DIRECT SUPERVISION FOR AND BEHALF OF DREXEL, BARRELL & CO.

LEGEND

- PROPOSED STORM SEWER: 18" ACP
- PROPOSED SANITARY SEWER: 8" PVC
- PROPOSED WATER LINE: 8" PVC
- PROPOSED FIRE HYDRANT: 8" PVC
- PROPOSED WATER METER: 8" PVC
- PROPOSED MANHOLE: 8" PVC
- PROPOSED INLET: 8" PVC
- EX. STORM SEWER: 18" ACP
- EX. SANITARY SEWER: 8" PVC
- EX. WATER LINE: 8" PVC
- EX. BARRIED TELEPHONE LINE: 1"
- EX. FIRE HYDRANT: 8" PVC
- EX. WATER VALVE: 8" PVC
- EX. SANITARY MANHOLE: 8" PVC
- EX. STORM MANHOLE: 8" PVC
- EX. LIGHT POLE: 8" PVC

NOTE:
 ALL SANITARY SEWER AND WATER MAINS SHOWN ON THIS PLAN ARE TO BE INSTALLED IN ACCORDANCE WITH THE PUBLIC UTILITY EASEMENTS AND LOCATED WITHIN THE EASEMENTS.

PREPARED BY:

DREXEL, BARRELL & CO.
 200 W. 1ST ST. 200
 PUEBLO, COLORADO 81003
 (719) 594-2900
 CONTACT: PAUL W. BROUSSARD

CLIENT:

PREMIER PROPERTIES
 200 W. 1ST ST. 200
 PUEBLO, COLORADO 81003
 (719) 594-2900
 CONTACT: PAUL W. BROUSSARD

DRAWING SCALE:
 HORIZONTAL: 1" = 40'
 VERTICAL: N/A

UT01
 PRELIMINARY PUBLIC FACILITY/UTILITY PLAN
 PROJECT NO. 20645-01CSOV
 DRAWING NO.

FIGURE 1

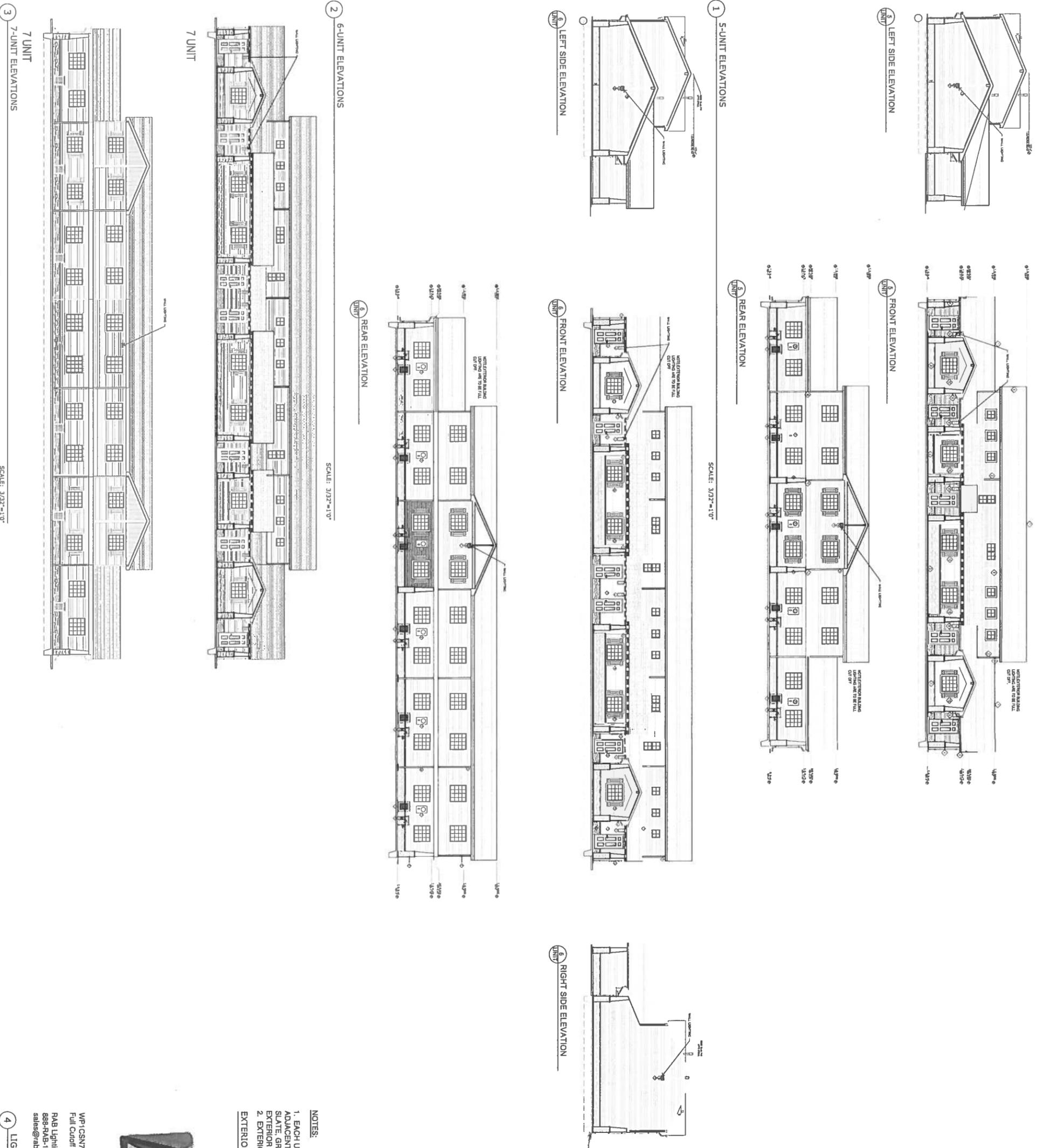
P:\Premier Homes\Creekside at Rockrimmon Phases 3 and 4\Drawings\Planning\Pre-land\CreeksidePH3-4_PLP_08-10-2015.dwg [PLP-PHASE 3] 8/13/2015 3:48:31 PM kwhitford



<p>PLANNING / LANDSCAPE ARCHITECT</p> <p>N.E.S., Inc. 619 N. Cascade Avenue, Suite 200 Colorado Springs, CO 80903 Tel: 719.471.0073 Fax: 719.471.0267 www.nesincolorado.com © 2015, All Rights Reserved.</p>	<p>PROJECT INFO</p> <p>DATE: 8/10/2015 PROJECT NAME: Creekside at Rockrimmon PREPARED BY: A. BARKLOW, K. WHITFORD</p>	<p>PHASE 3 & 4 Development Plan</p> <p>Creekside at Rockrimmon</p>	<p>PLANNING / LANDSCAPE ARCHITECT</p> <p>PRELIMINARY LANDSCAPE PLAN PHASE 3</p> <p>5 OF 13</p> <p>CPC PUD 15-00064</p>
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FIGURE 1

F:\Premier Homes\Creekside at Rockrimmon Phases 3 and 4\Drawings\Planning\Develop\CreeksidePh3-4_DP_08-10-2015.dwg (Elevations) 8/13/2015 10:59:32 AM kwhitford

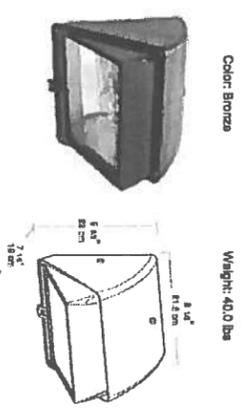


- LEGEND**
- 1 ASPHALT COMPOSITE SHINGLES
 - 2 8" VINYL SIDING
 - 3 FIELDSTONE VENEER
 - 4 PRE-FINISHED GUTTER & DOWNSPOUT W/ SFLUSH-LOCK
 - 5 PORCH LIGHT (ON LIGHT SENSOR)
 - 6 4" (NOVA) WOOD CORNER TRIM
 - 7 AIR CONDITIONER UNIT
 - 8 ELECTRICAL SERVICE ENTRY/METER(S)
 - 9 WATER METER
 - 10 ENTRY CANOPY
 - 11 WEATHERPROOF /GFCI RECEPTACLE
 - 12 EXPOSED CANOPY SUPPORT BEAM
 - 13 DECORATIVE SHUTTERS
 - 14 GAS METER METEORITIC COLORS AND FINISHES PER OWNER'S REQUIREMENTS.
 - 15 1X12 NOMINAL EXTERIOR DECORATIVE WOOD TRIM
 - 16 FLOOD LIGHT

NOTES:

1. EACH UNIT WILL BE OF A DIFFERENT COLOR THAN THE ADJACENT UNIT. COLORS WILL BE "RED BARN", BROWN, TAN, SLATE, GRAY, BUFE (YELLOW/GOLD) WITH OFF SETTING TRIM. EXTERIOR MATERIAL IS HARDY BOARD WITH FAUX STONE TRIM.
2. EXTERIOR BUILDING WALL LIGHTING ARE TO BE FULL CUT OFF.

EXTERIOR BUILDING WALL LIGHTING



WP1CSN70PC
Full Cut Off Wallpack with glare shield

RAB Lighting, Inc.
888-RAB-1000
sales@rabweb.com

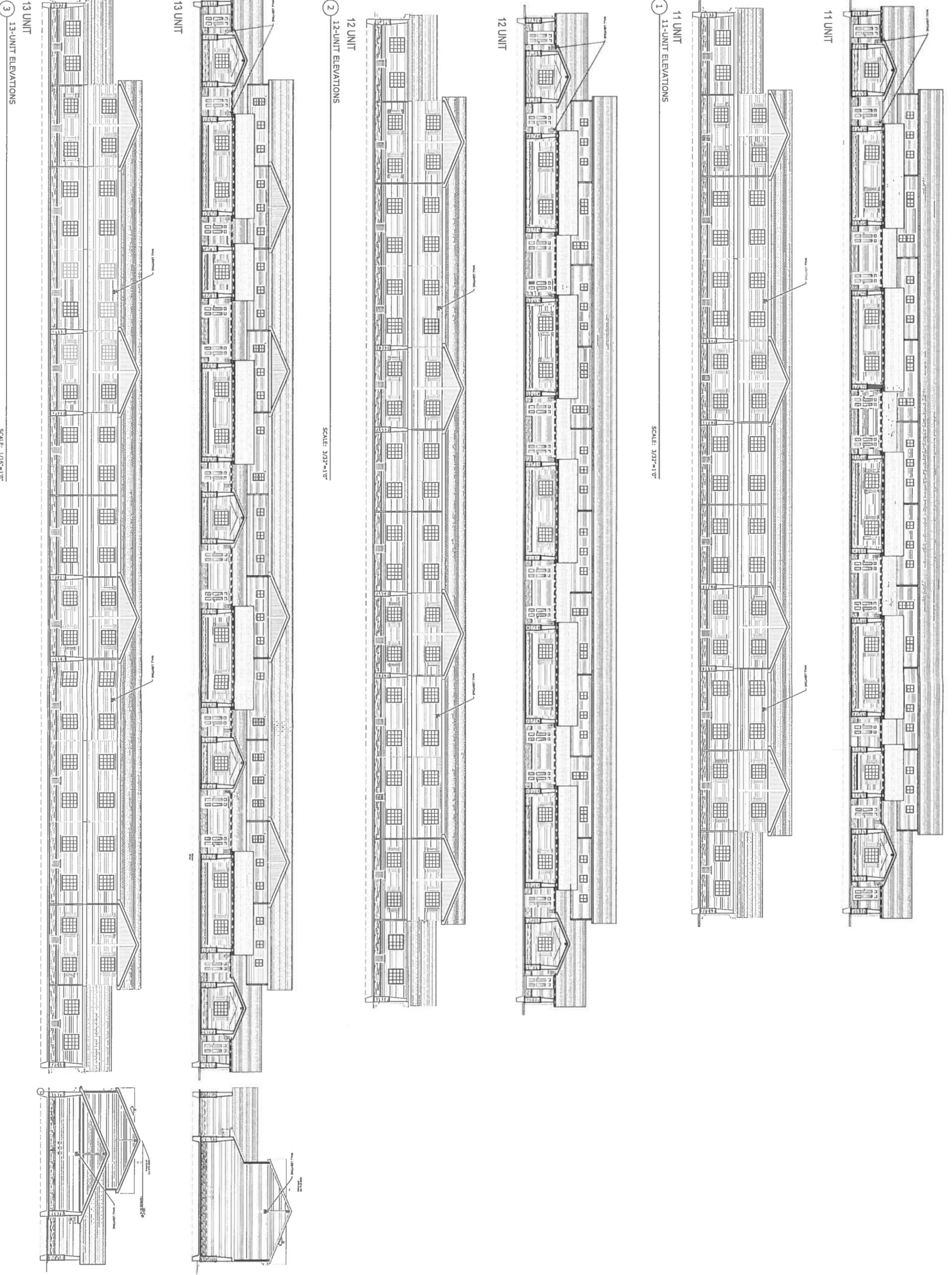
4 LIGHTING DETAIL

SCALE: N.T.S.

<p>PLANNER/LANDSCAPE ARCHITECT</p> <p>N.E.S. Inc. 619 N. Cascade Avenue, Suite 200 Colorado Springs, CO 80903 Tel: 719.471.0073 Fax: 719.471.0267 www.nescolorado.com © 2012, All Rights Reserved.</p>	<p>Land Planning Landscape Architecture Urban Design</p> <p>NES</p>	<p>DATE: 07/02/2015</p> <p>PROJECT NO: A. BALOW</p> <p>PREPARED BY: K. WHITFORD</p>	<p>IN ASSOCIATION WITH</p> <p>Creekside at Rockrimmon</p> <p>Phase 3 & 4 Development Plan</p>	<p>DATE: 08/11/2015</p> <p>BY: [Signature]</p> <p>DESIGNATION: [Signature]</p> <p>SCALE: 8 OF 13</p> <p>CPC PUD 15-00064</p>
		<p>DATE: 08/11/2015</p> <p>BY: [Signature]</p> <p>DESIGNATION: [Signature]</p>	<p>DATE: 08/11/2015</p> <p>BY: [Signature]</p> <p>DESIGNATION: [Signature]</p>	<p>DATE: 08/11/2015</p> <p>BY: [Signature]</p> <p>DESIGNATION: [Signature]</p>

FIGURE 1

F:\Vreider Homes\Creekside at Rockrimmon Phases 3 and 4\Drawings\Planning\Develop\CreeksidePh3-4_DP_08-10-2015.dwg [Elevations (2)] R/13/2015 1:24:07 PM kwhitford



**Land Planning
 Landscape
 Architecture
 Urban Design**

NRES

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**Creekside at
 Rockrimmon**

**Phase 3 & 4
 Development Plan**

DATE: 07/02/2015
 PROJECT NAME: A. BALDOW
 PREPARED BY: K. WHITFORD

ISSUE NO.	DATE	BY	DESCRIPTION
01	08/11/2015	NW	Initial TP/CY Comments

FIGURE 1



ENGINEERING CONDITIONS

- INDICATES ENGINEERING CONDITIONS.
- 2A STABLE ALLUVIAL COLLUVIAL AND BEDROCK ON GENTLE TO MODERATE SLOPES (1-3%) EMPHASIS ON SURFACE AND SUBSURFACE DRAINAGE.
- 2E LOW TERRACES AND VALLEYS OF MINOR TERTIARY STREAMS SUBJECT TO PERIODIC HIGH FLOW, SHEET FLOODING AND STREAM BANK EROSION. EMPHASIS ON SURFACE AND SUBSURFACE DRAINAGE.
- 3B EXPANSIVE AND POTENTIALLY EXPANSIVE SOIL AND BEDROCK ON FLAT TO MODERATE SLOPES (DEPTHS OF BEDROCK, DESIGN OF FOUNDATION AND DRAINAGE).
- 4A STABLE COLLUVIAL AND BEDROCK ON STEEP TO MODERATE SLOPES. EMPHASIS ON SURFACE AND SUBSURFACE DRAINAGE. THICKNESS OF COLLUVIAL, BEDROCK STRUCTURE, AND SURFACE AND SUBSURFACE DRAINAGE.
- 4B ex POTENTIALLY UNSTABLE COLLUVIAL AND BEDROCK ON MODERATE TO STEEP SLOPES (1-2-24%). INCLUDES EXPANSIVE AND CHARACTERISTIC, BEDROCK STRUCTURE AND SURFACE AND SUBSURFACE DRAINAGE.

LAND SUITABILITY NOTES

- 4C OLD ALLUVIAL FAN DEPOSIT THAT WERE BEING PARTIALLY DISSECTED BY MODERN STREAMS EMPHASIS ON SURFACE DRAINAGE, SHEET WASH AND EROSION.
- 7A PARTICIPATING PUD/SSS/AN WAREHOUSE PRODUCTION SUBJECT TO REQUIREMENT DEPTH AND CONTROL.
- 8B AREAS OF SUBSTANTIAL L.L. DEPTHS OF FILL PLACEMENT ARE NOT AVAILABLE FOR THE FULL UNCONTROLLED MANNER.

NOTE:
 ALL BOUNDARIES SHOWN SHOULD BE CONSIDERED APPROXIMATE. THEY ARE BASED UPON A SUBSISTIVE INTERPRETATION OF THE 2001 GEOLOGIC MAP, 2001 RECORDS, AND 2001 RECORDS. CHANGES IN THE LAYERED BOUNDARIES SHOWN ARE POSSIBLE AND SHOULD BE EXPECTED WITH MORE DETAILED INVESTIGATION AND CONSTRUCTION. THE STREAMSIDE MAP AND FINAL LAND-USE PLANNING ONLY ASSOCIATED, INC. COLORADO, CO 7871.

VEGETATION AND WILDLIFE
 THE SITE'S VEGETATION IS PRIMARILY MADE UP OF NATIVE COOL AND WARM SEASON GRASSES WITH INTERMITTENT AREAS OF YUCCA, JUNIPER, AND SCRUB OAKS. GRAVY-FLE, PONDWEED, PINE AND COTTON WOOD TREES ARE FOUND SPORADICALLY AROUND THE SITE WITH THE MAJORITY FOUND NEAR THE WATER COURSE. WARM SEASON GRASSES ARE WIDELY COMMON IN THE AREA. OTHER PLANTS AND WILDLIFE SPECIES OF INTEREST TO BIRDS, MAMMALS, REPTILES (SNAKES), AND OTHER COLORADO FOREST SERVICE ECOSYSTEMS:
 PRONGHORN, GENERALLY DRY CONDITIONS WITH AN AVERAGE OF 18-19 INCHES OF ANNUAL PRECIPITATION A WIDE RANGE OF TEMPERATURES AND PERIODIC HIGH WINDS THROUGHOUT THE FOUR SEASONS. VEGETATION GENERALLY CONSISTS OF PINE AND YUCCA BUT IS MAINLY COMPOSED OF COOL AND WARM SEASON GRASSES WITH THE TALLEST SPECIES OCCURRING NEAR THE PRAIRIAN CORRIDOR TO THE NORTH.
 LOWER ELEVATION PRAIRIAN OCCUR WHERE WATERS IS CONTINUOUSLY PRESENT YEAR ROUND AND THE MORE PERMANENT SECTION OF THE PRAIRIAN CORRIDOR. THE VEGETATION CONSISTS MOSTLY OF INTERMEDIATE TREE GROVES.
WILDLIFE HAZARD POTENTIAL ASSESSMENT:
 NOT RATED. THE PROJECT SITE CONTAINS NO HIGH WIND STRUCTURES, PRELIMINARY WILDLIFE HAZARD POTENTIAL ASSESSMENT CONTAINING WIND WIND STRUCTURES.
WILDLIFE HABITAT AND MIGRATION CORRIDORS
 THE PRAIRIE AND LOWER ELEVATION PRAIRIAN ECOSYSTEMS PROVIDES HABITAT SUITABLE FOR SEVERAL SPECIES OF WILDLIFE INCLUDING BIRDS, MAMMALS, REPTILES, AND AMPHIBIANS.
GEOLOGIC ANALYSIS, HAZARDS & CONSTRAINTS
 THIS SITE IS LOCATED WITHIN THE FLUENT OVERLAY. PER THE COLORADO BUREAU OF GEOLOGICAL SURVEY'S MAP MARCH 27, 2001, THE EXISTING SOILS CAN BE CATEGORIZED AS ILLUSTRATED IN THE ENGINEERING CONDITIONS LEGEND. THE AREA OF THE SITE IN WHICH THE PROPOSED DEVELOPMENT IS TO OCCUR IS CATEGORIZED AS ILLUSTRATED IN THE ENGINEERING CONDITIONS LEGEND. ENGINEERING AND CONSTRUCTION CAN SUCCESSFULLY MITIGATE ANY GEOLOGIC ISSUES WITHIN THE SITE.

DEVELOPMENT OPPORTUNITIES AND CONSTRAINTS
 THE PRIMARY CONSTRAINTS OF THE SITE FROM THE TOPOGRAPHY AND THE STREAMSIDE OVERLAY REMAINS ALONG APPROXIMATELY 75% OF THE SITE'S NORTHERN BOUNDARY. THE TOPOGRAPHIC CONSTRAINTS WILL NECESSITATE SLOPE GRADING WHEN POSITIONING SITE ELEMENTS AND CONTROLLING SURFACE DRAINAGE. THE STREAMSIDE OVERLAY CONSTRAINTS LIMITS A SMALL AMOUNT OF DEVELOPABLE AREA ALONG THE SITE'S NORTHERN BOUNDARY. THE MONUMENT CREEK TRIBUTARY PROVIDES A UNIQUE NATURALLY OCCURRING BUFFER ALONG THE NORTHERN BOUNDARY.
 THERE ARE EXISTING DEEP HOLE SITES UNDERNEATH PORTIONS OF THE SITE. FURTHER DETAILED ANALYSIS WILL BE DONE WITH FUTURE SUBMITTALS TO DETERMINE THE IMPACTS ON CONSTRUCTION OF THE PROPOSED BUILDING TYPES.
NATURAL AND MAN MADE FEATURE INVENTORY:
 SMALL PORTIONS OF THE NORTHERN BOUNDARY OF THE SITE FALLS WITHIN THE FEMA 100YR FLOODPLAIN (FIRM NUMBER 58010357) DATE 03/17/97. THE SIGNIFICANT NATURAL FEATURE WITHIN THE SITE IS THE TOPOGRAPHY THAT FALLS BETWEEN 8K 24% THROUGHOUT THE SITE AND THE BUFFER BENEATH THE COLLUVIAL AND BEDROCK COMPONENTS OF THE EXISTING DEVELOPMENT. THIS LARGE HOLE WILL BE LEFT AS NATURAL AS POSSIBLE WITH MINOR DISTURBANCE. THERE ARE NO MAN MADE FEATURES LOCATED WITHIN THE PROPOSED PROJECT BOUNDARY.

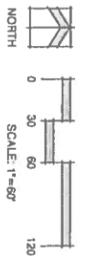
<p>PLANT #</p> <p>SHEET NUMBER</p> <p>11 OF 13</p> <p>CPC PUD 15-00064</p>	<p>SHEET TITLE</p> <p>Land Suitability Analysts</p>	<p>DATE</p> <p>08/14/2015</p> <p>BY</p> <p>AW</p> <p>DESIGNED BY</p> <p>AW</p> <p>REVIEWED BY</p> <p>AW</p>	<p>DATE</p> <p>07/02/2015</p> <p>PROJECT MGR</p> <p>A. BARLOW</p> <p>PREPARED BY</p> <p>K. WITTHOLD</p>	<p>PROJECT INFO</p> <p>Phase 3 & 4 Development Plan</p>	<p>IN ASSOCIATION WITH</p> <p>Creekside at Rockrimmon</p>	<p>PLANNER / LANDSCAPE ARCHITECT</p> <p>N.E.S. Inc.</p> <p>619 N. Cascade Avenue, Suite 200</p> <p>Colorado Springs, CO 80903</p> <p>Tel. 719.471.0073</p> <p>Fax 719.471.0267</p> <p>www.nescolorado.com</p>
						<p>© 2011, All Rights Reserved</p>

FIGURE 1

F:\Premier Homes\Creekside at Rockrimmon Phases 3 and 4\Drawings\Planning\Develop\Streamside Review Drawings\LandSuitability_08-10-2015.dwg [LSA-2] 8/13/2015 11:39:35 AM kwhitford



- SLOPE ANALYSIS:**
- 0-4% GENERALLY SUITABLE FOR DEVELOPMENT
 - INCREASED POTENTIAL FOR ENGINEERING WITH INTERMEDIATE AREAS OF YUCCA, JIMBER, AND SCRUB OAKS. CHAPARRAL, PONGIAPPA WINE AND COTTON WOOD TREES ARE FOUND SPORADICALLY AROUND THE SITE WITH THE MAJORITY OF THE NATURAL OCCURRING NEARBY SWALES AND THE NORTHEAST CREEK.
 - 8-12% DIFFICULT TO DEVELOP. POTENTIAL FOR ACTIVITY SIZE HAZARDS
 - INCREASED POTENTIAL FOR ENGINEERING FOR ACTIVITY SIZE HAZARDS
 - 12-15% HIGH POTENTIAL FOR ACTIVITY SIZE HAZARDS
 - 15-25% VERY HIGH POTENTIAL FOR ACTIVITY SIZE HAZARDS
 - 25+% DIFFICULT AND SEVERE HAZARD POTENTIAL



LAND SUITABILITY NOTES

VEGETATION AND WILDLIFE:
 THE SITE'S VEGETATION IS PRELUY MADE UP OF WATERS COOL AND WARM SEASON GRASSES WITH INTERMEDIATE AREAS OF YUCCA, JIMBER, AND SCRUB OAKS. CHAPARRAL, PONGIAPPA WINE AND COTTON WOOD TREES ARE FOUND SPORADICALLY AROUND THE SITE WITH THE MAJORITY OF THE NATURAL OCCURRING NEARBY SWALES AND THE NORTHEAST CREEK. FOLIAGE NEAR THE CREEK AND OTHER ROBERTS BY SEVERAL SPECIES FROM WATERS TO BRANOWAY, REPTILES (SNAKES), AND DEER.

COLORADO FOREST SERVICE ECOSYSTEMS:
 THE COLORADO FOREST SERVICE ECOSYSTEMS OF 14.4 ACRES OF ANNUAL PRAIRIE AND WARM SEASON GRASSES WITH AND PERIODIC BURN WOODS THROUGHOUT THE PRAIRIE ECOSYSTEMS. VEGETATION GENERALY CONSISTS OF PERENNIALS BUT IS MAINLY COMPOSED OF COOL AND WARM SEASON GRASSES WITH THE TALLEST SPECIES OCCURRING NEAR THE PRAIRIE CORRIDOR TO THE NORTH.

LOWER ELEVATION PRAIRIE OCCURS WHERE WATER IS CONTINUOUSLY PRESENT YEAR ROUND AND TYPICALLY HAS A HIGHER HUMIDITY AND MORE SHADE THAN NON-PRAIRIE AREAS. DUE TO THE PRESENCE OF PERENNIALS AND WARM SEASON GRASSES THE VEGETATION CONSISTS MAINLY OF INTERMEDIATE TREE GROUPS.

WILDLIFE HAZARD POTENTIAL ASSESSMENT:
 NOT RATED THE PROJECT SITE FOR WILDLIFE HAZARD POTENTIAL. PRESENT ASSESSMENT INDICATES THAT THE PROJECT SITE IS NOT A WILDLIFE HAZARD POTENTIAL.

WILDLIFE HABITAT AND MIGRATION CORRIDORS:
 THE PRAIRIE AND LOWER ELEVATION PRAIRIE ECOSYSTEMS PROVIDES HABITAT SUITABLE FOR DEER, SMALL MAMMALS (FOXES, SKUNKS, RACCOONS, AND OTHER RODENTS), BIRDS (MOURNING DOVES, CHIPPING SPARROWS, AND OTHERS), AND REPTILES (SNAKES).

GEOLOGICAL ANALYSIS: HAZARDS & CONSTRAINTS
 THIS SITE IS LOCATED WITHIN THE HILLSIDE OVERLAY PER THE COLORADO BRONCO GEOLOGICAL HAZARDS MAP (MARCH 27, 2001). THE EXISTING SLOPE CAN BE CATEGORIZED AS ILLUSTRATED IN THE BRONCOING CONDITIONS LEGEND. THE AREA OF THE SITE IN WHICH THE PROPOSED DEVELOPMENT WOULD OCCUR IS MOSTLY SUITABLE FOR A WOOD USE DEVELOPMENT PROJECT. HOWEVER, THERE ARE AREAS OF THE SITE THAT ARE NOT SUITABLE FOR WOOD USE DEVELOPMENT AND CONSTRUCTION ON SUCH SITES MAY BE SUBJECT TO GEOLOGICAL HAZARDS WITHIN THE SITE.

THERE ARE EXISTING DEEP AND SHALLOW UNDERGROUND PORTIONS OF THE SITE. FURTHER DETAILED ANALYSIS WILL BE DONE WITH FUTURE SUBMITTALS TO DETERMINE IMPACTS ON CONSTRUCTION OF THE DIFFERENT BUILDING TYPES.

NATURAL AND MAN MADE FEATURE INVENTORY:
 SMALL PORTIONS OF THE NORTHERN BOUNDARY OF THE SITE FALLS WITHIN THE FARM TOWN FLOODPLAIN MAP NUMBER, 0801 (DATE: 04/19/2011). THE SIGNIFICANT NATURAL FEATURE WITHIN THE SITE IS THE TOPOGRAPHY THAT FALLS BETWEEN 2% - 24% THROUGHOUT THE SITE AND THE DRAWINGS THAT CURRENTLY EXIST. A LARGE ROCK EXIST ON THE SITE CREATING A DEVELOPMENT CONSTRAINT. THIS LARGE ROCK WILL BE LEFT AS NATURAL AS POSSIBLE WITH MINOR DISTURBANCE. THERE ARE NO MAN MADE FEATURES LOCATED WITHIN THE PROPOSED PROJECT BOUNDARY.

DEVELOPMENT OPPORTUNITIES AND CONSTRAINTS:
 THE PRIMARY CONSTRAINTS OF THIS SITE FROM THE TOPOGRAPHY AND THE STREAMSIDE OVERLAY ARE THE SLOPE CONSTRAINTS AND THE STREAMSIDE OVERLAY. THE STREAMSIDE OVERLAY CONSTRAINTS WILL NECESSITATE SLOPE GRADING WHEN POSTING THE ELEMENTS AND CONTROL AND SURFACE DRAINAGE. THE STREAMSIDE OVERLAY CONSTRAINTS LIMITS A SMALL AMOUNT OF DEVELOPABLE AREA ALONG THE SITE'S NORTHERN BOUNDARY. THE TOPOGRAPHY CONSTRAINTS PROVIDE LIMITED VIEWS TO THE NORTH AND WEST. THE STREAMSIDE OVERLAY CONSTRAINTS WILL NECESSITATE SLOPE GRADING AND SURFACE DRAINAGE TO MAINTAIN CREEK TRIBUTARY PROVIDES A UNIQUE NATURAL OCCURRING BUFFER ALONG THE NORTHERN BOUNDARY.

<p>PLANNING</p> <p>Land Planning Landscape Architecture Urban Design</p> <p>NBS</p> <p>N.B.S., Inc. 619 N. Cascade Avenue, Suite 200 Colorado Springs, CO 80903 Tel. 719.471.0073 Fax 719.471.0267 www.nbscolorado.com © 2012. All Rights Reserved.</p>	<p>PLANNER: LANDSCAPE ARCHITECT</p>
	<p>PROJECT INFO</p> <p>DATE: 08/20/15 PROJECT NAME: Creekside at Rockrimmon PREPARED BY: V. SANCHEZ, K. WHITFORD</p>
<p>ISSUE INFO</p> <p>DATE: 08/11/2015 BY: V. SANCHEZ DESCRIPTION: Land Suitability Analysis</p>	<p>ISSUE / REVISION</p>
<p>SHEET NUMBER</p> <p>12 OF 13</p> <p>CPC PUD 15-00064</p>	<p>PROJECT TITLE</p> <p>Phase 3 & 4 Development Plan</p>

FIGURE 1

CREEKSIDE AT ROCKRIMMON

PROJECT JUSTIFICATION

JULY 2015

REQUEST

Premier Homes requests approval of a PUD Development Plan for multi-family use in the form of 71 student housing units.

LOCATION

Creekside at Rockrimmon is located on the north side of South Rockrimmon Boulevard, west of the Pro Rodeo Drive/Delmonico Drive intersection. The property is 11.2 acres and is platted into 2 lots and 2 tracts.



PROJECT JUSTIFICATION

In June 2014, the City approved a Concept Plan for 142 multi-family residential units to be used as student housing on a 44 acre site, which includes the current application site. At the same time a Conditional Use Development Plan was approved for Phase One of the development, comprising 38 units on 5 acres. In May 2015, a Conditional Use Development Plan for Phase 2 of the Concept Plan, comprising 32 units on 4.92 acres was also approved by the City.

This application is for a PUD Development Plan for Phases 3 and 4 of the student housing project and proposes 71 units with 267 bedrooms. This application differs from Phases 1 and 2 in that the eastern part of the site is zoned PBC, where a Conditional Use Development is required for multifamily housing. The western part of the site, in which Phases 3 and 4 are situated, is zoned PUD for single-family and multi-family development under Ordinance 08-194. The second condition of record on that Ordinance requires that the multi-family housing not exceed 45 feet in height.

The current lotting and zoning pattern will not be changed with this request. Past entitlement actions created open space tracts, which are to remain unchanged. The platted lot lines will be respected; buildings will be placed within the lots as platted.

The proposed multi-family units will be designed for and restricted to student housing, primarily in support of the needs of UCCS. The proposed units will be of a "townhouse design" with one and two story elements. Each unit will have 2, 3, or 4 bedrooms and a common area and kitchen. Each bedroom will have its own bath. All units will be completely furnished and provided with internet access. Rentals will be by individual bedroom.

Access off South Rockrimmon Boulevard will be via the private roads of Red Ash Point and Heavy Stone View, which are already platted and permitted via the approved Concept Plan. The City requires parking for student housing on a 1 space per bedroom ratio. Phases 3 and 4 provide 267 bedrooms in 71 units and a total of 284 parking spaces are provided, which exceeds the City's requirement.

Tract C is to be deeded to the City of Colorado Springs for open space, drainage, and utility purposes. Drainage channel improvements were approved with the Concept Plan and their implementation is the subject of a Development Agreement with the City.

In accordance with the Streamside criteria, the Concept Plan identifies a trail alongside the creek. A trail with a different alignment is shown on the current Development Plan. This alignment is approximate, as it will be necessary to field locate the trail once the grading is underway to achieve the optimum placement that minimizes steep grades on the trail and the potential for trail erosion.

The project developer, Premier Homes, has constructed similar projects in Pueblo and Grand Junction. Based on experience in these locations, several unique design and management practices will be employed to serve this resident population. As noted above, parking will be provided at a much higher ratio than required by the City. The higher parking standard is dictated by the user population. Trash will be collected daily. Construction methods will be employed to minimize noise between units. The project will also have a club house/pool area in Phase 1, where management services will be provided. Visually, this project will look like a low density townhome project, since each unit is individually detailed.

DEVELOPMENT PLAN REVIEW CRITERIA

1. Will the project design be harmonious with the surrounding land uses and neighborhood? ***The proposed use is a part of the overall Concept Plan, which shows a transition of land use from single-family residential to the west to commercial land use to the east.***
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? ***The use is consistent with the mixed use character of this area. The proposed PUD Development Plan is consistent with the recently approved Concept Plan for the site.***
3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties? ***Height and bulk of proposed structures are residential in character.***
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 site design and general relationship to surrounding properties addresses this criterion.***
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? ***Vehicle access has been established with the approved Concept Plan and Plat for this area.***
6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project? ***Streets have been platted to serve the platted lots in this 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. ***The proposed street configuration serves only the proposed residential uses and provides no links to other collector or arterial streets that may encourage cut-through traffic. In addition, Heavy Stone View will include "Speed Tables" which are designed to reduce speeding and promote safe pedestrian access.***
8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities? ***Parking is to be provided based on the needs of the specific type of resident. The amount of parking is well above that required by Code.***
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? ***Sidewalks in the project have handicapped accessible ramps and accessible parking spaces will be provided.***
10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt? ***The streets in this development have been planned and platted. Parking areas are designed to meet the needs of a unique population, and are provided in a quantity that will minimize impact to public streets.***

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? ***Sidewalks along Heavy Stone View and Red Ash Point will provide for safe pedestrian circulation around the development. The creek-side trail also provides a more recreational walking environment, which will be extended in future phases of this development.***

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? ***There are two natural features platted as open space and drainage tracts as part of the approved Concept Plan.***

STREAMSIDE REVIEW CRITERIA

1. Has the natural landform been maintained within the overlay area and does grading conform to the specific grading limitations of this section as well as all other City grading and filling regulations? ***The site grading in the overlay area conforms to required grading limitations and 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 accessways, creek front plazas, employee recreational areas or other site planning and landscaping techniques which include the stream corridor as an amenity? ***A trail is proposed along the streamside through Tract C, which is to be owned and maintained by the City as open space. This trail will continue to the northwest, eventually linking to the City trail in the Rockrimmon open space via a pedestrian bridge. This open space and trail network will allow future residents to enjoy 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? ***The riparian ecosystem is concentrated in the inner streamside buffer and the proposed development and site grading does not impact this area. There are no known threatened or endangered species on the site.***

4. Have existing or potential community trail networks and other recreational opportunities been identified and incorporated into the project design? ***As described in 2 above.***

5. Has the project been designed to protect the subject property from potential flood damage and to accommodate flood storage and conveyance needs? ***Drainage channel improvements are required as part of a Development Agreement with the City dated 28 July, 2014. This will ensure that the subject property and adjacent properties are protected from potential flooding.***

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? ***Significant natural features on this property have been identified and protected as open space tracts on the plat.***

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? ***The proposal accords with the City Open Space Plan, as it protects the natural water resource of the creek, provides trail access along the creek, and will provide a future link to the Rockrimmon open space to the north. The submitted drainage reports take into account previous Drainage Basin Planning Studies.***

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 nonpoint source pollutants and sediment from entering the waterway? ***The site development does not impact the streamside buffer. Revegetation of the graded areas will prevent pollutants and sediments from entering the waterway.***
- b. Exclude impervious surfaces from the inner buffer zone and meet imperviousness restrictions across the entire overlay? ***There are no impervious surfaces in the inner buffer zone. The site plan meets all restrictions across the entire overlay.***
- c. Incorporate all stormwater BMPs required by City Engineering throughout the developed site and adjacent to the buffer to encourage on site filtration of stormwater and protect water quality? ***Separate BMP and SWMP report will be provided for the proposed channel improvements, which will be approved by City Engineering.***
- d. Incorporate visual buffer opportunities of the stream between identified existing and/or proposed projects on opposing sides of the stream? ***The buffers are generally heavily vegetated providing a natural buffer between the stream and the development. A section of the buffer is lightly vegetated and additional landscaping is proposed in this area.***

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? ***The outer buffer zone landscaping standards are met with existing vegetation. Additional landscaping with appropriate riparian plant communities is proposed in the inner buffer to supplement existing trees and fill in a lightly vegetated area. This will also help to minimize erosion and stabilize the slope in the area that is to be regraded.***

10. Have stream bank and slope areas been identified (particularly those over 15 percent 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? ***There will be no disturbance to the stream bank.***

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. ***Drainage channel improvements are required as part of a Development Agreement with the City dated 28 July, 2014.***

NEW BUSINESS CALENDAR

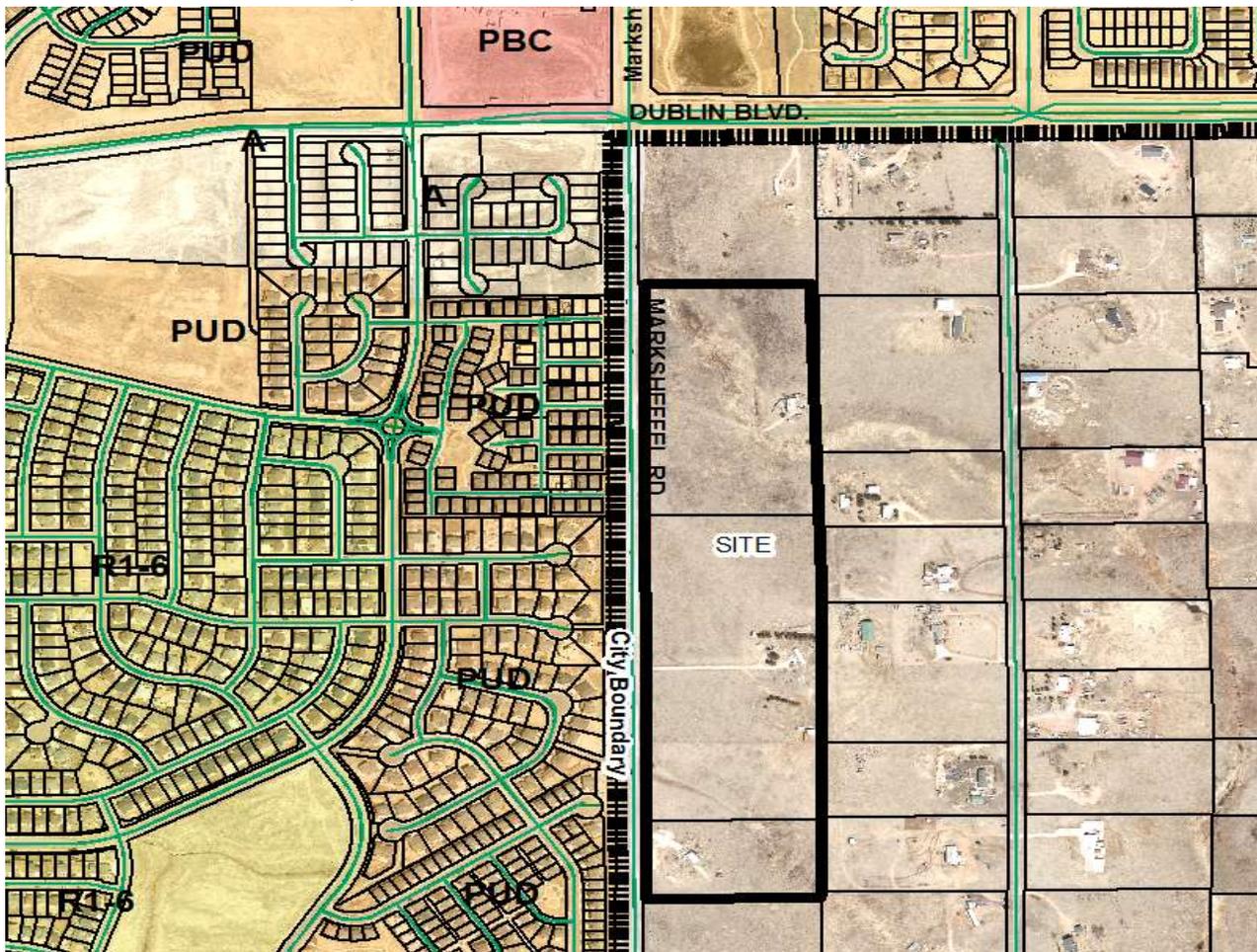
CITY PLANNING COMMISSION AGENDA

ITEM: 4A – 4C
STAFF: MEGGAN HERINGTON

FILE NOS:

A - CPC A 14-00144 – LEGISLATIVE
B - CPC PUZ 15-00024 – LEGISLATIVE
C - CPC PUP 15-00025 – QUASI-JUDICIAL

PROJECT: MOUNTAIN VALLEY PRESERVE ANNEXATION
APPLICANT: DREXEL, BARRELL & CO.
OWNERS: PEAKMARK HEIGHTS, LLC, THE DOMINIC AND VIVIAN M. ZARRARETTI TRUST, AND THE WALTER FAMILY TRUST



PROJECT SUMMARY:

1. Project Description: This project includes concurrent applications for annexation, zoning, and a concept plan for 37.35 acres located east of Marksheffel Road and south of Dublin Boulevard.

The zoning will establish a PUD/AO (Planned Unit Development: Single-Family Residential, 3.77 dwelling units per acre, 30 foot maximum building height with Airport Overlay) zone for the property. The associated concept plan illustrates the development of 141 single-family residential lots with landscape tracts, detention areas and public roads (**FIGURE 1**)

2. Applicant's Project Statement: (**FIGURE 2**)
3. Planning and Development Department's Recommendation: Staff recommends approval of the applications with one condition on the annexation.

BACKGROUND:

1. Site Address: The site is addressed as 6115, 6085 and 6005 Marksheffel Road.
2. Existing Zoning/Land Use: The property is currently in unincorporated El Paso County. A rural residential zone is assigned to the property and there are several existing mobile homes on the properties.
3. 3. Surrounding Zoning/Land Use: North: C-6/Future Commercial
South: Unincorporated El Paso County/Vacant Residential
East: Unincorporated El Paso County/Single-Family Residential
West: PUD/Single-Family Residential
4. Comprehensive Plan/Designated 2020 Land Use: There is no 2020 Land Use designation because it is not yet within the City.
5. Annexation: The property is not yet annexed.
6. Master Plan/Designated Master Plan Land Use: There is no existing or planned master plan for this property.
7. Subdivision: The property is not platted.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The property consists of three separate addresses, each with an existing mobile home and no significant vegetation.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public process included posting the site and sending postcard notice to 189 property owners within 500 feet. The notice was sent when the applications were submitted, notice of the neighborhood meeting, and notice of the City Planning Commission hearing. A neighborhood meeting was held on April 16, 2015. There were approximately 5 neighbors in attendance. The concerns discussed were access and existing traffic on Marksheffel Road. The neighbors in attendance were largely owners of the large county properties to the east.

Staff did receive several emails from the HOA and an owner on the west side of Marksheffel Road in the Carriages at Indigo Ranch. This neighborhood is directly adjacent to Marksheffel Road. The concerns are noise and traffic from Marksheffel Road. City Traffic Engineering attended an HOA meeting to explain that Marksheffel is a principal arterial designed to carry larger traffic volumes. The Carriages at Indigo Ranch development was designed with landscape buffers and fencing along Marksheffel Road as mitigation and there are no plans for noise mitigation walls as part of the future Marksheffel Road expansion. Comments received via email are attached as **FIGURE 3**.

Staff also sent the plans to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, City Finance, Police and E-911, and the Colorado Springs Airport.

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

1. Review Criteria / Design & Development Issues:

Annexation

The request is to annex the property into the municipal limits of the City of Colorado Springs and develop 141 single-family residential lots. The annexation consists of 44.71 acres; 7.36 acres of Marksheffel Road right-of-way and the three properties totaling 37.35 acres. The site is part of a larger enclave referred to as Toy Ranches, an area completely surrounded by the City limits and contiguous to the municipal limits of the City of Colorado Springs. Therefore, the property is eligible for annexation.

Because the property is planned for a single use, there is no master plan requirement. The concept plan acts as the planning document and illustrates the use layout. A development plan will be required in the future before infrastructure and homes are constructed.

A Fiscal Impact Analysis (FIA) is required for all annexation requests and is completed by the City Budget Office. The FIA was completed on April 29, 2015. The FIA states that there are minimal identifiable marginal costs of providing services to this development, as the surrounding infrastructure and roadways are already being maintained by the City as they fall within the service area of surrounding parcels. The result of the FIA is a positive cumulative cash flow for the City during the 10-year timeframe. **(FIGURE 4)**

The draft annexation agreement is attached as **FIGURE 5**. Because the property is adjacent to a fast growing part of the City, and the infrastructure is developing, there are a number of off-site requirements outlined in the agreement including right-of-way dedication for Marksheffel Road and payment of fees related to Banning Lewis Ranch.

PUD/AO Zoning

The zoning request is to zone the 37.35-acre property PUD/AO (Planned Unit Development: Single-Family Residential, 3.77 dwelling units per acre, 30 foot maximum building height with Airport Overlay). This is similar residential densities as have been established on the west side of Marksheffel Road.

Concept Plan

The concept plan illustrates the layout for a new residential subdivision with 141 lots, public streets, easements, landscape/open space areas and detention areas. There is a large gas easement that runs along the eastern boundary of the site that will be incorporated into the landscape to the eastern five and ten acre lots. Fencing is also shown along the eastern boundary of the development. Mountain Dale Drive is a proposed north-south public road that will provide access to the property from Dublin Boulevard to the north. There are also two access locations along Marksheffel Road. There is a note on the concept plan that the City reserves the right to restrict the proposed intersections off of Marksheffel if traffic operations safety warrants. This condition is also written into the annexation agreement.

2. Conformance with the City Comprehensive Plan:

Comprehensive Plan 2020 Land Use Map: Since the property is not located within the City, it is not indicated with a land use on the 2020 Land Use Map; however, property will be included on the map as “General Residential” that is shown on adjacent city properties on the west side of Marksheffel.

Policy CIS 202: Annexation will be a Benefit to the City of Colorado Springs

Evaluate proposed annexations to determine if the request is a benefit to the City.

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.

Strategy LU 203a: Locate the Places that People Use for Their Daily Needs and Activities Close to Each Other

Group and link the places used for living, working, shopping, schooling, and recreating and make them accessible by transit, bicycle, and foot, as well as by car.

Policy LUM 213: Potential Annexation Areas

Utilize the Potential Annexation Area designation for areas that are likely to be incorporated by the City.

Objective LU 3: Develop A Mix of Interdependent, Compatible, and Mutually Supportive Land Uses.

Over the past several decades, the location and design of development have created a pattern of isolated, disconnected, single-purpose land uses. An alternative to this type of land use pattern is one that integrates multiple uses, shortens and reduces automobile trips, promotes pedestrian and bicycling accessibility, decreases infrastructure and housing costs, and in general, can be provided with urban services in a more cost-effective manner.

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.

Objective CCA 6: Fit New Development into the Character of the Surrounding Area

Often the overall character of a new development is not realized until the project is completed. This can lead to unintended impacts and incompatible development. Applicants for new developments need to clearly identify how their projects will fit into the character of the surrounding area and the community as a whole with respect to height, scale, bulk, massing, roof forms, signage, overall site design, pedestrian and vehicular access, and relation to the public right-of-way.

Policy CCA 601: New Development Will Be Compatible with the Surrounding Area

New developments will be compatible with the surrounding land uses and will complement the character and appearance of adjacent land uses.

It is the finding of the Land Use Review Division that the Mountain Valley Preserve annexation, zoning, and concept plan will substantially conform to the City Comprehensive Plan 2020 Land Use Map and the Plan's goals and objectives.

3. Conformance with the Area's Master Plan:

There is no master plan for this area.

STAFF RECOMMENDATION:

ITEM NO. #.4A: CPC A 14-00144 – ANNEXATION

Approve the Mountain Valley Preserve Annexation, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 with the following condition of approval:

1. The final annexation agreement signed by the owners must be submitted to staff prior to scheduling the City Council Hearing.

ITEM NO. # 4B CPC PUZ 15-00024 – ESTABLISHMENT OF THE PUD ZONE

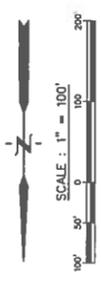
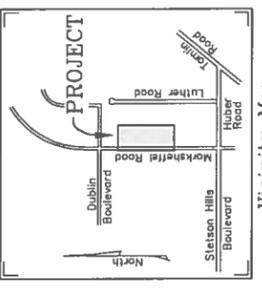
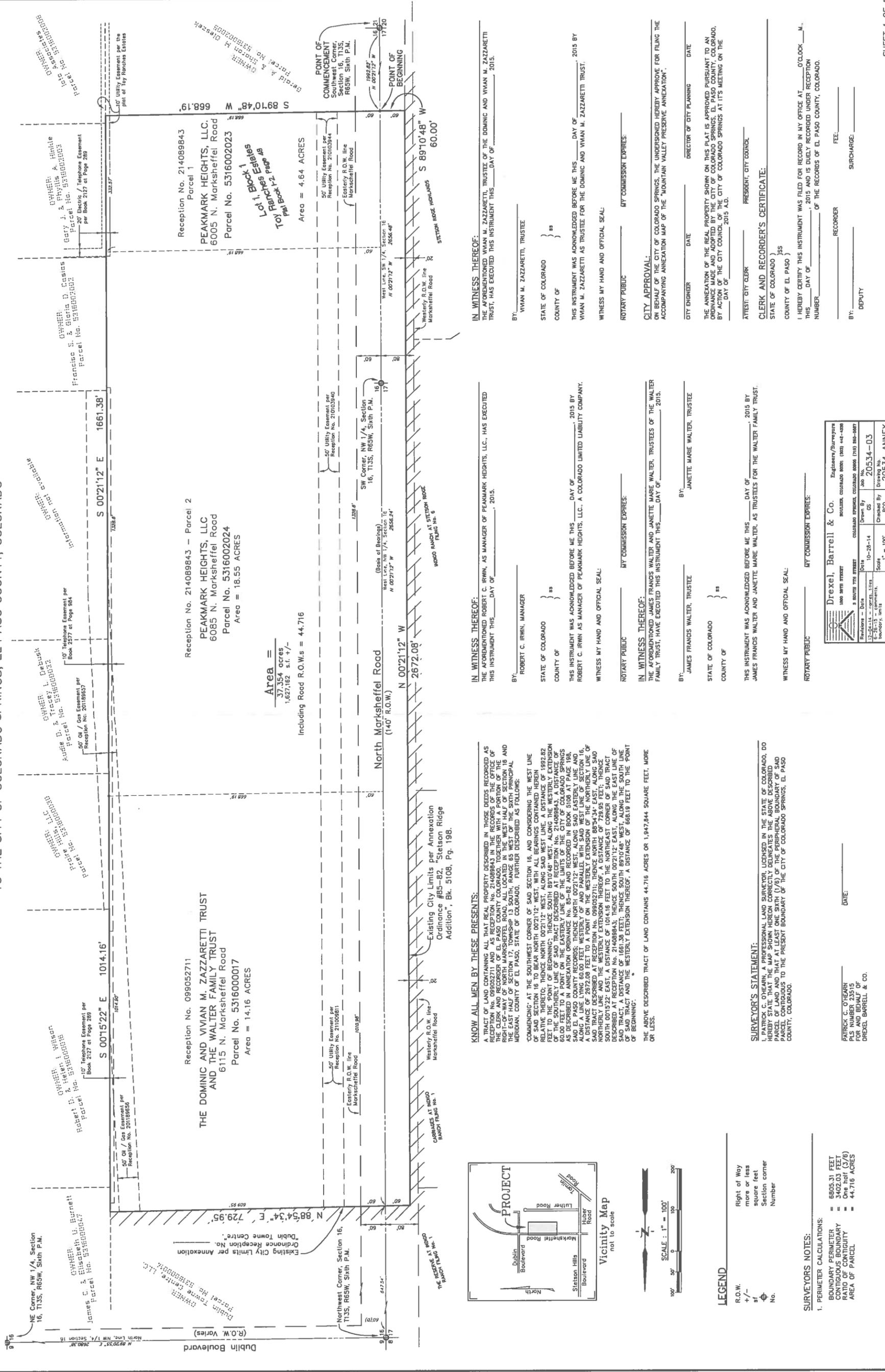
Approve the establishment of the PUD/AO (Planned Unit Development: Single-Family Residential, 3.77 dwelling units per acre, 30 foot maximum building height with Airport Overlay) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) and the criteria for the establishment and development of a PUD zone as set forth in City Code Section 7.3.603.

ITEM NO. # 4C CPC CP 14-00012 – MOUNTAIN VALLEY PRESERVE CONCEPT PLAN

Approve the Mountain Valley Preserve Concept Plan based upon the findings that the development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.605, and the development plan review criteria as set forth in Section 7.5.502E.

MOUNTAIN VALLEY PRESERVE ANNEXATION

PORTIONS OF THE WEST HALF OF SECTION 16 AND THE EAST HALF OF SECTION 17, ALL IN TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH P.M. TO THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO



- LEGEND**
- R.O.W. +/-
 - more or less
 - square feet
 - Section corner
 - Number
 - No.

- SURVEYOR'S NOTES:**
- PERIMETER CALCULATIONS:
 - BOUNDARY PERIMETER = 6605.31 FEET
 - CONTIGUOUS BOUNDARY = 540.01 FEET
 - RATIO OF CONTIGUITY = One half (1/2)
 - AREA OF PARCEL = 44,716 ACRES

KNOW ALL MEN BY THESE PRESENTS:
A TRACT OF LAND CONTAINING ALL THAT REAL PROPERTY DESCRIBED IN THOSE DEEDS RECORDED AS RECEPTION NO. 099052711 AND AS RECEPTION NO. 214089843 IN THE RECORDS OF THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, TOGETHER WITH A PORTION OF THE WEST HALF OF SECTION 16, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, FURTHER DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16, AND CONSIDERING THE WEST LINE OF SAID SECTION 16 TO BEAR NORTH 00°21'12" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1982.82 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°10'48" WEST, ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID TRACT DESCRIBED AT RECEPTION NO. 214089843, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°21'12" WEST, ALONG SAID WESTERLY EXTENSION OF SAID TRACT DESCRIBED AT RECEPTION NO. 214089843, A DISTANCE OF 2672.08 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF SAID TRACT, A DISTANCE OF 1014.16 FEET TO THE NORTHEAST CORNER OF SAID TRACT DESCRIBED AT RECEPTION NO. 214089843; THENCE SOUTH 00°21'12" EAST, ALONG THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 1661.38 FEET; THENCE SOUTH 89°10'48" WEST, ALONG THE SOUTH LINE OF SAID TRACT AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 666.19 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 44,716 ACRES OR 1,947,844 SQUARE FEET, MORE OR LESS.

SURVEYOR'S STATEMENT:
I, PATRICK C. O'HEARN, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE MAP SHOWN HEREON CORRECTLY DELINEATES THE ABOVE DESCRIBED PARCEL OF LAND AND THAT AT LEAST ONE SIXTH (1/6) OF THE PERIPHERAL BOUNDARY OF SAID PARCEL CONTIGUOUS TO THE PRESENT BOUNDARY OF THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO.

IN WITNESS THEREOF:
THE AFORESAID ROBERT C. IRWIN, AS MANAGER OF PEAKMARK HEIGHTS, LLC, HAS EXECUTED THIS INSTRUMENT THIS _____ DAY OF _____, 2015.

BY: ROBERT C. IRWIN, MANAGER
STATE OF COLORADO }
COUNTY OF _____ } 83

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2015 BY ROBERT C. IRWIN AS MANAGER OF PEAKMARK HEIGHTS, LLC, A COLORADO LIMITED LIABILITY COMPANY.
WITNESS MY HAND AND OFFICIAL SEAL:
NOTARY PUBLIC _____ BY COMMISSION EXPIRES: _____

IN WITNESS THEREOF:
THE AFORESAID JAMES FRANCIS WALTER AND JANETTE MARIE WALTER, TRUSTEES OF THE WALTER FAMILY TRUST, HAVE EXECUTED THIS INSTRUMENT THIS _____ DAY OF _____, 2015.

BY: JAMES FRANCIS WALTER, TRUSTEE }
STATE OF COLORADO } 83
COUNTY OF _____ }

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2015 BY JAMES FRANCIS WALTER AND JANETTE MARIE WALTER, AS TRUSTEES FOR THE WALTER FAMILY TRUST.
WITNESS MY HAND AND OFFICIAL SEAL:
NOTARY PUBLIC _____ BY COMMISSION EXPIRES: _____

IN WITNESS THEREOF:
THE AFORESAID VIVIAN M. ZAZZARETTI, TRUSTEE OF THE DOMINIC AND VIVIAN M. ZAZZARETTI TRUST, HAS EXECUTED THIS INSTRUMENT THIS _____ DAY OF _____, 2015.

BY: VIVIAN M. ZAZZARETTI, TRUSTEE
STATE OF COLORADO }
COUNTY OF _____ } 83

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2015 BY VIVIAN M. ZAZZARETTI AS TRUSTEE FOR THE DOMINIC AND VIVIAN M. ZAZZARETTI TRUST.
WITNESS MY HAND AND OFFICIAL SEAL:
NOTARY PUBLIC _____ BY COMMISSION EXPIRES: _____

CITY APPROVAL:
ON BEHALF OF THE CITY OF COLORADO SPRINGS, THE UNDERSIGNED HEREBY APPROVE FOR FILING THE ACCOMPANYING ANNEXATION MAP OF THE "MOUNTAIN VALLEY PRESERVE ANNEXATION".

CITY ENGINEER _____ DATE _____ DIRECTOR OF CITY PLANNING _____
THE ANNEXATION OF THE REAL PROPERTY SHOWN ON THIS PLAT IS APPROVED PURSUANT TO AN ORDINANCE MADE AND ADOPTED BY THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, BY ACTION OF THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS AT ITS MEETING ON THE _____ DAY OF _____, 2015 A.D.

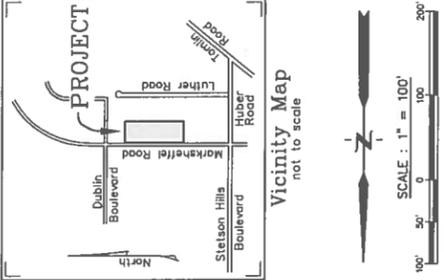
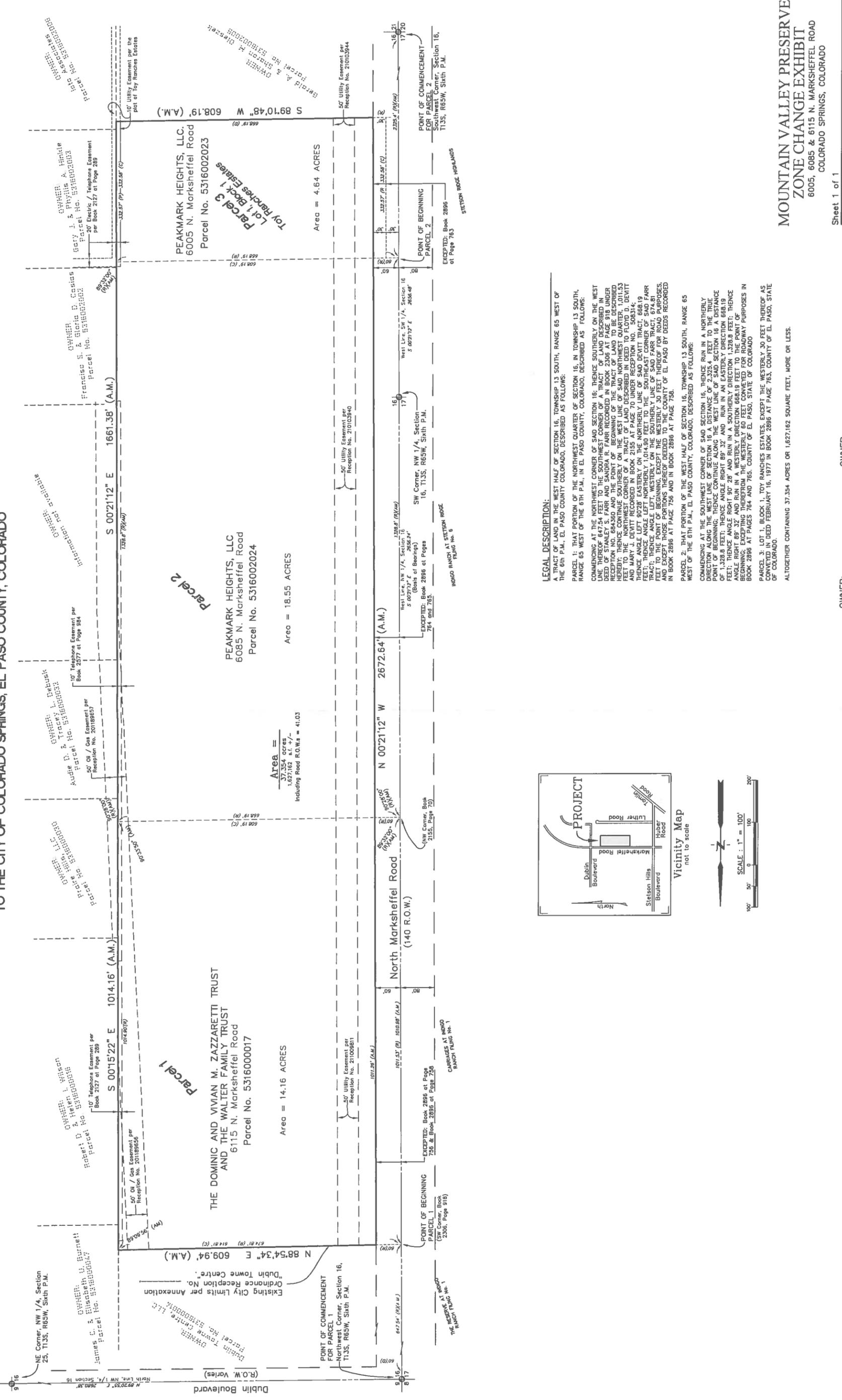
ATTEST: CITY CLERK _____ PRESIDENT, CITY COUNCIL _____
CLERK AND RECORDER'S CERTIFICATE:
STATE OF COLORADO }
COUNTY OF EL PASO } 83

I HEREBY CERTIFY THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT _____ O'CLOCK _____ M., THIS _____ DAY OF _____, 2015 AND IS DUELY RECORDED UNDER RECEPTION NUMBER _____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.
BY: _____ RECORDER FEE: _____ SURCHARGE: _____
DEPUTY _____

Drexel, Bartell & Co.
1500 WEST STREET
COLORADO SPRINGS, COLORADO 80904 (303) 442-6200
12-04-14 - 6-26-15 - Comments, Scale, Boundary, Units
Drawn By: _____
Checked By: _____
Job No.: 20534-03
Drawing No.: 20534 ANNEX

MOUNTAIN VALLEY PRESERVE ZONE CHANGE EXHIBIT

A PORTION OF THE WEST HALF OF SECTION 16, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE SIXTH P.M.
TO THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO



LEGAL DESCRIPTION:
TRACT 16, BEING THE WEST HALF OF SECTION 16, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., IN EL PASO COUNTY, COLORADO, DESCRIBED AS FOLLOWS:
PARCEL 1: THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 16, IN TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., IN EL PASO COUNTY, COLORADO, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16; THENCE SOUTHERLY ON THE WEST LINE THEREOF 647.54 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED OF STANLEY S. FARR AND SANDRA R. FARR RECORDED IN BOOK 2306 AT PAGE 918 UNDER RECEPTION NO. 604380 AND THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED HEREIN; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 16 1,014.90 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO FLOYD L. DEWITT AND MARY J. DEWITT RECORDED IN BOOK 2155 AT PAGE 70 UNDER RECEPTION NO. 508314; THENCE ANGLE LEFT 90.28° EASTERLY ON THE NORTHERLY LINE OF SAID DEWITT TRACT, 668.19 FEET; THENCE ANGLE LEFT NORTHERLY 1,014.90 FEET TO THE SOUTHEAST CORNER OF SAID FARR TRACT; THENCE ANGLE LEFT NORTHERLY 1,014.90 FEET TO THE POINT OF BEGINNING OF SAID TRACT; AND EXCEPT THOSE PORTIONS THEREOF DEEDED TO THE COUNTY OF EL PASO BY DEEDS RECORDED IN BOOK 2886 AT PAGE 756 AND IN BOOK 2896 AT PAGE 758.
PARCEL 2: THAT PORTION OF THE WEST HALF OF SECTION 16, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16; THENCE RUN IN A NORTHERLY DIRECTION ALONG THE WEST LINE OF SAID SECTION 16 A DISTANCE OF 2,325.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING AS FOLLOWS: THENCE SOUTHERLY A DISTANCE OF 1,328.8 FEET; THENCE ANGLE RIGHT 89° 32' AND RUN IN AN EASTERLY DIRECTION 668.19 FEET; THENCE ANGLE RIGHT 90° 28' AND RUN IN A SOUTHERLY DIRECTION 1,328.8 FEET; THENCE ANGLE RIGHT 89° 32' AND RUN IN A WESTERLY DIRECTION 668.19 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM THE WESTERLY 60 FEET CONVEYED FOR ROADWAY PURPOSES IN BOOK 2886 AT PAGES 764 AND 765, COUNTY OF EL PASO, STATE OF COLORADO
PARCEL 3: LOT 1, BLOCK 1, TOY RANCHES ESTATES, EXCEPT THE WESTERLY 30 FEET THEREOF AS CONVEYED IN DEED FEBRUARY 16, 1977 IN BOOK 2896 AT PAGE 763, COUNTY OF EL PASO, STATE OF COLORADO.
ALTOGETHER CONTAINING 37,354 ACRES OR 1,627,162 SQUARE FEET, MORE OR LESS.

**MOUNTAIN VALLEY PRESERVE
ZONE CHANGE EXHIBIT**
6005, 6085 & 6115 N. MARKSHEFFEL ROAD
COLORADO SPRINGS, COLORADO

Sheet 1 of 1

Drexel, Barrell & Co.
Engineers/Surveyors
BOULDER, COLORADO 80501 (303) 442-4200

3 BOYD'S VINE STREET
COLORADO SPRINGS, COLORADO 80905 (719) 586-0887

Date: 08-26-15
Drawn By: GS
Checked By: PCD
Scale: 1" = 100'
Job No.: 20534-03
Drawing No.: 20534ZoneExh

OWNER:
PEAKMARK HEIGHTS, LLC
1765 S. 8th Street Suite 1-1
Colorado Springs, CO 80905

OWNER:
THE DOMINIC AND VIVIAN M. ZAZZARETTI TRUST AND THE WALTER FAMILY TRUST
4780 Vale Road
Colorado Springs, CO 80908

FIGURE 1

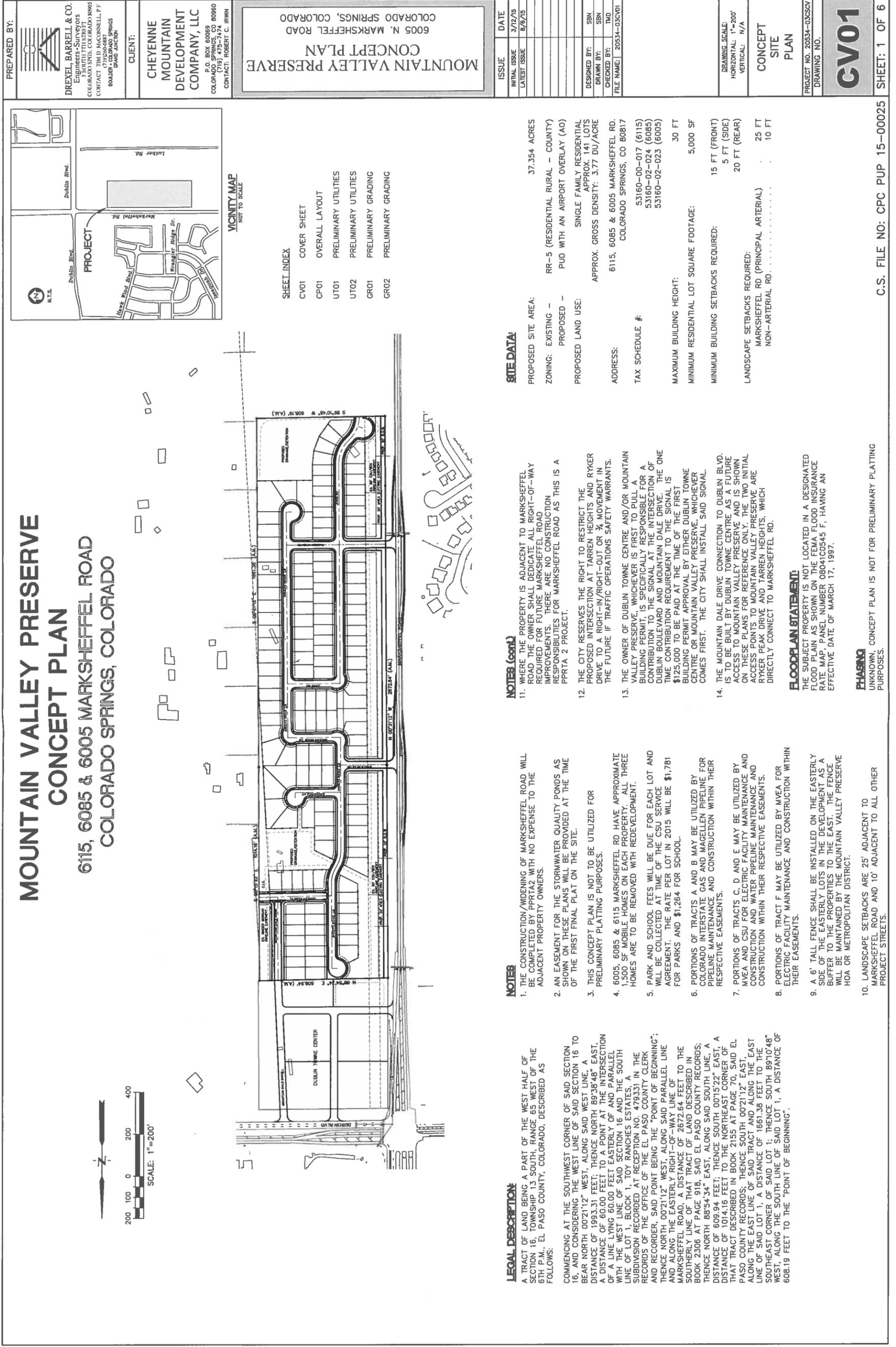


FIGURE 1

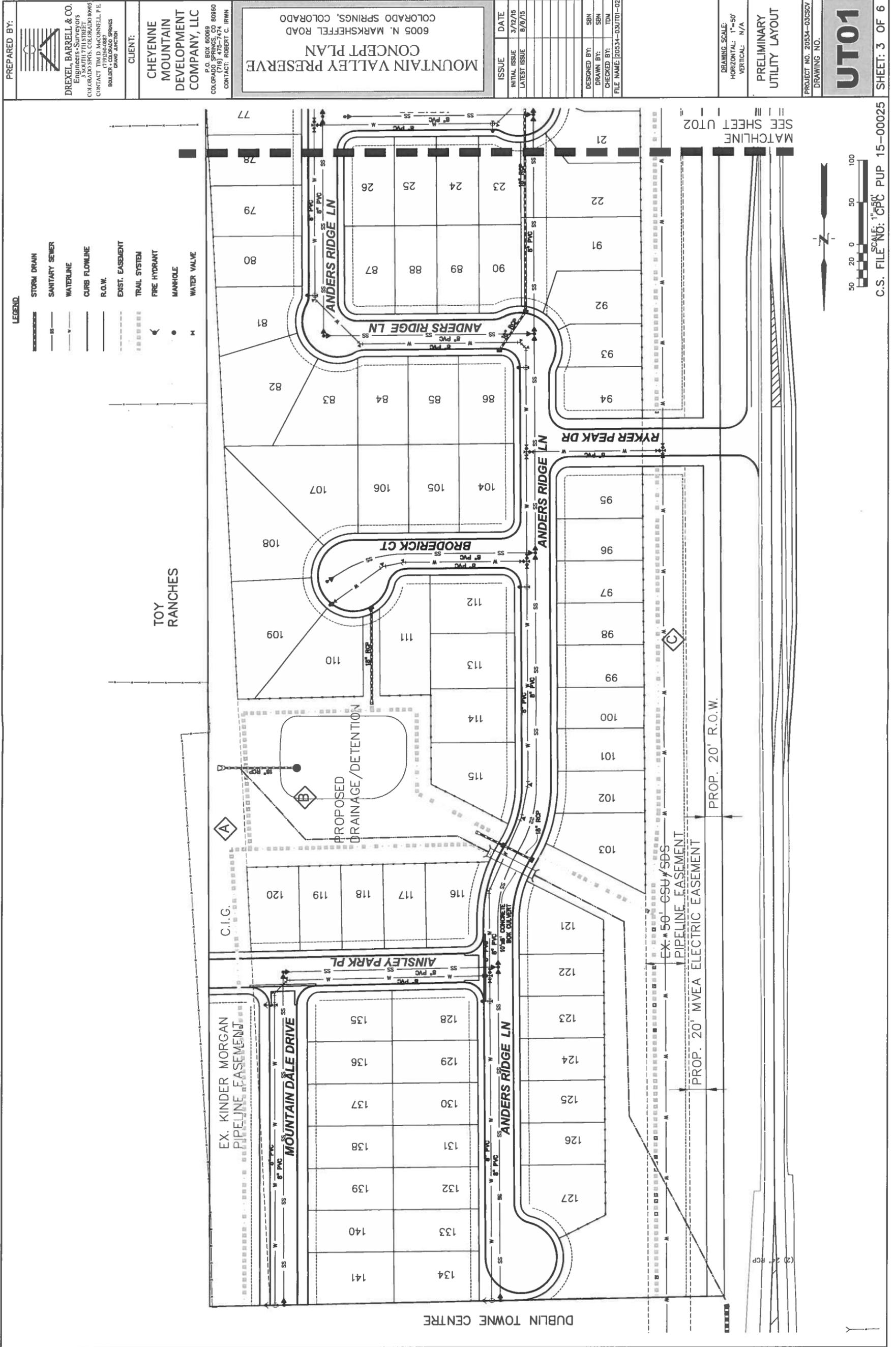


FIGURE 1

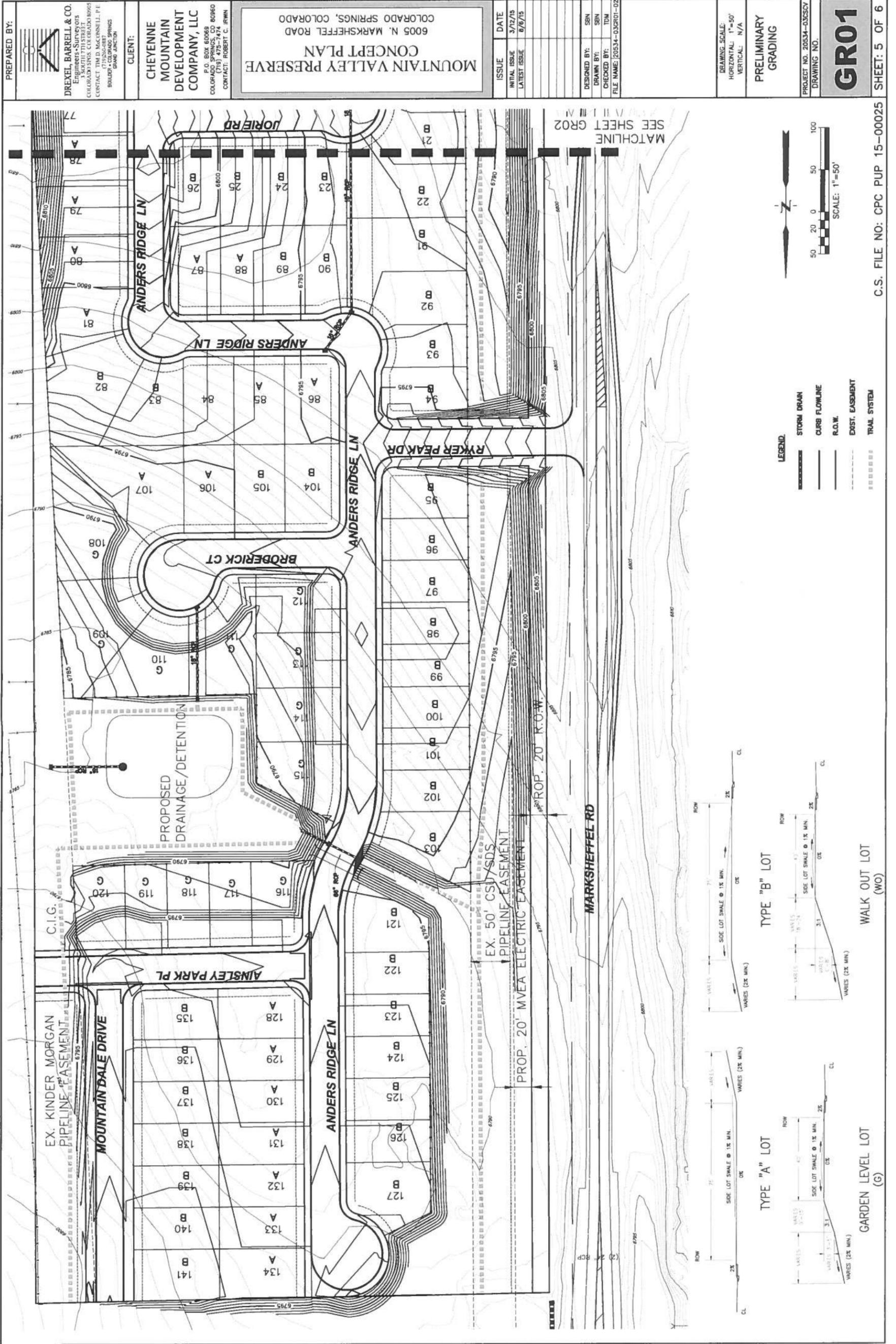
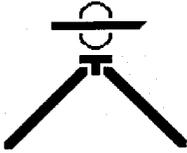


FIGURE 1



Drexel, Barrell & Co.

March 11, 2015, Revised June 26, 2015

City of Colorado Springs Land Use Review
Attn: Megan Herington, Principal Planner
30 S. Nevada Ave., Suite 105
Colorado Springs, CO 80903

Engineers/Surveyors

Boulder
Colorado Springs
Grand Junction
Steamboat Springs

3 S 7th Street
Colorado Springs, CO 80905

719 260-0887
719 260-8352 Fax

Project Statement – Mountain Valley Preserve Annexation/Zone Change/Concept Plan

Dear Ms. Herington:

Description

The land owners, Peakmark Heights, LLC and Walter Family Trust, wish to annex into Colorado Springs and rezone the following approximate 37.35 acre tract of land located at 6115, 6085 & 6005 Marksheffel Road. The property is currently located in El Paso County with City limits directly north and west of the property.

Justification

Annexation of the property will result in a logical and orderly extension of the City of Colorado Springs and services provided. Existing City limits are located along the north and west limits of the property. The zone change accommodates single-family residential uses that are of moderate intensity which in some cases will be located near established residential zoning.

Potential Issue List

Utility extensions to the site will be made from existing CSU wastewater, water, natural gas and electric facilities located on Dublin Towne Centre, the property directly to the north. Utility extensions to the site will also be made from existing CSU wastewater located on Indigo Ranch at Stetson Ridge Filing No. 5 & 6, the property to the west across Marksheffel Road.

Compliance with PUD review criteria City Code Section 7.3.605

Below explains how the PUD Concept Plan meets review criteria per City Code:

- A. *Is the proposed development pattern consistent with the Comprehensive Plan, the 2020 Land Use Map, and all applicable elements of the Comprehensive Plan (including the intermodal transportation plan and the parks, recreation and trails master plan)?* The proposed development is currently in El Paso County and thus not shown on the 2020 Land Use Map; however, adjacent areas in the City show the majority of the land use in the area as General Residential, the same use as proposed.
- B. *Are the proposed uses consistent with the primary and secondary land uses identified in the 2020 Land Use Map of the Comprehensive Plan, as amended?* The proposed single family residential land use is consistent with the adjacent General Residential land use identified in the 2020 Land Use Map.

- C. *Is the proposed development consistent with any City approved master plan that applies to the site?* No. the property is currently in El Paso County.
- D. *Is the proposed development consistent with the intent and purposes of this Zoning Code?* Yes. the development is consistent with the zoning code and other residential developments in the area.
- E. *Does the development pattern proposed within the PUD concept plan promote the stabilization and preservation of the existing or planned land uses in adjacent areas and surrounding residential neighborhoods?* Yes, existing and planned uses in the adjacent areas are also primarily residential with a node of Community Activity Center at the intersection of Marksheffel Road and Dublin Boulevard just north of the site.
- F. *Does the development pattern proposed within the PUD concept plan provide an appropriate transition or buffering between uses of differing intensities both on site and off site?* Yes. densities to the west across Marksheffel Road are approximately the same, or higher density. The County residential properties to the east are buffered by an approximate 100 foot wide easement for natural gas and petroleum pipelines.
- G. *Does the nonresidential development pattern proposed within the PUD concept plan promote integrated activity centers and avoid linear configurations along roadways?* N/A, the proposed development is single-family residential.
- H. *Are the permitted uses, bulk requirements and required landscaping appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community?* Yes, residential use.
- I. *Does the PUD concept plan provide adequate mitigation for any potentially detrimental use to use relationships (e.g., commercial use adjacent to single-family homes)?* Yes, only two residential lots abut the C-5 zoned commercial property to the north of the site. Adequate fencing and screening will be provided by the commercial development when it develops.
- J. *Does the PUD concept plan accommodate automobile, pedestrian, bicycle and transit modes of transportation as appropriate, taking into consideration the development's primary function, scale, size and location?* Yes, the streets will primarily be residential in classification, with walking trails provided on open space areas throughout the site.
- K. *Does the PUD concept plan include a logical hierarchy of perimeter and internal arterial, collector and local streets that will disperse development generated vehicular traffic to a variety of access points and ways, reduce through traffic in adjacent residential neighborhoods and improve resident access to jobs, transit, shopping and recreation?* Yes. There will be two collector roadway connections to Marksheffel Road on the west. One collector roadway connection will be made to Dublin Boulevard to the north through Dublin Towne Centre. One residential roadway connection each will be made to the south and east.

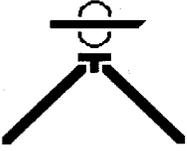
- L. *Will streets and drives within the project area be connected to streets outside the project area in a way that minimizes significant through traffic impacts on adjacent residential neighborhoods, but still improves connectivity, mobility choices and access to jobs, shopping and recreation?* Yes. There will be two collector roadway connections to Marksheffel Road on the west. One collector roadway connection will be made to Dublin Boulevard to the north through Dublin Towne Centre. One residential roadway connection each will be made to the south and east. All connections are designed to minimize cut-through traffic and yet provide adequate connectivity.
- M. *Does the PUD concept plan provide safe and convenient vehicle and pedestrian connections between uses located within the zone district, and to uses located adjacent to the zone district or development?* Yes, use within the project is all single-family residential, connected by roadways, sidewalk and trails which extend to adjacent land uses as well.
- N. *Will adequately sized parking areas be located to provide safe and convenient access, to avoid excessive parking ratios and avoid excessive expanses of pavement?* N/A, the proposed single-family use will have only on premise and on street parking.
- O. *Are open spaces integrated into the PUD concept plan to serve both as amenities to residents/users and as a means for alternative transportation modes, such as walking and biking?* Yes, trails will be installed within the open space areas provided.
- P. *Will the proposed development overburden the capacities of existing or planned streets, utilities and other public facilities?* No. We have met with CSU and Traffic Engineering, the proposed development will not overburden any facilities and is planned into modeling by both entities.
- Q. *Are the areas with unique or significant natural features preserved and incorporated into the design of the project?* (Ord. 03-110; Ord. 03-190; Ord. 09-70; Ord. 09-80; Ord. 12-68)
There are no significant natural features on this site of rolling grassland. Two low lying drainage courses will be utilized for drainage and detention/water quality.

We trust you find our application and request for the Annexation, Zoning and Concept Plan for Mountain Valley Preserve acceptable. We look forward to working with the City in processing the application and submittal. Please call if you have any questions or require any additional information.

Respectfully,
Drexel, Barrell & Co.



Tim McConnell, P.E.
Associate, Regional Manager



Drexel, Barrell & Co.

March 11, 2015

City of Colorado Springs Land Use Review
Attn: Meggan Herington, Principal Planner
30 S. Nevada Ave., Suite 105
Colorado Springs, CO 80903

Engineers/Surveyors

Boulder
Colorado Springs
Grand Junction
Steamboat Springs

3 S 7th Street
Colorado Springs, CO 80905

719 260-0887
719 260-8352 Fax

RE: Fiscal Impact Analysis – Mountain Valley Preserve Annexation

Ms. Herington:

The annexation of the property located at 6005, 6085 & 6115 North Marksheffel Road, consisting of 37.354 acres, and known as the Mountain Valley Preserve will have a positive and beneficial financial impact upon the City of Colorado Springs, and the City shall bear no expense or financial burden by virtue of the annexation.

City Sales and Property Taxes

The proposed C-5 commercial and multi-family zoning shall increase both City sales and property taxes.

Development Costs

The owner/developer shall pay all direct development costs of the project.

Fire Protection and Police Service Fees

Per the annexation agreement, the owner/developer shall pay to the City a Fire Protection Fee and a Police Protection Fee.

Utility Extension

The owner/developer shall pay for all utility extensions to the property. Such extensions shall include easements, tap fees, and development fees. Additionally, the owner/developer shall construct drainage improvements and pay drainage fees pursuant to the Sand Creek Drainage Basin Planning Study.

Recovery and Impact Fees

The owner/developer shall pay an offsite construction fee for the Banning Lewis Parkway on a per acre basis, which was calculated at approximately ninety-five and 55/100 dollars (\$95.55) per acre in a previous annexation agreement. Moreover, the owner/developer shall also pay for the construction of a radio repeater station on a per acre basis, which was calculated at approximately eleven and 69/100 dollars (\$11.69) per acre in a previous annexation agreement.

Dedications

A dedication of twenty (20) feet of right-of-way to expand Marksheffel Road along the property's westerly boundary will be provided. A fifty (50) foot easement has already

been granted for the Southern Delivery System pipeline near the west edge of the property. A twenty (20) foot easement will also be granted for Mountain View Electric on the west edge of the property. Additionally, the owner/developer shall convey to the City all groundwater rights appurtenant to the property.

School and Park Fees

The owner/developer shall pay applicable school and park fees.

As outlined above, the City of Colorado Springs shall bear no cost to annex the property. The owner/developer shall pay all direct development costs, and the City of Colorado Springs shall obtain a positive economic impact from generated property tax revenues, service and protection fees, development fees, recovery fees, impact fees, dedications, and school and park fees.

We trust you find this fiscal impact analysis for Mountain Valley Preserve acceptable. We look forward to working with the City in processing the annexation application and submittal. Please call if you have any questions or require any additional information.

Respectfully,
Drexel, Barrell & Co.



Tim McConnell, P.E.
Senior Associate, Regional Manager

*PeakMark Heights, LLC
1765. S 8th Street, Suite T-1
Colorado Springs, CO 80905
Telephone No.: (719) 475-7474
Facsimile: (719) 633-4904
Electronic mail: rcirwin@cmdcllc.com*

June 10, 2015

Ms. Meggan Herrington, AICP
Principal Planner – Northeast Team
City of Colorado Springs
Land Use Review Division

RE: Mountain Valley Preserve

Dear Meggan:

We thought it might be helpful to provide a narrative explaining the decision to locate Mountain Valley Preserve at Toy Ranches. As you may know, in 2005 and 2006 the entire Toy Ranches development was Master Planned for development, and Toy Ranches was in the process of annexing to the city when the financial downturn in 2007 and 2008 at first delayed and then ultimately doomed the project. Because the entire area was surrounded by The Banning Lewis Ranch and the City of Colorado Springs (City), it was an enclave and the City was receptive to its annexation and development. Subsequent to the financial downturn, the City continued to identify Toy Ranches for possible annexation due to its enclave status.

We were involved in the previous annexation process, so we had a conceptual idea of what the City had envisioned for Toy Ranches, and we attempted to maintain that vision by matching the land use with the use identified on the previous Master Plan, and our densities are equal to or are lower than what was projected. To maintain neighborhood integrity, we also generally matched our densities with nearby developments. Mountain Valley Preserve has 3.77 dwelling units per acre; The Reserve at Indigo Ranch has 3.97 dwelling units per acre; Indigo Ranch at Stetson Ridge has 3.39 dwelling units per acre; Carriages at Indigo Ranch has 5.75 dwelling units per acre; and Stetson Ridge Highlands has 6.36 dwelling units per acre.

In the 2005 and 2006 Master Planned project, there was widespread support for annexation into the City by the Toy Ranches residents. In our current process, we also have support, with several neighbors expressing a desire to sell to us or be included in the project. We anticipated that some would wish to join the process, but we do not believe the market could sustain a Master Planned project at this time. In fact, we think a piecemeal approach will have much more success in this economic climate than any attempt to develop Toy Ranches in its entirety. With this in mind, we located our open space on the eastern boundary to buffer the larger Toy Ranches lots. In the section where open space does not abut the larger Toy Ranches lots, a large pipeline easement exists, buffering the project from those larger tracts. Additionally, we placed the largest lots in Mountain Valley Preserve along this eastern boundary,

which gives future development a baseline from which to design. It would be imprudent to design uncommonly large lots along this boundary, possibly locking in lot sizes for future development of those adjacent Toy Ranches lots in such a manner as to sterilize their value.

The layout provides the best possible integration for open space and trail use upon future development. We hope the locations create the incentive to integrate open space and trail systems around it, and with the given topography and the pipeline easement, this is very likely.

The issue of traffic and access did arise in our neighborhood meeting. Mountain Valley Preserve is not a primary driving force of traffic along Marksheffel Road. However, there was concern that the project would create congestion and inhibit the flow of traffic through that corridor. We explained that acceleration and deceleration lanes into and out of Mountain Valley Preserve would be constructed to mitigate this possible problem, which alleviated much of the concern. The proposed direct access to Marksheffel Road is similar in design to the existing channelized access from the The Banning Lewis Ranch onto Marksheffel Road, north of Mountain Valley Preserve. Because the proposed annexation includes Marksheffel Road, the City will control its design, but it should be noted that the previous El Paso County design included an access point at Mountain Valley Preserve.

Because of Mountain Valley Preserve's location inside an enclave, and the fact it is readily accessible to existing services and infrastructure, the project resembles more of an infill development rather than a conventional annexation. It will generate the initial activity necessary for the inclusion of the remainder of this enclave to be annexed to the City, which is very likely the best outcome for the City and Toy Ranches.

Please share this explanation with any neighbor, department, or council member if convenient for you, and if you have any questions please contact me.

Sincerely,

Robert C. Irwin, Manager

TO: Meggan Herington, Principal Planner

FROM: Michael Miles, Senior Analyst

DATE: April 29, 2015

SUBJECT: Mountain Valley Preserve Annexation - Fiscal Impact Analysis

A copy of the fiscal impact analysis for the Mountain Valley Preserve is attached. At the request of the Planning Department, the Budget Office prepared a fiscal impact analysis estimating the City General Fund and Public Safety Sales Tax (PSST) Fund revenue and expenditures attributable to the Mountain Valley Preserve development for the period 2015-2024.

The fiscal review criteria of the City Code states city costs related to infrastructure and service levels shall be determined for a ten-year time horizon for only the appropriate municipal funds.

The methodology used for the fiscal impact analysis is a case study approach, where a mini-budget process is undertaken in which City units are asked to project the increased marginal cost of providing services to the development for 2015-2024. The Budget Office estimates the city revenue, as outlined in the Revenue Notes, stemming from the development.

Most departments indicated that there were no identifiable marginal costs of providing services to this development, as the area is currently being serviced by public safety agencies, and the surrounding infrastructure and roadways are already being maintained by the City as they fall within the service area of surrounding parcels. The Fire Department, Police Department and Streets Division identified marginal increases in operation costs.

The result of the fiscal impact analysis is a positive cumulative cashflow for the City during the 10-year timeframe.

The Summary of Expenditures and Revenues is attached. Also, the Expenditure and Revenue Notes are attached that provide the methodology for calculating the expenditures and revenues.

REVENUE NOTES

Mountain Valley Preserve Annexation General Fund/Public Safety Sales Tax Fund Fiscal Impact Analysis, 2015-2024

PROPERTY TAX:

It is assumed property taxes will be collected in the year 2018 based upon beginning construction in 2016 because of the time lag associated with placing assessed value onto the assessment rolls. The 2018 revenue is calculated by multiplying the City mill levy of 4.279 mills by the projected increase in City assessed valuation resulting from the proposed development. This assumes there is no change in the residential assessment ratio of 7.96%. The cumulative assessed valuation includes a 3% annual increase in market values.

SPECIFIC OWNERSHIP TAX:

The Specific Ownership Tax revenue is calculated at 11.70% of property tax revenues. This is based on the 2013 actual City specific ownership tax revenues as a percent of property tax revenue.

ROAD & BRIDGE REVENUE:

The Road & Bridge Revenue is calculated at 3.85% of the property tax revenues. This is based on the 2013 actual City road & bridge revenues as a percent of property tax revenue.

SALES AND USE TAX:

The revenue calculation assumes the existing General Fund tax rate and existing collection practices. Projections include sales tax revenue from the personal consumption by the population projected to reside in Mountain Valley Preserve and the sale of building materials used in the projected construction of the households in the development.

The Sales Tax Revenue for Residential Uses is calculated by determining the average household income per unit and the percentage of income spent on taxable consumption. The average household income per unit is calculated based upon an "affordability" calculation, which assumes 10% down, 30-year mortgage @ 4%, and a 28% income/Principal and Interest ratio. It also assumes that 75% of consumption by the new residents will be within the City and that 60% of the consumption by these residents is new to the City (in other words, 60% of residents moved from outside City limits). Also, it assumes there is a one-year construction/revenue collection lag. Projections include a 3% annual increase for inflation.

The Sales Tax Revenue for Building Materials is calculated based on sales taxable materials at 40% of the value of residential property.

MISCELLANEOUS REVENUE:

The Miscellaneous Revenue is based on per capita multipliers for the following categories: Admissions Tax; State Cigarette Tax; HUTF; Charges for Services; Fines and Forfeits, Utilities Surplus, as these revenues are impacted by a change in population. Revenues were calculated using direct and per capita multiplier approaches. The Miscellaneous Revenue includes a 3% annual increase. Also, it assumes there is a one-year construction/revenue collection lag.

EXPENDITURE NOTES:

Mountain Valley Preserve Annexation

General Fund/Public Safety Sales Tax (PSST) Fund Fiscal Impact Analysis, 2015-2024

POLICE:

As development occurs, the Police Department is responsible for regular police patrol and first response services in the area. However, the proposed annexation area is located within a serviced area, and the addition of 37.354 acres and 141 single-family residential lots will have a small identifiable marginal increase in cost of services for the Police Department within the next ten years of approximately \$1,500 to \$1,757 annually.

FIRE:

As part of the Annexation Agreement, the Annexor will pay their fair and equitable share of the expenses and equipment costs for the nearest fire station but this property is located within a currently serviced area. The only additional, operational, identifiable marginal costs of providing service to the annexed area are fuel, medical supplies and maintenance (~\$198-\$237 annually).

PUBLIC WORKS – STREETS, TRAFFIC ENGINEERING, CITY ENGINEERING:

There are small additional public infrastructure and maintenance obligations associated with this annexation in the next ten years. The parcel is an infill parcel so infrastructure surrounding the parcel is already existing and serving other parcels but streets, lighting and signage will need to be added to reach and address all lots. The identifiable increased costs to Public Works, are in the Streets Division to account for marginal increased costs of maintenance of roadway and drainage (\$3,682-\$4,874) and Traffic for lanes striping, signage and street lights (\$2,331-\$11,752), each streetlight has an annual O&M cost of \$158.

PUBLIC WORKS -TRANSIT:

There are currently no transit services in this area. There are no current plans to expand transit services to this area within the next ten years, thus there are no identifiable marginal costs within the next ten years.

PARKS:

There are currently no parks services in this area. There are no current plans to expand parks services to this area within the next ten years, thus there are no identifiable marginal costs within the next ten years.

GENERAL FUND FISCAL IMPACT ANALYSIS
SUMMARY OF EXPENDITURES AND REVENUE FOR MOUNTAIN VALLEY PRESERVE

	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Projected 2020	Projected 2021	Projected 2022	Projected 2023	Projected 2024
EXPENDITURES										
<u>Total Salaries, Operating, and Capital Outlay</u>										
Police	0	1,500	1,530	1,561	1,592	1,624	1,656	1,689	1,723	1,757
Fire	0	202	206	210	214	219	223	227	232	237
Public Works - Streets	0	3,792	3,906	4,023	4,144	4,268	4,396	4,528	4,664	4,874
Public Works - Transportation Engineering	0	0	0	0	0	0	0	0	0	0
Public Works - City Engineering	0	0	0	0	0	0	0	0	0	0
Public Works - Traffic	0	2,331	4,797	7,400	10,138	10,442	10,755	11,078	11,410	11,752
Parks, Recreation and Cultural Services	0	0	0	0	0	0	0	0	0	0
TOTAL EXPENDITURES	0	7,825	10,439	13,194	16,088	16,552	17,030	17,523	18,029	18,620
REVENUES										
Property Taxes	0	0	0	3,278	6,655	10,133	13,809	14,223	14,650	15,090
Specific Ownership Taxes	0	0	384	779	1,186	1,616	1,664	1,714	1,765	1,818
Road & Bridge Revenue	0	126	256	390	532	548	564	581	598	616
Sales Tax Revenue (Residential Uses)	0	0	5,346	10,852	16,524	22,518	23,193	23,889	24,606	25,344
Sales and Use Tax Revenue (Building Materials)	0	77,000	77,000	77,000	79,200	0	0	0	0	0
Miscellaneous Revenue	0	0	7,950	15,899	23,849	32,025	32,025	32,025	32,025	32,025
General Fund Sub-Total	0	77,126	90,935	108,198	127,945	66,840	71,256	72,433	73,645	74,894
<u>Public Safety Sales Tax Fund</u>										
Sales Tax Revenue (Residential Uses)	0	0	1,069	2,170	3,305	4,504	4,639	4,778	4,921	5,069
Sales and Use Tax Revenue (Building Materials)	0	15,400	15,400	15,400	15,840	0	0	0	0	0
Public Safety Sales Tax Fund Sub-Total	0	15,400	16,469	17,570	19,145	4,504	4,639	4,778	4,921	5,069
TOTAL REVENUE	0	92,526	107,404	125,769	147,089	71,343	75,895	77,211	78,567	79,963
REVENUE SURPLUS/DEFICIT										
(Total Rev. less Total Exp.)										
ANNUAL	0	84,701	96,965	112,575	131,002	54,791	58,864	59,688	60,537	61,342
CUMMULATIVE	0	84,701	181,666	294,242	425,243	480,035	538,899	598,587	659,125	720,467

FIGURE 3

Herington, Meggan

From: Frederic Herman <fherman@Inferential.com>
Sent: Thursday, April 09, 2015 3:36 PM
To: Herington, Meggan
Subject: The Mountain Valley Preserve

Hello Meggan--

I am the managing partner of two lots to the south and one to the southeast in the Toy Ranches subdivision. I received your green card public notice. I noticed that there is a typo on the card for 1 of the file numbers. I believe the last one should be PUP, not PUD.

Please be informed that the 3 partnerships listed below are in favor of the development.

Fred Herman

Southwest Equity Associates LLP
Trigon Land and Cattle CO. LLP
IOTO Associates LLP

Herington, Meggan

From: Krager, Kathleen
Sent: Wednesday, April 22, 2015 10:33 AM
To: Herington, Meggan
Subject: marksheffel noise

Marksheffel has been shown for years as a principal arterial street. The should of known this when they bought their homes. Sound walls have not been included in the current design of Marksheffel, which was completed by the County.

Kathleen Krager
Transportation Manager
Public Works Department/Traffic Engineering Division
City of Colorado Springs
(719) 385-7628
kkrager@springsgov.com

Herington, Meggan

From: lita burkey <elburkey@msn.com>
Sent: Thursday, April 23, 2015 9:12 AM
To: Herington, Meggan
Cc: dan_tafoya
Subject: Development, East of Marksheffel Rd & South of Dublin Blvd

Importance: High

Meggan

Thank you for responding to my initial phone call and your call yesterday. I've passed the expansion/development info to one of the main point of contacts here at the Carriages. He in turn is passing the info to the residents.

We are quite concerned about the traffic noise at present and more so when the construction starts next spring and upon completion. This level of noise affects the residents and their pets. The speed limit is 40 at the start of Marksheffel Rd (at Woodmen Rd) going south then goes up. However, most people speed and much of the traffic is large construction/equipment trucks, 14-18 wheelers, etc.

We are not against progress and what is good for the City. I welcome a call from the City Traffic Engineer and invite him/her and you for tea on my patio so you can hear what our concerns are/will be without a sound barrier wall. We hope City Planners will consider a sound barrier wall. I personally believe my property value will decrease because of the noise level.

Again, thank you. We appreciate your interest re our concerns.

Lita

Herington, Meggan

From: lita burkey <elburkey@msn.com>
Sent: Thursday, April 23, 2015 10:25 PM
To: Herington, Meggan
Cc: dan_tafoya
Subject: Marksheffel/Dublin Traffic

Meggan

My apologies. I gave you incorrect speeds in my earlier email.

I actually drove the route today. The speed limit is 25mph at Woodmen and Marksheffel but only for a short distance, heading south. It then changes to 45mph to approx 1/4 mile past the intersection at Dublin and Marksheffel where it changes to 55mph, which is approx 150 feet north of my property. Thus, when I open my front door, I'm facing Marksheffel Rd and traffic is "swishing" by at speeds greater than 55mph. The vehicles are a mix of small to rather large, including school buses. The traffic noise is high early morning to late evening. This will no doubt increase as the planned construction begins.

Please forward this email as appropriate. Thank you for your time.

Lita

Herington, Meggan

From: dan_tafoya <dan_tafoya@yahoo.com>
Sent: Friday, April 24, 2015 11:09 AM
To: Herington, Meggan; 'lita burkey'
Subject: RE: Marksheffel/Dublin Traffic

Meggan

Good morning, my name is Dan Tafoya and I just wanted to tell you that our residents at the Carriages at Indigo Ranch are very concerned about the expansion of our area. And we know that progress is a way of life for Colorado Springs, but we also know how changes made by the City don't always take the residents best interests at heart. We would like to meet with you in the near future to see if we can protect our future during this expansion. Our HOA board will be meeting on May 11, to discuss this situation. Thanks for your help in this matter.

Dan Tafoya
7684 Wichita Ridge Point
Colorado Springs, CO 80923
7198966072

Sent on a Sprint Samsung Galaxy Note® 3

----- Original message -----

From: "Herington, Meggan" <mherington@springsgov.com>
Date: 04/24/2015 7:24 AM (GMT-07:00)
To: 'lita burkey' <elburkey@msn.com>
Cc: dan_tafoya <dan_tafoya@yahoo.com>
Subject: RE: Marksheffel/Dublin Traffic

Thanks for the information. I'm working with the City Traffic Engineer to get answers to your questions and we will be in touch shortly. Thanks Again, Meggan

From: lita burkey [mailto:elburkey@msn.com]
Sent: Thursday, April 23, 2015 10:25 PM
To: Herington, Meggan
Cc: dan_tafoya
Subject: Marksheffel/Dublin Traffic

Meggan

My apologies. I gave you incorrect speeds in my earlier email.

I actually drove the route today. The speed limit is 25mph at Woodmen and Marksheffel but only for a short distance, heading south. It then changes to 45mph to approx 1/4 mile past the intersection at Dublin and

Marksheffel where it changes to 55mph, which is approx 150 feet north of my property. Thus, when I open my front door, I'm facing Marksheffel Rd and traffic is "swishing" by at speeds greater than 55mph. The vehicles are a mix of small to rather large, including school buses. The traffic noise is high early morning to late evening. This will no doubt increase as the planned construction begins.

Please forward this email as appropriate. Thank you for your time.

Lita

Herington, Meggan

From: lita burkey <elburkey@msn.com>
Sent: Monday, May 04, 2015 10:29 AM
To: Alazzeh, Zaker
Cc: Herington, Meggan; dan_tafoya
Subject: RE: Marksheffel/Dublin Traffic

Mr Alazzeh

Thank you for your response.

The **issue is not** the speed limit nor is it the type of vehicles utilizing Marksheffel Road.

The **issue is** the noise created by the volume of traffic, which will increase once this Road is widened. Again, the issue is noise.

I encourage anyone from the City's Transportation Department to visit the Carriages to experience what we who live here experience daily.

Thank you for your time.

Lita

From: zalazzeh@springsgov.com
To: elburkey@msn.com
Subject: RE: Marksheffel/Dublin Traffic
Date: Fri, 24 Apr 2015 15:11:20 +0000

Good morning Lita,

I have talked to the transportation manager concerning Marksheffel Road speed limit. She will be working with the county to achieve a consistent speed limit for this road.

As for the sound barrier wall, Marksheffel Road is classified as a four lanes Arterial that is designed to handle high traffic volumes and large semi-trailer trucks, the City cannot restrict types of vehicles from using Marksheffel Road. In addition, the remaining two lanes sections of Marksheffel road are planned to be widened to four lanes within the next few years. The City does not require any type of sound barriers between developments and roadways classified as arterial or smaller. Sound barriers are utilized for Expressways and Freeways.

Sincerely,

Zaker Alazzeh, P.E.
Traffic Review Engineer
Development Review & Stormwater
City of Colorado Springs
(719) 385-5468

From: lita burkey [mailto:elburkey@msn.com]
Sent: Thursday, April 23, 2015 10:25 PM
To: Herington, Meggan
Cc: dan_tafoya
Subject: Marksheffel/Dublin Traffic

Meggan

My apologies. I gave you incorrect speeds in my earlier email.

I actually drove the route today. The speed limit is 25mph at Woodmen and Marksheffel but only for a short distance, heading south. It then changes to 45mph to approx 1/4 mile past the intersection at Dublin and Marksheffel where it changes to 55mph, which is approx 150 feet north of my property. Thus, when I open my front door, I'm facing Marksheffel Rd and traffic is "swishing" by at speeds greater than 55mph. The vehicles are a mix of small to rather large, including school buses. The traffic noise is high early morning to late evening. This will no doubt increase as the planned construction begins.

Please forward this email as appropriate. Thank you for your time.

Lita

Herington, Meggan

From: Dan Tafoya <dan_tafoya@yahoo.com>
Sent: Friday, May 22, 2015 1:06 PM
To: lita burkey; Alazzeh, Zaker; Herington, Meggan
Subject: Re: City's Decision

Zaker or Meggan,

Has the meeting between the City of Colorado Springs and El Paso county been scheduled to talk about Marksheffel and Dublin and the housing complex? Please let me know our board wants to attend the meeting. Thanks!

From: lita burkey <elburkey@msn.com>
To: dan_tafoya <dan_tafoya@yahoo.com>
Sent: Friday, May 22, 2015 11:46 AM
Subject: FW: City's Decision

From: zalazzeh@springsgov.com
To: elburkey@msn.com
Subject: RE: City's Decision
Date: Thu, 21 May 2015 18:47:22 +0000

Ms. Burkey,

During the meeting couple of weeks ago, I explained to the audience that Marksheffel Road is classified as a four lanes principal arterial that is designed to handle high traffic volumes and large semi-trailer trucks. The City cannot restrict types of vehicles from using Marksheffel Road, and does not require any type of sound barriers between developments and roadways classified as arterial or smaller. Sound barriers are utilized for Expressways and Freeways roads which is designed to handle 60,000 vehicles per day or higher . On the other hand the transportation manager will be working with the El Paso county engineers to achieve a consistent speed limit. Once achieved, the reduced speed limit should help in reducing some of the noise level along this road.

Thanks,

Zaker Alazzeh, P.E.
Traffic Review Engineer
Development Review & Stormwater
City of Colorado Springs
(719) 385-5468

From: lita burkey [mailto:elburkey@msn.com]
Sent: Thursday, May 21, 2015 11:47 AM
To: Alazzeh, Zaker
Subject: City's Decision

Zak

I was not able to attend the meeting a couple of Mondays ago but would like to know the outcome from those discussions. That is, has there been a decision regarding how or if the City plans to reduce the level of traffic noise on Marksheffel Road south of Dublin Blvd?

Thank you for your time.

Lita

Herington, Meggan

From: Alazzeh, Zaker
Sent: Tuesday, May 26, 2015 7:51 AM
To: Herington, Meggan
Subject: RE: City's Decision

Meggan,

I think Mr. Tafoya is referring to the planning commission meeting for the new development east of Marksheffel Rd. I told them during the HOA meeting that you will send them post cards once you have this item in the planning commission agenda.

Enjoy your vacation,
Zaker

From: Herington, Meggan
Sent: Friday, May 22, 2015 1:33 PM
To: Dan Tafoya; lita burkey; Alazzeh, Zaker
Subject: RE: City's Decision

Mr. Tafoya, I'll let Zaker respond to what meeting that is. I'll send you a notice when this moves forward to City Council. Can you please send me an address for your HOA so that I have your contact info. Thanks. I'm leaving for vacation and will be back June 2nd. Nothing will happen for a few months. thanks, Meggan

From: Dan Tafoya [mailto:dan_tafoya@yahoo.com]
Sent: Friday, May 22, 2015 1:06 PM
To: lita burkey; Alazzeh, Zaker; Herington, Meggan
Subject: Re: City's Decision

Zaker or Meggan,

Has the meeting between the City of Colorado Springs and El Paso county been scheduled to talk about Marksheffel and Dublin and the housing complex? Please let me know our board wants to attend the meeting. Thanks!

From: lita burkey <elburkey@msn.com>
To: dan_tafoya <dan_tafoya@yahoo.com>
Sent: Friday, May 22, 2015 11:46 AM
Subject: FW: City's Decision

From: zalazzeh@springsgov.com
To: elburkey@msn.com
Subject: RE: City's Decision
Date: Thu, 21 May 2015 18:47:22 +0000

Ms. Burkey,

During the meeting couple of weeks ago, I explained to the audience that Marksheffel Road is classified as a four lanes principal arterial that is designed to handle high traffic volumes and large semi-trailer trucks. The City cannot restrict types of vehicles from using Marksheffel Road, and does not require any type of sound barriers between developments

and roadways classified as arterial or smaller. Sound barriers are utilized for Expressways and Freeways roads which is designed to handle 60,000 vehicles per day or higher . On the other hand the transportation manager will be working with the El Paso county engineers to achieve a consistent speed limit. Once achieved, the reduced speed limit should help in reducing some of the noise level along this road.

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Zaker Alazzeh, P.E.
Traffic Review Engineer
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City of Colorado Springs
(719) 385-5468

From: lita burkey [mailto:elburkey@msn.com]
Sent: Thursday, May 21, 2015 11:47 AM
To: Alazzeh, Zaker
Subject: City's Decision

Zak

I was not able to attend the meeting a couple of Mondays ago but would like to know the outcome from those discussions. That is, has there been a decision regarding how or if the City plans to reduce the level of traffic noise on Marksheffel Road south of Dublin Blvd?

Thank you for your time.

Lita

MOUNTAIN VALLEY PRESERVE ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT, dated this ____ day of _____, 2015, is between the City of Colorado Springs, Colorado, a home rule city and Colorado municipal corporation ("City"), and Peakmark Heights, LLC, a Colorado limited liability company, The Dominic and Vivian M. Zazzaretti Trust, and The Walter Family Trust (collectively "Owner" or "Property Owner"). The City and the Owner are referred to herein collectively as the "Parties" and each individually as a "Party".

I. INTRODUCTION

Owner owns all of the real property located in El Paso County, Colorado, identified and described on the legal description attached as Exhibit A (the "Property"). All references to the "Property" or to the "Owner's Property" are to the property described in Exhibit A.

The growth of the Colorado Springs metropolitan area makes it likely that the Property will experience development in the future. Owner will be required to expend substantial amounts for installation of infrastructure needed to service the Property and, therefore, desires to clarify Owner's obligations for installation of or payment for any off-site infrastructure or improvements and with regard to the City's agreements with respect to provision of services to the Property and cost recoveries available to Owner. Subject to the terms and conditions set forth in this Agreement, both the City and Owner wish to annex the Property into the City to ensure its orderly development. In consideration of the mutual covenants contained in this Agreement, the receipt and sufficiency of which are acknowledged by each of the Parties, the City and Owner agree as follows.

II. ANNEXATION

Owner has petitioned the City for annexation of the Property. The annexation will become effective upon the effective date of the ordinance documenting final approval by the City Council of the annexation (the "annexation ordinance") after satisfying all conditions precedent to annexation identified in this Agreement and the recording of (a) certified copies of the annexation ordinance and the annexation plat in accordance with C.R.S. § 31-12-113; (b) a fully-executed copy of this Agreement; and (c) fully-executed Special Warranty Deed(s) and Irrevocable Consent to the

Appropriation, Withdrawal, and Use of Groundwater, substantially in the same form as the attached Exhibit B, with the El Paso County Clerk and Recorder.

III.
LAND USE

The Mountain Valley Preserve Concept Plan for the Property has been proposed and submitted to the City for approval. Once the Concept Plan has been approved by the City, Owner will comply with the approved Concept Plan or an amended Concept Plan approved in accord with applicable provisions of the Code of the City of Colorado Springs 2001, as amended or recodified ("City Code").

IV.
ZONING

A. Zoning. The Planning and Development Department of the City agrees to recommend that the initial zone for the Owner's Property shall be Planned Unit Development with Airport Overlay (PUD/AO) upon annexation. Owner acknowledges and understands that the City Council determines what an appropriate zone is for the Property, and this recommendation does not bind the City Council to adopt a PUD/AO zone for the Property. In the event City Council does not adopt a PUD/AO zone for the Property, Owner agrees that the Property shall have the zone approved by City Council.

B. Change of Zoning. A change of zone request shall conform to the Concept Plan, as approved or as amended by the City in the future. Rezoning in accord with the zones reflected on the Concept Plan will occur prior to actual development of the site.

V.
PUBLIC FACILITIES

A. General. As land is annexed into the City it is anticipated that land development will occur. In consideration of this land development the City requires public facilities and improvements to be designed, extended, installed, constructed, dedicated and conveyed as part of the land development review and construction process. Public facilities and improvements are those improvements to the property which, after being constructed by Owner and accepted by the City, shall be maintained by the City or another public entity. Generally, the required public facilities and improvements and their plan and review process, design criteria, construction standards, dedication, conveyance, cost recovery and reimbursement, assurances and guaranties, and special and specific provisions are addressed in Chapter 7, Article 7 of the City Code (the "Subdivision Code"). Public facilities and

improvements include but are not necessarily limited to: (1) Utilities for water, wastewater, fire hydrants, electric, gas, streetlights, telephone and telecommunications (Refer to Chapter 12 of the City Code, Section VI. Utilities and Section VII. Water Rights of this Agreement.); (2) Streets, alleys, traffic control, sidewalks, curbs and gutters, trails and bicycle paths; (3) Drainage facilities for the best management practice to control, retain, detain and convey flood and surface waters; (4) Arterial roadway bridges; (5) Parks; (6) Schools; and (7) Other facilities and improvements warranted by a specific land development proposal.

It is understood that all public facilities and improvements shall be under the provisions of the Subdivision Code, unless otherwise specifically provided for under the terms and provisions of this Agreement. Those specifically modified public facilities and improvements provisions are as follows:

B. Metropolitan Districts. N/A

C. Streets and Traffic Control. Unless agreed to elsewhere in this Agreement Owner agrees to construct, at the Owner's expense, those street and/or traffic improvements adjacent to or within the Property. These improvements shall also include mutually acceptable dedications of right-of-way and easements, and extension of streets and right-of-way. Owner shall not be entitled to the benefits of provisions of City Code §§ 7.7.706 (Reimbursements) and 7.7.1001-1006 (Arterial Roadway Bridges) for any streets and/or traffic improvements constructed in accordance with this Agreement. Owner shall not be entitled to City participation or reimbursement for Arterial Streets and Arterial Bridges within the Property

1. On-Site or Adjacent Streets. The obligations of Owner in this subsection are assignable to subsequent owners and/or developers of the Property.

a. Marksheffel Road: Where the property is adjacent to Marksheffel Road Owner shall dedicate twenty (20) feet of road right-of-way required for future Marksheffel Road improvements. Owner has no construction responsibilities for Marksheffel Road as this is a PPRTA 2 project.

2. Off-Site Streets: None

3. Traffic Control Devices. Owner shall pay for installation of traffic and street signs, striping, and traffic control devices, and permanent barriers, together with all associated conduit for all streets within or contiguous to the Property as determined necessary by the City and in accord with uniformly applied criteria set forth by the City. **Traffic signals will be installed only after**

the intersection of Dublin Boulevard and the public collector street (Mountain Dale Drive) warrants signals, as outlined in the Manual on Uniform Traffic Control Devices in use at the time or another nationally accepted standard. Once the intersection meets the outlined criteria, the City will install the traffic signal in a timely manner.

- a) The City reserves the right to restrict the proposed intersections on Marksheffel Road at Tarren Heights and Ryker Drive to a right-in/right-out or $\frac{3}{4}$ movement if traffic operations safety warrants.

4. Street Cost Recovery. N/A

D. Drainage. A Master Development Drainage Plan shall be prepared and submitted by Owner to the City and approved by the City Engineer. Final Drainage Reports and Plans shall be prepared and submitted by Owner to the City and approved by the City Engineer, prior to recording subdivision plats. Owner shall comply with all drainage criteria, standards, policies and ordinances in effect at the time of development, including but not limited to the payment of any drainage, arterial bridge and detention pond fees and the reimbursement for drainage facilities constructed. Owner shall be responsible for conformance with the Sand Creek Drainage Basin Planning Study.

E. Parks
Future residential uses are subject to standard parks fees.

F. Schools
Future residential uses are subject to standard school fees.

G. Improvements Adjacent to Park and School Lands. Streets and other required public improvements adjacent to park and school lands dedicated within the Property will be built by Owner without reimbursement by the City or the School District.

VI.
UTILITY SERVICES

A. Colorado Springs Utilities' (CSU) Services: CSU's water, non-potable water, wastewater, electric, streetlight, and gas services ("Utility Service" or together as "Utility Services") are available to eligible customers upon connection to CSU's facilities or utility systems on a "first-come, first-served" basis, provided that (among other things) the City and CSU determine that the applicant meets all applicable City ordinances and regulations, and applicable CSU tariff requirements and regulations

for each application for Utility Service. In addition, the availability of Utility Services is contingent upon the terms detailed herein and the dedication of public rights-of-way, private rights-of-way, or easements that CSU determines are required for the extension of any proposed Utility Service from CSU system facilities that currently exist or that may exist at the time of the proposed extension.

Owner shall ensure that the connection and/or extension of Utility Services to the Property are in accord with all codes and regulations in effect at the time of Utility Service connection and/or extension, including but not limited to CSU's tariffs, rules, and policies, City ordinances, resolutions, and policies, and Pikes Peak Regional Building Department codes. Further, as specified herein below, Owner acknowledges responsibility for the costs of any extensions or utility system improvements that are necessary to provide Utility Services to the Property or to ensure timely development of integrated utility systems serving the Property and areas outside the Property as determined by CSU.

CSU's connection requirements may require the Owner to provide a bond(s), or to execute a Revenue Guarantee Contract or other CSU-approved guarantee for the extension of any Utility Service before CSU authorizes the extension of Utility Services and/or other utility systems improvements, and/or any request for service connection to the Property by Owner. Owner acknowledges that such connection requirements shall include Owner's payment of all applicable development charges, recovery-agreement charges, advance recovery-agreement charges, aid-to-construction charges and other fees or charges applicable to the requested Utility Service, and any costs CSU incurs to acquire additional service territory for the Utility Service to be provided, including those costs specified in paragraph C below. Because recovery agreement charges, advance recovery-agreement charges, and aid-to-construction charges may vary over time and by location, Owner is responsible for contacting CSU's Customer Contract Administration at (719) 668-8111 to ascertain which fees or charges apply to the Property.

Owner acknowledges that annexation of the Property does not imply a guarantee of water supply, wastewater treatment system capacity, or any other Utility Service supply or capacity, and CSU does not guarantee Utility Service to the Property until such time as permanent service is initiated. Accordingly, no specific allocations or amounts of Utility Services, facilities, capacities or supplies are reserved for the Property or Owner upon annexation, and the City and CSU make no commitments as to the availability of any Utility Service at any time in the future.

B. Dedications and Easements: Notwithstanding anything contained in Section XI of this Agreement to the contrary, Owner, at Owner's sole cost and expense, shall dedicate by plat and/or convey by recorded document, all property (real and personal) and easements that CSU determines are required for all utility-

system facilities necessary to serve the Property or to ensure development of an integrated utility system, including but not limited to, any access roads, gas regulation or electric substation sites, electric transmission and distribution facilities, water storage reservoir/facility sites, and wastewater or water pump station sites. CSU shall determine the location and size of all property necessary to be dedicated or otherwise conveyed.

Owner shall provide CSU all written, executed conveyances prior to platting or prior to the development of the Property as determined by CSU. Owner shall pay all fees and costs applicable to and/or associated with the platting of the real property to be dedicated to the City, and all fees and costs associated with the conveyance of real property interests by plat or by separate instrument, including but not limited to, Phase 1 and Phase 2 - environmental assessments, 'closing' costs, title policy fees, and recording fees for any deeds, permanent or temporary easement documents, or other required documents. Dedicated and/or deeded properties and easements are not, and shall not be, subject to refund or reimbursement and shall be deeded or dedicated to the City free and clear of any liens or encumbrances, with good and marketable title and otherwise in compliance with City Code § 7.7.1802.

Further, all dedications and conveyances of real property must comply with the City Code, the City Charter, and any applicable CSU policies and procedures, and shall be subject to CSU's environmental review. Neither the City nor CSU has any obligation to accept any real property interests. All easements by separate instrument shall be conveyed using CSU's then-current Permanent Easement Agreement form without modification or as approved by CSU.

If Owner, with prior written approval by CSU, relocates, requires relocation, or alters any existing utility facilities within the Property, then the relocation or alteration of these facilities shall be at the Owner's sole cost and expense. If CSU determines that Owner's relocation or alteration requires new or updated easements, Owner shall convey those easements prior to relocating or altering the existing utility facilities using CSU's then-current Permanent Easement Agreement form without modification or as approved by CSU. CSU will only relocate existing gas or electric facilities during time frames and in a manner that CSU determines will minimize outages and loss of service.

C. Extension of Utility Facilities by CSU: Subject to the provisions of this Article, including sections A and B above, and all applicable CSU tariffs, rules, regulations, and standards, CSU will extend electric and gas service to the Property if CSU determines that there will be no adverse effect to any Utility Service or utility easement. Owner shall cooperate with CSU to ensure that any extension of gas or

electric facilities to serve the Property will be in accord with CSU's Line Extension and Service Standards.

1. Natural Gas Facilities: If prior to annexation any portion of the Property is located outside CSU's gas service territory, then upon annexation, CSU will acquire the gas service territory within the Property from the then-current gas service provider. Accordingly, Owner shall be solely responsible for all costs and expenses, including but not limited to attorneys' fees that CSU incurs due to any Colorado Public Utilities Commission ("CPUC") filings made or arising from annexation of the Property. Owners shall support and make any CPUC filings necessary to support CSU's filings to the CPUC.
2. Electric Facilities:
 - A. If any portion of the Property is located outside CSU's electric service territory, then upon annexation:
 1. CSU will acquire the electric service territory within the Property that is not served by CSU from the then-current electric service provider in accordance with C.R.S. §§ 40-9.5-201 *et seq.*, or 31-15-707;
 2. Owners shall be solely responsible for providing the just compensation for electric distribution facilities and service rights specified in C.R.S. §§ 40-9.5-204 plus all costs and fees, including but not limited to attorneys' fees, that CSU incurs as a result of or associated with the acquisition of such electric service territory; and
 3. Owners shall be solely responsible for all costs: (a) to remove any existing electric distribution facilities within the Property that were previously installed by the then-current electric service provider ("Existing Facilities"); and (b) to convert any overhead electric lines to underground service lines ("Conversion").
 - B. Within 30 days of Owner's receipt of an invoice for the following:
 1. Owners shall pay the then-current electric service provider, directly, for the just compensation specified in C.R.S. §§ 40-9.5-204 (1) (a) and 40-9.5-204 (1) (b); and
 2. If the then-current electric service provider removes the Existing Facilities, then Owners shall pay the then-current electric service provider directly for the removal of any Existing Facilities.
 - C. Further, Owners shall pay CSU the just compensation specified in C.R.S. §§ 40-9.5-204 (1) (c) and 40-9.5-204 (1) (d) within 30 days of Owners' receipt of an invoice for such costs.
 - D. Owners shall also pay for any Conversion required by CSU as a result of such annexation concurrent with the execution of a contract between the Owners and CSU that specifies the terms of Conversion.

E. CSU, in its sole discretion, may require Owners to enter into a Revenue Guarantee Contract for the extension of any electric service or facilities, including any necessary electric transmission or substation facilities.

3. Water and Wastewater Facilities by CSU: The Owner shall pay any advance recovery-agreement charges, or other fees or charges that are not currently approved by CSU for the Property, but which may become applicable as a result of any on-site or off-site water or wastewater system facilities that CSU or other developers may design and construct in order to ensure an integrated water or wastewater system supplying the Property. Additionally, the Owner shall be subject to cost recovery for the engineering, materials and installation costs incurred by CSU in its design, construction, upgrade or improvement of any water pump stations, water suction storage facilities, water transmission and distribution pipelines, or other water system facilities and appurtenances and any wastewater pump stations or treatment facilities, wastewater pipeline facilities, or other wastewater collection facilities and appurtenances that CSU, in its sole discretion, determines are necessary to serve the Property.

D. Water and Wastewater System Extensions by Owners: Owner must extend, design, and construct all potable and non-potable water system facilities and appurtenances, and all wastewater collection system facilities, wastewater pump stations, and any water or wastewater service lines to and within the Property at Owner's sole cost and expense in accord with all applicable CSU tariffs, rules, regulations, including CSU's Line Extension and Service Standards, and all City ordinances and regulations in effect at the time of each specific request for water or wastewater service. Consistent with City Code 7.7.1102 (B), Owner shall complete the design, installation and obtain preliminary acceptance of such utility facilities prior to CSU's approval of Owner's water and wastewater service requests.

Owner shall be solely responsible for all costs and fees associated with engineering, materials, and installation of all water system facilities and appurtenances, and all wastewater collection facilities and appurtenances, whether on-site or off-site, that are necessary to serve the Property or to ensure development of an integrated water or wastewater system serving the Property and areas outside the Property as determined by CSU. Further, Owner acknowledges that CSU may require that such water or wastewater system facilities be larger than necessary to serve the Property itself and may require the Owners to participate with other development projects on a fair-share, pro rata basis in any necessary off-site system facilities improvements. In the event CSU requires such water and wastewater systems to be larger than necessary to serve the Property itself, then Owner may seek reimbursement as provided in CSU's Utilities Rules and Regulations.

The plans, specifications and construction of the water facilities and appurtenances, and the wastewater facilities and appurtenances are each subject to CSU's inspection and written acceptance, and CSU shall make the final determination as to the size, location, point(s) of connection and the required appurtenances of the system facilities to be constructed. No work shall commence on any proposed water or wastewater extension facilities until CSU provides written approval of Owner's water or wastewater construction plans and copies of such approved plans are received by CSU. Owner may only connect newly-constructed facilities to CSU's existing water or wastewater system upon CSU's inspection and written acceptance of such facilities.

As part of any development plan submittal for the Property, Owner acknowledges that a Preliminary Utility Plan, Wastewater Master Facility Report, Hydraulic Grade Line Request Form, and Hydraulic Analysis Report (as determined by CSU) are required and must be completed and approved by CSU.

The water distribution system facilities must meet CSU's criteria for quality, reliability and pressure. The water distribution system shall ensure capacity, pressure and system reliability for both partially completed and fully completed conditions and the static pressure of the water distribution system shall be a minimum of 60 psi. Also, to ensure the protection of public health and to maintain compliance with state regulatory requirements, the detailed plans for all customer-owned, non-potable water distribution systems, including irrigation systems, must be approved by CSU.

Further, Owner recognizes that the extension of water system facilities may affect the quality of water in CSU's water system. Consequently, Owner acknowledges responsibility for any costs that CSU determines necessary to incur in order to maintain water quality in its system as a result of Owner's water system extensions, including but not limited to, the cost of any lost water, materials and labor from pipeline-flushing maintenance activities, temporary pipeline loop extensions, or other appurtenances and measures that CSU determines are necessary to minimize pipeline flushing and to maintain water quality (Water-quality Maintenance Costs). Owner shall reimburse CSU for such Water-quality Maintenance Costs within thirty (30) days of receipt of an invoice for such costs.

E. Limitation of Applicability: The provisions of this Agreement set forth the requirements of the City and CSU in effect at the time of the annexation of the Property. These provisions shall not be construed as a limitation upon the authority of the City or CSU to adopt different ordinances, rules, regulations, resolutions, policies or codes which change any of the provisions set forth in this Agreement so long as these apply to the City generally and are in accord with the then-current

tariffs, rates, regulations and policies of CSU. Subject to the provisions of the Article of this Agreement that is labeled "WATER RIGHTS", CSU's tariffs, policies, and/or contract agreements, as may be modified from time to time, shall govern the use of all Utilities Services, including but not limited to, groundwater and non-potable water for irrigation use by the Owner for the Owner's exclusive use.

F. Southeastern Colorado Water Conservancy District: Notice is hereby provided that upon annexation, the Property is subject to subsequent inclusion into the boundaries of the Southeastern Colorado Water Conservancy District ("District") pursuant to C.R.S. § 37-45-136 (3.6) as may be amended, and the rules and procedures of the District. Further, notice is hereby provided that, after inclusion of the Property into the boundaries of the District, the Property shall be subject to a property tax mill levy for the purposes of meeting the financial obligations of the District. The Owners acknowledges that water service for the Property will not be made available by CSU until such time as the Property is formally included within the boundaries of the District. District inclusion requires consent by the Federal Bureau of Reclamation ("Reclamation"). The Owners shall be responsible for taking all actions necessary for inclusion of the Property into the boundaries of the District, including but not limited to, any action required to obtain Reclamation's consent to include the Property into the District.

VII. WATER RIGHTS

As provided in the Special Warranty Deed and Irrevocable Consent to the Appropriation, Withdrawal and Use of Groundwater ("Deed"), which is attached to this Agreement and hereby incorporated by reference, Owner grants to the City, all right, title and interest to any and all groundwater underlying or appurtenant to and used upon the Property, and any and all other water rights appurtenant to the Property (collectively referred to as "the Water Rights"), together with the sole and exclusive right to use the Water Rights and all rights of ingress and egress required by the City to appropriate, withdraw and use the Water Rights. The Deed conveying the Water Rights shall be executed by the Owner concurrently with this Agreement and shall be made effective upon the date of the City Council's final approval of the annexation of the Property. The Deed shall be recorded concurrent with the recording of the annexation agreement, annexation plat and annexation ordinance at the El Paso County Clerk and Recorder's office.

Furthermore, pursuant to C.R.S. § 37-90-137(4), as now in effect or hereafter amended, on behalf of Owner and all successors in title, Owner irrevocably consents to the appropriation, withdrawal and use by the City of all groundwater underlying or appurtenant to and used upon the Property.

In the event the City chooses to use or further develop the Water Rights that have been conveyed, Owner agrees to provide any and all easements required by the City prior to the construction and operation of any City well or water rights related infrastructure on the Property. Wells constructed by the City outside the Property may withdraw groundwater under Owner's Property without additional consent from Owner.

Upon annexation of the Property, any wells or groundwater developed by Owner prior to annexation will become subject to CSU's applicable tariffs, Rules and Regulations, and rates as amended in the future. Owner's uses of groundwater shall be subject to approval by the City and CSU, and shall be consistent with CSU's standards, tariffs, policies, and the City's ordinances, resolutions and policies for the use of groundwater now in effect or as amended in the future. Notwithstanding the foregoing, subject to the approval of City Council, Owner shall be permitted to continue using the existing wells on the Property and withdrawing and using the groundwater consistent with the terms and conditions of the Colorado Division of Water Resources Well Permit Nos. 52366, 38398 and 26235-A ("Well Permits") until such time as CSU's water supply system is extended to the Property.

At that time, the Owner shall: (1) disconnect the wells and connect to CSU's water supply system in accordance with CSU's Water Line Extension and Service Standards; (2) plug and abandon the wells in accordance with all applicable regulations; and (3) provide notice of such plugging and abandonment to CSU. If after connection to CSU's water supply system the Owner desires to continue use of the wells exclusively for nonpotable irrigation purposes in accordance with the terms and conditions of Well Permit No. 52366, 38398 and 26235-A, then the Owner shall provide CSU with prior written notification of such nonpotable irrigation use and provisions (2) and (3) of this section shall not apply to any wells being used for non-potable irrigation, provided however, that Owner makes such modifications to the wells as necessary to comply with CSU's cross-connection requirements and receives CSU's written confirmation that such nonpotable use complies with CSU's cross-connection requirements and is consistent with the terms and conditions of the Well Permits. No commingling of the wells and CSU's potable water supply will be permitted. City Council must consent to the terms of this paragraph by resolution as a condition precedent to this annexation of the Property.

VIII. FIRE PROTECTION

Owner acknowledges that the Property is located within the boundaries of the Falcon Fire Protection District (the "Fire District") and is subject to property taxes payable to the Fire District for its services. Owner further acknowledges that, after annexation of the Property to the City, the Property will continue to remain within the

boundaries of the Fire District until such time as the Property is excluded from the boundaries of the Fire District. After annexation of the Property to the City, fire protection services will be provided by the City through its Fire Department and by the Fire District unless and until the Property is excluded from the Fire District. After annexation, the Property will be assessed property taxes payable to both the City and the Fire District until such time as the Property is excluded from the boundaries of the Fire District.

Owner understands and acknowledges that the Property may be excluded from the boundaries of the Fire District under the provisions applicable to special districts, Article 1 of Title 32 C.R.S., and as otherwise provided by law. Upon request by the City after annexation, Owner, or if the Property has been transferred the person who owns the Property at the time of the City's request, agrees to apply to the Fire District for exclusion of the Property from the Fire District. Owner understands and acknowledges that Owner, its heirs, assigns and successors in title are responsible for seeking any exclusion from the Fire District and that the City has no obligation to seek exclusion of any portion of the Property from the Fire District.

IX.
FIRE PROTECTION FEE

Owner agrees to pay a fee of \$1631.00 per gross acre of the entire annexed area as their share of the capital cost of a new fire station and the initial apparatus purchase required to service this annexation as well as adjacent areas of future annexation ("Fire Protection Fee"). Payment of the Fire Protection Fee for the gross acreage of each phase of development shall be made prior to issuance of the initial subdivision plat for that phase. The City agrees as future annexations occur within the service area of the proposed fire station the owner of future annexations will be required to pay a Fire Protection Fee to the City for the capital improvements to the fire station.

X.
POLICE SERVICE FEE

The Owner agrees to pay a fee of \$670.00 per gross acre of the entire annexed area as Owner's share of the capital cost of a new police station and the initial equipment purchase required to service this annexation as well as adjacent areas of future annexation ("Police Service Fee"). Payment of the Police Service Fee for the gross acreage of each phase of development shall be made prior to issuance of the initial subdivision plat for that phase. The City agrees as future annexations occur within the service area of the proposed police station the owner of future annexations will be required to pay a Police Service Fee to the City for the capital improvements to the police station.

XI.
PUBLIC LAND DEDICATION

Owner agrees that all land dedicated or deeded to the City for municipal or utility purposes, including park and school sites, shall be platted (unless the City agrees otherwise) and all applicable development fee obligations paid.

Owner agrees that any land dedicated or deeded to the City for municipal or utility purposes, including park and school sites, shall be free and clear of liens and encumbrances. All fees that would be applicable to the platting of land that is to be dedicated to the City (including park and school land) shall be paid by Owner. Fees will be required on the gross acreage of land dedicated as of the date of the dedication in accord with the fee requirements in effect as of the date of the dedication. All dedications shall be platted by the Owner prior to conveyance, unless otherwise waived by the City.

In addition, any property dedicated by deed shall be subject to the following:

- A. All property deeded to the City shall be conveyed by General Warranty Deed.
- B. Owner shall convey the property to the City within 30 days of the City's written request.
- C. Any property conveyed to the City shall be free and clear of any liens and/or encumbrances.
- D. All property taxes levied against the property shall be paid by the Owner through the date of conveyance to the City.
- E. An environmental assessment of the property must be provided to the City for review and approval, unless the City waives the requirement of an

assessment. Approval or waiver of the assessment must be in writing and signed by an authorized representative or official of the City.

XII. SPECIAL PROVISIONS

A. Airport: An Avigation Easement or proof of previous filing (book/page or reception number) is required with or prior to the recordation of the final subdivision plat for the Property.

B. Banning Lewis Ranch Annexation Agreement. This Property is adjacent to Banning Lewis Ranch property; as such, the City has certain obligations under the Banning Lewis Ranch Annexation Agreement (“BLR Agreement”), as recorded in Book 5557, beginning on Page 405, with respect to annexing the Property. Therefore Owner and City agree that, because the Property is adjacent to the Banning Lewis Ranch property, Owner will be subject to any fees the City is obligated to pass through to adjacent property Owner under the BLR Agreement including, but not limited to, the following:

1. Off-Site Construction of the Banning-Lewis Parkway Fee. Owner agrees to pay a \$95.55 per acre fee as an equitable contribution for Owner’s fair share portion of the benefit Owner will receive from the Banning-Lewis Parkway (“Banning-Lewis Parkway Fee”). This per acre fee is based upon the traffic analysis which was prepared by a traffic professional using ITE Manual methods and identifies a direct traffic impact on the Banning-Lewis Parkway. The City will not record the certified copies of the annexation map and annexation ordinance and the annexation will not be effective unless and until the Banning-Lewis Parkway Fee has been remitted to the City.
2. Construction of the Banning Lewis Ranch Radio Repeater Station. Owner agrees to pay an \$11.69 per acre fee (“Banning Lewis Ranch Repeater Station Fee”) as an equitable contribution for Owner’s portion of the benefit Owner will receive from the radio repeater station. The Banning Lewis Ranch Radio Repeater Station fee will be due prior to recordation of the annexation plat and this Agreement. The City will not record the certified copies of the annexation map and annexation ordinance and the annexation will not be effective unless and until the Banning Lewis Repeater Station Fee has been remitted to the City.

XIII.
ORDINANCE COMPLIANCE

Owner will comply with all tariffs, policies, rules, regulations, ordinances, resolutions and codes of the City which now exist or are amended or adopted in the future, including those related to the subdivision and zoning of land, except as expressly modified by this Agreement. This Agreement shall not be construed as a limitation upon the authority of the City to adopt different tariffs, policies, rules, regulations, ordinances, resolutions and codes which change any of the provisions set forth in this Agreement so long as these apply to the City generally.

XIV.
ASSIGNS AND DEED OF TRUST HOLDERS

Whereas used in this Agreement, the terms "Owner" or "Property Owner," shall also mean any of the heirs, executors, personal representatives, transferees, or assigns of the Owner and all these parties shall have the right to enforce and are subject to enforcement under the terms of this Agreement as if they were the original parties hereto. Rights to specific refunds or payments contained in this Agreement shall always be to Owner unless specifically assigned to another person.

Owner affirmatively states that there exist no outstanding deeds of trust or other similar liens or encumbrances against the Property.

XV.
RECORDING

This Agreement shall be recorded with the Clerk and Recorder of El Paso County, Colorado, and constitute a covenant running with the land. This Agreement shall be binding on future assigns of Owner and all other persons who may purchase land within the Property from Owner or any persons later acquiring an interest in the Property. Any refunds made under the terms of this Agreement shall be made to Owner and not subsequent purchasers or assigns of the Property unless the purchase or assignment specifically provides for payment to the purchaser or assignee and a copy of that document is filed with the City.

XVI.
AMENDMENTS

This Agreement may be amended by any party, including their respective successors, transferees, or assigns, and the City, by resolution, without the consent of any other party or its successors, transferees, or assigns so long as the amendment applies only to the property owned by the amending party. For the

purposes of this article, an amendment shall be deemed to apply only to property owned by the amending party if this Agreement remains in full force and effect and shall not apply to property owned by any non-amending party.

Any amendment shall be recorded in the records of El Paso County, shall be a covenant running with the land, and shall be binding on all persons or entities presently possessing or later acquiring an interest in the property subject to the amendment unless otherwise specified in the amendment."

XVII.
HEADINGS

The headings set forth in the Agreement for the different sections of the Agreement are for reference only and shall not be construed as an enlargement or abridgement of the language of the Agreement.

XVIII.
DEFAULT AND REMEDIES

If either Owner or City fails to perform any material obligation under this Agreement, and fails to cure the default within thirty (30) days following notice from the non-defaulting party of that breach, then a breach of this Agreement will be deemed to have occurred and the non-defaulting party will be entitled, at its election, to either cure the default and recover the cost thereof from the defaulting party, or pursue and obtain against the defaulting party an order for specific performance of the obligations under this Agreement and, in either instance, recover any actual damages incurred by the non-defaulting party as a result of that breach, including recovery of its costs and reasonable attorneys' fees incurred in the enforcement of this Agreement, as well as any other remedies provided by law.

XIX.
GENERAL

Except as specifically provided in this Agreement, City agrees to treat Owner and the Property in a non-discriminatory manner relative to the rest of the City. In addition, any consent or approval required in accord with this Agreement from the City shall not be unreasonably withheld, conditioned or delayed. City agrees not to impose any fee, levy or tax or impose any conditions upon the approval of development requests, platting, zoning or issuance of any building permits for the Property, or make any assessment on the Property that is not uniformly applied throughout the City, except as specifically provided for and identified in this Agreement or the City Code. If the annexation of the Property or any portion of the

Property is challenged by a referendum, all provisions of this Agreement, together with the duties and obligations of each party, shall be suspended, pending the outcome of the referendum election. If the referendum challenge to the annexation results in the disconnection of the Property from the City, then this Agreement and all its provisions shall be null and void and of no further effect. If the referendum challenge fails, then Owner and City shall continue to be bound by all terms and provisions of this Agreement.

XX.
SEVERABILITY

If any provision of this Agreement is for any reason and to any extent held to be invalid or unenforceable, then neither the remainder of the document nor the application of the provisions to other entities, persons or circumstances shall be affected.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals
the day and year first written above.

CITY OF COLORADO SPRINGS

BY: _____
MAYOR JOHN W. SUTHERS

ATTEST:

BY: _____
CITY CLERK SARAH B. JOHNSON

APPROVED AS TO FORM:

BY: _____
CITY ATTORNEY

DRAFT

EXHIBIT A
LEGAL DESCRIPTION

DRAFT

EXHIBIT B

SPECIAL WARRANTY DEED AND IRREVOCABLE CONSENT
TO THE APPROPRIATION, WITHDRAWAL AND USE OF GROUNDWATER
Mountain Valley Preserve Annexation

Peakmark Heights, LLC, a Colorado limited liability company, whose address is _____ (referred to herein as "Grantor") in consideration of the benefits received pursuant to the Mountain Valley Preserve Annexation Agreement dated _____ ("Annexation Agreement"), which is executed by Grantor concurrently with this Special Warranty Deed, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, sell and convey to the City of Colorado Springs, Colorado ("Grantee"), whose address is 30 S. Nevada Avenue, Colorado Springs, CO 80903, all right, title, and interest in any and all groundwater underlying or appurtenant to and used upon the property described in Exhibit A ("Property") and any and all other water rights appurtenant to the Property collectively referred to as the "Water Rights", together with the sole and exclusive right to use the Water Rights and all rights of ingress and egress required by the Grantee to appropriate, withdraw and use the Water Rights; and Grantor warrants title to the same against all claims arising by, through, or under said Grantor. The Water Rights include but are not limited to those described in Exhibit B.

Furthermore, pursuant to C.R.S. § 37-90-137(4) as now exists or may later be amended, Grantor, on behalf of Grantor and any and all successors in title, hereby irrevocably consent in perpetuity to the appropriation, withdrawal and use by Grantee of all groundwater underlying or appurtenant to and used upon the Property.

This Special Warranty Deed and the consent granted herein shall be effective upon the date of the City of Colorado Springs-City Council's final approval of the Annexation Agreement.

Executed this _____ day of _____, 20__.

GRANTOR:

By: _____

Name: _____

Its: _____

SPECIAL WARRANTY DEED AND IRREVOCABLE CONSENT
TO THE APPROPRIATION, WITHDRAWAL AND USE OF GROUNDWATER
Mountain Valley Preserve Annexation

Accepted by the City of Colorado Springs

By: _____ this _____ day of
_____, 20____
Real Estate Services Manager

Approved as to Form:

By: _____ Date: _____
City Attorney's Office

DRAFT

Exhibit A

LEGAL DESCRIPTION

To the
Special Warranty Deed and Irrevocable Consent to the Appropriation, Withdrawal
and Use of Groundwater executed by, Peakmark Heights, LLC on

_____.

(provide legal description signed and stamped by Professional Licensed Surveyor)

DRAFT

Exhibit B

To the
Special Warranty Deed and Irrevocable Consent to the Appropriation, Withdrawal
and Use of Groundwater executed by, Peakmark Heights, LLC, Grantor on

_____.

Decreed Groundwater Rights

Case No.

Court:

Source:

Amount:

Date of Decree:

Name of Owner:

Permitted Groundwater

Permit No.

Date of Permit:

Source:

Amount:

Name of Owner:

Legal Description of Well or other structure:

Surface Water Rights

Name of Water Right:

Case No.

Court:

Source:

Amount:

Date of Decree:

Name of Owner:

EXHIBIT B

SPECIAL WARRANTY DEED AND IRREVOCABLE CONSENT
TO THE APPROPRIATION, WITHDRAWAL AND USE OF GROUNDWATER
Mountain Valley Preserve Annexation

The Dominic and Vivian M. Zazzaretti Trust, whose address is _____ (referred to herein as "Grantor") in consideration of the benefits received pursuant to the Mountain Valley Preserve Annexation Agreement dated _____ ("Annexation Agreement"), which is executed by Grantor concurrently with this Special Warranty Deed, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, sell and convey to the City of Colorado Springs, Colorado ("Grantee"), whose address is 30 S. Nevada Avenue, Colorado Springs, CO 80903, all right, title, and interest in any and all groundwater underlying or appurtenant to and used upon the property described in Exhibit A ("Property") and any and all other water rights appurtenant to the Property collectively referred to as the "Water Rights", together with the sole and exclusive right to use the Water Rights and all rights of ingress and egress required by the Grantee to appropriate, withdraw and use the Water Rights; and Grantor warrants title to the same against all claims arising by, through, or under said Grantor. The Water Rights include but are not limited to those described in Exhibit B.

Furthermore, pursuant to C.R.S. § 37-90-137(4) as now exists or may later be amended, Grantor, on behalf of Grantor and any and all successors in title, hereby irrevocably consent in perpetuity to the appropriation, withdrawal and use by Grantee of all groundwater underlying or appurtenant to and used upon the Property.

This Special Warranty Deed and the consent granted herein shall be effective upon the date of the City of Colorado Springs-City Council's final approval of the Annexation Agreement.

Executed this _____ day of _____, 20_____.

GRANTOR:

The Dominic and Vivian M. Zazzaretti Trust

By: _____

Name: _____

Its: _____

SPECIAL WARRANTY DEED AND IRREVOCABLE CONSENT
TO THE APPROPRIATION, WITHDRAWAL AND USE OF GROUNDWATER
Mountain Valley Preserve Annexation

Accepted by the City of Colorado Springs

By: _____ this _____ day of
_____, 20____
Real Estate Services Manager

Approved as to Form:

By: _____ Date: _____
City Attorney's Office

DRAFT

Exhibit A

LEGAL DESCRIPTION

To the
Special Warranty Deed and Irrevocable Consent to the Appropriation, Withdrawal
and Use of Groundwater executed by The Walter Family Trust on

_____.

(provide legal description signed and stamped by Professional Licensed Surveyor)

DRAFT

Exhibit B

To the
Special Warranty Deed and Irrevocable Consent to the Appropriation, Withdrawal
and Use of Groundwater executed by, The Walter Family Trust, Grantor, on

_____.

Decreed Groundwater Rights

Case No.

Court:

Source:

Amount:

Date of Decree:

Name of Owner:

Permitted Groundwater

Permit No.

Date of Permit:

Source:

Amount:

Name of Owner:

Legal Description of Well or other structure:

Surface Water Rights

Name of Water Right:

Case No.

Court:

Source:

Amount:

Date of Decree:

Name of Owner:

EXHIBIT B

SPECIAL WARRANTY DEED AND IRREVOCABLE CONSENT
TO THE APPROPRIATION, WITHDRAWAL AND USE OF GROUNDWATER
Mountain Valley Preserve Annexation

The Walter Family Trust, whose address is _____ (referred to herein as "Grantor") in consideration of the benefits received pursuant to the Mountain Valley Preserve Annexation Agreement dated _____ ("Annexation Agreement"), which is executed by Grantor concurrently with this Special Warranty Deed, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, sell and convey to the City of Colorado Springs, Colorado ("Grantee"), whose address is 30 S. Nevada Avenue, Colorado Springs, CO 80903, all right, title, and interest in any and all groundwater underlying or appurtenant to and used upon the property described in Exhibit A ("Property") and any and all other water rights appurtenant to the Property collectively referred to as the "Water Rights", together with the sole and exclusive right to use the Water Rights and all rights of ingress and egress required by the Grantee to appropriate, withdraw and use the Water Rights; and Grantor warrants title to the same against all claims arising by, through, or under said Grantor. The Water Rights include but are not limited to those described in Exhibit B.

Furthermore, pursuant to C.R.S. § 37-90-137(4) as now exists or may later be amended, Grantor, on behalf of Grantor and any and all successors in title, hereby irrevocably consent in perpetuity to the appropriation, withdrawal and use by Grantee of all groundwater underlying or appurtenant to and used upon the Property.

This Special Warranty Deed and the consent granted herein shall be effective upon the date of the City of Colorado Springs-City Council's final approval of the Annexation Agreement.

Executed this _____ day of _____, 20____.

The Walter Family Trust

GRANTOR:

By: _____

Name: _____

SPECIAL WARRANTY DEED AND IRREVOCABLE CONSENT
TO THE APPROPRIATION, WITHDRAWAL AND USE OF GROUNDWATER
Mountain Valley Preserve Annexation

Accepted by the City of Colorado Springs

By: _____ this _____ day of
_____, 20____
Real Estate Services Manager

Approved as to Form:

By: _____ Date: _____
City Attorney's Office

DRAFT

Exhibit A

LEGAL DESCRIPTION

To the
Special Warranty Deed and Irrevocable Consent to the Appropriation, Withdrawal
and Use of Groundwater executed by The Walter Family Trust, Grantor on

_____.

(provide legal description signed and stamped by Professional Licensed Surveyor)

DRAFT

Exhibit B

To the
Special Warranty Deed and Irrevocable Consent to the Appropriation, Withdrawal
and Use of Groundwater executed by, The Walter Family Trust, Grantor on

_____.

Decreed Groundwater Rights

Case No.

Court:

Source:

Amount:

Date of Decree:

Name of Owner:

Permitted Groundwater

Permit No.

Date of Permit:

Source:

Amount:

Name of Owner:

Legal Description of Well or other structure:

Surface Water Rights

Name of Water Right:

Case No.

Court:

Source:

Amount:

Date of Decree:

Name of Owner:

LEGAL DESCRIPTION – Mountain Valley Preserve Zone Map

June 26, 2015

PARCEL 1:

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 16, IN TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., IN EL PASO COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16; THENCE SOUTHERLY ON THE WEST LINE THEREOF 647.54 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED OF STANLEY S. FARR AND SANDRA R. FARR RECORDED IN BOOK 2306 AT PAGE 918 UNDER RECEPTION NO. 684360 AND THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED HEREBY; THENCE CONTINUE SOUTHERLY ON THE WEST LINE OF SAID NORTHWEST QUARTER, 1,011.53 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO FLOYD D. DEVITT AND MARY J. DEVITT RECORDED IN BOOK 2155 AT PAGE 70 UNDER RECEPTION NO. 508314; THENCE ANGLE LEFT 90°28' EASTERLY ON THE NORTHERLY LINE OF SAID DEVITT TRACT, 668.19 FEET; THENCE ANGLE LEFT NORTHERLY 1,014.90 FEET TO THE SOUTHEAST CORNER OF SAID FARR TRACT; THENCE ANGLE LEFT, WESTERLY ON THE SOUTHERLY LINE OF SAID FARR TRACT, 674.81 FEET TO THE POINT OF BEGINNING, EXCEPT THE WESTERLY 30 FEET THEREOF FOR ROAD PURPOSES, AND EXCEPT THOSE PORTIONS THEREOF DEEDED TO THE COUNTY OF EL PASO BY DEEDS RECORDED IN BOOK 2896 AT PAGE 756 AND IN BOOK 2896 AT PAGE 758.

PARCEL 2:

THAT PORTION OF THE WEST HALF OF SECTION 16, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16, THENCE RUN IN A NORTHERLY DIRECTION ALONG THE WEST LINE OF SECTION 16 A DISTANCE OF 2,325.4 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUE ALONG THE WEST LINE OF SAID SECTION 16 A DISTANCE OF 1,328.8 FEET; THENCE ANGLE RIGHT 89° 32' AND RUN IN AN EASTERLY DIRECTION 668.19 FEET; THENCE ANGLE RIGHT 90° 28' AND RUN IN A SOUTHERLY DIRECTION 1,328.8 FEET; THENCE ANGLE RIGHT 89° 32' AND RUN IN A WESTERLY DIRECTION 668.19 FEET TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM THE WESTERLY 60 FEET CONVEYED FOR ROADWAY PURPOSES IN BOOK 2896 AT PAGES 764 AND 765. COUNTY OF EL PASO, STATE OF COLORADO

PARCEL 3:

LOT 1, BLOCK 1, TOY RANCHES ESTATES, EXCEPT THE WESTERLY 30 FEET THEREOF AS CONVEYED IN DEED FEBRUARY 16, 1977 IN BOOK 2896 AT PAGE 763, COUNTY OF EL PASO, STATE OF COLORADO.

ALTOGETHER CONTAINING 37.354 ACRES OR 1,627,162 SQUARE FEET, MORE OR LESS.

I, PATRICK C. O'HEARN, A PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.



PATRICK C. O'HEARN PLS No. 23515
for and on behalf of
DREXEL, BARRELL & CO.
3 SOUTH 7TH STREET
COLORADO SPRINGS, COLORADO 80905
719-260-0887

A TRACT OF LAND CONTAINING ALL THAT REAL PROPERTY DESCRIBED IN THOSE DEEDS RECORDED AS RECEPTION No. 099052711 AND AS RECEPTION No. 214089843 IN THE RECORDS OF THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY COLORADO, TOGETHER WITH A PORTION OF THE RIGHT-OF-WAY OF NORTH MARKSHEFFEL ROAD, ALL LOCATED IN THE WEST HALF OF SECTION 16 AND THE EAST HALF OF SECTION 17, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, FURTHER DESCRIBED AS FOLLOWS:

“COMMENCING” AT THE SOUTHWEST CORNER OF SAID SECTION 16, AND CONSIDERING THE WEST LINE OF SAID SECTION 16 TO BEAR NORTH 00°21’12” WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE NORTH 00°21’12” WEST, ALONG SAID WEST LINE, A DISTANCE OF 1992.82 FEET TO THE “POINT OF BEGINNING”; THENCE SOUTH 89°10’48” WEST, ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID TRACT DESCRIBED AT RECEPTION No. 214089843, A DISTANCE OF 60.00 FEET TO A POINT ON THE EASTERLY LINE OF THE LIMITS OF THE CITY OF COLORADO SPRINGS AS DESCRIBED IN ANNEXATION ORDINANCE No. 85-82 AND RECORDED IN BOOK 5108 AT PAGE 198, SAID EL PASO COUNTY RECORDS; THENCE NORTH 00°21’12” WEST, ALONG SAID EASTERLY LINE AND ALONG A LINE LYING 60.00 FEET WESTERLY OF AND PARALLEL WITH SAID WEST LINE OF SECTION 16, A DISTANCE OF 2672.08 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF SAID TRACT DESCRIBED AT RECEPTION No. 099052711; THENCE NORTH 88°54’34” EAST, ALONG SAID NORTHERLY LINE AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 729.95 FEET; THENCE SOUTH 00°15’22” EAST, A DISTANCE OF 1014.16 FEET TO THE NORTHEAST CORNER OF SAID TRACT DESCRIBED AT RECEPTION No. 214089843; THENCE SOUTH 00°21’12” EAST, ALONG THE EAST LINE OF SAID TRACT, A DISTANCE OF 1661.38 FEET; THENCE SOUTH 89°10’48” WEST, ALONG THE SOUTH LINE OF SAID TRACT AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 668.19 FEET TO THE “POINT OF BEGINNING”.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 44.716 ACRES OR 1,947,844 SQUARE FEET, MORE OR LESS.

I, PATRICK C. O’HEARN, A PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.



PATRICK C. O’HEARN PLS No. 23515
for and on behalf of
DREXEL, BARRELL & CO.
3 SOUTH 7TH STREET
COLORADO SPRINGS, COLORADO 80905
719-260-0887

CITY PLANNING COMMISSION AGENDA

ITEM NO: 5

STAFF: MICHAEL SCHULTZ

FILE NO:
CPC UV 14-00126 – QUASI-JUDICIAL

PROJECT: 3320/3330 DRENNAN INDUSTRIAL LOOP

APPLICANT: NEIL OLESKY

OWNER: NEIL OLESKY



PROJECT SUMMARY:

1. Project Description: This project is a use variance to allow a landfill on a M2/SS (Heavy Industrial with Streamside Overlay) zoned property; landfills are a permitted use (use by right) within the M-2 zone district, but are prohibited within the streamside overlay.
2. Applicant's Project Statement: **(FIGURE 1).**
3. Planning and Development Department's Recommendation: Approve the use variance and accompanying development plan **(FIGURE 2)** subject to the conditions of record and technical modifications provided below.

BACKGROUND:1.

1. Site Address: 3320 & 3330 Drennan Industrial Loop
2. Existing Zoning/Land Use: M-2/SS (Heavy Industrial with Streamside Overlay) / Large Recycling Collection Center (Recycled Shingles)
3. Surrounding Zoning/Land Use:
 - North: M-1 (Light Industrial) / Contractor's Yard
 - South: M-2 / Large Recycling Center and Concrete Batch Plant
 - East: M-2 / Contractor's Yard (same owner as applicant)
 - West: M-2 / Mining (Sand Storage)
4. Comprehensive Plan/Designated 2020 Land Use: Employment Center & Candidate Open Space
5. Annexation: Cormack's Addition #2, November 1974
6. Master Plan/Designated Master Plan Land Use: Drennan Industrial Park
7. Subdivision: Drennan Industrial Center Filing No. 12
8. Zoning Enforcement Action: Yes, for the illegal conversion of the property and recycling use within the streamside overlay.
9. Physical Characteristics: The site is relatively flat but generally slopes toward Sand Creek. Large overhead transmission lines cross through the north half of the property.

STAKEHOLDER PROCESS AND INVOLVEMENT:

A total of 11 property owners located within 500 feet of the property were notified in addition to the site being posted regarding this request. Staff was contacted by the property owner immediately north of the subject property who objected to the proposed application feeling the use would be unsightly and would negatively impact the surrounding properties within the area (**FIGURE 3**).

The site will be posted and postcards mailed prior to the Planning Commission's public hearing.

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

1. Review Criteria / Design and Development Issues:

By State law, the proposed land use requires a Certificate of Designation. Under City Code § 6.3.105, review of a Certificate of Designation for any operation processing solid waste within the City limits falls under the authority of the City Planning Commission.

The subject property is surrounded by both M-1 and M-2 zone districts with Sand Creek skirting the northwest corner of the property. The Drennan Industrial Park is considered one of the heavier industrial areas within the City, with a several metal recycling operations, a concrete batch plant, and a pre-cast concrete manufacturer among the nearby uses.

The original operation intended for the site was for a large recycling center accepting asphalt shingles primarily from roofing contractors. The applicant's tenant planned to accept asphalt shingles, shred the shingles on-site, and sell the material for reuse. However the tenant abandoned the operation and left the property owner with the existing stockpile of shingle materials.

The applicant cites existing high costs to properly remediate the site by removing the shingle stockpile to a local landfill, thus the applicant is seeking approval of the use variance to allow the landfill until a viable market for the reuse of the shingles becomes available.

The applicant has followed the processes for posting and review required by the Colorado Department of Public Health and Environment (CDPHE). The applicant has submitted for review a Closure Plan and Post-Closure Care and Maintenance Plan (**FIGURE 4**) for review to both the City and the CDPHE, and has received recommendation of approval from the State with conditions (**FIGURE 5**); one of the conditions is receiving approval for the local jurisdiction.

City Code § 6.3.106 outlines four (4) factors to be considered by the City Planning Commission when reviewing the Certificate of Designation. The following list, including the justifications that the Land Use Review Division considered while reviewing the application, contains the relevant review factors:

- A. *The effect that the solid waste disposal site or facility will have on the surrounding property, taking into consideration the types of processing to be used, surrounding property uses and values, and wind and climatic conditions.*

The site is located within an industrial area and surrounded by various industrial and commercial users. The proposal is to landfill the shingle stock pile by regrading the shingles and covering them with a 2.5-foot thick cover consisting of various types of soil, and hydro-mulching the soil to create a vegetative cover. Erosion and sediment control features will also be constructed to control potential runoff. Staff finds that surrounding properties values will not be adversely affected by this use.

- B. *The convenience and accessibility of the solid waste disposal site or facility to potential users*

The site is located in the southeast portion of the City, however the reclamation plan for the property is that no additional solid waste/shingles will be accepted at the location.

- C. *The ability of the applicant to comply with the health standards and operating procedures required by this article and by the "Solid Waste Disposal Sites And Facilities Act", part 1 of article 20 of title 30, Colorado Revised Statutes, and the regulations promulgated thereunder by the Colorado Department of Public Health and Environment found at 6 CCR 1007.2.*

A letter from the Colorado Department of Public Health and Environment has been provided to the City and notes that the health standards and operating procedures required by the State have been followed. (**FIGURE 5**)

- D. *Recommendations by the various departments and divisions of the Health Department.*

Various other departments reviewed the plan; Colorado Springs Utilities has requested changes in order for the plan to be acceptable (see below for additional information). Both El Paso County Environmental Health along with El Paso County Development Services both reviewed the request and had no comment, deferring to both the City and Colorado Department of Public Health & Environment.

The property is located within the Streamside Overlay where landfills are prohibited uses. The site is within an industrial area where the zoning on the north side of the creek is M-2 and the zoning on the south side of the creek is M-1. The development plan shows the streamside overlay on the northwest corner of the property. The development plan does not propose any grading or shingle stacking in the streamside overlay buffer and leaves a large open space between the streamside overlay buffers and the shingle stockpile due to the overhead electric transmission line. Staff is in support of the use variance due to the surrounding zoning and additional spacing between the stockpile and the stream.

Utility Comments

Located within the site is a 100-foot utility easement that is on the northern 1/3 of the property and which the current shingle stockpile is primarily located. The proposal would be to regrade the shingles to the south side of the property, moving the stockpile away from the overhead electric transmission lines.

Colorado Springs Utilities is allowing a slight encroachment within the 100-foot easement but is asking that the stockpile be moved a minimum of 25-feet from the centerline of the easement. CSU is also requesting that the applicant maintain a minimum 36" cover on an underground distribution concrete cap that is also located within the easement.

Conditions of Approval

The Commissioners may add additional conditions to the request as deemed necessary.

2. Conformance with the City Comprehensive Plan:

The 2020 Land Use Plan within the Comprehensive Plan indicates the site is within an Employment Center. The proposed landfill use is consistent with the Employment Center designation; landfills again are permitted use within M-2 zone district. The project is consistent with and conforms to the Comprehensive Plan.

3. Conformance with the Area's Master Plan:

This property is part of the Drennan Industrial master plan.

STAFF RECOMMENDATION:

ITEM: 6 CPC UV 14-00126 - QUASI-JUDICIAL

Approve the use variance and the development plan for the proposed landfill in the M-2/SS zone district based on the finding the request complies with the review criteria in City Code Section 7.5.803.B (Criteria for Granting a Use Variance) and Section 7.5.502.E (Development Plan Review Criteria) subject to compliance with the following conditions of approval and technical and/or informational modifications to the development plan:

Conditions of Approval

1. The property will not accept any additional waste, including shingles or construction debris.
2. Provide a financial assurance in the amount of mulch/hydro-mulch and landscaping to be secured prior to final approval.
3. Receive final approval with City Engineering on drainage report for the site.
4. Receive any State approvals as required.

Technical and/or Informational Modifications to the Development Plan

1. Confirm final stock pile design with Colorado Springs Utilities regarding:
 - a. Maintaining a minimum clearance of 25' from centerline of the OH transmission lines with maximum grade of 2%.
 - b. Maintaining a minimum depth of 36" of cover from the top the underground distribution concrete cap to the finished grade; this should be noted and demonstrated on the plans (Reference Drawing 11-2 of the Electric Line Extension & Service Standards).
2. Note seeding area to include the proposed detention basin.

October 31, 2014

Olesky Investments LLC
9345 Riviera Hills Drive
Greenwood Village, Colorado 80111

To City of Colorado Springs:

Three years ago Olesky Investments leased approximately 2 acres of property to Go Green Recycling. They were involved in the recycling of asphalt shingles. Go Green Recycling was highly written up for the great job they were doing in Kansas via providing a recycling site for asphalt shingles.

Unfortunately just a number of months later after the lease had been signed the rosy picture in Kansas had evaporated and a very expensive clean up was to ensue.

Olesky Investments signed a lease with Go Green Recycling. Within a couple months Go Green ceased paying the lease and the company had to go to court in front of Judge Winograd to arrange for back payments and worked out a reasonable option for the future. This plan worked for just a number of months before they stopped paying again and proceedings started to remove Go Green Recycling from the site.

Unfortunately it takes time to remove a delinquent renter. During this period of time hail hit Colorado Springs. Go Green Recycling in the following weeks after the hailstorm accumulated over 32,000 ton of asphalt shingles, which they collected dumping fees.

Olesky Investments worked with the Colorado State Attorney's Office to find the individual responsible but was not successful. It should be noted that this individual was implicated for the same crime in other states.

During the past 2 years Olesky Investments has been working with the State of Colorado to find a way to move these shingles, which are recycled in numerous states, but not Colorado due to severe temperature changes according to the Colorado Asphalt Association. At the present time, short of hauling them to a landfill, at a cost of over \$1 million, no practical solution has been developed.

The asphalt shingles are located at 3320-30 Drennan Industrial Loop North, in a heavy industrial zoned part of town. Its neighbors consist of metal recyclers, sand pits, asphalt plants, and a pre-stress building manufacturer.

Our request is for the right to improve the present conditions by blending the pile in with the surroundings, and creating a storage area until the product can be recycled. Should you not allow this, Olesky Investments will suffer an extreme financial loss. As of today Olesky Investments has already spent approximately \$40,000.00 cleaning up material, which could not be, recycled left by Go Green Recycling.

Olesky Investments is attempting to correct a serious problem. We are not asking for any outside financial help, only the time to find markets to recycle this product without bankrupting the Company, and yet making the surroundings aesthetically pleasing.

Olesky Investments has worked with both the State of Colorado and Colorado Springs Zoning. They have removed material, which were known to be non-recyclable and moved portions of the pile which were troublesome. They have

worked with their immediate neighbors' to mitigate any problems.

Olesky Investments is asking for a USE VARIANCE which will preserve property rights of all neighboring properties.

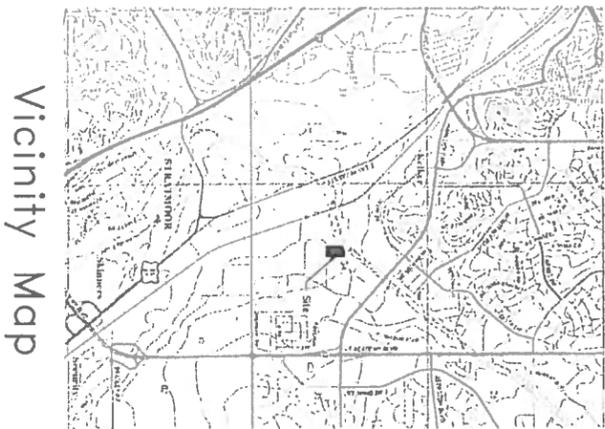
Neil Olesky

Manager for Olesky Investments

303-981-7908

\\hyper-v03\kwd-co\edsh\proj\drennan_shingle_pile\dwg\caver.dwg,5/21/15

**SHINGLE PILE REMEDIATION
LOTS 1 & 2
DRENNAN INDUSTRIAL CENTER, FILING NO. 12
COLORADO SPRINGS, COLORADO
CPC UV 14-00126**



Vicinity Map



Colorado

STANDARD NOTES

1. ANY LAND DISTURBANCE BY ANY OWNER, DEVELOPER, BUILDER, CONTRACTOR, OR OTHER PERSON SHALL COMPLY WITH THE BASIC GRADING, EROSION AND STORMWATER QUALITY CONTROL REQUIREMENTS AND GENERAL PROHIBITIONS NOTED IN THE DRAINAGE CRITERIA MANUAL VOLUME II.
2. NO CLEARING, GRADING, EXCAVATION, FILLING, OR OTHER LAND DISTURBING ACTIVITIES SHALL BE PERMITTED UNTIL SIGNOFF AND ACCEPTANCE OF THE GRADING PLAN AND EROSION AND STORMWATER QUALITY CONTROL PLAN IS RECEIVED FROM ENGINEERING DEVELOPMENT REVIEW DEPARTMENT (EDRD).
3. THE INSTALLATION OF THE FIRST LEVEL OF TEMPORARY EROSION CONTROL FACILITIES AND BMP'S SHALL BE INSTALLED AND INSPECTED PRIOR TO ANY EARTH DISTURBANCE OPERATIONS TAKING PLACE. CALL CITY STORMWATER INSPECTIONS, 345-5950, 24 HOURS PRIOR TO CONSTRUCTION.
4. SEWAGE PUMP AND DIRT TRANSPORTED ONTO A PUBLIC ROAD, REGARDLESS OF THE SIZE OF THE SITE, SHALL BE CLEANED IMMEDIATELY.
5. CONCRETE WASH WATER SHALL NOT BE DISCHARGED TO OR ALLOWED TO RUNOFF TO STATE WATERS, INCLUDING ANY SURFACE OR SUBSURFACE STORM DRAINAGE SYSTEM OR FACILITIES.
6. SOIL EROSION CONTROL MEASURES FOR ALL SLOPES CHANGED, OR ANY DISTURBED LAND AREA SHALL BE COMPLETED WITHIN TWENTY-ONE (21) CALENDAR DAYS AFTER FINAL GRADING OR FINAL EARTH DISTURBANCE HAS BEEN COMPLETED. MEASURES SHALL BE COMPLETED WITHIN SEVEN (7) CALENDAR DAYS AFTER FINAL GRADING OR FINAL EARTH DISTURBANCE HAS BEEN COMPLETED. MEASURES SHALL BE MAINTAINED UNTIL PERMANENT SOIL EROSION CONTROL MEASURES ARE IMPLEMENTED.
7. THE GRADING AND EROSION CONTROL PLAN SHALL BE SUBJECT TO REVISION AND BE ACCEPTANCE BY EDRD SHOULD ANY OF THE FOLLOWING OCCUR: GRADING DOES NOT COMMENCE WITHIN TWENTY-ONE (21) MONTHS OF THE CITY ENGINEER'S ACCEPTANCE OF THE PLAN, A CHANGE IN PROPERTY OWNERSHIP, PROPOSED DEVELOPMENT CHANGES, OR PROPOSED GRADING REVISIONS.
8. THE PLAN SHALL NOT SUBSTANTIALLY CHANGE THE DENSITY OF COVER OR ACCESS EXISTING UTILITY LINES. ACCEPTANCE OF THE PLAN DOES NOT CONSTITUTE APPROVAL TO GRADE IN ANY MANNER TO AVOID THE GRADE OF THE EARTH OR ANY COORDINATED SPRINGS UNDER EARTH OR UTILITY RIGHT-OF-WAY WITHOUT THEIR WRITTEN APPROVAL. IT IS NOT PERMISSIBLE FOR ANY INCREASE OR DECREASE IN UTILITY FACILITIES. ANY CHANGES TO EXISTING UTILITY FACILITIES TO ACCOMMODATE THE PLAN MUST BE APPROVED BY THE AFFECTED UTILITY OWNER PRIOR TO IMPLEMENTING THE PLAN. THE COST TO RELOCATE OR PROTECT EXISTING UTILITIES OR TO PROVIDE INTERNAL ACCESS IS THE APPLICANT'S EXPENSE.
9. CONSTRUCTION TIMING:
 - ANTICIPATED STARTING AND COMPLETION TIME PERIOD OF SITE GRADING: FALL, WINTER 2014
 - EXPECTED DATE ON WHICH THE FINAL STABILIZATION WILL BE COMPLETED: SPRING, SUMMER 2015
10. ZONING: M-25A
11. PROPOSED USE: LANDFILL
12. SITE AREA: 2.1 acres
13. PARKING: N/A
14. RECEIVING WATERS: SAND CREEK DRAINAGE BASIN

DEVELOPER/OWNER'S STATEMENT

THE OWNER WILL COMPLY WITH THE REQUIREMENTS OF THE EROSION AND STORMWATER QUALITY CONTROL PLAN AND ACKNOWLEDGE THE RESPONSIBILITY TO DETERMINE WHETHER THE CONSTRUCTION OF THE PROJECT WILL BE IN ACCORDANCE WITH THE CITY OF COLORADO SPRINGS DRAINAGE CRITERIA MANUAL, VOL. I (OCTOBER 1994) AND VOL. 2 (JUNE 2002), LATEST REVISIONS FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY.

DEVELOPER/OWNER SIGNATURE: _____

NAME OF DEVELOPER/OWNER: NEIL OLESKY

DATE: _____

PHONE: 719.397.8621
 EMAIL: NEIL@WESTERNSTEEL.CS.COM
 ADDRESS: 3320 DRENNAN INDUSTRIAL LOOP N,
 COLORADO SPRINGS, CO 80910

ENGINEER'S STATEMENT

PLAN HAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. IF SUCH WORK IS PERFORMED IN ACCORDANCE WITH THE GRADING AND EROSION CONTROL PLAN, THE WORK WILL NOT SUBSTANTIALLY AFFECT THE STABILITY OF EXISTING UTILITY LINES OR ADVERSELY AFFECT THE STABILITY OF A PUBLIC WAY, DRAINAGE CHANNEL, OR OTHER PROPERTY REGISTERED ENGINEER'S SIGNATURE: _____

NAME OF REGISTERED ENGINEER: MICHAEL J. PRETTI
 ADDRESS: 8000 W. 14TH AVE. LAKEWOOD, CO 80214
 PHONE: 303.239.9011
 EMAIL: MPRETTI@KRWCONSULTING.COM
 FAX: 303.239.0715



CITY FILE NO.: CPC UV 14-00126

CITY OF COLORADO SPRINGS GRADING AND EROSION CONTROL REVIEW

THIS GRADING PLAN IS FILED IN ACCORDANCE WITH SECTION 7.1.1(3) (ENACTED AS ORD 8230) OF THE CODE OF THE CITY OF COLORADO SPRINGS DRAINAGE CRITERIA MANUAL, VOL. I (OCTOBER 1994) AND VOL. 2 (JUNE 2002), LATEST REVISIONS.

FOR THE CITY ENGINEER: _____ DATE: _____

**SITE MAP AND STATEMENTS
DEVELOPMENT PLAN FOR USE VARIANCE
3320 & 3330 DRENNAN INDUSTRIAL LOOP NORTH
COLORADO SPRINGS, COLORADO**

PREPARED FOR: NEIL OLESKY

DATE	REVISIONS	BY	DATE	FIGURE
1/8/15			DC	1
1/14/2009			DC	

KRW CONSULTING, INC.
 8000 W. 14th AVENUE, SUITE 200
 LAKEWOOD, COLORADO 80214
 (303) 239-9011

Schultz, Michael

From: DQCon@aol.com
Sent: Sunday, November 30, 2014 6:08 PM
To: Schultz, Michael
Subject: Public Notice CPC UV 14-00126

Hi Mike, Address of concern: 3320 & 3330 Drennan Industrial Loop. Thank you for talking with us last week, we expressed our concerns to you verbally and you suggested we email them to you. We OPPOSE this use variance to allow a landfill (shingle remediation) . We are separated from this property by a fence, granted M1 zoning might allow for landfill use, is this what you want? what is there to say that the surrounding properties don't want to do the same thing with their properties, because once you allow a dump on one property the surrounding properties will become just that. Does the City of Colorado Springs want a dump in the middle of town? You said this property was leased for the process of recycling asphalt shingles, who granted this permit without notifying the surrounding property owners, obviously someone did not understand the consequences that come from combustible materials especially stockpiled underneath power lines. The property owner leased out the property, you said the property owner did not secure a bond from the lessor, the property owner should be responsible for the cleanup clear and simple. The landfill use variance will greatly reduce the value of our property.

Sincerely,

Doris and Scott Hendricks
3415 Astrozon Ct.
Colorado Springs, CO 80910

KRW CONSULTING, INC.

**CLOSURE PLAN AND
POST-CLOSURE CARE AND MAINTENANCE PLAN
LOTS 1 AND 2, DRENNAN INDUSTRIAL CENTER
COLORADO SPRINGS, COLORADO**

Prepared For:

Neil Olesky
Western Steel, Inc.
Colorado Springs, Colorado

Prepared by:



KRW Consulting, Inc.
8000 W. 14th Avenue, Suite 200
Lakewood, CO 80214


Doug Eagleton, P.E.
Principal Engineer




Michael J. Pretti, P.E.
Principal Engineer

Project No. 1405-16
Date: May 2015

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Appendices

Appendix A - Site Map and Statements

Appendix B - NCRS Soils Information and Map

Appendix C - Waiver Request

Appendix D - Construction Quality Assurance/Quality Control Plan

Appendix E - Site Inspection Form

1.0 INTRODUCTION

1.1 Purpose

This Closure Plan and Post-Closure Care and Maintenance Plan (Plan), prepared for Lots 1 and 2 of the Drennan Industrial Center, Colorado Springs, Colorado, contains the Facility's closure requirements, steps necessary for closure of a shingle pile located at the site, and Post-Closure care and maintenance procedures. Mr. Neil Olesky, Property Owner, intends to pursue closure of the site in accordance with the provisions of the Colorado "Regulations Pertaining to Solid Waste Sites and Facilities," 6 CCR 1007-2 (Regulations), Subsections 2.5 and 3.5. The Closure Plan is presented in Section 2.0 of this document. As discussed in Sections 3.2 and 3.3 of this Closure Plan, waivers of groundwater monitoring and gas monitoring requirements will be requested herein (Appendix C).

Section 3.0 herein discusses Post-Closure care and site maintenance that will be performed following closure of the site.

Subsection 1.8 of the Regulations contains the associated financial assurance requirements.

1.2 Facility Information

Lots 1 and 2 of the Drennan Industrial Center, Filing No. 12, are located on Drennan Industrial Loop N in the Drennan Industrial Park, as recorded in Plat Book D-4 at Page 92 and as shown on the attached figures. Lot 1 contains approximately 1.01 acres (44,000 sq. ft.) and Lot 2 contains approximately 1.00 acres (43,700 sq. ft.). The site is at an elevation of 5,872 feet above mean sea level. Soils within the area have been mapped by USDA's Natural Resources Conservation Service (NRCS) and are classified within hydrologic group "A." See Appendix B for site soils information and mapping.

1.3 Project Background

The property is owned by Mr. Neil Olesky, owner of Olesky Investments, LLC of Greenwood Village, Colorado. In the early 1980s, the site was used for an asphalt plant. Mr. Olesky purchased the property in the late 1990s with the intent of using the entire property for his new business venture, Western Steel, a seller of new and used steel. However, only a portion of the property was needed for Western Steel and the remainder was leased to Western Scrap Processing from 2010 to 2011. Go Green Recycling, an asphalt shingle recycler from Kansas City, Missouri, leased the property for asphalt shingle storage in 2011, with the intent of removing the shingles for eventual recycling. However, legal issues between Olesky Investments and Go Green Recycling resulted in Go Green subsequently illegally abandoning the site and leaving Olesky Investments with a 32,000 ton stockpile of shingles on this approximately 2 acre parcel.

Mr. Olesky pursued proper disposal of the shingles in a licensed landfill, however that was found to be cost prohibitive. KRW Consulting, Inc. (KRW) has prepared this Certificate of Designation (CD) application on behalf of Mr. Olesky. This CD application includes the following:

- Closure and post-closure financial assurance cost estimates and mechanism in accordance with Section 1.8 of the Regulations. The financial assurance information is submitted as a separate document that accompanies the CD application.
- A Closure Plan that meets the relevant requirements of Sections 2.5 and 3.5 of the Regulations is discussed in Section 2.0 of this document. The Closure Plan also includes a

discussion regarding suspect asbestos-containing materials in accordance with the Act and Regulations.

- A Construction Quality Assurance and Quality Control Plan (CQAQC Plan) prepared in accordance with Section 3.3.3 of the Regulations is included herein as Appendix D.
- A Post-Closure Plan that meets the relevant requirements of Sections 2.6 and 3.6 of the Regulations is discussed in Section 3.0 of this document. Waiver requests for groundwater monitoring and gas monitoring are discussed in Sections 3.2 and 3.3 of this document. The waiver requests were prepared in accordance with Section 1.5 of the Regulations.
- The Colorado Environmental Covenants Act, C.R.S. § 25- 15-317 *et seq.*, requires either an Environmental Covenant or a Notice of Environmental Use Restriction ("Restrictive Notice") be placed on sites where waste is left in place [see C.R.S. § 25-15-320(2)]. The drafting of an Environmental Covenant or Restrictive Notice will be deferred until after the City of Colorado Springs makes a determination regarding the CD application. Section 3.6 of this document discusses the Environmental Covenant.

2.0 CLOSURE AND RECLAMATION

2.1 General Information

As discussed above, the property has been owned by Mr. Olesky since the late 1990s when it was purchased with the intention of using the entire property for Western Steel, a seller of new and used steel. Go Green Recycling leased a portion of the property for asphalt shingle storage and subsequent recycling in 2011, but Go Green abandoned the site leaving Olesky Investments with a 32,000 ton stockpile of shingles on this approximately 2 acre parcel.

Of the 32,000 tons of asphalt shingles on site, Mr. Olesky indicated that shingles from 2 roofs, at the most, had a paint coating containing asbestos. Mr. Olesky was told by Mr. Brian Long of CDPHE that no action to mitigate the potentially asbestos-containing shingles would be necessary unless these shingles were shredded. Mr. Olesky does not plan to shred shingles.

During any construction activities that will disturb the shingle pile, a Qualified Project Monitor (QPM), meeting the training requirements of 5.5.3(C) 1) through 4) of the Regulations, will be onsite to observe and document the segregation of suspect asbestos-containing materials. Please refer to Appendix C for a waiver request for 5.5.3(C) 5). Additionally, non-shingle materials such as drums, batteries, or containers with suspect material will be segregated and properly disposed of. Non-shingle material such as clean glass, metal, or wood, will not be segregated and will remain onsite.

2.2 Final Cover Design

The cover designed for this site will consist of the following:

- Regrading of the shingle pile, including installation of an up to 8-foot high perimeter wall consisting of concrete blocks
- Placement and compaction of a 2.5-foot thick cover consisting of:
 - 6 inches of foundation layer soil placed over the shingles
 - 18 inches of barrier layer consisting of low hydraulic conductivity ($\leq 1 \times 10^{-5}$ cm/sec) clayey soil
 - 6 inches of topsoil
- Construction of erosion and sediment control features
- Placement of fertilizer, seed, and mulch.

**Table 1
 Components of the Final Cover**

Component	Soil Description
Foundation Layer	0.5 feet of unspecified, non-organic fill
Barrier Layer	1.5 feet (minimum) with a compacted hydraulic conductivity of 1×10^{-5} cm/sec or less.
Vegetative Cover Layer	0.5 foot (minimum) capable of supporting the specified vegetation. This uppermost layer will be firm but not compacted to allow seeding with the appropriate post-closure vegetation species.

2.2.1 Containment Area and Cover Placement

A containment area will be created by placement of 2-foot by 2-foot by 6-foot long interlocking concrete blocks along the east, west, and south perimeter of the site. Regrading of the shingle pile will be done to contain the shingles within the containment area. Slopes will not exceed 4:1, nor be less than 5 percent.

Following grading, the 6-inch foundation layer will be placed over the shingles to create a more stable and uniform surface for placement of the overlying 18-inch thick low hydraulic conductivity barrier layer. The barrier layer soil will be placed in loose lifts, not to exceed 8 inches in thickness, and compacted to attain maximum 6-inch thick lifts. Testing of the in-place barrier layer will be performed in accordance with the CQAQCP (Appendix D) to document that the proper physical properties of the infiltration layer have been achieved.

As areas of barrier layer are completed and certified, the 6-inch thick vegetative layer, or topsoil layer, will be placed. The vegetative layer will be capable of sustaining the specified vegetation. It may be necessary to roughen the compacted soil surface prior to placement of the topsoil layer to allow adequate binding with the underlying soil; however, this work will be performed in such a manner that will not compromise the integrity and function of the underlying barrier layer.

2.2.2 Seedbed Preparation and Seeding

The seedbed shall be well settled and firm, but friable enough that seed can be placed at depths of 0.25 to 0.75 inch. The seedbed shall be free of weeds. Soils above the infiltration layer that have been compacted by traffic or equipment shall be tilled to break up layers that could restrict rooting depth. These tilled areas shall then be slightly compacted to provide a firm seed bed. Tillage operations shall be conducted primarily across the slope (on the contour), taking care not to till into the compacted infiltration layer. Seed shall be hand broadcast or drill seeded, depending on the application area size and accessibility, and lightly raked to incorporate into the seedbed.

The species to be seeded and the seeding rates are listed in Table 2. These species were selected in conjunction with Bureau of Land Management recommendations, based on species compatibility with the climate, integrity of the cover, and surrounding vegetation and soils. The seeding rates presented in Table 2 are based on pure live seed (PLS); therefore, the actual amount of seed applied

should be based on the percent purity and germination of the seed supplied. Seeding should be conducted between June and October for the species selected.

**Table 2
 Seed Mixture for Reclamation of Disturbed Areas**

Species	PLS lbs./acre
Blue grama (<i>Bouteloua gracilis</i>)	1.8
Sideoats grama (<i>Bouteloua curtipendula</i>)	2.0
Western wheatgrass (<i>Agropyron smithii</i>)	6.0
Buffalo grass (<i>Buchloe dactyloides</i>)	6.0
Blanketflower (<i>Gaillardia aristata</i>)	0.2
Gayfeather (<i>Liatris punctate</i>)	0.1
Purple Prairie Clover (<i>Petalostamum purpureum</i>)	0.1
Prairie Coneflower (<i>Ratibida columnaris</i>)	0.06
Little Bluestem (<i>Schizachyrium scoparium</i>)	1.4
Sand Dropseed (<i>Sporobolus cryptandrus</i>)	0.1
Green Needlegrass (<i>Stipa viridula</i>)	0.5
Total:	18.26

2.2.3 Fertilization

Fertilizer application rates will be determined based on the fertilizer manufacturer’s recommended application rate or soil testing performed on potential soils, and on the seed mix specified in Section 2.2.2 of this Closure Plan. Application of fertilizer and mulch shall be performed by hydromulch procedures.

2.2.4 Erosion Control

The seedbed will be protected from wind and water erosion prior to establishment of permanent vegetation by the application of hydromulch following seeding.

Reclaimed areas shall be protected from grazing and trampling until the seed is well established (generally a minimum of two years from the time of seeding). Weeds shall be controlled by mechanical means (e.g, mowing) as appropriate during seedling establishment. Care shall be taken not to damage seedlings during mowing operations.

Long-term erosion control shall be accomplished by maintenance of the specified vegetation on the cover and maintenance of the drainage structures and contours illustrated on attached Figures 2 and 3.

2.3 Surface Water Drainage Control

As required by Section 3.5.2 of the Regulations, final grades shall promote surface water runoff and minimize erosion, and shall have slopes no less than 5 percent (20:1) and no greater than 25 percent (4:1).

The site is located within the Sand Creek drainage basin. The East Fork of Sand Creek runs along the northwestern corner of the property. The existing grade of the north quarter of the site gently slopes towards the East Fork of Sand Creek. The remainder of the site slopes at approximately 1.5 percent toward Drennan Industrial Loop.

Regrading and covering of the shingle pile will prevent infiltration of surface water, precipitation, and shingle exposure. The vegetative layer will be fertilized, seeded, and mulched. A healthy stand of vegetation on the cover will effectively protect it from erosion and will enhance evapotranspiration of water that could infiltrate the cover. A stormwater runoff system sized to control runoff from the 24-hour, 100-year storm event will be constructed.

Rip rap will be placed to minimize erosion along the base of the concrete block wall as runoff moves to the south of the site. A grass buffer will be planted along the southern line of the site, within the 10 foot landscape setback, to provide additional filtration and slowing runoff onto Drennan Loop. A detention basin with a 5,254 cubic feet of storage capacity will be constructed in the northwest corner of Lot 2 to intercept the runoff and provide water quality capture volume. During an extreme rain event, greater than the 100-year storm, pond outflow will be conveyed south along the west side of the site.

2.4 Closure Schedule and Notification

Final closure activities will commence upon issuance of the CD. Closure activities will be completed within 180 calendar days following the commencement of closure activities. Mr. Olesky will notify CDPHE (in writing) 30 calendar days in advance of the closure.

Following closure, an Environmental Covenant will be placed on the property deed (or on some other instrument that is normally examined during title search), which notifies any potential purchaser of the property's past use and that its future use is restricted by CDPHE regulations. CDPHE will be notified that this notation has been recorded and a copy of the notification will be placed in the operating record.

3.0 POST-CLOSURE CARE AND SITE MAINTENANCE

3.1 General Requirements

Post-closure care and maintenance will be performed, as needed, based on routine inspections of the site by the Owner or Owner's representative. Post-closure care of the site shall include at a minimum:

- Preventing nuisance conditions, e.g., potential litter, and inspection of access restrictions.
- Maintaining the integrity and effectiveness of the final cover by inspecting for and repairing as necessary:
 - surface soil cracking
 - ponding
 - erosion
 - proper slope
 - proper drainage
 - erosion of channels
 - litter
 - vegetative cover conditions
 - fencing
 - animal burrows and damage
 - condition of channels and drainage structures installed to control run-on and run-off to prevent erosion of such structures and,
 - sedimentation pond conditions.

Post-closure care must be conducted for a minimum of thirty (30) years. The length of the post-closure care period may be decreased or increased by the CDPHE after consultation with the local governing body having jurisdiction, dependent upon the protection of human health and the environment.

3.2 Groundwater Monitoring

A waiver to exempt this site from groundwater monitoring, prepared in accordance with Section 1.5 of the Regulations, has been submitted under separate cover.

3.3 Gas Monitoring

A waiver to exempt this site from gas monitoring, prepared in accordance with Section 1.5 of the Regulations, has been submitted under separate cover.

3.4 Site Inspections

Inspection of the site shall be conducted at least on a semi-annual basis beginning after closure is complete. Any deficiencies encountered during the inspections shall be recorded, and the necessary repairs shall be made. An inspection form is included in Appendix E. The name, address, and telephone number of the person or office to contact about the facility during the post-closure period will be provided to CDPHE.

Items to be inspected include, but are not limited to:

- The integrity of the vegetation
- The integrity of the final cover with regard to erosion, slumping, cracking, damage due to equipment or animals, etc.
- The integrity of all surface water control structures for the presence of excessive erosion, siltation, damage, and other conditions that would impede their intended function.
- The integrity of the fencing, gates, and all locks to identify any tampering or faulty equipment.
- The presence of illegally dumped refuse.

Inspection records will be retained by Mr. Neil Olesky and an annual report presenting the results of the routine inspections will be generated and submitted to CDPHE. Any deficiencies of the above items will be noted in the report, along the action(s) taken to correct the deficiencies.

3.5 Post-Closure Land Use

There are currently no plans for use of the facility following closure other than an undeveloped, minimally used site. It should be noted, however, there are many potential uses for the closed area that will not damage or negatively affect the environmental integrity of the facility. Prior to any use other than open space, a description of the planned uses of the property during the post-closure period will be provided to CDPHE. Such uses shall not disturb the integrity of the final cover or any components of the containment system unless necessary to comply with the requirements in the Regulations.

3.6 Environmental Covenant

An Environmental Covenant will be placed on the deed notifying any potential purchaser that the property has a shingle stockpile on-site. The drafting of the Environmental Covenant will be deferred until after the City of Colorado Springs makes a determination regarding the CD application.

3.7 Financial Assurance Plan

The Financial Assurance Plan will be maintained as a separate document to the EDOP. The plan will be submitted after the CD has been approved.



COLORADO
Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

CERTIFIED MAIL 7002 2410 0001 0122 7041
Return Receipt Requested

June 24, 2015

Colorado Springs City Council
City Hall
107 N. Nevada Avenue
Colorado Springs, CO 80901

Re: Recommendation for Approval with Conditions
Closure Plan and Post-Closure Care and Maintenance Plan
Lots 1 and 2, Drennan Industrial Center
Colorado Springs, Colorado

File: SW/ELP/OIP 2.1

Dear Council Members,

On February 13, 2015, the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division ("the Division") received an email from the City of Colorado Springs notifying the Division that it would be receiving a Certificate of Designation ("CD") application for the subject property. On February 20, 2015, the Division received one copy of a document titled "*Drainage Letter, Lots 1 and 2, Drennan Industrial Center, Filing No. 12, Colorado Springs, Colorado, TSN: 6434301021 & 22*" dated October 2014, prepared by KRW Consulting, Inc., ("the Drainage Letter"). The Division conducted a completeness review of the Drainage Letter in accordance with procedures outlined in state statute, C.R.S. § 30-20-100.5 *et seq.*, ("the Solid Waste Act") and corresponding solid waste regulations, 6 CCR 1007-2, Part 1 ("the Solid Waste Regulations"). By way of its letter dated March 19, 2015, the Division notified the applicant and the City of Colorado Springs that the Drainage Letter, as submitted, was an incomplete CD application.

On May 21, 2015 the Division met with the applicant. On May 22, 2015 the Division received a revised CD Application titled "*Closure Plan and Post-Closure Care and Maintenance Plan, Lots 1 and 2, Drennan Industrial Center, Colorado Springs, Colorado*" dated May 2015, prepared by KRW Consulting, Inc., ("the CD Application"). On June 3, 2015, the Division published a notice in *The Gazette* requesting comments from the public on the CD Application. The public comment period ended June 23, 2015. The Division did not receive any comments. The Division has completed its review of the CD Application. It is the determination of the Division that the CD Application can comply with the technical, environmental, and public health standards in the Solid Waste Act and Solid Waste Regulations if the requirements described in the Closure Plan and Post-Closure Care and Maintenance Plan are properly implemented. Based on this determination, the Division recommends approval of the CD Application with the conditions described herein. Please note that the City of Colorado Springs may choose to impose additional conditions should Colorado Springs approve the CD Application. Also, please note that §30-20-104 of the Solid Waste Act states the following:

"(3)(a) Prior to the issuance of a certificate of designation, the governing body having jurisdiction shall require that the report, which shall be submitted by the applicant under section 30-20-103, be reviewed and a recommendation as to approval or disapproval be made by the Department and shall be satisfied that the proposed solid wastes disposal site and facility conforms to the local government's comprehensive land use plan and zoning restrictions, if any. Any technical conditions of approval made by the Department in its final



City Council
Recommendation for Approval with Conditions
Closure and Post-Closure Care and Maintenance Plan for Lots 1 and 2, Drennan Industrial Center
June 24, 2015
Page 2

report shall be incorporated as requirements in the certificate of designation (emphasis added). The application, report of the Department, comprehensive land use plan, relevant zoning ordinances, and other pertinent information shall be presented to the governing body having jurisdiction at a public hearing to be held after notice. Such notice shall contain the time and place of the hearing, shall state that the matter to be considered is the applicant's proposal for a solid wastes disposal site and facility, shall provide a description of such proposed site and facility, and shall provide a description of the geographic area that is within three miles of such proposed site and facility. The notice shall be published in a newspaper having general circulation in the county or municipality in which the proposed solid wastes disposal site and facility is located at least ten but no more than thirty days prior to the date of the hearing. In addition, the notice of such public hearing shall be posted at a conspicuous point in at least one location at the offices of the governing body having jurisdiction and in at least one location at the proposed site. Such notice shall be posted for a period beginning at least thirty days before the public hearing and continuing through the date of such hearing.

(b) At the public hearing held pursuant to the provisions of this subsection (3), the governing body shall hear any written or oral testimony presented by governmental entities and residents concerning such proposed site or facility. All such testimony shall be considered by the governing body having jurisdiction in making a decision concerning such application. For the purposes of this subsection (3) "residents" means all individuals who reside within the geographic area controlled by the governing body having jurisdiction or within three miles of the proposed site and facility or who own property which lies within three miles of such proposed site and facility without regard to which county or municipality such individuals reside within."

If the CD Application is approved, the Division requests that the City of Colorado Springs send a copy of the CD resolution to the Division. Please note that certain conditions of approval listed below are addressed in the CD Application but are included herein for clarification and emphasis.

- Condition 1.** If the CD Application is approved, closure activities must commence upon issuance of the CD. Closure activities must be completed within 180 calendar days following the CD Application approval.
- Condition 2.** A Construction Quality Assurance/Quality Control Plan ("CQAQC Plan") is included as Appendix D of the CD Application. If the CD Application is approved, a construction certification report must be prepared in accordance with the CQAQC Plan. The construction certification report and must be submitted to the Division for review and approval within sixty (60) calendar days following completion of closure activities.
- Condition 3.** In 2001, Colorado passed legislation (SB 145) creating what is commonly referred to as the "environmental covenant statute." An environmental covenant is a legal mechanism that creates institutional controls to enforce land use restrictions and to ensure continued protectiveness of environmental cleanups. If the CD Application is approved, an environmental covenant will be placed on the subject property. If the CD Application is approved, the applicant must work with the Division in drafting, finalizing, and executing an environmental covenant.
- Condition 4.** If the CD Application is approved, the applicant must submit closure and post-closure financial assurance cost estimates to the Division for its review and approval. Financial assurance cost estimates must be prepared pursuant to requirements in Section 1.8 of the Solid Waste Regulations and must be submitted to the Division within thirty (30) calendar days following approval of the CD Application. Following the Division's approval of the financial assurance cost estimates, the applicant has sixty (60) calendar days to establish a financial assurance mechanism. Pursuant to Section 1.8.3 of the Solid Waste Regulations, the closure and post-closure cost estimates must be adjusted annually to account for inflation or deflation by using the implicit price deflator for the gross domestic product. The applicant must submit new closure and post-closure cost estimates to the Division for review and approval at least every five (5) years unless otherwise required by the Division based on conditions at the site.

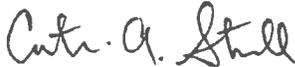
City Council
Recommendation for Approval with Conditions
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Page 3

Condition 5. In addition to complying with the approved CD Application, Solid Waste Regulations, and CD conditions, the applicant must comply with all relevant federal, state, and local regulations including but not limited to the requirements of the Division of Water Resources, the Water Quality Control Division, and the Air Pollution Control Division.

The Division is authorized to bill for its review of technical submittals at a rate of \$125 per hour pursuant to Section 1.7 of the Solid Waste Regulations. An invoice for the Division's review of the CD Application will be transmitted to the applicant under separate cover.

Should you have questions, please contact Curt Stovall at (303) 692-2295 or curtis.stovall@state.co.us.

Sincerely,



Curt Stovall, P.E.
Environmental Protection Specialist
Solid Waste Permitting Unit
Solid Waste and Materials Management Program
Hazardous Materials and Waste Management Division

cc: Mark Gebhart - El Paso County Development Services
Neil Olesky - Western Steel, Inc.
Michael Pretti, P.E. - KRW Consulting, Inc.
Michael Schultz, AICP - City of Colorado Springs Planning and Development Department

ec: Jerry Henderson - Solid Waste Permitting Unit Leader
Brian Long - Solid Waste Compliance Assurance Unit
Ed Smith - Solid Waste Compliance Assurance Unit Leader
Lukas Staks, Esq. - AGO

CITY PLANNING COMMISSION AGENDA

ITEM: 6A – 6B

STAFF: MICHAEL TURISK

FILE NOS:

A. - CPC CU 15-00044 - QUASI-JUDICIAL

B. - AR R 15-00310 - QUASI-JUDICIAL

PROJECT: PLATTE INDOOR RV STORAGE

APPLICANT: JOHN SCHWAB, JPS ENGINEERING

OWNER: BILL DARNELL



PROJECT SUMMARY:

1. Project Description: A Streamside Development Plan and Administrative Relief applications to establish an indoor RV storage facility ("Platte Indoor RV Storage") at the vacant .89-ac. subject property located at 4750 Town Center Drive.
2. Applicant's Project Statement: **(FIGURE 1)**

3. Planning and Development Team's Recommendation: **Approval of the application with one technical modification.**

BACKGROUND:

1. Site Address: 4750 Town Center Drive (**FIGURE 2**)
2. Existing Zoning/Land Use: PIP-2/AO-APZ2/SS (Planned Industrial Park with the Airport Overlay - Accident Potential Zone 2, and the Streamside Overlay)
3. Surrounding Zoning/Land Use:
 - North: PBC/AO-APZ 2 (Planned Business Center with Airport Overlay - Accident Potential Zone 2 subzone)/Office use
 - South: PIP-2/CU/AO (Planned Industrial Park with a prior Conditional Use, and the Airport Overlay)/Office use at southwest; vacant land directly south
 - East: PIP-2/SS/AO-APZ1& APZ 2 (Planned Industrial Park with the Streamside Overlay and Airport Overlay Accident Potential Zones 1 and 2)/vacant land
 - West: PIP-2/CU/AO-APZ2 (Planned Industrial Park with a past Conditional Use; Airport Overlay - Accident Potential Zone 2)/Manufacturing and distribution warehouse
4. Comprehensive Plan/Designated 2020 Land Use: The property is designated as Employment Center on the City's 2020 Land Use Map.
5. Subdivision: Towne East Centre, Filing 1 (1984)
6. Annexation: Pikes Peaks Vista Addition #2 (1964)
7. Master Plan/Designated Master Plan Land Use: Towne East Master Plan/Neighborhood Commercial
8. Zoning Enforcement Action: There are no active enforcement actions on the site.
9. Physical Characteristics: The vacant property has no significant topographical features. The West Fork of Sand Creek runs along the site's northern boundary; however, there are minimal riparian characteristics along the creek at the site.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The standard City notification and posting process was implemented; 11 property owners within 500 feet of the property were notified. To date, Staff has not received any response in favor or in opposition to the project. In addition, the site was posted prior to the City Planning Commission hearing.

ANALYSIS OF REVIEW CRITERIA AND MAJOR ISSUES

Development Plan:

The development plan includes a 17-ft., 9-in., 11 unit, 9,100 sq.-ft. metal building intended for RV storage. Because the project is anticipated to be one that is low maintenance and will generate comparatively little traffic, the storage facility will be unmanned, and will not provide restroom facilities and external parking stalls. Access will be provided by new drives connecting to Town Center Drive at the west side of the property and Wooten Road at the east side.

The development plan and associated administrative relief requests require a conditional use and thus Planning Commission consideration because the property lies within the City's streamside overlay, as the northern property boundary lies adjacent to the West Fork of Sand Creek. It is at this location on the property that the applicant has requested administrative relief from maximum impervious surface allowance.

Streamside Overlay:

The Streamside Overlay was established in 2002 with revisions in 2007 and 2009. The purpose of the Streamside Overlay is to guide development and maintenance of property adjacent to stream corridors in a manner compatible with the environmental conditions, constraints, and character of the area.

City Code defines review criteria for properties adjacent to the stream. If a project is submitted on a Streamside Overlay zoned property, the applicant must demonstrate how all the review criteria are being met. The review criteria address site design, significant natural features, grading, wildlife habitat, trails, impervious surfaces, and stream bank stabilization and/or reclamation. Interaction with the stream is encouraged by the type of use, providing occupants and visitors a chance to interact with the stream (for example, incorporating seating and tables near the stream), and providing trail networks adjacent to the stream.

Although the project does not propose trail implementation, benches would be provided so that visitors may enjoy the natural riparian setting provided by Sand Creek and environs. Due to the nature of the proposed use in that it is anticipated to generate little pedestrian and vehicular traffic, the lack of trail development in the design is not considered significant.

Per the submitted application packet, the Sand Creek riparian ecosystem, including stream bank and sloped areas would experience little or no disturbance. Riparian vegetation would remain intact, with minimal grading, thus helping to protect flood mitigation potential that the riparian corridor provides. An on-site water quality swale will intercept impervious surface drainage, facilitating infiltration. Drainage would be conveyed in a northeasterly direction towards an existing storm inlet at the west side of Wooten Road. Any terrestrial disturbance would be remediated via revegetation in accordance with the City's Landscape Policy Manual. A visual buffer at the north property boundary will be maintained by limiting disturbance along the channel banks, and the structure's elevation at the north side will include a band of rock to extend at least 4-feet above grade in order to complement the streamside aesthetic.

After receiving a revised and improved development plan on August 2, 2015, Staff has determined that only minor changes are needed prior to approval. Staff supports the project as proposed, as it is determined to be in general harmony with the overall intent of the streamside overlay and is an appropriate use given neighboring land uses.

Administrative Relief Requests:

Two requests for administrative relief are associated with the streamside development plan, including:

1. A 15% increase in allowable impervious area within the streamside buffer area; and
2. A 15% decrease in minimum building setback near to the southwestern corner of the proposed storage unit.

At 0.89-acre, the site presents constraints for the use as proposed; the applicant cites this factor as the overarching rationale for requesting relief from both standards. Staff supports both requests in that the minimal disturb would occur to the riparian area; a 15% increase in impervious surface within the streamside buffer in this area will not significantly impact the West Fork of Sand Creek and associated riparian area. Request #2 would also not generate serious off-site impacts, as the subject property is in a commercial area and not adjacent to any residentially-used or –zoned properties.

CONFORMANCE WITH COMPREHENSIVE PLAN

There are a number of Comprehensive Plan policies, objectives and strategies that support the proposed development plan and associated administrative relief applications, including:

- **Objective LU 7:** Develop Shopping and Service Areas to be Convenient to Use and Compatible with Their Surroundings;
- **Policy LU 201:** Promote a Focused, Consolidated Land Use Pattern;
- **Policy LU 701:** Plan and Develop New Commercial Areas as Activity Centers;
- **Strategy LU 302c:** Promote Compatibility between Land Uses of Differing Intensities;
- **Strategy LU 302e:** Incorporate Mixed-use Activity Center Principles into the Design of New and Redeveloping Employment and Commercial Centers; and
- **Strategy LU 701a:** Locate New Commercial Uses in Activity Centers.

The Comprehensive Plan designates the subject area as an Employment Center, an activity center that exhibit major concentrations of employment supported by a mix of uses that meet the needs of employees and visitors, such as restaurants, lodging, child care, higher density residential, and educational facilities. Activity center is a general term for a mixed-use center that integrates a range of uses and activities which are complementary and support one another. Typically, an activity center includes a predominant type of use, such as commercial or employment-related, that is then supported by a mix of one or more other uses.

It is the finding of the City's Community Development Department that the project would substantially conform to the City's Comprehensive Plan 2020 Land Use Map and the Plan's goals and objectives.

CONFORMANCE WITH MASTER PLAN

The site lies within the boundaries of the Towne East Master Plan. The plan has been officially designated as "operative" based on the criteria found in Section 7.5.402.B of the City Code. The Towne East Master Plan is approximately 300-acres and primarily consists of various commercial and office use designations. This project is within an area designated as Neighborhood Commercial, the intent of which is to provide for small-scale commercial and service developments which serve the convenience needs of a limited population and/or geographic area. Neighborhood Commercial is not intended to accommodate major or large-scale commercial or service activities; the project as proposed is not considered large-scale, and thus is considerate of and in harmony with the intent of the Neighborhood Commercial designation.

STAFF RECOMMENDATION

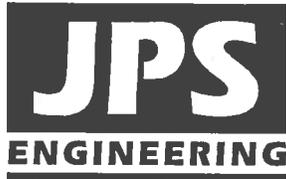
Item No. # 6A: CPC CU 15-00044 – Conditional Use Development Plan

Approve the conditional use development plan for Platte Indoor RV Storage based on the finding that the plan complies with the review criteria in City Code Section 7.5. 704 (Review Criteria for Conditional Uses) and 7.5.502.E. (Review Criteria for Development Plans) with the following technical modification:

1. *Any exterior lighting must meet all code requirements. Transient light onto neighboring properties shall be prohibited.*

Item No. # 6B: AR R 15-00310 – Administrative Relief

Approve both requests for administrative relief as proposed based on the finding that the applications comply with the review criteria in City Code Section 7.5.1102 (Review Criteria for Administrative Relief).



PLATTE INDOOR RV STORAGE LOT 1, TOWN EAST CENTRE FILING NO. 1 PROJECT STATEMENT

Platte Indoor RV Storage, LLC is requesting City of Colorado Springs Planning approval of a Development Plan and Conditional Use application for a proposed Indoor RV Storage project on the vacant 0.89-acre parcel at 4750 Town Center Drive in Colorado Springs. The project consists of a new single-story 9,100 square foot metal storage building with associated site improvements. The 11-unit Indoor RV Storage project will have no on-site management, no office, no bathrooms, and no external parking. There will be no exterior fencing or security gates.

The property adjoins improved public streets on the east, south, and west sides, and access to the site will be provided by new access drives connecting to Town Center Drive on the west side of the property and Wooten Road on the east side of the site. The storage facility is anticipated to be a low maintenance property with low traffic volumes.

The site is zoned Planned Industrial Park (PIP-2), and the proposed land use is a conditional use based on the streamside overlay zoning. This application includes requests for administrative relief in the following two areas:

- Increase of 15% in allowable impervious area within Streamside buffer area.
- Decrease of 15% in minimum building setback in vicinity of southwest corner of building.

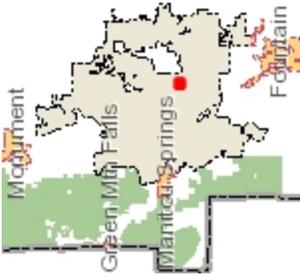
The proposed site development complies with City Streamside Overlay zoning criteria by minimizing development within the streamside buffer areas at the north end of the site. Streamside Overlay Zone requirements are specifically addressed as follows:

- The proposed development maintains the natural landform within the overlay area, and grading is restricted to eliminate any direct grading and drainage impacts to the existing West Fork of Sand Creek drainage channel.
- The development complements the natural streamside setting through the low impact storage use proposed. Benches will be provided to create an opportunity for users of the storage facility to enjoy the streamside area.
- The project minimizes impact upon wildlife habitat and the riparian ecosystem by protecting the existing channel banks and vegetated buffer strip along the channel.
- No trail networks are proposed along the south side of the channel at this location.
- The subject property is protected from potential flood damage by the existing riprap-lined channel banks which will be protected along the north edge of the site.

- The existing channel is the only significant natural feature within the project streamside area, and the proposed development will have no impact on the channel.
- Riprap lining of the existing drainage channel has previously been completed in accordance with the drainage basin planning study, and the existing bank lining will be protected.
- The project design implements a riparian buffer by minimizing grading near the existing channel banks. A proposed grass-lined water quality swale will intercept surface drainage from the developed area, encourage infiltration, and convey drainage northeasterly to the existing storm inlet on the west side of Wooten Road.
- Surface imperviousness has been minimized on the portion of the site falling within the streamside overlay.
- Disturbed areas will be re-vegetated to minimize erosion and stabilize landscape areas as detailed in the project landscape plans, in conformance with the City Landscape Policy Manual.
- Stream bank and slope areas have been identified along the existing drainage channel, and the project will not disturb these areas.
- A visual buffer will be maintained by limiting disturbance along the existing channel banks. Also, the architectural elevation on the north side of the proposed building will include a band of rock extending to 4' above grade to complement the streamside aesthetics.

In summary, the project has been designed to meet the Owner's desired RV storage and circulation requirements while also meeting City Zoning and Streamside Overlay design guidelines.

Platte Indoor RV Storage Zoning Map

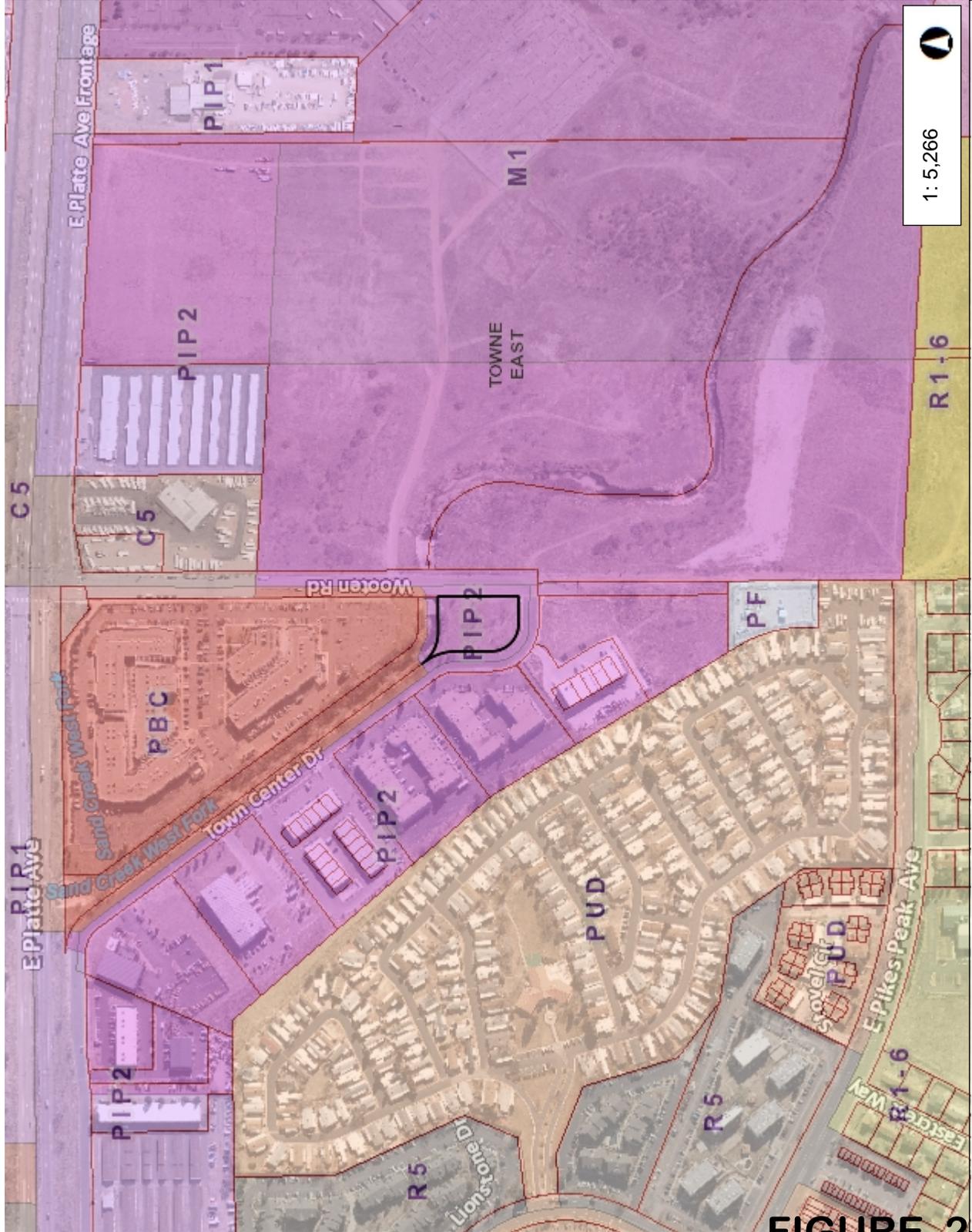


Legend

- Parcels
- Base Zone - Fill

A	R	R1-9	R1-6	R2	R4	R5	TND	OR	OC	PBC	C5	C6	PIP1	PIP2	M1	M2	PF	PK	APD	PCR	PUD	SU	UND
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Notes



1: 5,266

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877.7 0 438.83 877.7 Feet
 NAD_1983_StatePlane_Colorado_Central_FIPS_0502_Feet
 © Latitude Geographics Group Ltd.

FIGURE 2



CALL UTILITY NOTIFICATION
CENTER OF COLORADO
1-800-922-1987
FOR THE MARKING OF UNDERGROUND
UTILITIES.
BEFORE YOU DIG, GRADE OR EXCAVATE
CALL 3-DIGGERS OR 811 TO
REGISTER YOUR PROJECT.

No.	REVISION	DATE	BY
1	DP SUBMITTAL	6/01/15	JPS
2	CITY COMMENTS	8/05/15	JPS

**SITE GRADING AND
EROSION CONTROL PLAN**

HORIZ. SCALE: 1"=20'	DATE: 8/05/15
VERT. SCALE: N/A	DESIGNED: JPS
SURVEYED: COMPASS	CHECKED: JPS
CREATED: 5/14/15	LAST MODIFIED: 8/05/15
PROJECT NO: 041501	MODIFIED BY: BJJ
SHEET:	

C1
3 OF 7

**PLATTE INDOOR RV STORAGE
4750 TOWN CENTER DRIVE, COLORADO SPRINGS, CO**

**CPC CU 15-00044
AR R 15-00310**

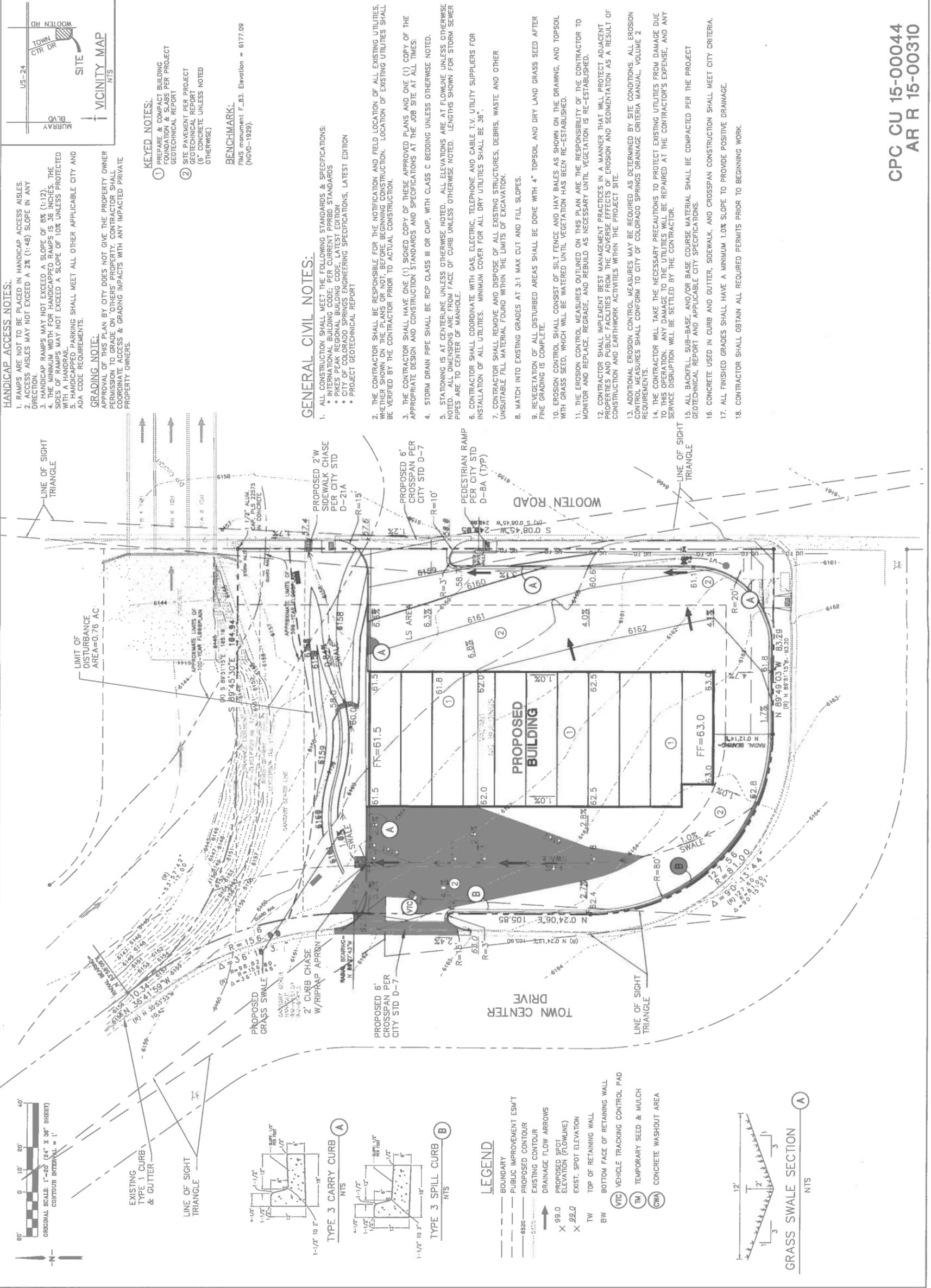


FIGURE 3



19 E. Willemette Ave.
 Colorado Springs, CO
 80903
 PH: 719-477-9429
 FAX: 719-471-0766
 www.jpsengr.com



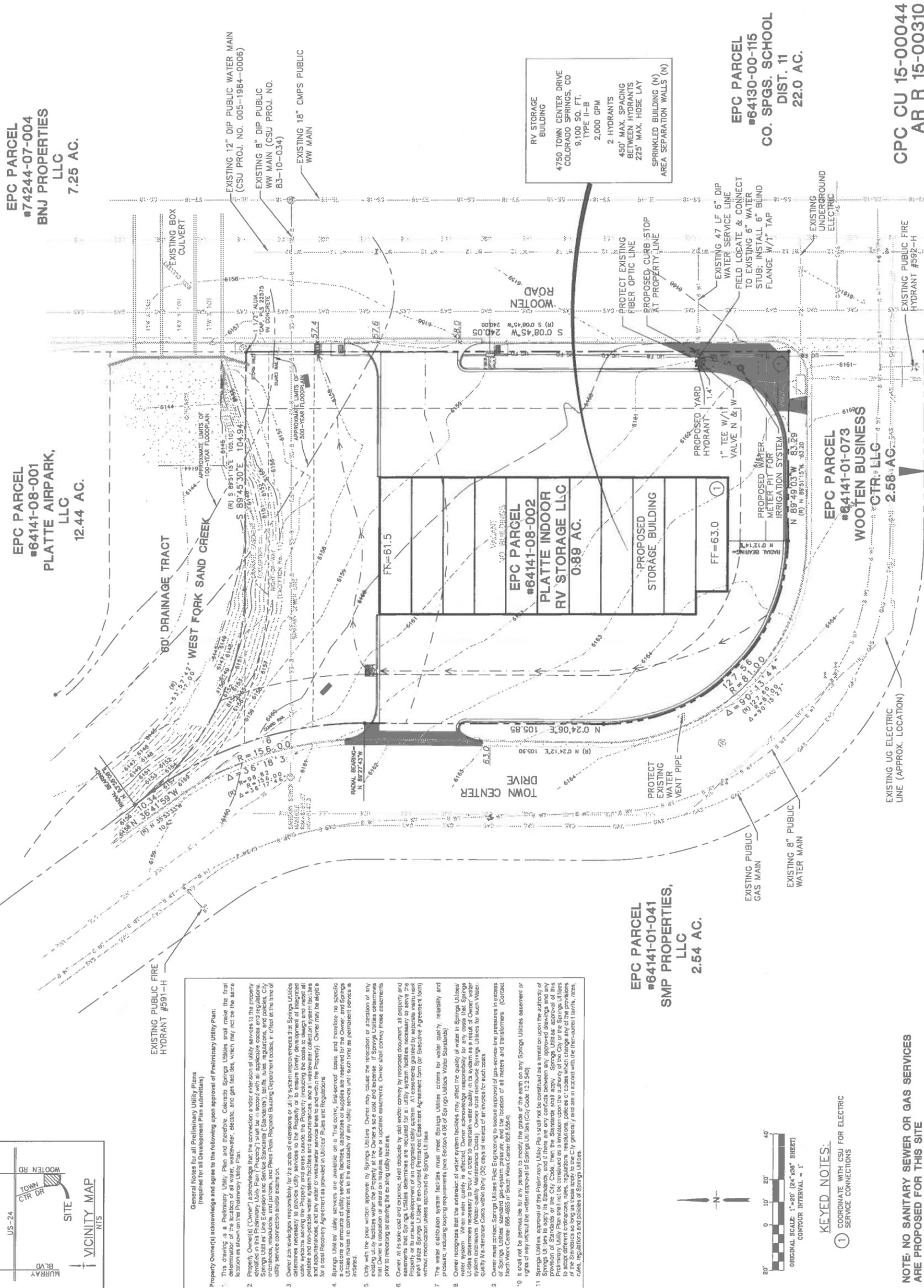
CALL UTILITY NOTIFICATION
 CENTER OF COLORADO
 1-800-922-1987
 BEFORE YOU DIG. GRADE OR EXCAVATE
 AT LEAST 2 BUSINESS DAYS IN ADVANCE
 FOR THE MARKING OF UNDERGROUND
 MEMBER UTILITIES.

NO.	REVISION	DATE	BY
1	DP SUBMITTAL	6/01/15	JPS
2	CITY COMMENTS	8/04/15	JPS

PRELIMINARY UTILITY AND
 PUBLIC FACILITY PLAN

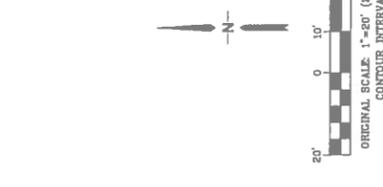
HORIZ. SCALE: 1"=20'
 VERT. SCALE: 1"=4'
 DESIGNED: N/A
 CHECKED: JPS
 SURVEYED: COMPASS
 CREATED: 5/14/15
 LAST MODIFIED: 8/14/15
 PROJECT NO.: 041501
 MODIFIED BY: BJJ
 SHEET: U1
 4 OF 7

PLATTE INDOOR RV STORAGE,
 4750 TOWN CENTER DRIVE, COLORADO SPRINGS, CO



General Notes for all Preliminary Utility Plans
 (Required for all Development Plan submittals)

- Property Owner(s) acknowledge and agree to the following upon approval of Preliminary Utility Plan:
 This drawing is a Preliminary Utility Plan and does not constitute a final determination of the location of all water, wastewater, electric, and gas facilities, which may not be the same location as shown on the Preliminary Utility Plan.
- Property Owner(s) (Owner) acknowledge that the connection and/or extension of utility services to the property identified in this Preliminary Utility Plan (Property) shall be in accordance with all applicable codes and regulations, including but not limited to the Colorado Public Utilities Code, the Colorado Public Utilities Regulations, and the Colorado Public Utilities Rules and Regulations, and that the Property Owner(s) shall be responsible for obtaining all necessary permits and approvals from the appropriate regulatory agencies.
- Owner shall be responsible for the costs of extensions of all utility services to the Property, including but not limited to the costs of trenching, pipe, valves, and appurtenances, and any water or wastewater service lines to and within the Property. Owner may be eligible for a total recovery agreement as provided in the Colorado Public Utilities Code and Regulations.
- Spring Utilities' utility services are available on a "first-come, first-served" basis, and therefore no specific location or amount of utility services, facilities, capacities or supplies are reserved for the Owner, and Spring Utilities reserves the right to discontinue or modify any utility service until such time as permanent service is provided.
- Only with the prior written approval of Spring Utilities, Owner may make the relocation or installation of any existing utility facilities within the Property at the Owner's sole cost and expense. If Spring Utilities concedes prior to relocating or altering the existing utility facilities.
- Owner, at its sole cost and expense, shall coordinate with all other utility providers, including but not limited to electric, gas, and sewer, to ensure development of an integrated utility system. All easements, including but not limited to easements for utility lines, shall be obtained prior to construction. A separate instrument shall be recorded for each easement.
- The water collection system facilities shall meet Spring Utilities' criteria for water quality, reliability, and pressure, including pumping requirements (see Section 4.06 of Spring Utilities Water Standards).
- Owner recognizes that the extension of water system facilities may affect the quality of water in Spring Utilities' system extensions. (Water Quality Maintenance Code). Owner shall reimburse Spring Utilities for such water quality maintenance costs within thirty (30) days of receipt of an invoice for such costs.
- Owner must contact Spring Utilities Field Engineering to secure approval of gas service-line pressures in excess of Spring Utilities standard gas-system pressure, and the location of all meters and transformers (Contact: Town Water Center 688-4855 or South Water Center 628-5564).
- It shall not be permissible for any person to modify, the grade or the earth on any Spring Utilities easement or right-of-way without the written approval of Spring Utilities (City Code 152.540).
- Spring Utilities' approval of this Preliminary Utility Plan shall not be construed as a limit on the authority of Spring Utilities to specify its standards, and if there are any conflicts between any approved drawings and any Spring Utilities standards, the Spring Utilities standards shall prevail. Spring Utilities reserves the right to modify this Preliminary Utility Plan and to conduct a final inspection upon the authority of the City or the Spring Utilities Field Engineering. Spring Utilities shall not be held liable for any damage or loss resulting from the provisions of the Standards so long as those apply to the City generally, and are in accord with the then-current tariffs, rates, rules, regulations and policies of Spring Utilities.



NOTE: NO SANITARY SEWER OR GAS SERVICES ARE PROPOSED FOR THIS SITE

EPC PARCEL #74244-07-004
 BNJ PROPERTIES LLC
 7.25 AC.

EPC PARCEL #64141-08-001
 PLATTE AIRPARK, LLC
 12.44 AC.

EPC PARCEL #64141-08-002
 PLATTE INDOOR RV STORAGE LLC
 0.89 AC.

EPC PARCEL #64141-01-041
 SMP PROPERTIES, LLC
 2.54 AC.

EPC PARCEL #64141-01-073
 WOOTEN BUSINESS CTR, LLC
 2.58 AC.

EPC PARCEL #64130-00-115
 CO. SPGS. SCHOOL DIST. 11
 22.0 AC.

RV STORAGE BUILDING
 4750 TOWN CENTER DRIVE
 COLORADO SPRINGS, CO
 9,100 SQ. FT.
 TYPE I-B
 2,000 GPM
 450' MAX. SPACING BETWEEN HYDRANTS
 225' MAX. HOSE LAY
 SPRINKLED BUILDING (N)
 AREA SEPARATION WALLS (N)

FIGURE 3



FINAL LANDSCAPE PLAN
4750 TOWN CENTER DR
PLATTE INDOOR RV STORAGE

PRGJ. NO.:
DATE: 05.18.15
SCALE: See Sheet
DRAWN: JRO
CHKD BY: NAM
SHEET L10
5 of 7

PLANT SCHEDULE

QTY FOR REFERENCE ONLY - VERIFY ALL COUNTS PER PLAN

CODE	QTY	COMMON NAME / BOTANICAL NAME	CONT.	CAL.
AG	5	Bigtooth Maple / <i>Acer grandidentatum</i>	B & B	1 5' Cal
CS	1	Northern Catalpa / <i>Catalpa speciosa</i>	B & B	1 5' Cal
JG	9	Moonglow Juniper / <i>Juniperus scopulorum</i> 'Moonglow'	6' HT	
PP	3	Pinon Pine / <i>Pinus edulis</i>	B & B	6' HT
OM	2	Chilispain Oak / <i>Quercus muhlenbergii</i>	B & B	1 5' Cal
EX-RET	17	EXISTING TREE TO REMAIN / TO REMAIN - Protect during construction REMOVED TREES TO BE MITIGATED PER MUNICIPAL STANDARDS	EX	
UC	2	American Elm / <i>Ulmus x. Frontier</i>	B & B	1 5' Cal

SHRUBS

CODE	QTY	COMMON NAME / BOTANICAL NAME	CONT.
AL	4	Leadplant / <i>Amaranthus canescens</i>	2 gal
AC	4	Manzania / <i>Arctostaphylos x coloradensis</i> 'Chieftain'	1 gal
AP	6	Panchito Manzanita / <i>Arctostaphylos x coloradensis</i> 'Panchito'	1 gal
CMF	12	Fembush / <i>Chamaebotris millefolium</i> 'Fembush'	5 gal
ES	6	Dwarf Blue Ribbibrush / <i>Eriogonum fasciculatum</i>	5 gal
MC	6	Compact Oregon Grape / <i>Mahonia aquifolium</i>	1 gal
PAL	18	Dwarf Russian Sage / <i>Prenovskia stripticioides</i> 'Little Spire'	1 gal
POD	12	Diablo Ninebark / <i>Physocarpus opulifolius</i> 'Diablo'	5 gal
PBP	7	Sand Cherry / <i>Prunus besseyi</i> 'Pawnee Bunch'	5 gal
OG	1	Gambel Oak / <i>Quercus gambelii</i>	5 gal
RG	8	Gre-Low Fragrant Sumac / <i>Rhus aromatica</i> 'Gre-Low'	5 gal
RW	5	Mountain Rose / <i>Rosa woodsii</i>	5 gal

GRASSES

CODE	QTY	COMMON NAME / BOTANICAL NAME	CONT.
BB	21	Blue Grama / <i>Bouteloua gracilis</i> 'Blonde Ambition'	1 gal
PVD	8	Dallas Blues Switch Grass / <i>Panicum virgatum</i> 'Dallas Blues' TM	1 gal
SS	11	Blue Indian Grass / <i>Sorghastrum nutans</i> 'Soux Blue'	1 gal
SW	6	Big Sacaton / <i>Sporobolus wrightii</i>	1 gal

PERENNIALS

CODE	QTY	COMMON NAME / BOTANICAL NAME	CONT.
PMP	6	Penstemon / <i>Penstemon mesickii</i> 'Pike's Peak Purple'	1 gal
PPP	18	Threadleaf Brandegee / <i>Penstemon pinifolius</i>	4 pot

MULCHES

CODE	QTY	COMMON NAME / BOTANICAL NAME	CONT.
AGG	683 sf	1.5" - 2" AND 3/4" MIX / AGGREGATE 2 1/2" WASHED RIVER ROCK, 1/3 WASHED 3/4" LOCAL RIVER ROCK	mudch
WM	3 018 sf	SURESHED CEDAR MULCH / MULCH WOOD CEDAR NO WEED BARRIER UNDER ORGANIC MULCH	mudch

SOD/SEED

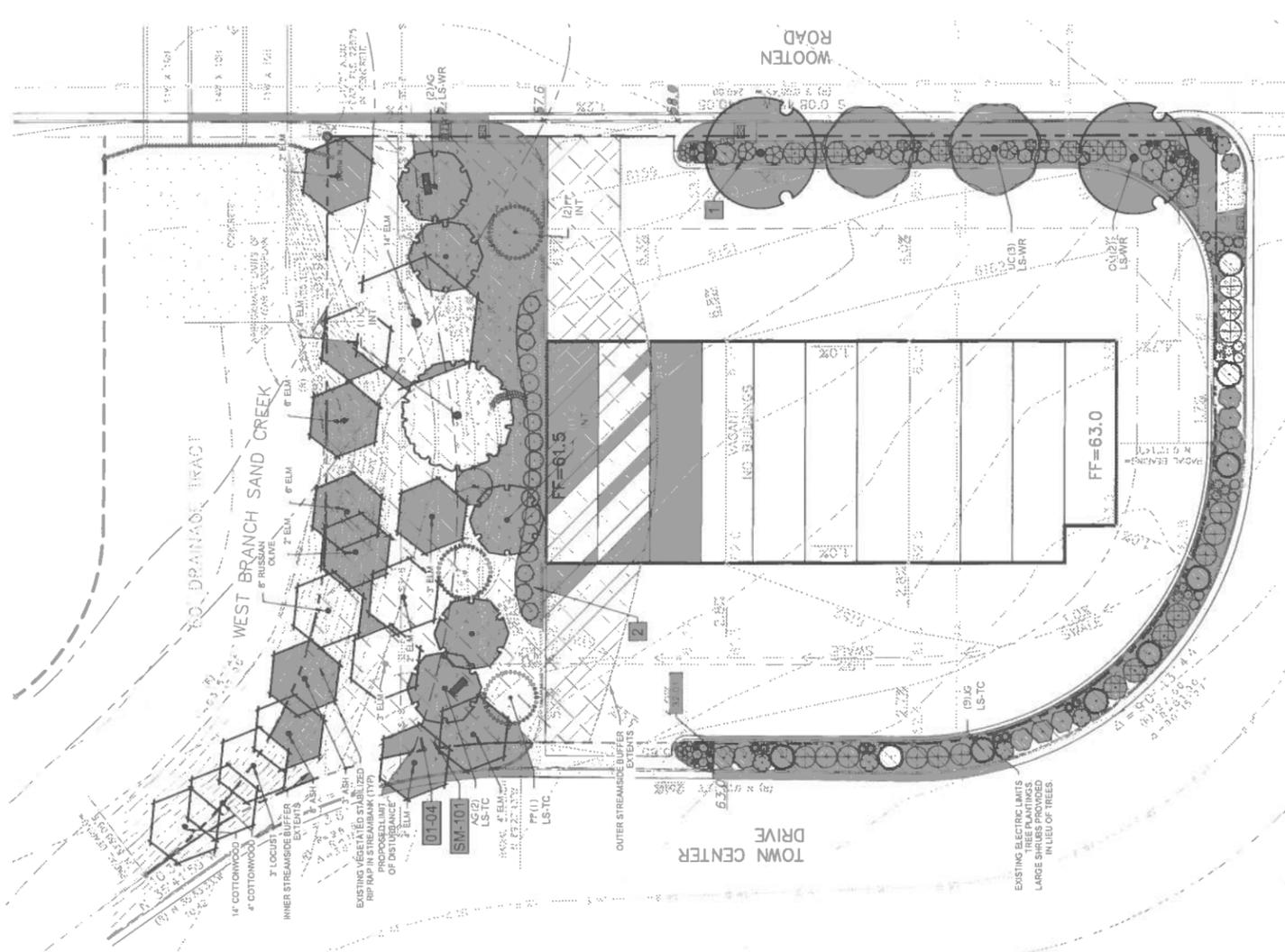
CODE	QTY	COMMON NAME / BOTANICAL NAME	CONT.
NLM	4,175 sf	PANWEE BUTTES SEED CO NATIVE LAWN MIX / NATIVE LAWN SEED MIX 2.3 LBS PER 100 SQUARE FEET - IRRIGATED SEED MIX.	seed



OVERALL LANDSCAPE PLAN

SCALE: 1" = 20'

- NO SUBSTITUTIONS WITHOUT PREVIOUS APPROVAL OF LANDSCAPE ARCHITECT UNAPPROVED DEVIATIONS FROM THIS PLAN WILL BE RECTIFIED AT CONTRACTORS EXPENSE.
- NO FABRIC UNDER WOOD MULCH IN ANY AREAS.
- DRIPUNE TO BE PLACED OVER WEED BARRIER FABRIC AND STAKED ON WEED BARRIER CUTOUTS FOR PLANTS IN ROCK AREAS SHALL ACCOUNT FOR MATURE SIZE OF PLANTS, AND EQUAL AT LEAST THE DIAMETER OF THE ROOTBALL.
- ALL EMITTERS PER IRRIGATION PLAN - ALL SHRUBS TO RECEIVE (2) 1 GPH EMITTERS, ALL PERENNIALS AND GRASSES TO RECEIVE (1) 0.5 GPH EMITTERS, ALL TREES TO RECEIVE MINIMUM (4) 2GPH EMITTERS.
- ALL TREES TO BE PLACED AT THE APPROPRIATE LOCATIONS - ALL EMITTERS TO USE MICRO TUBING, STAKES AND BUG CAPS AS NECESSARY.
- SEE LANDSCAPE DETAILS SHEET FOR ADDITIONAL NOTES AND DETAILS.
- RETAIN 10% OF ALL PLANT TAGS PER SPECIES FOR DURATION OF WARRANTY PERIOD.



REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	QTY
1	PLACE SHREDED CEDAR MULCH AROUND BASE OF ALL PERENNIALS AND GRASSES IN LARGE COBBLE AREAS. MASSSED PERENNIALS TO RECEIVE LARGE RING AROUND ENTIRE GROUP (TOP) AND SMALL RING AROUND INDIVIDUAL PLANTS LOCATED IN PEA GRAVEL	
2	MINIMUM 3" ROOTBALL OFFSET FROM BUILDING, TYP	

SEED MIXES

SYMBOL	DESCRIPTION	QTY
01-04	SEED ALL DISTURBED AREAS WITH NATIVE LAWN MIX UNLESS OTHERWISE NOTED.	
32-01	32 EXTERIOR IMPROVEMENTS	131 LF

SM-101

ALL SEED MIXES AS SPECIFIED BY PANWEE BUTTES SEED COMPANY

SEED MAINTENANCE

MOW NATIVE LAWN MIX ABOUT 1/2 THE AMOUNT AS SODDED TURFGRASS OR AS NEEDED. MOW NATIVE LAWN MIX SEED AREAS ONCE A MONTH OR ONCE A WEEK ON TURFGRASS OR AT LEAST ONCE A WEEK ON SEED MIXES. MOW SEED MIXES TO MAINTAIN A HEIGHT OF 8" TO 10" IN ALL AREAS. MOW SEED MIXES TO MAINTAIN A HEIGHT OF 8" TO 10" IN ALL AREAS. MOW SEED MIXES TO MAINTAIN A HEIGHT OF 8" TO 10" IN ALL AREAS.

DISTURBED AREAS TO BE RESEED

DISTURBED AREAS TO BE RESEED WITH NATIVE LAWN MIX UNLESS OTHERWISE NOTED. RE: CIVIL PLANS

Native Lawn Mix

(90%) Buffelgrass (10%) Blue Grama

STREAMSIDE LANDSCAPE REQUIREMENTS

TYPE	LINEAR FOOTAGE	WIDTH	TREES REQUIRED	TREES PROVIDED
TYPE 2 STREAM	198	30'	10 (11 Existing)	10 (11 Existing)
	172	60'	6 (11 Existing)	6 (6 Existing)

SITE CATEGORY REQUIREMENTS

LANDSCAPE SETBACKS (for Double Frontage Lot Sitelocations)	Street Classification	Width (ft.)	Linear Footage	No. of Trees Required	Tree Feet Required
Street Boundary (e.g., Front Corner Dr)	Non-arterial	6' to 5'	388	11/30	11/30
Street Substitutes Required / Provided	Arterial / Major	5' to 15'	388	11/30	11/30
Internal Landscaping	Internal Area (SF)	Internal Area (%)	Internal Area (SF)	Internal Area (%)	Internal Area (SF)
	38,751	5%	1,938 / 1,938	4 / 4	4 / 4

LANDSCAPE BUFFERS & SCREENS

Screen Name or Property Line (e.g., Nonperm - Streamside)	Width (ft.)	Linear Footage	Buffer Trees (100' x 100')	Evergreen Trees (100' x 100')
Length of 6 ft. Opaline Spillway Ret. / Prop	6'	198'	10	10

*SEE STREAMSIDE REQUIREMENTS

FIGURE 3

CITY PLANNING COMMISSION AGENDA

ITEM NO:

STAFF: PETER WYSOCKI AND STEVE TUCK

FILE NO:

CPC MPA 04-00043-A2MN15 – LEGISLATIVE

CPC PUZ 15-00051 – QUASI-JUDICIAL

CPC PUP 15-00052 – QUASI-JUDICIAL

PROJECT: PENROSE-ST. FRANCES NEW CAMPUS

APPLICANT: RTA ARCHITECTS ON BEHALF OF PENROSE-ST. FRANCES

OWNER: TURTLE CREEK GRANDVIEW OFFICE LLC



NOTE: Due to staffing and workload issues, a complete staff report will be provided at a later date.

PROJECT SUMMARY:

1. Project Description: There are three separate applications with this item:
 - 1) A major master plan amendment to the Hill Properties Amended Master Plan, changing the land use designations for 19 acres of Neighborhood Commercial, 15.3 acres of Office, 12.5 acres of General Industrial and 2.7 acres of Private Open Space to 14.5 acres of Office and 36.55 acres of Hospital – High Rise
 - 2) A zone change from 18.47 acres of OC, 13.578 acres of PIP-1 and 10.952 acres of PBC to PUD to accommodate a new 12 story hospital (200 feet high), and mix of medical offices, lodging, retail and restaurant uses
 - 3) A concept plan for the 51.05 acres.

A complete project description is attached as **Figure 1**.

2. Project Statement: **(FIGURE 1)**
3. Planning and Development Department's Recommendation: At cursory review, it appears all three applications are supportable.

BACKGROUND:

1. Site Address: The site is not currently addressed.
2. Existing Zoning/Land Use: There are no structures on site.
3. Surrounding Zoning/Land Use:
North: R5 and R1-6000
South: PUD
East: PIP1, PIP2 and R
West: PUD/Single-family Residential
4. Comprehensive Plan/Designated 2020 Land Use: Commercial Center, hospital uses permitted
5. Master Plan/Designated Master Plan Land Use: Hill Properties Master Plan
6. Subdivision: The property is not platted.
7. Zoning Enforcement Action: None
8. Physical Characteristics: Generally flat with no significant natural features that would prohibit or affect development.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The stakeholder process involved posting the property and mailing postcards to property owners within 1000 feet of the project site.

Staff also sent the plans to the standard internal and external review agencies for comments. All comments received from the review agencies have been addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, Police and E-911. No major deficiencies or concerns have been noted.

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

1. Background
2. Review Criteria / Design & Development Issues:
Major Master Plan Amendment
3. Conformance with the City Comprehensive Plan: All three applications are consistent with the 2001 Comprehensive Plan Future Land Use designation of Commercial Center. The Commercial Center designation allows a mix of commercial and office uses.
4. Conformance with the Area's Master Plan:
This is a request to amend the existing master plan. Overall, the amendment retains the integrity of the originally adopted master plan for light industrial, commercial and office uses.

STAFF RECOMMENDATION:

Final staff recommendation will be provided with the updated staff report.

PENROSE-ST. FRANCIS NEW CAMPUS

Master Plan Amendment, Zone Change, and Concept Plan

PROJECT DESCRIPTION

The property is located to the northeast of the intersection of Centennial Boulevard and W. Fillmore Street, in Colorado Springs, Colorado. The site is part of the Hill Properties Master Plan, CPC MPA 04-00493-A1MN14, approved by the City on October 14, 2014. In this area, the Master Plan proposed 19.0 acres of Neighborhood Commercial, 15.3 acres of Office, 12.5 Acres of General Industry, and 2.7 acres of Private Open Space, a total of approximately 51.05 acres. The current zoning for this area is Office Complex - OC (18.470 acres), Planned Industrial Park - PIP1 (13.578 acres) and Planned Business Center - PBC (10.952 acres). A proposed Private Open Space occupies area on both the OC and PIP1 zones in the northeast corner of the property.

The purpose of this application is to amend the previously approved Master Plan, provide for a Zone Change, and establish a new Concept Plan and for the entire 51.05 acre site as a Planned Unit Development (PUD). The proposed Master Plan amendment would revise the land uses on the site to allow for Hospital and Office uses. The Concept Plan identifies four use zones: Hospital Building Zone (High Rise), Office/Medical Office Building Zones, Landscape Zones and Parking Zones. As part of the Concept Plan, access to the site is provided by three separate access points – two from Centennial Boulevard and one from W. Fillmore St. In addition to the features noted above the proposed development would need to provide for high rise construction and establish strategies for mitigating the impact of the adjacent Asphalt Plant on W. Fillmore St.

The proposed hospital use requires allowing high rise construction on the site. A high rise hospital building allows for an efficient and effective configuration of functions in the building. Emergency Services, Diagnostic and Treatment Services, Surgery and Building Support functions are allocated to the lower floors. Patient Rooms are provided in the upper floors. On the lower floors this configuration allows for related functions to be efficiently grouped together. On the upper floors this configuration allows for patients to be effectively moved by elevator to the functions housed on the lower floors. Floor to floor heights are 15 feet to 20 feet high depending on the functions on each floor. As a result an 11 or 12 story building would be nearly 200 feet tall.

As part of the proposed development, the impact of the adjacent Asphalt Plant on the project site will be mitigated in part by strategically placing site/building elements as a buffer to the Asphalt Plant site. These functions could include building support areas, central plant, and service area functions of the building, as well as detention areas and landscaping.

PROJECT JUSTIFICATION

Master Plan Amendment

The proposed Master Plan amendment would revise the land uses on the site to allow for Hospital and Office uses. First, the proposed amendment conforms to the policies and strategies of the Comprehensive Plan and the 2020 Land Use Map. The Comprehensive plan and the 2020 Land Use Map identify the project area at the intersection of Centennial Boulevard and Fillmore Street as a 'Commercial Centre'. The land uses in the proposed amendment are consistent with this use. Second, the proposed Public and Commercial land uses in the amendment are also compatible with the surrounding Commercial, Office, Medical Office, and High Rise Office uses. Third, the proposed changes to the land use category designations will not have a significant impact upon the transportation system, utility infrastructure, public facilities, or the provision of public safety services and facilities. Finally, the proposed land use changes will accommodate the environmental goals of the city's land use standards.

Zone Change

Per the requirements of Chapter 7, Article 5, Part 6 of the Zoning Code, the proposed changes to the zone district boundaries on the subject property are acceptable for the following reasons:

1. The proposed Planned Unit Development (PUD) will not be detrimental to the public interest, health, safety, convenience or general welfare. The proposed hospital and associated medical office/ambulatory services uses are consistent with the Comprehensive Plan for the area and in the public interest as they provide vital health care service to the community. To address public safety and convenience, the site will allow for three access points – two from Centennial Boulevard and one from W. Fillmore St. – providing a safe and convenient means of vehicular access to the public. Finally, the proposed hospital and associated medical office/ambulatory services will help to create a district of medical services by adding to the existing services (Medical Offices, Rehabilitation Center and Veteran's Administration Clinic) already present in the vicinity, which supports the general welfare of the community.
2. The proposal is consistent with the goals and policies of the Comprehensive Plan. The 2014 Comprehensive plan identifies the project area at the intersection of Centennial Boulevard and Fillmore Street as 'Commercial Centre'. The PUD uses proposed by this application are consistent with this overall land use designation.
3. The proposal is consistent with the proposed amendment to the approved Master Plan. The site is part of the Hill Properties Master Plan that has historically designated over two-thirds of the uses on the site as Commercial or Office. Consistent with the approved Master Plan, the proposed PUD rezoning retains the Office uses, allows for a diverse mix of other uses, and adds the Hospital use, which is compatible with the adjacent mostly Commercial uses.

Concept Plan

The Concept Plan identifies the types of uses that are anticipated in the respective PUD Zones. While each Zone has a wide range of permitted uses, not all are appropriate or desirable in this location. The anticipated range of uses for this site is as follows:

Hospital Building Zone (High Rise): Hospital, Hospice, Consumer convenience services, Convenience food sales, General food sales, Specialty food sales, Quick serve restaurant, Sit down – served at table, Public Assembly, Public park and recreation, Religious institution, Semipublic community recreation.

Office/Medical Office Building Zone: General Offices, Medical offices, labs and/or clinics, Mixed office/residential use, .Commercial center, Consumer convenience services, Convenience food sales, General food sales, Specialty food sales, Hotel/motel, Mixed commercial-residential, Personal consumer services, Personal improvement services, Indoor sports and recreation, Outdoor sports and recreation, Neighborhood serving retail, Daycare services, Commercial greenhouse.

Landscape Zones: Landscape areas of varying sizes and configurations

Parking Zone: Parking lot/surface parking (Public and Private), Parking Structure (Public and Private).

These uses are intended to be compatible with the existing commercial uses in the vicinity and to provide a transition to the Camelback Pointe multifamily residential development to the north.

In accordance with the requirements of Chapter 7, Article 5, Part 5 of the Zoning Code, the proposed concept plan is acceptable for the following reasons:

A. The proposed development is consistent with the Comprehensive Plan, the 2020 Land Use Map, and all applicable elements of the Comprehensive Plan (including the intermodal transportation plan and the parks, recreation and trail. The Comprehensive plan and the 2020 Land Use Map identify the project area at the intersection of Centennial Boulevard and Fillmore Street as 'Commercial Centre'. The Planned Unit Development (PUD) uses proposed by this application are consistent with this overall land use designation.

B. The proposed uses are consistent with the primary and secondary land uses identified in the 2020 Land Use Map of the Comprehensive Plan, as amended. The 2020 Land Use Map identifies the project area at the intersection of Centennial Boulevard and Fillmore Street as 'Commercial Centre'. The Planned Unit Development (PUD) uses proposed by this application are consistent with this overall land use designation.

C. The proposed development is consistent with the City approved master plan that applies to the site. The site is part of the Hill Properties Master Plan that has historically designated over two-thirds of the uses on the site as Commercial or Office. Consistent with the approved Master Plan, the proposed rezoning retains the Office uses, allows for a diverse mix of other uses, and adds the Hospital use, which is compatible with the adjacent mostly Commercial uses.

D. The proposed development is consistent with the intent and purposes of the Zoning Code (Section 7.2.102). The proposed land uses for this property are appropriate given the nature of the surrounding land uses and the master plan proposal for this location. The site's development will provide for infill growth of the City and will reduce congestion in the streets due to the proximity of similar uses. The hospital itself will facilitate the provision of public infrastructure services. As a result, the proposed concept plan will promote the health, safety and general welfare of the city.

E. The development pattern proposed within the PUD concept plan promotes the stabilization and preservation of the existing or planned land uses in adjacent areas and surrounding residential neighborhoods. The proposed PUD uses are compatible with the adjacent mostly Commercial uses and the proposed Landscape zone will provide a buffer between the site and the multifamily residential to the north.

F. The development pattern proposed within the PUD concept plan provides an appropriate transition or buffering between uses of differing intensities both on site and off site. The proposed Hospital and Office uses on the property are compatible with the light industrial uses to the east and south. The proposed Hospital and Office uses are consistent with the existing and proposed commercial and office developments to the west and south. The proposed Landscape Zone provides an appropriate transition between the Hospital and Office uses and the multi-family residential to the north.

G. The nonresidential development pattern proposed within the PUD concept plan promotes integrated activity centers and avoids linear configurations along roadways. The proposed Hospital use zone and Office/Medical Office use zone will provide for numerous types of services that effectively create an activity center. The PUD concept plan arranges use zones on the site allow for a varied streetscape that avoids linear configurations along roadways.

H. The permitted uses, bulk requirements and required landscaping are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community. The proposed hospital and associated medical office/ambulatory uses are compatible with the existing services (Medical Offices, Rehabilitation Center and Veteran's Administration Clinic) already present in the surrounding neighborhood. While the final areas and heights are not completely known at this time, the proposed areas and heights are appropriate to the overall size of the site (51.05 acres), and compatible with the adjacent development types. The proposed Landscape zones will provide a buffer between the site and the multifamily residential to the north, the asphalt plant to the south, and provide transitions to the surrounding neighborhood and city open space.

I. The PUD concept plan provides adequate mitigation for any potentially detrimental use to use relationships (e.g., commercial use adjacent to single-family homes). The concept plan shows how any potentially detrimental use to use relationships will be mitigated and provides a gradual transition between uses of differing intensities. The proposed PUD uses provide a transition between the more intense commercial and industrial uses to the west, south and east of the site and the multifamily residential to the north. The existing Landslide Open Space and the proposed Landscape zone at the

North of the site provide a buffer between the existing Holland Park neighborhood of single-family homes.

J. The PUD concept plan accommodates automobile, pedestrian, bicycle and transit modes of transportation as appropriate, taking into consideration the development's primary function, scale, size and location. The proposed PUD concept plan allows for three access points – two from Centennial Boulevard and one from W. Fillmore St. – providing a safe and convenient means of automobile access to the site. The plan also allows for multiple pedestrian access points to the site. The existing bicycle lanes on both Centennial Blvd. and W. Fillmore St. provide ample access for bicycle access to the site, and would allow for recreational access to surrounding trails in the neighborhood.

K. Although the scale of the proposed PUD concept plan does not merit perimeter and internal arterial, collector and local streets. The proposed plan will disperse development generated vehicular traffic to a variety of access points and ways, reduce through traffic in adjacent residential neighborhoods and improve resident access to jobs, transit, shopping and recreation. Three vehicular access points – two from Centennial Boulevard and one from W. Fillmore St. – are provided. Both streets are Principal Arterials and provide direct or indirect access to Interstate 25 allowing for easy access to and from the site for the entire community.

L. Streets and drives within the project area are connected to streets outside the project area in a way that minimizes significant through traffic impacts on adjacent residential neighborhoods, but still improves connectivity, mobility choices and access to jobs, shopping and recreation. The three vehicular access points – two from Centennial Boulevard and one from W. Fillmore St. – direct traffic to Principal Arterial streets and will not generate through traffic in adjacent residential neighborhoods. The proposed traffic access will improve connectivity, mobility choices and access to jobs, shopping and recreation in the community.

M. The PUD concept plan provides safe and convenient vehicle and pedestrian connections between uses located within the zone district, and to uses located adjacent to the zone district or development. The PUD concept plan proposes internal circulation and access to uses adjacent to the development to quickly and safely move vehicular and pedestrian traffic from surrounding streets and through the site. This is accomplished in part by utilizing the existing full movement signalized intersection on Centennial Blvd. as the main access point to the site.

N. Adequately sized parking areas will be located to provide safe and convenient access, to avoid excessive parking ratios and avoid excessive expanses of pavement. This will be accomplished by providing multiple parking zones distributed across the site, and possibly by providing structured parking.

O. Open spaces, consisting of Landscape zones, are integrated into the PUD concept plan to serve both as amenities to residents/users and as a means for alternative transportation modes, such as walking and biking. Multiple areas of Landscape zones are proposed to provide connections to the existing Landslide Open Space, accommodate walking trails on the site, and to act as buffers between adjacent uses.

P. The proposed development does not overburden the capacities of existing or planned streets, utilities and other public facilities. As demonstrated in the provided Traffic Impact Analysis, the proposed development of this site will not overburden planned streets. As demonstrated in the provided Drainage Study, HGL, and Wastewater report, the proposed development of this site will not overburden utilities and other public facilities.

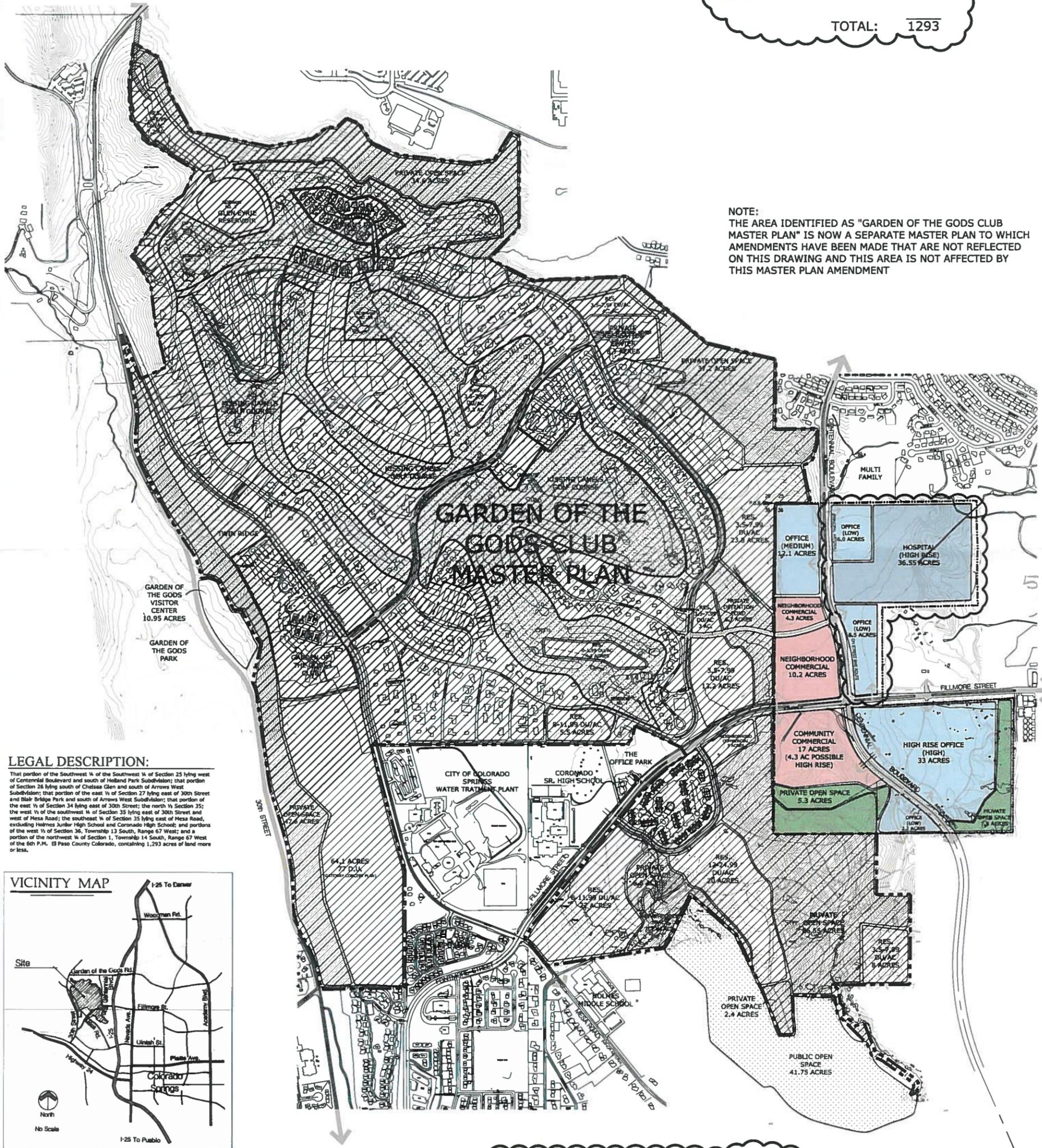
Q. There are no existing areas with unique or significant natural features on the site to be incorporated into the design of the project.

LEGEND:

	ACRES
GARDEN OF THE GODS CLUB MASTER PLAN	1139
OFFICE	61.8
COMMERCIAL	30.35
HOSPITAL	36.55
PUBLIC ROW ROADS	11.7
PRIVATE ROW ROADS	0.8
PRIVATE OPEN SPACE	12.8

TOTAL: 1293

NOTE:
 THE AREA IDENTIFIED AS "GARDEN OF THE GODS CLUB MASTER PLAN" IS NOW A SEPARATE MASTER PLAN TO WHICH AMENDMENTS HAVE BEEN MADE THAT ARE NOT REFLECTED ON THIS DRAWING AND THIS AREA IS NOT AFFECTED BY THIS MASTER PLAN AMENDMENT



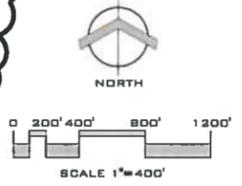
LEGAL DESCRIPTION:

That portion of the Southwest 1/4 of the Southwest 1/4 of Section 25 lying west of Centennial Boulevard and south of Holland Park Subdivision; that portion of Section 26 lying south of Chelsea Glen and south of Arrows West Subdivision; that portion of the east 1/2 of Section 27 lying east of 30th Street and Blair Bridge Park and south of Arrows West Subdivision; that portion of the east 1/2 of Section 34 lying east of 30th Street; the north 1/2 Section 35; the west 1/2 of the southwest 1/4 of Section 35 lying east of 30th Street and west of Mesa Road; the southeast 1/4 of Section 35 lying east of Mesa Road, excluding Holmes Junior High School and Coronado High School; and portions of the west 1/2 of Section 36, Township 13 South, Range 67 West; and a portion of the northwest 1/4 of Section 1, Township 14 South, Range 67 West of the 6th P.M. in Paso County Colorado, containing 1,293 acres of land more or less.

VICINITY MAP



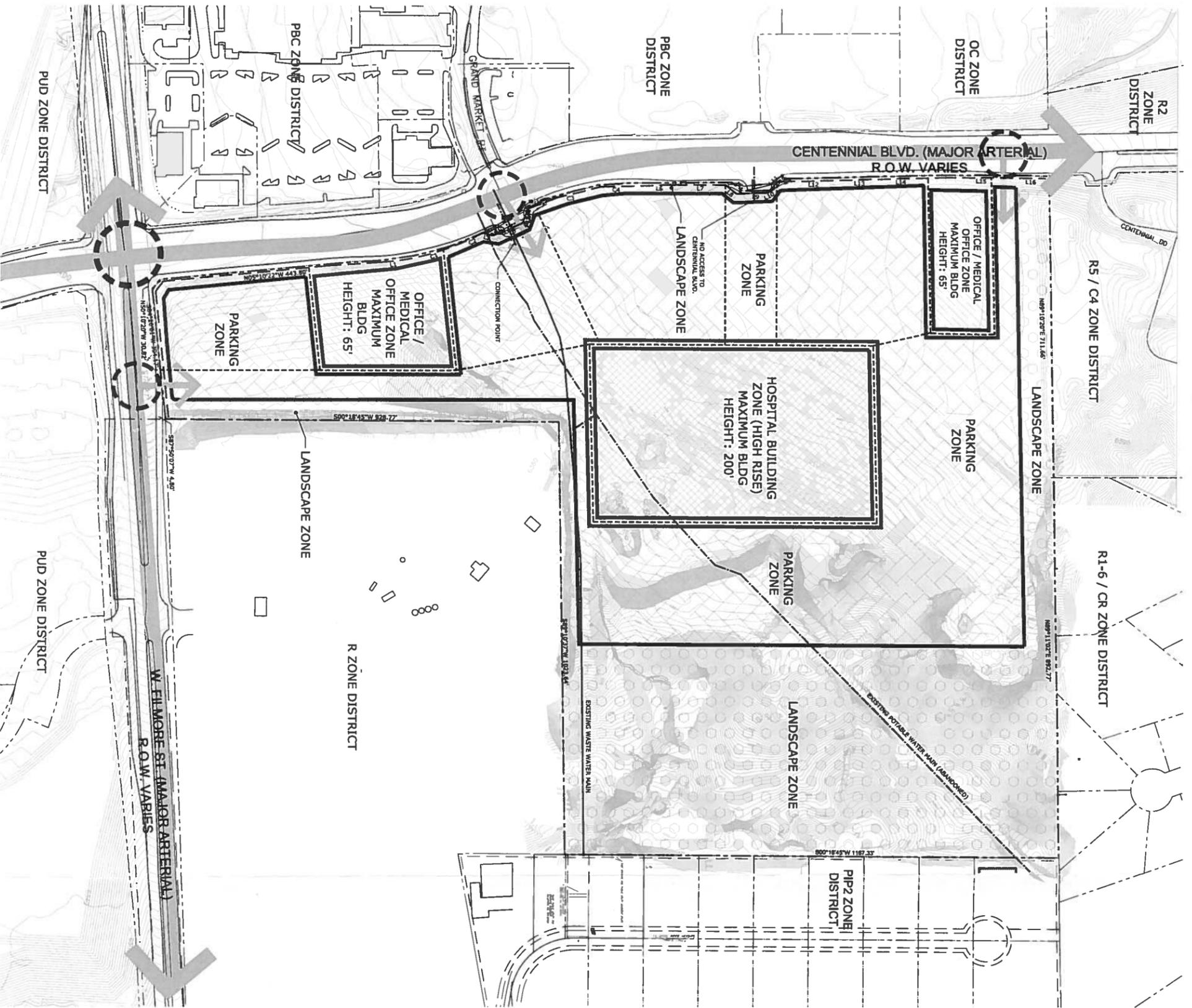
File Numbers	Approval Dates	Amendments
CPC MPA 04-00493-A11M14	Oct. 14, 2014	37.3 Acres of General Industry & 11 acres of Neighborhood Commercial changed to 12.5 acres General Industrial, 19 acres Neighborhood Commercial, & 15.3 acres Office. The 2.7 acres of Private Open Space remains unchanged.



APPLICANT
RTA ARCHITECTS
 19 SOUTH FLORIS STREET, SUITE 200
 COLORADO SPRINGS, CO 80903
 (P) 719-471-7588
 (F) 719-471-1774
 CONTACT: MARK E. PIERSON
 Date: 6-12-2015

HILL PROPERTIES
 AMENDED MASTER PLAN
 HILL DEVELOPMENT CORPORATION
 COLORADO SPRINGS, COLORADO

FIGURE 2



PROPOSED LAND USES

Hospital Building Zone (High Rise): Hospital, Hospice, Consumer convenience services, Convenience food sales, General food sales, Specialty food sales, Quick serve restaurant, Sit down - served at table, Public Assembly, Public park and recreation, Religious institution, Semipublic community recreation.

Office/Medical Office Building Zone: General Office, Medical office, Lab and/or clinic, Medical office/residential use, Commercial center, Consumer convenience services, Convenience food sales, General food sales, Specialty food sales, Retail/medical, Mixed commercial-residential, Personal consumer services, Personal improvement services, Indoor sports and recreation, Outdoor sports and recreation, Neighborhood serving retail, Diverse services, Commercial greenhouse.

Landscape Zones: Landscape areas of varying sizes and configurations

Parking Zone: Parking lot/surface parking (Public and Private), Parking Structure (Public and Private).

GENERAL NOTES

1. Platting: This concept plan is not to be used for preliminary platting purposes.
2. Floodplain Statement: This site, Section 36, Township 13 South, Range 67 West of the 6th P.M., in El Paso County, Colorado, is not within a designated F.E.R.A. Floodplain as determined by the flood insurance rate map of the United States Department of Commerce, Federal Emergency Management Agency, dated 04-00-093-4-11N(1-1).
3. Master Plan: The project site is part of the Hilltopped Master Plan (CPC MPA 04-00-093-4-11N(1-1)).
4. Phasing: At this time, there are no plans for phased construction. However, the final design will allow for future expansion. Construction is anticipated to begin in February 2017 and be completed in May 2019.

LEGEND

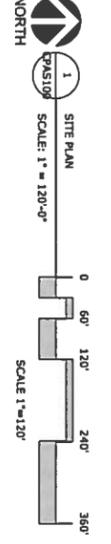
Symbol	Description	Acres
[Hatched Box]	HOSPITAL BUILDING ZONE (HIGH RISE): -MAXIMUM SQUARE FOOTAGE - HOSPITAL: 775,000 -MAXIMUM SQUARE FOOTAGE - CENTRAL PLANT BUILDING: 30,000	5.77
[Hatched Box]	OFFICE / MEDICAL OFFICE BUILDING ZONE: -MAXIMUM SQUARE FOOTAGE: 227,000	2.71
[Hatched Box]	LANDSCAPE ZONE:	18.24
[Hatched Box]	PARKING ZONE:	24.33
[Total Area]	TOTAL CONCEPT PLAN AREA:	51.05
[Dashed Circle]	ACCESS POINT	
[Dashed Line]	PRIVATE PEDESTRIAN CIRCULATION	
[Dashed Line]	PUBLIC PEDESTRIAN CIRCULATION	
[Dashed Line]	EXISTING POTABLE WATER MAIN (ABANDONED)	
[Dashed Line]	EXISTING WASTE WATER MAIN	

TABLE OF CURVES

NO.	DELTA ANG.	RADIUS	ARC LEN.	CHORD BRG
C1	08°12'56"	763.67'	109.50'	N08°44'51"
C2	11°29'32"	762.59'	152.96'	N20°19'13"
C3	15°04'37"	645.00'	169.73'	N17°08'35"
C4	08°47'51"	643.21'	98.76'	N03°08'07"

TABLE OF LINES

NO.	BEARING	DIST.
L1	N03°15'35"	79.67'
L2	N15°28'26"	31.66'
L3	N24°52'40"	75.00'
L4	S65°07'20"	12.00'
L5	N64°49'00"	22.58'
L6	N01°05'59"	72.62'
L7	N00°48'46"	140.00'
L8	N39°06'33"	31.94'
L9	N00°48'46"	75.00'
L10	N89°11'14"	12.00'
L11	N40°27'17"	22.73'
L12	N00°48'46"	138.00'
L13	N01°46'03"	180.03'
L14	N00°48'46"	66.00'
L15	N01°05'47"	180.10'
L16	N00°48'46"	68.54'



CPC CP

CITY FILE NUMBER

PENROSE - ST. FRANCIS NEW CAMPUS
NORTHEAST CORNER OF CENTENNIAL BLVD & W. FILLMORE ST.
COLORADO SPRINGS, CO 80908



FIGURE 3