



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO  
80903

## Regular Meeting Agenda Planning Commission

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Thursday, April 21, 2016

8:30 AM

Council Chambers

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### 1. Call to Order

### Approval of the Record of Decision (minutes) for the March 17, 2016 City Planning Commission Meeting.

### 2. Communications

- 2.A. [CPC-002](#) Director Updates, Peter Wysocki
- 2.B. [CPC-003](#) DRB Updates, Ryan Tefertiller / Commissioner Walkowski

### CONSENT CALENDAR

**These items will be acted upon as a whole, unless a specific item is called for discussion by a Commissioner or a citizen wishing to address the Planning Commission. (Any items called up for separate consideration shall be acted upon following the Consent Vote.)**

### 3. CONSENT CALENDAR

- 3.A [CPC CU](#)  
[16-00035](#) Catagonia at Centennial Commons Conditional Use to allow an indoor cat kennel in a PBC zone district at 4701 Centennial Boulevard.

Presenter:

Hannah Van Nimwegen, Planner II, Land Use Review Division of the Planning and Community Development Department

**Attachments:**

- [CPC Staff Report](#)
- [Figure 1 - Site Plan](#)
- [Figure 2 - Project narrative](#)
- [7.5.704 Conditional Use Review](#)

- 3.B**     [CPC CU  
16-00036](#)     A conditional use for 4031 Shelley Avenue to allow a licensed large daycare home for seven (7) to twelve (12) children in an R1-6000/AO zone district.  
Quasi-Judicial

Presenter:

Conrad Olmedo, Planner II, Planning and Community Development

**Attachments:**

[CPC Staff Report](#)

[Figure 1 - Site Plan](#)

[Figure 2 - Project Statement](#)

[7.5.704 Conditional Use Review](#)

#### **4. UNFINISHED BUSINESS**

- 4.A**     [CPC CA  
16-00008](#)     Reconsideration of an ordinance repealing and reordaining Section 906 (Appeals) of Part 9 (Notice, Hearings And Appeals) of Article 5 (Administration And Procedures) of Chapter 7 (Planning, Development And Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Appeals. - Legislative

Presenter:

Carl Schueler, Comprehensive Planning Manager, Department of Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

**Attachments:**

[AppealsCode Change CPC Staff Report 4-12-16](#)

[Figure 1a-Ord\\_Plan\\_Dev-Appeals\\_2016-4-11 clean](#)

[Figure 1b-Ord\\_Plan\\_Dev-Appeals\\_2016-4-11 redline](#)

[Figure 2 Record of Decision Placeholder](#)

[Appeals PP\(v2\)](#)

#### **5. NEW BUSINESS CALENDAR**

**5.A.1** [CPC PUZ  
15-00143](#)

North Fork at Briargate PUD Zone Change, changing the zoning of 168 acres from A (Agriculture) to PUD (Planned Unit Development) for single-family residential development, located near Echo Canyon Drive and North Powers Boulevard.  
(North Fork at Briargate) Quasi-Judicial  
Related Item: CPC PUD 15-00146

Presenter:  
Katie Carleo, Principal Planner, Planning and Community Development

**Attachments:**

[CPC Staff Report, North Fork at Briargate - FINAL](#)  
[FIGURE 1 SITE PLAN](#)  
[FIGURE 2 PROJECT STATEMENT](#)  
[FIGURE 3 TRAFFIC RESPONSE BY APPLICANT](#)  
[FIGURE 4 WRITTEN OPPOSITION](#)  
[FIGURE 5 APPLICANT RESPONSE](#)  
[FIGURE 6 LA SITE PLAN](#)  
[FIGURE 7 MOUSE HABITAT](#)  
[7.5.603.B Establishment or change of zone district boundaries](#)  
[7.3.603 Establishment & Development of a PUD Zone](#)

**5.A.2** [CPC PUD  
15-00146](#)

North Fork at Briargate Development Plan for a 602 lot, single-family residential development located near Echo Canyon Drive and North Powers Boulevard..  
(North Fork at Briargate) Quasi-Judicial

Related Item: CPC PUZ 15-00143

Presenter:  
Katie Carleo, Principal Planner, Planning and Community Development

**Attachments:**

[FIGURE 1 SITE PLAN](#)  
[FIGURE 2 PROJECT STATEMENT](#)  
[FIGURE 3 TRAFFIC RESPONSE BY APPLICANT](#)  
[FIGURE 4 WRITTEN OPPOSITION](#)  
[FIGURE 5 APPLICANT RESPONSE](#)  
[FIGURE 6 LA SITE PLAN](#)  
[FIGURE 7 MOUSE HABITAT](#)  
[7.3.606 PUD Development Plan](#)  
[7.5.502.E Development Plan Review](#)

- 5.B.1** [CPC ZC  
16-00018](#) A zone change from C-6 (General Business) to M-1 (Light Industrial) for 10.7 acres located at 3640, 3720 and 3760 Drennan Road. (Springs Waste) (Quasi-Judicial)  
Related Item: CPC CP 16-00019

Presenter:

Mike Turisk, Planner II, Planning and Community Development

**Attachments:**

[CPC Staff Report.docx](#)

[FIGURE 1\\_ZONE CHANGE PROJECT STATEMENT](#)

[FIGURE 2\\_CONCEPT PLAN PROJECT STATEMENT](#)

[FIGURE 3\\_CONCEPT PLAN](#)

[7.5.603.B Establishment or change of zone district boundaries](#)

- 5.B.2** [CPC CP  
16-00019](#) Springs Waste concept plan for a 10.7 acre site located at 3640, 3720 and 3760 Drennan Road (Quasi-Judicial)  
Related Item: CPC ZC 16-00018

Presenter:

Mike Turisk, Planner II, Planning and Community Development

**Attachments:**

[FIGURE 2\\_CONCEPT PLAN PROJECT STATEMENT](#)

[FIGURE 3\\_CONCEPT PLAN](#)

[7.5.501.E Concept Plans](#)

- 5.C.1** [CPC A  
15-00060](#) Annexation of 7.71 acres located near the northwest corner of Powers Boulevard and Dublin Boulevard into the City of Colorado Springs. (Kum and Go Store #685) (Legislative)  
Related Items: CPC ZC 15-00081, CPC DP 15-00082

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development

**Attachments:**

[Kum and Go Annexation Staff Report](#)

[Figure 1 - Project Statement](#)

[Figure 2 - Annexation Plat](#)

[Figure 3 - Fiscal Impact Analysis](#)

[Figure 4 - Draft Annex Agreement - CPC Version](#)

[Figure 5 - Development Plan](#)

[Criteria-7.6.203-Annexation Conditions](#)

- 5.C.2** [CPC ZC  
15-00081](#) Establishment of PBC/AO (Planned Business Center with Airport Overlay) zoning for the annexed area. (Kum & Go #685) (Legislative)  
Related Items: CPC A 15-00060, CPC DP 15-00082

Presenter:  
Mike Schultz, Principal Planner, Planning and Community Development

**Attachments:** [7.5.603.B Establishment or change of zone district boundaries](#)

- 5.C.3** [CPC DP  
15-00082](#) A development plan for Kum and Go Store #685 on 1.877 acres.  
(Quasi-Judicial)  
Related Files: CPC A 15-00060, CPC ZC 15-00081

Presenter:  
Mike Schultz, Principal Planner, Planning and Community Development

**Attachments:** [Figure 5 - Development Plan](#)  
[7.5.502.E Development Plan Review](#)

- 5.D.1** [CPC A  
14-00131-1](#) Colorado Springs Airport Annexation Filing #1 located southwest of Space Village Drive and Marksheffel Road consisting of 31.158 acres.  
(Related Item: CPC ZC 14-00132) Legislative

Presenter:  
Mike Schultz, Principal Planner, Land Use Review Division of the Planning and Community Development Department

**Attachments:** [Colorado Springs Airport Annex staff report](#)  
[Figure 1 Filing 1 Annexation Plat](#)  
[Figure 2 Filing 2 Annexation Plat](#)  
[Figure 3 Filing 3 Annexation Plat](#)  
[Figure 4 Project Statement](#)  
[Figure 5 Letter from Pinello](#)  
[Figure 6 Airport Operations Master Plan](#)  
[Criteria-7.6.203-Annexation Conditions](#)

**5.D.2** [CPC A  
14-00131-2](#)

Colorado Springs Airport Annexation Filing #2 located between Highway 94 and Airport Lane and totaling 18.89 acres.  
(Related Item: CPC ZC 14-00132) (Legislative)

Presenter:  
Mike Schultz, Principal Planner, Planning and Community Development

**Attachments:** [Figure 2 Filing 2 Annexation Plat](#)  
[Criteria-7.6.203-Annexation Conditions](#)

**5.D.3** [CPC A  
14-00131-3](#)

Colorado Springs Airport Annexation Filing #3 located southeast of the intersection of Highway 24 and Powers Boulevard and consisting of 47.484 acres.  
(Related Item: CPC ZC 14-00132) (Legislative)

Presenter:  
Mike Schultz, Principal Planner, Planning and Community Development

**Attachments:** [Figure 3 Filing 3 Annexation Plat](#)  
[Criteria-7.6.203-Annexation Conditions](#)

**5.E.1** [CPC ZC  
14-00132-1](#)

Establishment of the APD/AO/APZ (Airport Planned District with Airport Overlay and Accident Potential Zone) for the Colorado Springs Airport Annexation Filing #1.

Related File: CPC A 14-00131 (Airport Annexation Filing #1)  
Legislative

Presenter:  
Mike Schultz, Principal Planner, Planning and Community Development Department

**Attachments:** [7.5.603.B Establishment or change of zone district boundaries](#)

**5.E.2** [CPC ZC  
14-00132-2](#)

Establishment of the APD/AO/APZ (Airport Planned District with Airport Overlay and Accident Potential Zone) zone district for Colorado Springs Airport Annexation Filing #2.

Related File: CPC A 14-00131 (Airport Annexation Filing) Legislative

Presenter:  
Mike Schultz, Principal Planner, Planning and Community Development

**Attachments:** [7.5.603.B Establishment or change of zone district boundaries](#)

**5.E.3** [CPC ZC  
14-00132-3](#)

Establishment of the APD/AO/APZ (Airport Planned District with Airport Overlay and Accident Potential Zone) zone district for the Colorado Springs Airport Annexation Filing #3.

Related File: CPC A 14-00131(Airport Annexation Filing) Legislative

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development Department

**Attachments:** [7.5.603.B Establishment or change of zone district boundaries](#)

**5.F** [CPC CA  
16-00044](#)

Endorsement of a resolution adopting the North Nevada/University of Colorado, Colorado Springs Economic Opportunity Zone Task Force Findings and Recommendations, for strategic planning purposes (Legislative).

Presenter:

Carl Schueler, Comprehensive Planning Manager, Department of Planning and Community Development  
Peter Wysocki, Director of Planning and Community Development

**Attachments:** [NNEOZ CPC Staff Report 2016](#)  
[Figure 1- NevadaEOZResolution](#)  
[Figure 2- North Nevada Task Force Findings and Recommendations FINAL 022](#)  
[Figure 3- NNEOZ2016Supplemental\\_Attachment](#)  
[PowerPoint- N. Nevada EOZ Resolution](#)

**5.G** [CPC CA  
16-00043](#)

Endorsement of a resolution adopting the Academy Boulevard Economic Opportunity Zone Action Plan, for strategic planning purposes (Legislative).

Presenter:

Carl Schueler, Comprehensive Planning Manager, Department of Planning and Community Development  
Peter Wysocki, Director of Planning and Community Development

**Attachments:** [ABEOZ CPC Staff Report 2016](#)  
[Figure 1- AcademyEOZResolution RSC redline \(KV rev\)](#)  
[Figure 2- South Academy Economic Opportunity Zone Action Plan \(3\)](#)  
[PowerPoint- Academy EOZ Resolution](#)

- 5.H.1** [16-275](#) An ordinance amending Section 205 (Additional Standards For Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development And Building) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Medical Marijuana Centers.

Presenter:

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [MMJ\\_Facility-1000Buffer-2016-03-24](#)

[MMJ CPC staff report](#)

[MMJ task force slides](#)

- 5.H.2** [16-277](#) An ordinance amending Section 105 (Additional Standards For Specific Land Uses Allowed In Residential Zones) of Part 1 (Residential Districts) of Article 3 (Land Use Zoning Districts) Of Chapter 7 (Planning, Development And Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Personal Cultivation of Marijuana and Medical Marijuana.

Presenter:

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [MJ\\_PlantCount-Residential-2016-03-24](#)

[041116 MMJ task force slides.pptx](#)

- 5.H.3** [16-291](#) An ordinance amending Section 302 (Definitions Of Use Types) of Part 3 (Land Use Types And Classifications) of Article 2 (Basic Provisions, Definitions And Land Use Types And Classifications) and Sections 203 (Permitted, Conditional And Accessory Uses) and 205 (Additional Standards For Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development And Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Medical Marijuana Centers.

Presenter:

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [MMJ\\_DefinitionsAndZoningUseTablesORD-2016-04-05](#)

## **6. Adjourn**



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

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**File #:** CPC CU 16-00035, **Version:** 1

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Catagonia at Centennial Commons Conditional Use to allow an indoor cat kennel in a PBC zone district at 4701 Centennial Boulevard.

**Presenter:**

Hannah Van Nimwegen, Planner II, Land Use Review Division of the Planning and Community Development Department

**Proposed Motion:**

Approve the conditional use to allow an indoor kennel facility within the PBC zone district at 4701 Centennial Boulevard, based upon the finding that the request complies with the Conditional Use Review Criteria in City Code Section 7.5.704.

**CITY PLANNING COMMISSION AGENDA**

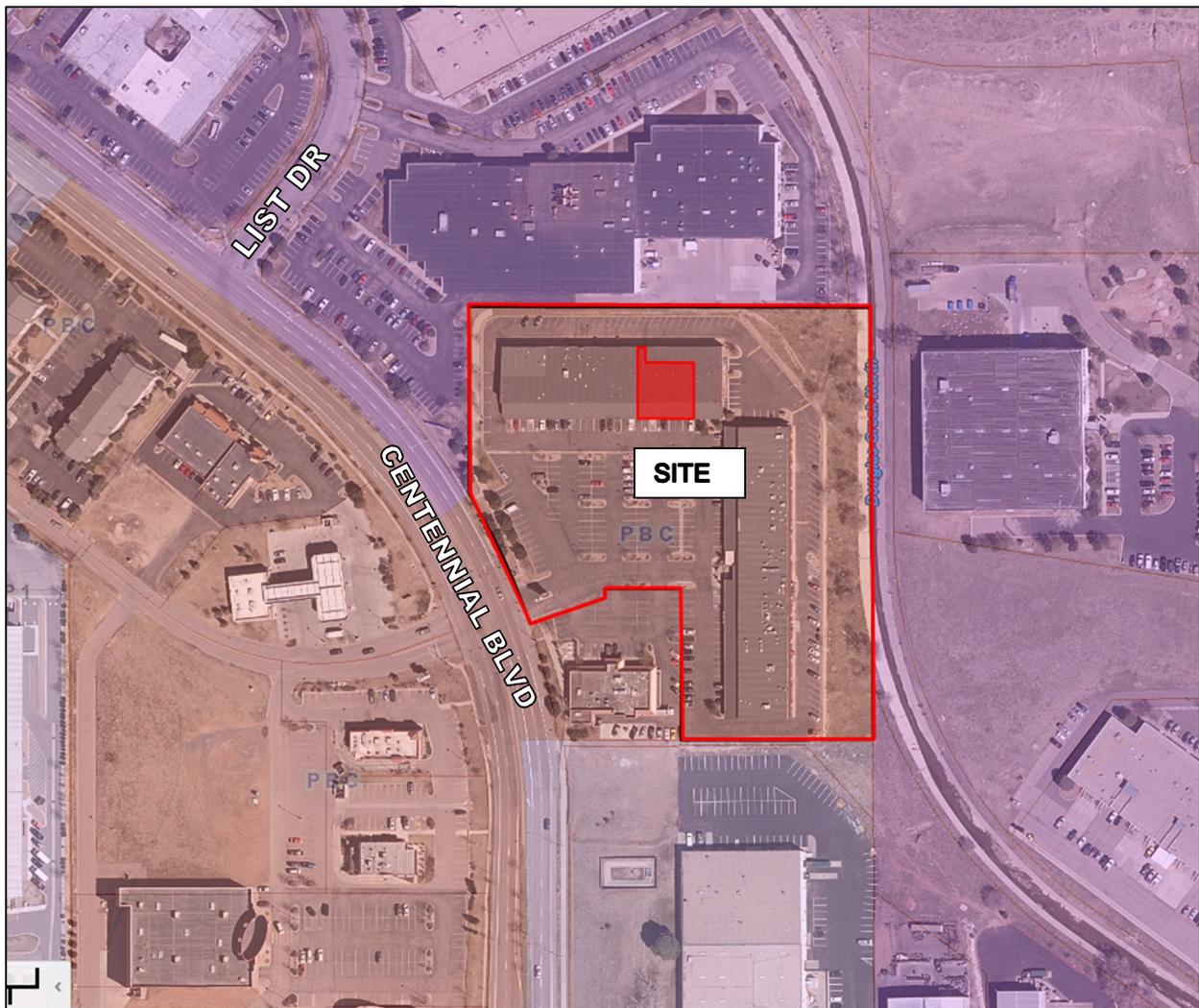
**STAFF: HANNAH VAN NIMWEGEN**

**FILE NO(S):**  
**CPC CU 16-00035 – QUASI-JUDICIAL**

**PROJECT: CATAGONIA AT CENTENNIAL COMMONS**

**APPLICANT: SHANNAN LONGLEY**

**OWNER: ROBERT GREYER ON THE BEHALF OF MOESER SQUARE PARTNERS, LLC**



**PROJECT SUMMARY:**

1. Project Description: This project is a conditional use to allow an indoor cat kenneling facility in a 3,899 square foot suite within an existing commercial building on a 5.55 acre property that is zoned PBC (Planned Business Center) and located at 4701 Centennial Boulevard. Indoor animal kennels are a conditional land use within the PBC zone district. The accompanying site plan illustrates the 3,899 square foot existing suite within the existing commercial building. **(FIGURE 1)**
2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Team's Recommendation: Staff recommends approval of the Conditional Use.

**BACKGROUND:**

1. Site Address: 4701 Centennial Boulevard
2. Existing Zoning/Land Use: PBC/Various commercial uses including retail, restaurant, and religious services.
3. Surrounding Zoning/Land Use: North: PIP-2/HS/Business center, office and warehouse uses  
South: PIP-1/Business center, office and warehouse uses  
East: PIP-2/HS/Douglas Creek then office and warehouse uses  
West: PBC/CR/Various commercial uses including convenience store, gas station, and drive through restaurants
4. Comprehensive Plan/Designated 2020 Land Use: Employment Center
5. Annexation: Pope's Bluff Addition, 1965
6. Master Plan/Designated Master Plan Land Use: This site is not included in a Master Plan.
7. Subdivision: Centennial Commons Filing Number 1
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is paved and developed. There are no significant changes in grade or other significant natural features.

**STAKEHOLDER PROCESS AND INVOLVEMENT:**

Public notice was provided to 24 property owners within 500 feet of the site on two occasions: 1) after the submittal of the applications, 2) prior to the Planning Commission meeting. The site was also posted on those two occasions. No public comments were received.

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

1. Review Criteria / Design & Development Issues:  
This project requires a conditional use to allow an indoor only cat kenneling facility in a 3,899 square foot suite within an existing building on a 5.55 acre property that is zoned PBC (Planned Business Center) and located at 4701 Centennial Boulevard. Indoor animal kennels are a conditional land use within the PBC zone district.

Catagonia Cat Hotel is a luxury boarding facility designed specifically for cats. This includes private rooms complete with perches, bridges, nap boxes, and 'hideaway' areas. This facility will only board cats indoors, and will not have an outdoor run or any outdoor space. Catagonia Cat Hotel will not provide any veterinary service or other grooming services.

The existing commercial shopping center was built in the late 1990's and has been operating with a myriad of commercial, retail, personal service, and restaurant uses since construction. There are no proposed exterior modifications included with this proposal. Given that the proposed facility will have not outdoor kennels, there should be no impacts to the adjoining commercial uses within the building.

2. Conformance with the City Comprehensive Plan:

It is the finding of the Land Use Review Division that the Conditional Use request substantially conforms to the City Comprehensive Plan 2020 Land Use Map and the Plan's goals and objectives.

*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.

*Strategy LU 701e: Combine Commercial and Employment Uses in Regional Centers Designed to Serve Residents throughout the City and the Region*

Combine commercial center with employment center uses so that they are mutually supportive in a single, integrated regional destination. Include the full range of mixed uses from regional mall anchor stores and corporate headquarters to specialty retail and higher density housing. Design commercial uses in regional centers with good external access from limited access freeways and good internal circulation via a system of commercial streets, pedestrian paths, and well-designed parking.

3. Conformance with the Area's Master Plan: This site is not included in a Master Plan.

**STAFF RECOMMENDATION:**

**CPC CU 16-00035 – CONDITIONAL USE**

**Approve** the conditional use to allow an indoor kennel facility within the PBC zone district at 4701 Centennial Boulevard, based upon the finding that the request complies with the Conditional Use Review criteria in City Code Section 7.5.704.



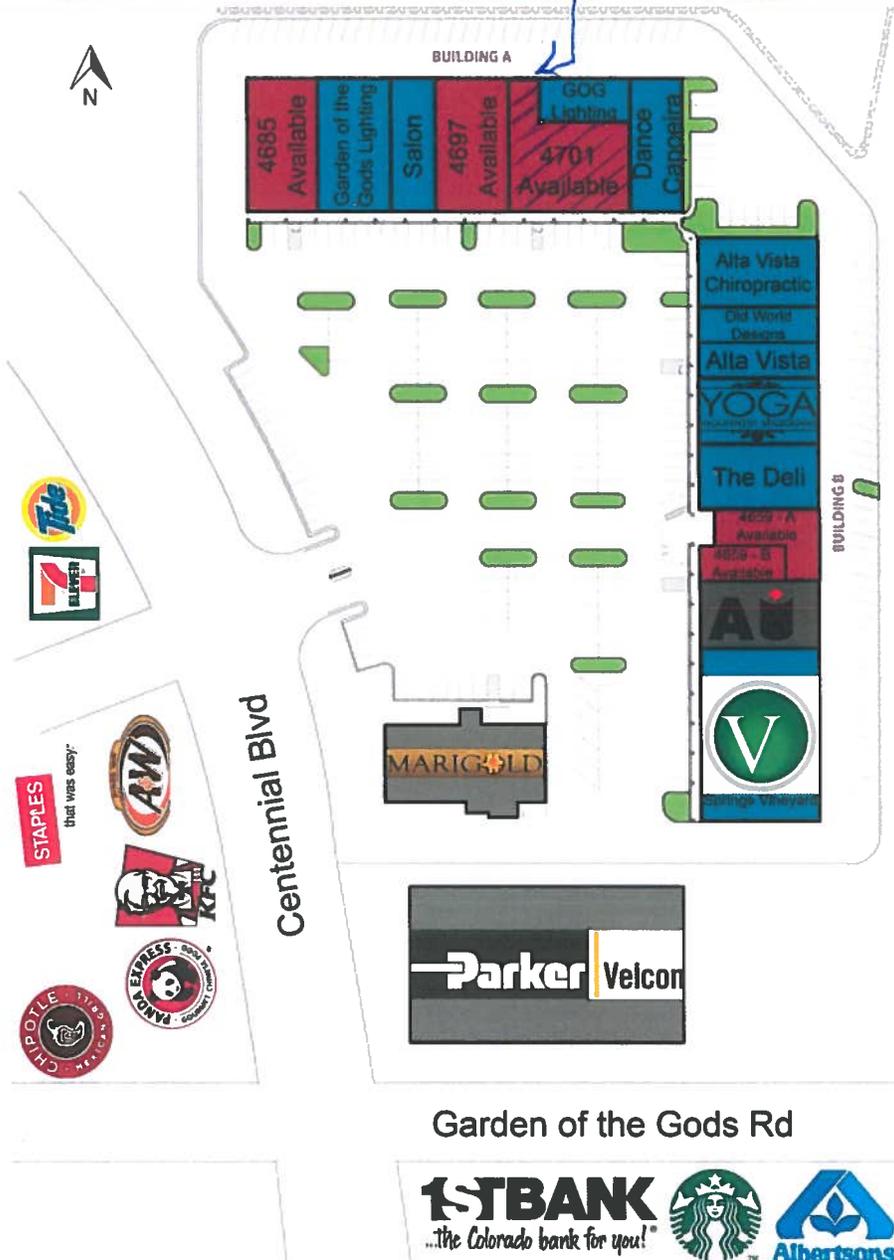
Colorado Springs  
 Commercial

RETAIL FOR LEASE

4645-4705 Centennial Blvd.

Colorado Springs, CO 80907

4701  
 Cotagena



<b>TOTAL SIZE</b>	57,640 SF
<b>LEASE RATE NNN</b>	\$17.50-\$20.00 PSF
<b>EXPENSES</b>	\$4.28 PSF (2016 Est.)

AVAILABLE SUITE	SQUARE FOOTAGE
4685	5,055 RSF
4697	5,264 RSF
4701	3,899 RSF
4659-A	3,280 RSF
4659-B	1,080 RSF

<b>COMBINED TRAFFIC COUNT</b>	53,503 vpd
<b>ZONING</b>	PBC

Ideal For:

- Fitness Concept
- Flooring Store
- Jewelry Store
- Mattress Store
- Dollar Store
- Furniture Store
- Optical Center
- Pet Store
- Bank/Credit Union
- Mexican Restaurant
- Italian Restaurant
- Sports Bar

DEMOGRAPHICS	1 MILE	3 MILE	5 MILE
<b>EST 2014 POPULATION</b>	7,514	55,712	153,919
<b>TOTAL HOUSEHOLDS</b>	3,365	24,242	67,702
<b>MEDIAN HH INCOME</b>	\$56,539	\$54,740	\$51,338
<b>AVG. HH INCOME</b>	\$78,831	\$76,103	\$69,288

# Executive Summary

## Opportunity

### Problem

People need to be guilt and worry free when they leave for business or vacation and board their cats. Those tiny boxes that typical kennels offer simply aren't good enough, and the last thing your cat wants to listen to all day are barking dogs. Cats often return home scared, stressed and even sick but now there's a better option:

### Solution

Catagonia Cat Hotel is the first luxury boarding facility in the area designed specifically for cats, offering not only live webcam monitoring 24/7 for traveling families, but pick up and delivery service as well.

Each cat enjoys a spacious and private condo, outfitted from floor to ceiling with custom built perches, bridges and nap boxes. For our more timid guests, each room also has a perfect hideaway spot to keep kitty feeling secure until it's safe enough to start exploring.

Keeping the health and safety of our guests in mind, we've designed a state of the art ventilation system that keeps litter box areas odor free. Each condo has its own air duct that channels litter box air directly to the outside.

Peace of mind is made easy at Catagonia Cat Hotel.



## Catagonia Cat Hotel

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Live streaming webcam monitoring is available to all guests, and the best part is: It's included in the price.

### **Market**

Our target customers have two things in common: They have cats and they travel.

According to ReferenceUSA, there are over 15,000 people in Colorado Springs alone that fit this description. That is not including the 45,000 military members in the city that are required to travel regularly on orders.

### **Competition**

Cat owners have many average boarding options in town, but even the one so-called luxury option has major shortfalls by comparison to Catagonia Cat Hotel. We differentiate ourselves from them in several ways: Our customer experience is second to none with 24/7 webcams and modern booking software, we have the largest and most impressive cat condos in town, we give individualized care compliments of our cat personality profile, and we are the only feline boarding facility in Colorado Springs that offers pick up and delivery.

### **Expectations**

#### **Forecast**

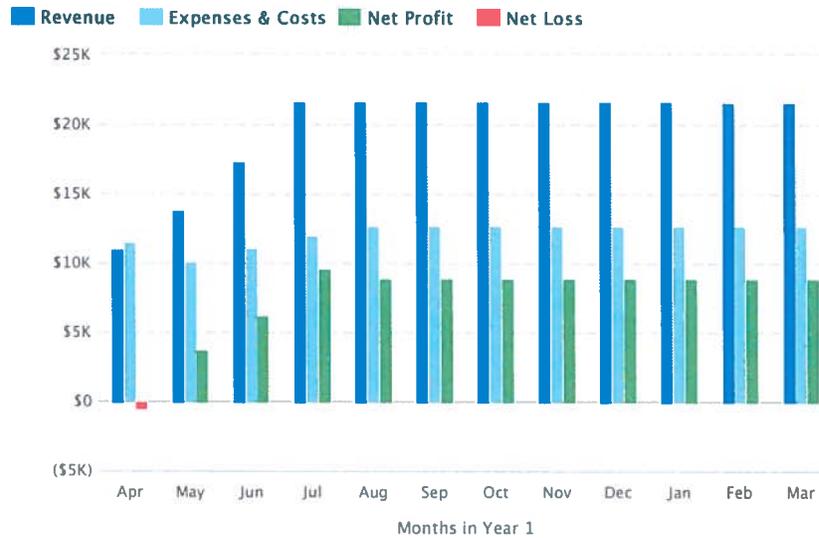
In our first year of business, we are projected to make a net profit of \$118,000. For fiscal years 18' and 19' we are projected to make a net profit of \$143,000 both years. Since growth is directly related to the square footage of the retail space, and because it is assumed Catagonia Cat Hotel will not move locations in the next three years, we expect an indefinite \$143,000 per year net profit.

We are expected to become profitable in month two.

## Catagonia Cat Hotel

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### Financial Highlights (Year one)



### Financing Needed

Catagonia Cat Hotel is seeking \$62,000 in financing to fund capital expenditures and start up costs. The money will go toward building and furnishing the actual condos, installing the webcams and associated IT equipment, purchasing the necessary laundry and dishwashing appliances and building a break area for employees.

# Opportunity

## Problem & Solution

### Problem Worth Solving

You know how business travel and vacations always leave you with the challenge of finding reliable care for your cat? Average kennels are far too loud and unreasonably cramped, often resulting in stress that causes actual sickness in cats.

Inconveniencing friends or neighbors to care for kitty is equally unappealing and besides, we all know that even with them, we still worry.

Introducing, Catagonia Cat Hotel: A luxury boarding facility designed for cats, and cats only, intended for your peace of mind. We provide a clean, quiet and spacious environment where cats can either relax in peace in their elevated perches or explore the towering catwalks in their private 5 x 8 foot, floor to ceiling rooms. With each individual room equipped with live webcam streaming at no additional charge, families can check in on your cat 24 hrs a day.

Travel with peace of mind, compliments of Catagonia Cat Hotel.

## Target Market

### Market Size & Segments

The humanization of pets has turned pet owners into pet parents and the human-animal bond continues to strengthen. Our business focuses on a diverse group of customers, but they all have two things in common: they have cats and they travel.

From 2009 to 2015, pet kennel/boarding expenditures in the U.S. grew by an average of 7.1% per year to \$3.24 billion. Solid growth is projected for this industry over the next few years, primarily due to the drivers of rising pet population figures, improving economic conditions, and the skyrocketing popularity of upscale boarding establishments with high-end services. Overall from 2016 to 2019, pet kennel/boarding

## Catagonia Cat Hotel

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expenditures for cats specifically are expected to increase by an average of 5.9% per year, reaching \$1.35 billion in 2019. At this time, cats will account for 33.0% of total pet kennel/boarding expenditures.

Females account for 67% of cat ownership in the U.S. and 80% of those owners are 30 years old or more. Married couples account for 47% of cat ownership however through 2019, unmarried couples living together and single consumers will make the largest cat ownership gains. Currently, baby boomers and empty nesters have been primarily responsible for driving sales of premium pet services including boarding, because of their high levels of disposable income. Colorado Springs has a uniquely high population of military members who are notoriously known for being required to travel away from home. In the city alone, there are 45,000 Active Duty military members whose spending accounts for \$2.5 billion annual impact.

## Competition

### Current Alternatives

There is currently only one other "luxury" cat-only boarding facility near Colorado Springs, called Colorado Cat Hotel. Located in Black Forest, they offer cat condos measuring 3x3 ft with an attached small outdoor enclosure. Even despite a non-existent marketing budget or strategy, they are fully booked approximately 3 weeks out at any given point, indicating the demand for this type of service far outweighs Colorado Springs' current supply.

### Our Advantages

While it's possible that customers with long standing loyalty to Colorado Cat Hotel will continue their patronage there, Catagonia Cat Hotel will strongly appeal to the targeted market for several reasons. First, we will have more available units and a superior and more spacious room design to include ceiling mounted hammocks, tunnels, bridges and hide-away boxes. Additionally, Colorado Cats does not have webcams, nor does the owner have ties to the Colorado Springs military community, giving us a major advantage in marketing potential. Lastly, our shuttle service will not only widen our geographic customer base, it also allows for much greater flexibility for

## Catagonia Cat Hotel

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busy customers trying to get out the door for their next vacation or business trip.  
Lastly, Catagonia Cat Hotel Staff will be Pet CPR Certified.

# Execution

## Marketing & Sales

### Marketing Plan

Younger pet owners are active online and are looking to take part in the development of new products or services through social media interaction. As such, Catagonia Cat Hotel will be active on Facebook, Instagram and Pintrest. We will also run advertisements on Google. Messaging through these online mediums will focus on photos that capture both the audiences interest and our competitive advantage, for example, our ceiling mounted catwalks and hammocks.

To reach the 50+ demographic who are typically not as active on social media, there are a variety of local publications where we can advertise. The messaging there will not only show photos of our impressive enclosures, but will detail all of the available services such as our Cat Shuttle, grooming and free play areas. Colorado Springs' local publications are listed here:

- Springs Magazine
- The Gazette
- The Independent
- Petacular
- Flying Horse Magazine

Lastly, Catagonia Cat Hotel is expecting that a significant amount of our business will come from veterinary referrals. In the months leading up to opening, Shannan will visit all local veterinary clinics that do not have in-house boarding facilities, talk to their care providers, and leave them with pamphlets and informational print media. Here, as with our other two marketing areas, we expect photos of our unique enclosures to capture customer's interest and promote word-of-mouth advertising.

Another important aspect of our marketing plan is how we conduct existing customer follow up. We will offer seasonal promotional deals, coupons, offer a 'frequent

## Catagonia Cat Hotel

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flyer' points card, offer targeted military discounts, tag customers on Instagram with photos of their cat(s), and in the fledgling stages of business, send handwritten thank you notes.

### Sales Plan

All of the aforementioned marketing vehicles will point the customer to our website, CatagoniaCatHotel.com where customers can pre-pay for services through an e-commerce add in. We will also accept cash, check or credit card in person however, on catagoniacathotel.com, customers will have the power to:

- View availability
- Request a reservation
- Specify medication needs
- Specify feeding instructions
- Fill out cat personality profile
- Request free play time
- Request grooming services
- Request Cat Shuttle services
- View live webcam feed

## Operations

### Locations & Facilities

Catagonia Cat Hotel will be located in the Centennial Commons shopping center, on Centennial Blvd just north of Garden of the Gods Road. This location is ideal for it is a quiet shopping center nestled back from a high exposure road, frequented by higher income patrons. Moreover, the each unit has a warehouse-like area with tall ceilings enabling the building of two 'floors' of cat condos (a lower level, and a mezzanine level).

## Technology

Our customer-facing technology is PawLoyalty software, accessible via our website.

This software is designed specifically for managing pet kennels, and it allows clients to request a reservation, specify feeding and/or medication needs, fill out the pet personality profile, upload a photo of the cat, and pay. Once checked in, customers will get access to our webcam service via a unique username and password, which they can also access through our website.

Behind the scenes, Shannan will use QuickBooks Online for our bookkeeping and payroll processing, PawLoyalty to track employee hours, kennel scheduling and client information, MailChimp for email newsletters, and the usual social media sites (Facebook, Instagram, etc.) to connect with our customers and solicit feedback.

## Milestones & Metrics

### Key Metrics

Since our core prices are fixed, we are focused on maximizing our unit counts and occupancy rates. The Cat Shuttle service is our only add-on charge, but is intended only to widen our geographic target market and will not be considered a primary performance metric.

Our costs are relatively consistent with the major exception of labor. We want to staff our Hotel with quality, reliable individuals to provide the best service in the industry. If our unit counts fall however, our labor costs per unit will climb, so we are watching that closely.

# Company

## Overview

Catagonia Cat Hotel, Ltd. is registered as a limited liability company. The founder is Shannan Longley who owns 100% control of the company. No outside investors are involved at this point however, Shannan envisions opportunities for franchising the company in the future.

## Team

### Management Team

Shannan is a veteran Air Force officer with 8 years of invaluable project management and leadership experience. Additionally while on Active Duty, she completed her Masters of Business Administration with the intent of one day opening this very business. Shannan is impeccably organized, responsible, precise but creative, a personable and professional communicator, and an innovative thinker. The most important thing the Air Force taught her was the value of taking care of her people. While she loves leading people, needless to say, she also has a passion for cats.

As we scale up, our management team will undoubtedly grow. I look forward to bringing on part-time employees to run day-to-day operations so that I can better focus on growing the business.

### Advisors

- Mike Nocket, owner of Evergreen Cat Lodge in Evergreen, CO
- Karen Durand, SCORE Small Business Start-up Mentor
- Taryn Sweeney, owner of White Rabbit Beads in Old Colorado City, and personal friend
- Mark Maeyama, pet service industry insurance and liability expert, and family friend
- Terry Zarski, Pikes Peak Library District Business Services Librarian

## Catagonia Cat Hotel

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- Aaron Kiewicz, Mt Carmel Center of Excellence, Veteran Integration Program Peer Navigator
- Kimberly Gilbert, accounting and finance expert, and family friend

## SIC / NAICS Codes

- 075210 Pet Services
- 519108 Pet Products & Services
- 075211 Kennels & Pet Boarding
- 075223 Cats - Products & Services
- 027901 Cats
- 421208 Pet Transporting
- 812910 Pet Care (except veterinary) Services

**CONDITIONAL USE REVIEW CRITERIA:**

**7.5.704: AUTHORIZATION AND FINDINGS:**

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

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

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



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

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**File #:** CPC CU 16-00036, **Version:** 1

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A conditional use for 4031 Shelley Avenue to allow a licensed large daycare home for seven (7) to twelve (12) children in an R1-6000/AO zone district.

Quasi-Judicial

**Presenter:**

Conrad Olmedo, Planner II, Planning and Community Development

**Proposed Motion:**

Approve the conditional use for 4031 Shelley Avenue, based upon the finding that the conditional use complies with the conditional use review criteria in City Code Section 7.5.704 subject to compliance with the following technical and/or informational plan modifications:

Technical and Informational Modifications to the Conditional Use:

1. Include permit file numbers on site plan: CPC CU 16-00036
2. Include a note on site plan indicating outside playtime schedule of 10:00 AM to 11:00 AM and 3:30 PM to 4:30 PM.

**CITY PLANNING COMMISSION AGENDA**

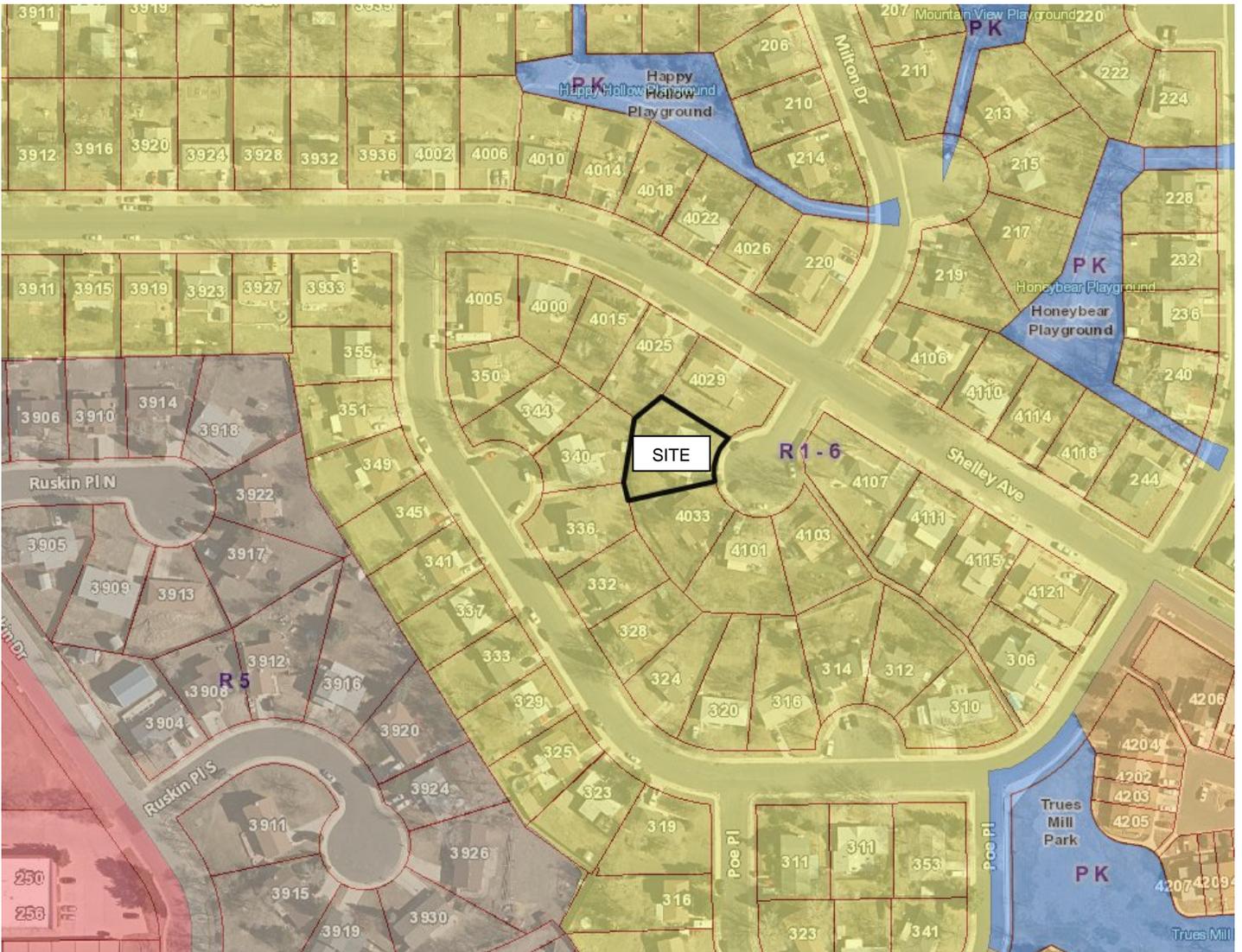
**STAFF: CONRAD OLMEDO**

**FILE NO(S):**  
**CPC CU 16-00036 – QUASI-JUDICIAL**

**PROJECT: 4031 SHELLEY AVENUE**

**APPLICANT: SAMANTHA AND VALENTIN HERNANDEZ**

**OWNER: SAMANTHA AND VALENTIN HERNANDEZ**



**PROJECT SUMMARY:**

1. Project Description: A request by Valentin and Samantha Hernandez for approval of a conditional use to allow a licensed large daycare home for seven (7) to twelve (12) children. The property is zoned R1-6000 (Single-Family Residential) with an AO (Airport Overlay), is 8,600 square feet in size, and is located at 4031 Shelley Avenue. **(FIGURE 1)**
2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Team's Recommendation: Approval of the application subject to conditions.

**BACKGROUND:**

1. Site Address: 4031 Shelley Avenue.
2. Existing Zoning/Land Use: R1-6000/AO (Single-Family Residential with an Airport Overlay)/Existing Single-Family Residence
3. Surrounding Zoning/Land Use: North: R1-6000/AO (Single-Family Residential with an Airport Overlay)/Existing Single-Family Residence  
South: R1-6000/AO (Single-Family Residential with an Airport Overlay)/Existing Single-Family Residence  
East: R1-6000/AO (Single-Family Residential with an Airport Overlay)/Existing Single-Family Residence  
West: R1-6000/AO (Single-Family Residential) with an Airport Overlay)/Existing Single-Family Residence
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: Pikes Peak Vista Addition #1
6. Master Plan/Designated Master Plan Land Use: No master plan exists
7. Subdivision: Eastborough Subdivision Filing Number 4
8. Zoning Enforcement Action: No current zoning enforcement action
9. Physical Characteristics: The site is improved with an existing single-family residence, located in a cul-de-sac, and has minimal grade change.

**STAKEHOLDER PROCESS AND INVOLVEMENT:**

The public process for the review of this application included posting of the site and sending of postcards during internal review and for the Planning Commission Public Hearing to 100 property owners within a standard 500-foot radius. A neighborhood meeting was held on March 30, 2016 with one neighbor in attendance. Concerns raised at the neighborhood meeting were noise levels during the day created by children playing for an excessive period of time in the back yard and traffic of parents dropping-off and picking-up children.

Staff also sent the plans to the standard internal and external review agencies for comments including: Colorado Springs Fire Department, City Engineering, City Traffic, Colorado Springs Police Department, El Paso County Health Department, and the Council of Neighborhoods and Organizations.

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

1. Review Criteria / Design & Development Issues:  
The 4031 Shelley Avenue project proposes a licensed large daycare home that will allow seven (7) to twelve (12) children. The site has an existing single-family residence located in a cul-de-sac. Drop-off and pick-up of children will occur along the northwesterly portion of the cul-de-sac that is most adjacent to the subject property. Parents will accompany children through a gate on the south side of the residence and enter the basement (where daycare will operate). A fenced and shaded playground area will be on southwest corner of the property. To address concerns raised at the neighborhood meeting, the applicant proposes outside playtimes to be from 10:00 a.m. to 11:00 a.m. and from 3:30 p.m. to 4:30 p.m., weather permitting. There is not an existing licensed daycare home on the property (for six (6) full-time and two (2) part-time children); however, the applicants have worked with children before and are familiar with daycare home operations.

On street parking is available within the cul-de-sac. The house immediately to the north of the subject property is a corner lot with driveway access off Shelley Avenue, not off the cul-de-sac; therefore, on street parking will not block driveway access.

Criteria for Granting a Conditional Use:

To approve the conditional use all of the three review criteria must be satisfied.

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

The proposed conditional use will not substantially injure the surrounding neighborhood but will enhance the neighborhood by providing localized daycare services.

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

The proposed conditional use is consistent with the Zoning Code and the request does not hinder the public's health, safety, and general welfare.

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

The proposed conditional use is consistent with the Comprehensive Plan of the City by meeting: *Objective N 2: Enhance Neighborhoods*, *Policy N 201: Protect Established and Stable Neighborhoods*, and *Strategy N 201c: Evaluate Land Use Proposals Recognizing Anticipated Changes to Neighborhood Conditions*.

2. Conformance with the City Comprehensive Plan:

The proposed conditional use meets the following objective, policy, and strategy of the City Comprehensive Plan:

*Objective N 2: Enhance Neighborhoods*

The proposed conditional use will allow an existing single-family residence to have a licensed large daycare home which provides an additional service to the immediate community. The proposed use serves as an enhancement to the neighborhood by allowing local child care services to exist.

*Policy N 201: Protect Established and Stable Neighborhoods*

The proposed conditional use is in character with the existing single-family residence and is compatible with the surrounding single-family residential uses. The proposed use allows a licensed large daycare home to occur and does not compromise the existing neighborhood.

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

The proposed conditional use is evaluated as a compatible intensification of land use that is compatible with the existing neighborhood conditions. The proposed use allows for a service that may be lacking in the immediate neighborhood and represent a cohesive land use with the surrounding land uses.

3. Conformance with the Infill Comprehensive Plan Supplement:

The proposed conditional use is consistent with the following guiding principle:

*Creates Community Benefit*

The proposed conditional use increases the opportunity for the community to have access to daycare services and is a benefit because the use is a local neighborhood service.

4. Conformance with the Area's Master Plan:  
This property is not part of a master plan.

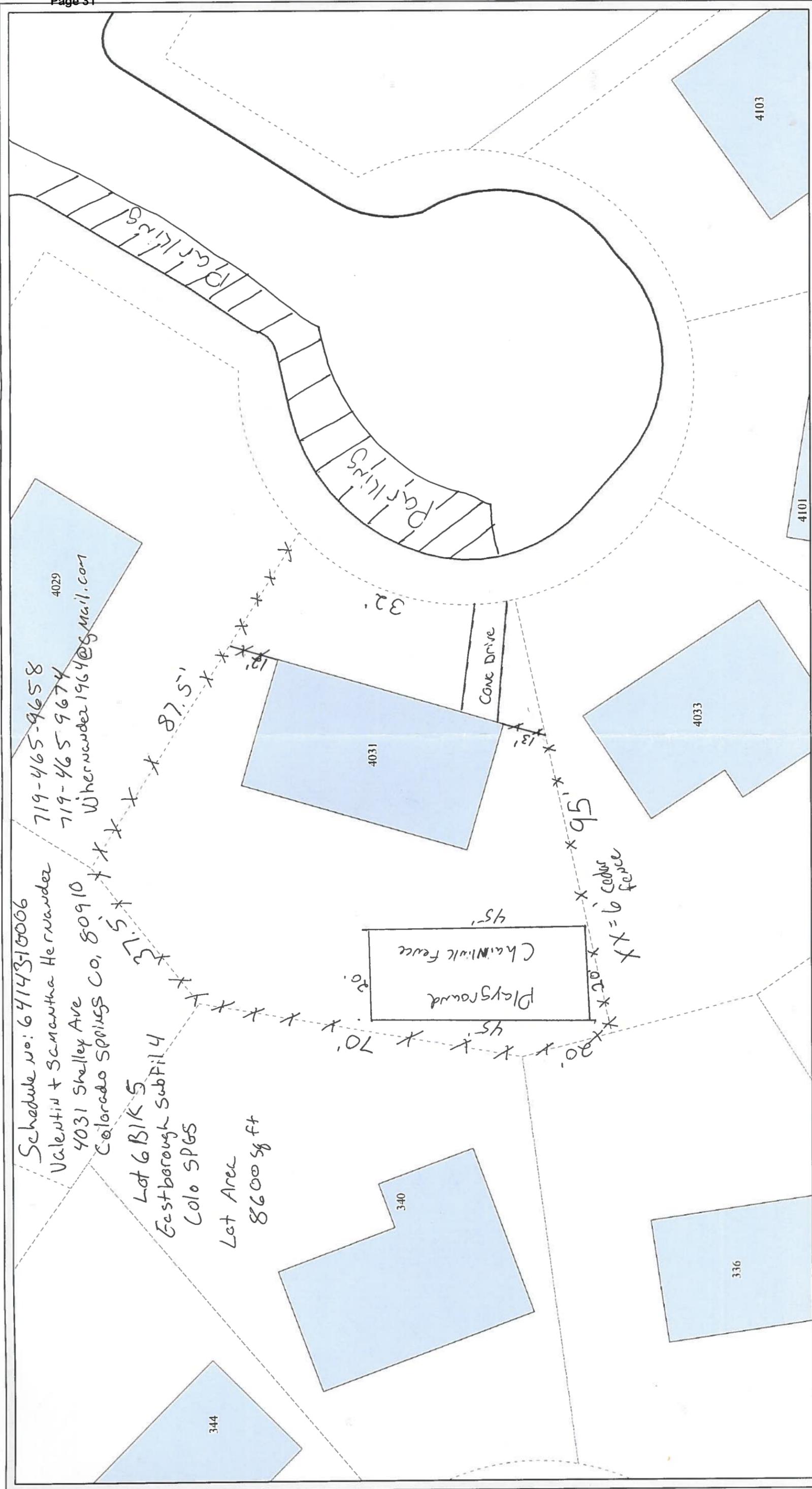
**STAFF RECOMMENDATION:**

**CPC CU 16-00035 – CONDITIONAL USE**

**Approve** the conditional use for 4031 Shelley Avenue, based upon the finding that the conditional use complies with the conditional use review criteria in City Code Section 7.5.704 subject to compliance with the following technical and/or informational plan modifications:

Technical and Informational Modifications to the Conditional Use:

1. Include permit file numbers on site plan: CPC CU 16-00036
2. Include a note on site plan indicating outside playtime schedule of 10:00 AM to 11:00 AM and 3:30 PM to 4:30 PM.



**Parcel Map**

**Requestor:** 4031 Shelley Ave  
**Company:** -  
**Address:** 4031 Shelley Ave, Colorado Springs, Colorado, 80910

1 inch = 20 feet  
 0 5 10 20 30 40 Feet  
 Plot File Created: November 30, 2015

**Colorado Springs Utilities**  
 It's how we're all connected

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FIGURE 1

City of Colorado Springs,

I am planning to open a licensed large home day care to provide care for up to 12 children. I have been working with children for the past 9 years. I have been involved in various areas of childcare from daycare centers to pre-school teacher and coordinator. I am currently attending Pikes Peak Community College and will be director certified in May. I will be making no changes to the structure of my home or yard. My yard and home will meet all the nessecary requirements to accommodate a state licensed large home daycare.

Thank you,  
Samantha Hernandez

A handwritten signature in black ink, appearing to read "Samantha Hernandez", with a stylized flourish at the end.

**CONDITIONAL USE REVIEW CRITERIA:**

**7.5.704: AUTHORIZATION AND FINDINGS:**

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

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

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



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

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**File #:** CPC CA 16-00008, **Version:** 3

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Reconsideration of an ordinance repealing and reordaining Section 906 (Appeals) of Part 9 (Notice, Hearings And Appeals) of Article 5 (Administration And Procedures) of Chapter 7 (Planning, Development And Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Appeals. - Legislative

**Presenter:**

Carl Schueler, Comprehensive Planning Manager, Department of Planning and Community Development  
Peter Wysocki, Director of Planning and Community Development

**Proposed Motion:**

CPC CA 16-00008

Recommend approval to the City Council of a reconsidered ordinance repealing and reordaining Section 906 (Appeals) of Part 9 (Notice, Hearings And Appeals) of Article 5 (Administration And Procedures) of Chapter 7 (Planning, Development And Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Appeals.

## CITY PLANNING COMMISSION AGENDA

**STAFF: CARL SCHUELER**

**FILE NO:**  
**CPC CA 16-00008 – LEGISLATIVE**

**PROJECT: RECONSIDERATION OF APPEALS CODE CHANGE**  
ORDINANCE REPEALING AND REORDAINING SECTION 906 (APPEALS) OF PART 9 (NOTICE, HEARINGS AND APPEALS) OF ARTICLE 5 (ADMINISTRATION AND PROCEDURES) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO APPEALS

**APPLICANT: CITY OF COLORADO SPRINGS – PLANNING AND DEVELOPMENT DEPARTMENT**

### **PROJECT SUMMARY:**

1. Code Change Description: This proposal is to amend City Code Section 7.5.906 pertaining to zoning and other land use-related appeals and to make other limited conforming amendments in other areas of Chapter 7. The draft Ordinance for reconsideration is attached as **(FIGURE 1)**. The Ordinance proposed for reconsideration includes a number of changes provided subsequent to the original recommendation made by the Planning Commission at their March 17, 2016 hearing. The most significant change would apply to the maximum number of days within which to file an appeal. The proposed ordinance now specifies a maximum of 10 (ten) days (calculated as calendar days). This is consistent with current Code. On March 17, 2016, the staff recommendation had allowed for up to 14 (fourteen) days, and the Planning Commission recommended 12 (twelve) days in their motion.

Attached as **FIGURE 2** is the Planning Commission record of decision from March 17, 2016. Attached as **FIGURE 3** is a redline version of the currently proposed Ordinance highlighting all changes from the version as presented to Planning Commission on March 17<sup>th</sup>.

2. Planning & Development Department's Recommendation: Approval of the proposed revised code change ordinance.

### **BACKGROUND**

On March 17, 2016, the CPC recommended approval of this draft ordinance subject to certain revisions and authorizing staff to make certain minor text amendments and to process conforming amendments elsewhere in the Code as applicable

Subsequent to this hearing, there has been additional stakeholder input such that the Council of Neighbors and Organizations (CONO) and industry representatives now concur that a maximum of 10 (ten) days is now adequate for the period in which to file an appeal. Neighborhood

representatives have requested additional language broadening the definition and location of associations with standing to appeal.

Staff is processing this item as a reconsideration of a prior recommendation; on the assumption that Planning Commission may be interested in amending their recommendation now that all key stakeholders (and staff) support a single ordinance. This option could allow staff to go forward with a single recommendation to City Council.

Modifications made to the Ordinance subsequent to March 17, 2016 generally consist of the following:

- 1) Most importantly, staff is back to recommending 10 days, versus the 14 we had recommended and the 12 days the PC recommended. CONO now supports 10 days, subject to one of the changes noted below
- 2) Per the PC recommendation, associations with a right to appeal include those in the department's data base
- 3) Parties that may appeal any appealable decision are expanded to include associations with boundaries within 500 feet of the subject property. "Merchants associations" have been included as associations
- 4) Giving the department the right to not schedule appeals to CPC, HP and FBZ DRB if they are not filed correctly (was implied but now its spelled out)
- 5) The Clerk will only schedule appeals to City Council if they are filed correctly (was implied but now its spelled out)

#### **STAKEHOLDER PROCESS AND INVOLVEMENT:**

As noted, key stakeholders have been communicated with and support this revised Ordinance. The Infill Steering Committee has not met since March 17, 2016, but has been kept informed of this reconsideration and related communication

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

These aspects were evaluated at length in the March 17, 2016 staff report and original considered at that hearing.

**STAFF RECOMMENDATION:** Approve the revised attached Ordinance

#### **ITEM NO: -- CPC CA 16-00008 – Appeals Code Change-**

**Recommend adoption to City Council of a reconsidered ordinance** repealing and reordaining Section 906 (Appeals) of Part 9 (Notice, Hearings and Appeals) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of Colorado Springs 2001, as amended, pertaining to appeals.

ORDINANCE NO. 16-\_\_\_\_\_

AN ORDINANCE REPEALING AND REORDAINING SECTION 906 (APPEALS) OF PART 9 (NOTICE, HEARINGS AND APPEALS) OF ARTICLE 5 (ADMINISTRATION AND PROCEDURES) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO APPEALS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 906 (Appeals) of Part 9 (Notice, Hearings and Appeals) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is repealed and reordained to read as follows:

7.5.906: Appeals

A. Parties That May Appeal:

1. Administrative Decisions:

Any party-in-interest may appeal to the Planning Commission, an FBZ Review Board or Historic Preservation Board any appealable final administrative decision made by the Manager. For purposes of appealing an administrative decision, a "party-in-interest" shall be defined as one (1) of the following:

a. The applicant and owners of the property or properties directly subject to the decision, including any party holding a legal or equitable interest in the subject property;

b. Persons who own or reside within or lease a real property any part of which is located within five hundred (500) feet of the specific real property which is the subject of the administrative decision, or the board of any active homeowners, property owners, neighborhood, or merchants association the boundaries of which include the subject property or are within five hundred (500) feet of the subject property. For purposes of this section an "active homeowners, property owners, or neighborhood association" shall mean:

i. A unit owners' association currently registered with the Colorado HOA Information and Resource Center under the

Colorado Common Interest Ownership Act (C.R.S. §§ 38-33.3-101, et seq.), as amended;

ii. A homeowners, property owners, or neighborhood association registered to do business in the State of Colorado and in good standing with the Colorado Secretary of State; and/or

iii. A homeowners, property owners, or neighborhood association with defined geographic boundaries that is included in the Department's database of homeowners, property owners, or neighborhood associations.

c. Any person to whom the City mailed notice in accord with section 7.5.902(C)(3) of this article.

2. Hearing-Based Decisions:

Any party-in-interest may appeal to the City Council any final decision of the Planning Commission, an FBZ Review Board or Historic Preservation Board to City Council. For purposes of an appeal of a decision of the Planning Commission, an FBZ Review Board or Historic Preservation Board, a "party-in-interest" shall be defined as one (1) of the following:

a. Any party-in-interest identified in subsection (A)(1) above;

b. Any person or organization that provided written comments, including by email, to the appropriate City staff for delivery to the Planning Commission, an FBZ Review Board, or Historic Preservation Board prior to or at the hearing on the decision being appealed. Signing a petition, in and of itself, shall not be considered providing written comment for purposes of this provision;

c. Any person or organization that appeared and provided testimony before the Planning Commission, an FBZ Review Board, or Historic Preservation Board at the hearing on the decision being appealed; or

d. The City of Colorado Springs administration.

B. Criteria and Contents of Appeals:

In the written appeal application, the appellant must substantiate the following:

1. Provide full contact information for the party-in-interest appealing, and the party-in-interest's property that is impacted by the decision being appealed, if applicable.

2. Identify the specific paragraph in Section A above under which the appellant claims to be a "party-in-interest". If the appellant is a "legally constituted and active homeowners, property owners or neighborhood association the boundaries of which include the subject property" the appellant

must provide documentation from either the Colorado HOA Information and Resource Center or the Colorado Secretary of State, or both, showing that it is currently registered with that agency; a map of the association's boundaries; and documentation of the association's board authorizing the association to file the appeal.

3. Identify the explicit ordinance provisions which are in dispute and show that the decision is incorrect because of one or more of the following grounds:

- a. It was against the express language of this Chapter, or
- b. It was against the express intent of this Chapter, or
- c. It is unreasonable, or
- d. It is erroneous, or
- e. It is clearly contrary to law.

4. Identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the appellant, and show that the burdens placed on the appellant outweigh the benefits accrued by the community.

C. Appeals of Administrative Decisions:

1. Appealable Decisions:

The following administrative decisions are appealable:

- a. Appeals from all notice and orders alleging violations associated with Chapter 6 or Chapter 7 of this Code that are to be filed and heard in accord with the Zoning Code.
- b. Decisions Appealable to FBZ Review Board: Administrative decisions are appealable to an FBZ Review Board in accord with an approved FBZ regulating plan.
- c. Decisions Appealable to the Historic Preservation Board or its Minor Works Committee.
- d. Appeals to the Planning Commission from otherwise final administrative decisions relating to the following sections and articles of this Code as outlined in the following table:

Code Sections Applicable to Appealable Administrative Decisions	
CODE SECTION:	TOPIC:
7.2.108	Similar Use Determinations
7.3.504	Hillside Grading Plan

7.4.308	Landscape Plan
7.5.302.C	Site Plan
7.5.501	Concept Plans
7.5.502	Development Plans
7.5.503	Concept and Development Plan Application Review Procedures (minor amendments)
7.5.802	Nonuse Variances
7.5.1101-1107	Administrative Relief
7.5.1201-1208	Nonconforming Development
7.5.1301-1304	Sexually Oriented Business
7.5.1401-1405	Temporary Uses
7.5.1501-1506*	Home Occupations
7.7.304	Modifications (plat)
7.7.201-205	Preliminary Platting Procedures
7.7.301-306	Final Platting Procedures
7.7.501	Property Boundary (Lot Line) Adjustments
7.7.502	Preservation Area Boundary Amendments
7.7.503	Resolutions for Amending Plat Restrictions
7.7.504	Issuance of Building Permits to Unplatted Lands
7.7.505	Issuance of Building Permits to Previously Platted Lands or Waiver of Replat
7.7.506	Issuance of Building Permits Prior to Platting

2. Scheduling:

A party-in-interest must file a written appeal application with the Department within ten (10) days from the date of the final decision. If the written appeal application conforms to the criteria in subsection (B) above, the Department shall place the appeal on the agenda of the next regularly scheduled meeting of the Planning Commission, an FBZ Review Board or Historic Preservation Board occurring a minimum of twenty (20) days and a maximum of forty-eight (48) days after the date the appeal application is received.

3. Action on the Appeal:

After a public hearing, the Planning Commission, an FBZ Review Board or Historic Preservation Board shall have the power to affirm, reverse, or modify these decisions. The applicable body shall decide the appeal based on the applicable standards contained or referenced in this Chapter. The scope of the hearing may be limited to matters raised on appeal.

4. Stays of Administrative Decisions:

A perfected appeal shall operate as a stay of the administrative decision unless the Manager certifies in writing that a stay would cause or result in an imminent hazard to the public health, safety, and welfare or the violation is of such a short term nature that by the time an appeal hearing is held, the violation will have been terminated or moved to another site. The time frame in which violations of this nature operate is such that a stay of proceedings will make the enforcement process ineffective. Examples of short term violations include, but are not limited to, temporary vendors, promotional events, and temporary signs.

5. Filing Fees:

Any person pursuing an appeal pursuant to this subsection A shall be responsible for the payment of all fees and for the completion of all forms which may be prescribed by the Manager. Failure to pay any required fee or to properly complete any required form shall be deemed a waiver of the right to appeal; provided however, that if the City of Colorado Springs is the party-in-interest any fees shall be waived.

D. Appeals of Planning Commission, an FBZ Review Board and Historic Preservation Board Decisions:

1. Appealable Decisions:

All final actions of the Planning Commission, an FBZ Review Board or Historic Preservation Board may be appealed to City Council.

2. Scheduling, Postponement:

a. Scheduling: An appellant must file a written appeal application with the City Clerk within ten (10) days from the date of the hearing at which the final decision is made. If the appeal conforms to the criteria in subsection (B) above, the City Clerk shall place the appeal on the agenda of the next regularly scheduled City Council meeting occurring a minimum of twenty (20) days after the appeal has been filed.

b. Postponement of Items on Appeal to the City Council: As a matter of course, the applicant may postpone the first scheduled Council hearing or consideration of an appeal from a decision of the Planning Commission, an FBZ Review Board or Historic Preservation Board, made in accord with this subsection, to the next regularly scheduled City Council meeting. Any other requests for postponement shall be granted only for good cause shown to and found by the City Council. If new or additional evidence is set forth as the grounds for a request for a postponement, the appeal may be referred to the Planning Commission, an FBZ Review Board or Historic Preservation Board for further hearing and recommendations.

3. Action on the Appeal:

a. The Manager shall prepare a staff report including relevant facts and the record of the decision of the hearing body.

b. The City Council shall hold a public hearing. Before the public hearing is commenced, the City Council may entertain a motion to uphold the action of the Planning Commission, an FBZ Review Board or Historic Preservation Board or refer the matter back to the appropriate body with direction for further consideration and recommendation.

c. After a public hearing, City Council shall have the power to affirm, reverse, or modify the prior decisions. City Council may hear the appeal de novo, or may limit the hearing to matters raised on appeal.

City Council shall make findings to support their decision based on the applicable standards contained or referenced in this Chapter.

4. Failure to Appeal: The failure to appeal the decision of the Planning Commission, or an FBZ Review Board or Historic Preservation Board within the ten (10) day period shall be deemed to be a waiver of the applicant's or a party in interest's right to appeal to the courts under Rule 106 of the Colorado Rules of Civil Procedure for failure to exhaust administrative remedies.

5. Final Decision; Court Review: On such appeals, the decision of the City Council shall be final agency action, and shall be subject to review by the courts pursuant to applicable rules and statutes, unless the matter is remanded to the Planning Commission, or an FBZ Review Board or Historic Preservation Board.

6. Filing Fee: The filing fee shall be borne by the appellant; provided however, that if the City of Colorado Springs is the party-in-interest the fee shall be waived.

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2016.

Finally passed: \_\_\_\_\_

\_\_\_\_\_  
Council President

Mayor's Action:

- Approved on \_\_\_\_\_.
- Disapproved on \_\_\_\_\_, based on the following objections:

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\_\_\_\_\_  
Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
Sarah B. Johnson, City Clerk

ORDINANCE NO. 16-\_\_\_\_\_

AN ORDINANCE REPEALING AND REORDAINING SECTION 906 (APPEALS) OF PART 9 (NOTICE, HEARINGS AND APPEALS) OF ARTICLE 5 (ADMINISTRATION AND PROCEDURES) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO APPEALS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 906 (Appeals) of Part 9 (Notice, Hearings and Appeals) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is repealed and reordained to read as follows:

7.5.906: Appeals

A. Parties That May Appeal:

1. Administrative Decisions:

Any party-in-interest may appeal to the Planning Commission, an FBZ Review Board or Historic Preservation Board any appealable final administrative decision made by the Manager. For purposes of appealing an administrative decision, a "party-in-interest" shall be defined as one (1) of the following:

a. The applicant and owners of the property or properties directly subject to the decision, including any party holding a legal or equitable interest in the subject property;

b. Persons who own or reside within or lease a real property any part of which is located within five hundred (500) feet of the specific real property which is the subject of the administrative decision, or the board of any active homeowners, property owners, neighborhood, or merchants association the boundaries of which include the subject property or are within five hundred (500) feet of the subject property. For purposes of this section an "active homeowners, property owners, or neighborhood association" shall mean:

i. A unit owners' association currently registered with the Colorado HOA Information and Resource Center under the

Colorado Common Interest Ownership Act (C.R.S. §§ 38-33.3-101, et seq.), as amended;

ii. A homeowners, property owners, or neighborhood association registered to do business in the State of Colorado and in good standing with the Colorado Secretary of State; and/or

iii. A homeowners, property owners, or neighborhood association with defined geographic boundaries that is included in the Department's database of homeowners, property owners, or neighborhood associations.

c. Any person to whom the City mailed notice in accord with section 7.5.902(C)(3) of this article.

2. Hearing-Based Decisions:

Any party-in-interest may appeal to the City Council any final decision of the Planning Commission, an FBZ Review Board or Historic Preservation Board to City Council. For purposes of an appeal of a decision of the Planning Commission, an FBZ Review Board or Historic Preservation Board, a "party-in-interest" shall be defined as one (1) of the following:

a. Any party-in-interest identified in subsection (A)(1) above;

b. Any person or organization that provided written comments, including by email, to the appropriate City staff for delivery to the Planning Commission, an FBZ Review Board, or Historic Preservation Board prior to or at the hearing on the decision being appealed. Signing a petition, in and of itself, shall not be considered providing written comment for purposes of this provision;

c. Any person or organization that appeared and provided testimony before the Planning Commission, an FBZ Review Board, or Historic Preservation Board at the hearing on the decision being appealed; or

d. The City of Colorado Springs administration.

B. Criteria and Contents of Appeals:

In the written appeal application, the appellant must substantiate the following:

1. Provide full contact information for the party-in-interest appealing, and the party-in-interest's property that is impacted by the decision being appealed, if applicable.

2. Identify the specific paragraph in Section A above under which the appellant claims to be a "party-in-interest". If the appellant is a "legally constituted and active homeowners, property owners or neighborhood association the boundaries of which include the subject property" the appellant

must provide documentation from either the Colorado HOA Information and Resource Center or the Colorado Secretary of State, or both, showing that it is currently registered with that agency; a map of the association's boundaries; and documentation of the association's board authorizing the association to file the appeal.

3. Identify the explicit ordinance provisions which are in dispute and show that the decision is incorrect because of one or more of the following grounds:

- a. It was against the express language of this Chapter, or
- b. It was against the express intent of this Chapter, or
- c. It is unreasonable, or
- d. It is erroneous, or
- e. It is clearly contrary to law.

4. Identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the appellant, and show that the burdens placed on the appellant outweigh the benefits accrued by the community.

C. Appeals of Administrative Decisions:

1. Appealable Decisions:

The following administrative decisions are appealable:

- a. Appeals from all notice and orders alleging violations associated with Chapter 6 or Chapter 7 of this Code that are to be filed and heard in accord with the Zoning Code.
- b. Decisions Appealable to FBZ Review Board: Administrative decisions are appealable to an FBZ Review Board in accord with an approved FBZ regulating plan.
- c. Decisions Appealable to the Historic Preservation Board or its Minor Works Committee.
- d. Appeals to the Planning Commission from otherwise final administrative decisions relating to the following sections and articles of this Code as outlined in the following table:

Code Sections Applicable to Appealable Administrative Decisions	
CODE SECTION:	TOPIC:
7.2.108	Similar Use Determinations
7.3.504	Hillside Grading Plan

7.4.308	Landscape Plan
7.5.302.C	Site Plan
7.5.501	Concept Plans
7.5.502	Development Plans
7.5.503	Concept and Development Plan Application Review Procedures (minor amendments)
7.5.802	Nonuse Variances
7.5.1101-1107	Administrative Relief
7.5.1201-1208	Nonconforming Development
7.5.1301-1304	Sexually Oriented Business
7.5.1401-1405	Temporary Uses
7.5.1501-1506*	Home Occupations
7.7.304	Modifications (plat)
7.7.201-205	Preliminary Platting Procedures
7.7.301-306	Final Platting Procedures
7.7.501	Property Boundary (Lot Line) Adjustments
7.7.502	Preservation Area Boundary Amendments
7.7.503	Resolutions for Amending Plat Restrictions
7.7.504	Issuance of Building Permits to Unplatted Lands
7.7.505	Issuance of Building Permits to Previously Platted Lands or Waiver of Replat
7.7.506	Issuance of Building Permits Prior to Platting

2. Scheduling:

A party-in-interest must file a written appeal application with the Department within ten (10) days from the date of the final decision. If the written appeal application conforms to the criteria in subsection (B) above, the Department shall place the appeal on the agenda of the next regularly scheduled meeting of the Planning Commission, an FBZ Review Board or Historic Preservation Board occurring a minimum of twenty (20) days and a maximum of forty-eight (48) days after the date the appeal application is received.

3. Action on the Appeal:

After a public hearing, the Planning Commission, an FBZ Review Board or Historic Preservation Board shall have the power to affirm, reverse, or modify these decisions. The applicable body shall decide the appeal based on the applicable standards contained or referenced in this Chapter. The scope of the hearing may be limited to matters raised on appeal.

4. Stays of Administrative Decisions:

A perfected appeal shall operate as a stay of the administrative decision unless the Manager certifies in writing that a stay would cause or result in an imminent hazard to the public health, safety, and welfare or the violation is of such a short term nature that by the time an appeal hearing is held, the violation will have been terminated or moved to another site. The time frame in which violations of this nature operate is such that a stay of proceedings will make the enforcement process ineffective. Examples of short term violations include, but are not limited to, temporary vendors, promotional events, and temporary signs.

5. Filing Fees:

Any person pursuing an appeal pursuant to this subsection A shall be responsible for the payment of all fees and for the completion of all forms which may be prescribed by the Manager. Failure to pay any required fee or to properly complete any required form shall be deemed a waiver of the right to appeal; provided however, that if the City of Colorado Springs is the party-in-interest any fees shall be waived.

D. Appeals of Planning Commission, an FBZ Review Board and Historic Preservation Board Decisions:

1. Appealable Decisions:

All final actions of the Planning Commission, an FBZ Review Board or Historic Preservation Board may be appealed to City Council.

2. Scheduling, Postponement:

a. Scheduling: An appellant must file a written appeal application with the City Clerk within ten (10) days from the date of the hearing at which the final decision is made. If the appeal conforms to the criteria in subsection (B) above, the City Clerk shall place the appeal on the agenda of the next regularly scheduled City Council meeting occurring a minimum of twenty (20) days after the appeal has been filed.

b. Postponement of Items on Appeal to the City Council: As a matter of course, the applicant may postpone the first scheduled Council hearing or consideration of an appeal from a decision of the Planning Commission, an FBZ Review Board or Historic Preservation Board, made in accord with this subsection, to the next regularly scheduled City Council meeting. Any other requests for postponement shall be granted only for good cause shown to and found by the City Council. If new or additional evidence is set forth as the grounds for a request for a postponement, the appeal may be referred to the Planning Commission, an FBZ Review Board or Historic Preservation Board for further hearing and recommendations.

3. Action on the Appeal:

a. The Manager shall prepare a staff report including relevant facts and the record of the decision of the hearing body.

b. If the appeal does not conform to the criteria in subsection (B) above, City Council may dismiss the appeal. If the appeal does conform to the criteria in subsection (B) above, the City Council shall hold a public hearing. Before the public hearing is commenced, the City Council may entertain a motion to uphold the action of the Planning Commission, an FBZ Review Board or Historic Preservation Board or refer the matter back to the appropriate body with direction for further consideration and recommendation.

c. After a public hearing, City Council shall have the power to affirm, reverse, or modify the prior decisions. City Council may hear the appeal de novo, or may limit the hearing to matters raised on appeal.

City Council shall make findings to support their decision based on the applicable standards contained or referenced in this Chapter.

4. Failure to Appeal: The failure to appeal the decision of the Planning Commission, or an FBZ Review Board or Historic Preservation Board within the ten (10) day period shall be deemed to be a waiver of the applicant's or a party in interest's right to appeal to the courts under Rule 106 of the Colorado Rules of Civil Procedure for failure to exhaust administrative remedies.

5. Final Decision; Court Review: On such appeals, the decision of the City Council shall be final agency action, and shall be subject to review by the courts pursuant to applicable rules and statutes, unless the matter is remanded to the Planning Commission, or an FBZ Review Board or Historic Preservation Board.

6. Filing Fee: The filing fee shall be borne by the appellant; provided however, that if the City of Colorado Springs is the party-in-interest the fee shall be waived.

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2016.

Finally passed: \_\_\_\_\_

Council President

Mayor's Action:

- Approved on \_\_\_\_\_.
- Disapproved on \_\_\_\_\_, based on the following objections:

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\_\_\_\_\_  
Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
Sarah B. Johnson, City Clerk

Appeals Code Record of Decision Placeholder – Minutes will be inserted for April 14 Informal Planning Commission Meeting.

# Appeals Code Change Planning Commission Reconsideration

Amendment of Code Section 7.5.906

April 21, 2016

-Carl Schueler, Comprehensive Planning  
Manager

-CONO and Industry Representatives



# Background



- March 17, 2015 PC Recommendation to Approve Code Change with Two Modifications (and authorization of staff to make minor legal text edits)
  - Maximum of 12 days to appeal
    - At that staff recommendation was 14 days;
    - Current maximum period is 10 days
  - Expanded definition of “parties that may appeal” to include association in Planning Dept. data base.

# Context for 3/17 Planning Commission Recommendation



- Industry concerns provided in person
- CONO concerns by e-mail
- PC not comfortable with potential for 2 or 3 week delays (possible with 14 days)
- Also recognized neighbors' lack of fluency with the process
  - This was the basis for 12 days

# Subsequent Activities



- Several minor recommended changes
  - From legal review and elsewhere
- Recent concurrence among CONO and industry as to sufficiency of 10 days
  - No substantial stakeholder differences

# Logic for Reconsideration



- Potential for an updated single PC recommendation
  - Single PC, staff and stakeholders version
  - Option now would be alternative versions

## Summary of Changes Since PC



- All shown as redline changes
  - Back to 10-day maximum period
  - Addition of merchants associations as party that may appeal
  - Qualifying associations with boundaries within 500 feet now have standing
    - Including those in Department's data base as recommended by PC on 3/17
  - Clarifies right of Department not to schedule appeals to CDO, HPB or FBZ DRB if not filed correctly.
    - Had been implied but not stated
  - Clerk will only schedule appeal to City Council if filed correctly
    - Again, had been implied but now clearly spelled out
  - Other non-substantive changes

# Recommendation



- Approve Revised Ordinance



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

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**File #:** CPC PUZ 15-00143, **Version:** 1

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North Fork at Briargate PUD Zone Change, changing the zoning of 168 acres from A (Agriculture) to PUD (Planned Unit Development) for single-family residential development, located near Echo Canyon Drive and North Powers Boulevard.

(North Fork at Briargate) Quasi-Judicial

Related Item: CPC PUD 15-00146

**Presenter:**

Katie Carleo, Principal Planner, Planning and Community Development

**Proposed Motion:**

Recommend approval to the City Council of the zone change from A (Agriculture) to PUD (Planned Unit Development: Detached Single-Family Residential, 3.6 Dwelling Units Per Acre and 36-foot Maximum Building Height), 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.



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

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**File #:** CPC PUD 15-00146, **Version:** 1

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North Fork at Briargate Development Plan for a 602 lot, single-family residential development located near Echo Canyon Drive and North Powers Boulevard..  
(North Fork at Briargate) Quasi-Judicial

Related Item: CPC PUZ 15-00143

**Presenter:**

Katie Carleo, Principal Planner, Planning and Community Development

**Proposed Motion:**

Recommend approval to City Council of the PUD Development Plan for North Fork at Briargate, based upon the findings that the development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.606, and the development plan review criteria as set forth in Section 7.5.502E subject to compliance with the following technical plan modification:

Technical Modification on PUD Development Plan:

1. Add to the plan a note that no building permits will be permitted on any lots with existing utility easements prior to an easement vacation.

CITY PLANNING COMMISSION AGENDA

STAFF: KATIE CARLEO

FILE NO(S):

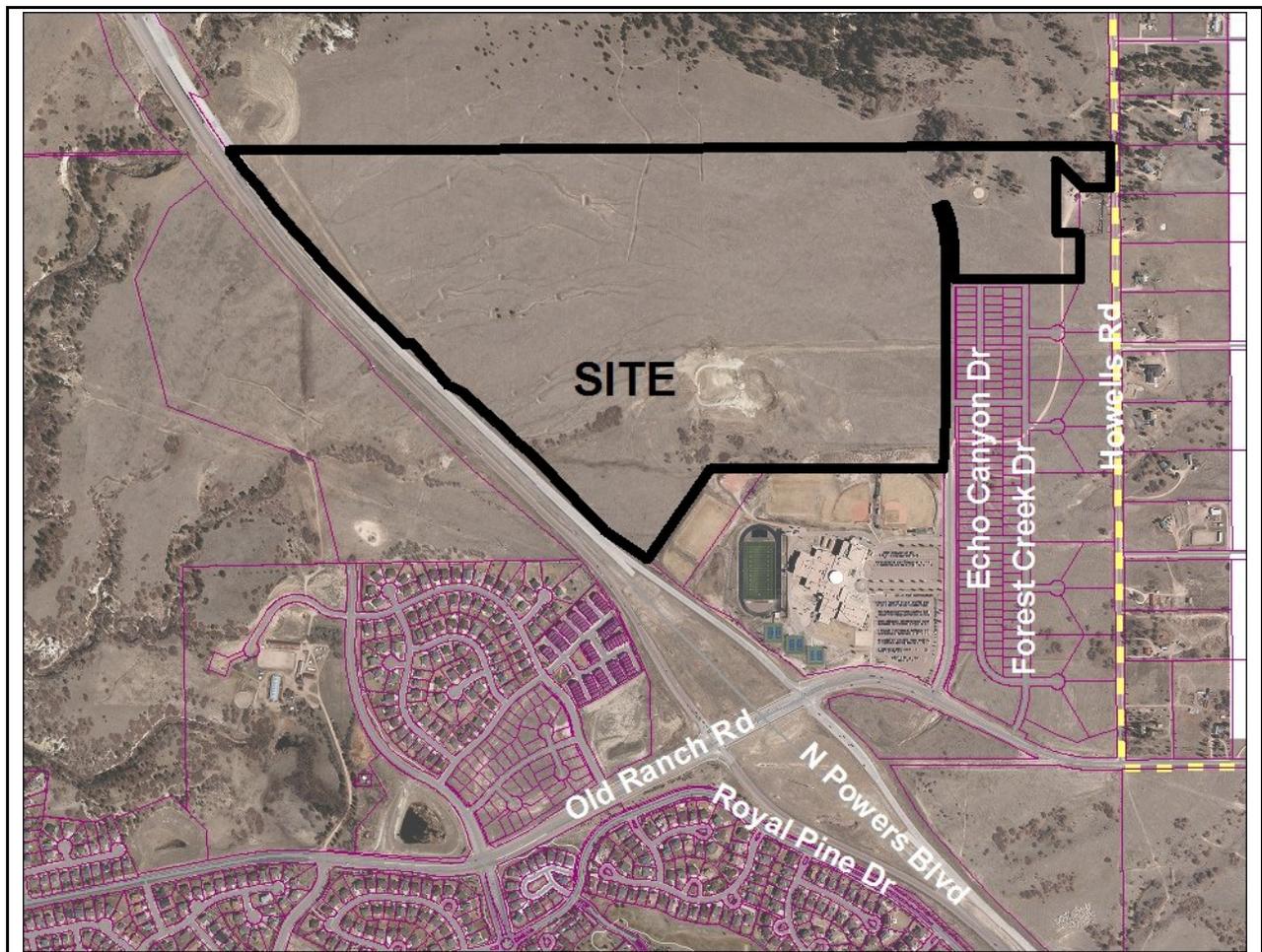
CPC PUZ 15-00143 – QUASI-JUDICIAL

CPC PUD 15-00146 – QUASI-JUDICIAL

**PROJECT:** NORTH FORK AT BRIARGATE

**APPLICANT:** LA PLATA COMMUNITIES, INC.

**OWNER:** HIGH VALLEY LAND COMPANY, INC.



**PROJECT SUMMARY:**

1. **Project Description:** This project includes concurrent applications for a PUD (Planned Unit Development) zone change and PUD development plan for a 168-acre site located north of Pine Creek High School and west of Thunder Mountain Avenue. This project includes further development of the North Fork at Briargate residential community. The site will provide 602 detached single-family residential lots, completing the North Fork at Briargate development.

The PUD rezone will change 168 acres from A (Agricultural) to PUD (Planned Unit Development – Detached Single-family Residential, 3.6 dwelling units per acre, and 36-foot height maximum).

The PUD development plan illustrates the layout of the 602 lots with landscape open space, detention pond tracts, trails, and public roads. **(FIGURE 1)**

Staff is administratively reviewing two final plats that will create 197 lots of this development along with landscape open space tracts, easements and public road right-of-ways.

2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Team's Recommendation: Staff recommends approval of the applications with technical modifications.

**BACKGROUND:**

1. Site Address: The site is not currently addressed. The property is located north of Pine Creek High School and west of Thunder Mountain Avenue.
2. Existing Zoning/Land Use: This site is currently vacant with minor vegetation.
3. Surrounding Zoning/Land Use:  
North: A (Agricultural)/Vacant and planned for residential  
South: A (Agricultural)/Pine Creek High School  
East: PUD (Planned Unit Development: Detached Single-Family Residential, 1.99 Dwelling Units Per Acre and 30-foot Maximum Building Height on Estate Lots and 36-foot Maximum Building Height on all other lots as shown on the PUD development plan)/  
North Fork at Briargate Filing 1 and 2  
West: A (Agricultural)/existing Powers Boulevard corridor
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: The property was annexed in September 1982 as part of the Briargate Addition #5 Annexation.
6. Master Plan/Designated Master Plan Land Use: Briargate Master Plan/Designated Residential Low-Medium (R-LM 3.5-7.99 DU/gross acre)
7. Subdivision: The property is unplatted
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is vacant and is primarily natural grassed with two areas of Gambel Oak on the southern part of the property and one small grouping of Ponderosa Pine on the western portion of the site. The property slopes gently from west to east at approximately 4%.

**STAKEHOLDER PROCESS AND INVOLVEMENT:**

The public process included public notice provided to 148 property owners within 1000 feet of the site on two occasions; during the internal review stage, notifying for the submittal and a public meeting to be held, and prior to the Planning Commission meeting. The site was also posted on those two occasions.

A neighborhood meeting was held on January 21, 2016. There were approximately 24 citizens in attendance. This meeting introduced the process and the overall plan for development of this portion of North Fork at Briargate. Neighborhood concern was voiced at the meeting mainly regarding traffic impacts on the area. Concern was raised for traffic on Old Ranch Road; congestion and safety with the high school traffic; and future connection of Union Boulevard and Milam Road. Neighbors stated that Pine Creek High School traffic congests the area and that they felt the roadway system could not handle the additional residential traffic. They expressed concerns and questions regarding projected daily volumes in the area at full buildout and peak volumes. The applicant has provided this information, in addition to the traffic study conducted, to address the neighbor's concerns. This further information is attached as **FIGURE 3**.

Additional comments were stated from neighboring property owners in unincorporated El Paso County that this change would create significant negative impacts on their rural neighborhood. Neighbors also

expressed concern with when the proposed city park would be dedicated. Questions were raised on the future connection of Union Boulevard and Milam Road. Staff supports that the Milam Road connection does not at this time have a nexus to this development and would be development-dependent on any development near these roadways that would warrant the needed improvements. Written opposition is attached as **FIGURE 4**, as well as an additional response from the applicant attached as **FIGURE 5**.

Staff input is outlined in the following section of this report. Staff sent plans to the standard internal and external review agencies for comments. All comments received from the review agencies are addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, School District 20, Police and E-911, El Paso County Development Services and the US Air Force Academy.

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

#### 1. Review Criteria / Design & Development Issues:

##### Background

This development is the western extension of North Fork at Briargate Filing 1 and 2, which sits east of Thunder Mountain Avenue along Howells Road. The previous North Fork at Briargate established large estate lots that make a buffer from the urban density to rural density. In addition this previous development included improvements to Old Ranch Road, including extending the left turn lane at Thunder Mountain Avenue, and installing a round-about in Old Ranch Road where it intersects with Cordera Crest. This first portion of the development and associated improvements to the traffic patterns was seen before City Planning Commission on May 15, 2014 and was approved.

With this previous portion of the development extensive neighborhood outreach was done; three neighborhood meetings were held throughout the review process. At that time neighborhood concerns focused on the residential density along Howells Road, screening and buffering to the rural residents, and traffic impacts. The previous phases were in conformance with the master plan at a classification of very low density residential. This insured a compatible transition between rural and suburban uses. The current proposal is also in compliance with the master plan as part of the classification low density residential.

##### a. PUD Zone Change

This proposal will rezone 168 acres from A (Agricultural) to PUD (Planned Unit Development - Detached Single-Family Residential, 3.6 dwelling units per acre, and 36-foot height maximum). The property was originally zoned A with annexation into the City in 1982, and has served as a holding zone until the property was ready for development. The proposed PUD zone district sets the specific use, density and height for the property to develop. The rezone is in conformance with the Briargate Master Plan and meets City Code standards for a PUD rezone request.

##### b. PUD Development Plan

The current proposed North Fork at Briargate development proposes 602 single-family residential lots and provides local trails, landscape open space, public streets and infrastructure. North Fork at Briargate is to be developed in 3 phases with a gross density of 3.6 dwelling units per acre. Lot sizes will vary from 5,700-15,900 square feet with an average lot size of 7,108 square feet. All homes will have a height maximum of 36 feet, which is typically the maximum in the large planned communities within the City. An overall site plan is provided in **FIGURE 1**.

The open space and detention pond tracts will be connected by trail and sidewalks for the purposes of pedestrian circulation within the development and to the future open space to be developed in later phases. Through the design of the development there is an active approach taken to walkability and preserving views. A central green space feature runs

through the center of the development which will provide open space as well as active and passive recreation. **(FIGURE 6)** These features and approach to design show integrity of the overall site design. This allows for continued cohesive growth of the neighborhood, while providing a platform for the building of neighborhood and community.

The Briargate Master Plan west of Thunder Mountain increases in allowed density to 3.5 to 7.99 dwelling units per acre. This development conforms to the master plan at 3.66 dwelling units per acre, and sits at the low end of this range. There is additional buffering established along Thunder Mountain by provided landscape tracts.

Staff finds that the 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 7.5.502.E.

c. Drainage

It should be noted that this development will utilize temporary detention through Filing 3 and 4 of the development. The full detention facility located in the northwest corner of the development will be required to be constructed at the time Filing 5 is to be built. In addition, this regional facility will service the North Fork development as well as the northern future residential development.

This site is not located within the Prebles Jumping Mouse habitat buffer, but should be noted that due to the proximity of the large detention pond to the buffer, Staff will require an approval from the United States Fish and Wildlife prior to any construction of this detention facility. **(FIGURE 7)**

d. Traffic

The new road infrastructure that is to be constructed to support this development includes the extension of Thunder Mountain Avenue along the eastern and northern boundary of the site, as well as Red Cavern Road along the southern boundary of the site, as local collector streets. Neighbors are very vocal in the opinion that traffic at Thunder Mountain accessing Pine Creek High School, as well as traffic eastward on Old Ranch Road is a huge concern. Overall traffic is a large neighborhood concern. Roadway improvements to be constructed with this development, as well as those improvements completed from North Fork at Briargate Filing 1 and 2, should alleviate some of the concerns.

Additional traffic-related neighborhood concern, as mentioned previously, revolves around the intended extension of Union Boulevard to Milam Road. This road extension was previously discussed as a viable connection with a previous development east of Milam Road that has since expired. The neighborhood sees this extension as a needed resource for the county traffic moving southbound without having to use Old Ranch Road. Staff's position continues that at this time there is no nexus to develop this extension. At such time that development warrants this extension it will be required for adequate access.

e. Park and Open Space

The overall North Fork at Briargate development establishes a park open space location north of the previously approved elementary school site, between the future Thunder Mountain and Howells Road. This was established as an open space natural features site. Neighbors had expressed concern with when this site would be dedicated to the City; this land will be dedicated at such time as the school comes online for development.

f. Noise Impact

Powers Boulevard is located to the west of the site. A noise impact study was conducted to ensure the project design would comply with City regulations regarding residential setbacks. All residential lots are located east of the established 65/66 decibels setback boundary.

2. Conformance with the City Comprehensive Plan:  
Comprehensive Plan 2020 Land Use Map: Low- Medium Residential  
Comprehensive Plan Goals and Objectives: Low-Medium Residential

Objective LU 5: Develop Cohesive Residential Areas

This development is a consistent and logical extension to the North Fork at Briargate Filing 1 and 2 developments. This allows for continued cohesive growth of the neighborhood.

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

The Briargate Master Plan allowed up to 700 units in this larger area called out as Kettle Creek on the Master Plan (now referred to as North Fork at Briargate). The extension of this development allows for vehicular and pedestrian circulation within the development to link the residential to trails, open space and the school sites. These different design elements are supported by the Comprehensive Plan.

Objective N 1: Focus On neighborhoods

This development introduces a parks and open space plan that includes preservation of natural vegetation, small mail parks, buffered areas for landscaped open spaces and an extensive trail system; all fostering a neighborhood community. Strong connections to adjacent existing and future land use create connectivity to mixed uses.

It is the finding of Staff that the North Fork development and associated zone change 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:  
This property is part of the Briargate Master Plan and currently shown as Residential Low-Medium. Development within this designated area shall be single family residential with density within the designated range of 3.5 to 7.99 dwelling units per acre. The current proposal has an overall density proposed at 3.66 dwelling units per acre, which is at the low end of the approved allowable range.

Staff finds that the associated North Fork at Briargate Development Plan substantially conforms to, and is in compliance with, the Briargate Master Plan as exists.

**STAFF RECOMMENDATION:**

**CPC PUZ 15-00143 – CHANGE OF ZONING TO PUD**

Recommend approval to City Council of the zone change to from A (Agriculture) to PUD (Planned Unit Development: Detached Single-Family Residential, 3.6 Dwelling Units Per Acre and 36-foot Maximum Building Height), 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.

**CPC PUD 15-00146 – PUD DEVELOPMENT PLAN**

Recommend approval to City Council of the PUD Development Plan for North Fork at Briargate, based upon the findings that the development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.606, and the development plan review criteria as set forth in Section 7.5.502E subject to compliance with the following technical plan modification:

Technical Modification on PUD Development Plan:

1. Add to the plan a note that no building permits will be permitted on any lots with existing utility easements prior to an easement vacation.



**NORTH FORK AT BRIARGATE FILING 3-7  
PROJECT STATEMENT**

**DEVELOPMENT PLAN  
ZONE CHANGE**

**DECEMBER 2015**

**I. BACKGROUND AND PROPOSAL SUMMARY**

La Plata Communities (LP) proposes to continue the North Fork at Briargate development with expansion onto property located directly west of North Fork at Briargate Filings 1 and 2 and north of Pine Creek High School. This portion of the development is known as North Fork at Briargate Filing 3-7 (NFB). In May 2014 the Planning Commission and City Council approved a Briargate Master Plan Amendment to relocate the elementary school, a rezoning from Agriculture to PUD and the Development Plan for Filings 1 and 2.

Located adjacent to North Fork at Briargate Filings 1 and 2, LP proposes 602 single family lots on 168 acres, completing the North Fork at Briargate development. NFB is to be developed in 5 phases with a gross density of 3.6 DU/AC. Lot sizes vary from approximately 5,700 – 15,900 SF with an average lot size of 7,108 SF. LP's requests include approval for: 1) Development Plan (DP) for the proposed PUD; 2) rezoning from Agriculture to PUD; 3) Final Landscape Plan; 4) Coordinated Signage Plan and 5) Final Plat for Filing 3 and 4.

**II. SITE DESCRIPTION**

The site is vacant and is currently used for cattle grazing during summer and fall. The property slopes gently from west to east at approximately 4%. Natural grasses dominate the property with two areas of Gambel oak on the southern part of the property and one small grouping of ponderosa pine trees on the western portion of the site. There is a water well serving Pine Creek Golf Course located in the central part of site. An electric line runs to the well from Thunder Mountain Avenue (TMA). A detention pond from construction activities at the high school is located near the well. There are excellent views of Pikes Peak and the Rampart Range (see site photo below)



### III. DEVELOPMENT PLAN

#### A. SUMMARY OF PROPOSED DEVELOPMENT PLAN

North Fork @ Briargate's primary features include:

- A consistent and logical extension to North Fork Filing 1-2
- Primarily grid layout contoured to respond to the terrain
- A central feature called The Green flanked by one-way streets which will provide open space as well as active and passive recreation
- A potentially separate patio home development within the overall neighborhood
- A parks and open space plan that includes preservation of natural vegetation, small mail parks, buffer areas and an extensive trail system
- Strong connections to adjacent existing and future land uses
- Phasing that allows flexibility to respond to market conditions
- NFB is consistent with the intent and purposes of the City's Zoning Code and the goals and policies of the Comprehensive Plan

#### B. DEVELOPMENT PLAN AND PUD DEVELOPMENT PLAN REVIEW CRITERIA

The review criteria for Development Plan and PUD Development Plan are very similar and cover the same topics. This section will utilize the Development Plan review criteria with the understanding that responses cover the PUD Development Plan review criteria as well. The Applicant's responses are in italics below each criterion.

1. Will the project design be harmonious with the surrounding land uses and neighborhood?

*The proposed design will be harmonious with the existing and proposed/future surrounding land uses.*

- *To the northeast are parcels that will eventually become a future City park and an elementary school. NFB's land plan has been created with these uses in mind and has established strong vehicular and pedestrian connections to these future public areas.*
- *To the east is NFB Filing 1 and 2.*
- *Pine Creek High School is to the south. The LP team has worked with the school district representative to: 1) address traffic and pedestrian safety along TMA (see Thunder Mountain Avenue Improvements Plan in the DP plan package); 2) work cooperatively on a temporary road construction easement and a minor boundary issue.*
- *Powers Boulevard is to the west. LSC Transportation Consultants conducted a Noise Impact Study to assess noise from Powers Boulevard and to ensure the project design would comply with City and CDOT regulations regarding residential setbacks. All residences will be located east of the established 65/66 db setback boundary (see Noise Impact Study dated April 2, 2015 and Overall Site Plan).*

- *There is vacant land to the north owned by Venezia Interests. The property is zoned Agricultural but is designated Residential Low-Medium on the Briargate Master Plan. This is the same designation as the NFB site.*

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?

*As described in #1 above, the land uses will be compatible with surrounding uses. NFB's road, trail and sidewalk systems will connect directly with NF Filing 1 and 2. LP has worked with the District 20 representative on vehicular and pedestrian connections with the existing high school and the future elementary school. Additionally, LP has an agreement with Venezia Interests for the portion of TMA that is adjacent to their property. The agreement allows for Venezia's future residential development to utilize TMA for access and also for TMA, where adjacent to Venezia, to be located 50% on Venezia property.*

*NFB will not overburden existing infrastructure. A Traffic Technical Report (TTR) has been completed by LSC to address compatibility with existing and future traffic volumes. The TTR concludes that "The intersection of Old Ranch/Thunder Mountain is anticipated to operate acceptably based on the long-term total traffic analysis." The TTR also includes recommendations for future improvements to Old Ranch Road and TMA. The close proximity of the high school and future elementary school will allow most school-aged residents to walk to school, reducing traffic on neighborhood streets. NFB's primary open space, The Green, will provide for active and passive recreational uses for residents, avoiding overburdening the future City Park to the northeast. Utilities have been designed to handle the capacity of NFB plus a portion of NF Filing 2 and to integrate with the City's utility plans in the area.*

3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties?

*Red Cavern Road and the high school athletic fields buffer residences from Pine Creek High School. Venezia property is buffered by TMA. The future City Park is buffered by on-site open space and TMA. A generous linear open space buffers NFB Filing 3-7 from NFB Filing 1-2.*

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?

*Buffering adjacent properties is addressed above in #3. Significant landscaping is proposed along Thunder Mountain Avenue and Red Cavern Road on the perimeter of the development. Use of drought resistant species including grasses is included in the proposed landscape plan.*

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?

*As stated in #2 above, the TTR addresses the items in this criterion. The street pattern is responsive to the surrounding neighborhood and uses and provides the greatest level of safety and convenience for both school sites. The vehicular circulation takes into account NF Filing 1-2, the currently proposed DP as well as the future developments identified in the master plan.*

6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?

*The proposed streets and drives provide logical, safe and convenient access to each of the proposed home sites. Potential access locations to the townhome site for future development are indicated on the site plan.*

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?

*NFB has been located and designed so that there is no through traffic using the residential streets.*

8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?

*Parking will be required for each single family detached lot, as well as allowed on most of the street system, to ensure adequate and safe parking for residents and guests.*

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?

*Regulations regarding handicap access and movement will be adhered to within NFB. Most sidewalks and portions of the trail system meet or exceed requirements for handicap uses.*

10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?

*The streets and drives are designed for maximum efficiency, while at the same time meeting the design criteria of the City.*

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?

*Pedestrian sidewalks and trails are physically separated from vehicular areas by vertical curbs and landscape zones throughout the community to provide safe and enjoyable pedestrian movement. In addition, NFB will have an extensive trail system that is connected with the sidewalk system.*

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?

*NFB has been specifically designed to preserve areas of significant vegetation on the site. A park has been created around 4 mature Ponderosa Pines in west central part of the site and large open spaces will preserve clusters of scrub oak on the southern portion of the site.*

*Note that there will be some impact to the Preble's meadow jumping mouse habitat within the Kettle Creek drainage from the proposed outfall on the north side of the detention pond. The applicant will not construct the outfall until permits from U.S. Fish and Wildlife Service and other required applicable permits are obtained.*

#### **IV. ZONE CHANGE**

##### **A. SUMMARY OF PROPOSED ZONE CHANGE**

LP requests a rezoning from Agriculture to PUD for the land identified in the DP. The Site Data and Land Use section of the Cover Sheet, along with the submitted DP plans, describe the details of the proposed PUD zoning.

##### **B. REZONING REVIEW CRITERIA**

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

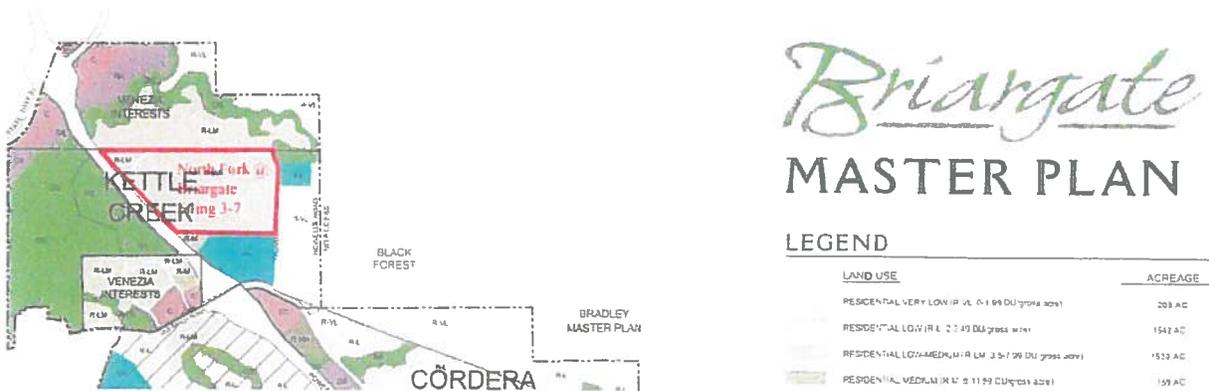
*The proposed rezoning is consistent with the public interest, health, safety, convenience or general welfare.*

2. The proposal is consistent with the goals and policies of the Comprehensive Plan.

*NFB is consistent with the intent and purposes of the City's Zoning Code as well as the goals and policies of the Comprehensive Plan as represented within the Briargate Master Plan (See #3 below).*

3. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended to be considered consistent with a zone change request.

NFB's proposed zoning and design is consistent with the Briargate Master Plan BMP. The BMP designates the site for the Residential Low-Medium Land (R-LM) Use category with a density between 3.5-7.99 DU/gross acre (see graphic below with the NFB site outlined in red). NFB complies with the BMP with the proposed 3.6 DU/gross acre (602 dwelling units/168 acres).



## V. PROPOSED FINAL PLATS AND REVIEW CRITERIA

As shown in the DP, NFB consists of 602 single family lots with tracts and easements that support the DP. Phasing will be consistent with the 5 primary filings and 7 sub-filings as shown on the Overall Site Plan. This will allow flexibility for development phasing to adjust to dynamic market conditions. NFB is submitting only Filings 3 and 4 for approval at this time.

### Plat Review Criteria

1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.
2. The proposal is consistent with the goals and policies of the Comprehensive Plan.
3. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended to be considered consistent with a zone change request.

### Responses to Plat Review Criteria

- *The proposed plats will meet or exceed the standards for subdivision design as defined by the City Development and Subdivision Codes.*
- *The proposed plats will meet or exceed the standards for utilities and services as defined by the City Development and Subdivision Codes.*
- *The proposed plats will meet or exceed the standards for adequate and safe vehicular and pedestrian circulation as defined by the City Development and Subdivision Codes and the Subdivision Policy, Pavement Design Criteria and Traffic Criteria Manuals.*
- *The proposed plats will meet or exceed the standards for adequate public facilities as defined by the City Development and Subdivision Codes and the City's Comprehensive Plan.*

- *The proposed development will meet or exceed the goals and policies of the City's Comprehensive Plan to ensure appropriate development of the community.*

## VI. PRE-APPLICATION ISSUES

Below please find the issues identified in the LDTC meeting with applicant responses in italics below each issue.

Elizabeth (Engineering) comment: parcel 1B (Campbell area) seems tight – make sure driveway's work with lot widths.

*Response: Lot widths in Filing 3 are same (minimum 50') as remainder of subdivision.*

Zach (Traffic) Comment: Kathleen from traffic agrees that a traffic study will not be required. They will review traffic before neighborhood meetings.

*Response: To provide updated and accurate information to the City, the neighbors and Pine Creek High School representatives, the applicant has completed a traffic study. The traffic study will be part of the Development Plan submittal.*

Barb (Real Estate Services) Comment: Asked about zoning – it is zone A, 3.99 residential density. Asked if it was in an airport overlay zone – answer: no. She's good with plan, no additional comments.

*Response: Comments acknowledged.*

Bootsy Jones (Police / GIS) Comments: Check street names – they should probably continue from the Easterly filing – Galaxy Hunter is extension name. no other issues with plan.

*Response: The applicants have been working with Bootsy Jones on street naming. We have revised some street names to be extensions of Filings 1 and 2 and believe the proposed street names comply with City regulations.*

Amy (Enumerations – addresses) comments: no issues with plan. Requested copy of Briargate masterplan.

*Response: A copy of the Briargate Master Plan was emailed to Amy.*

Smitty (Fire Dept.) Comments: Some concerns with turning radius at NE end of 'The Green' – request to double check turning radius for fire at 'Deer Feather' & 'Prairie Bluff'. No other City staff had issue with this road condition.

*Response: It is the applicant's understanding that the all turning radii meet or exceed City standards.*

Ann (Utilities Engineering plan reviewer) Comments: no comments or issues with plan.

Connie (Landscape / parks dept. review) Comments: no issues with plan. Would like irrigation plan before permitting.

*Response: The applicant will comply with City regulations and submit irrigation plans within 90 of receiving the first building permit.*

**Applicant Response to Comments from Neighborhood Meeting**

At the January 21, 2016 Neighborhood Meeting, questions were asked regarding projected daily volumes in the area at buildout and peak hour volumes. The following is traffic information from the Applicant's traffic consultant, Jeff Hodsdon of LSC. The information below addresses many of the questions that were not able to be answered during the meeting.

These are projected daily volumes at buildout of the area:

Thunder Mountain Avenue just north of Old Ranch Road: 10,000 to 12,000 vehicles per day (ADT)

Thunder Mountain Avenue just south of Red Cavern but north of the north HS access: 8,450 vehicles per day (ADT)

I mentioned that the volume would split at the intersection of Red Cavern/Thunder Mountain:

The volume north of the intersection is projected to be: 4,325 vehicles per day (ADT)

The volume west of the intersection is projected to be: 4,150 vehicles per day (ADT)

Peak Hour Volumes:

I was asked about peak hour volumes at Old Ranch/Thunder Mountain Avenue and I told them at least the highlights of the following:

<b>Peak Hour Traffic Volumes at the Thunder Mountain Avenue/Old Ranch Road Intersection</b>		
<b>Direction of Travel/Turn Movement at the intersection</b>	<b>Morning Peak Hour (vehicles per hour)</b>	<b>Evening Peak Hour (vehicles per hour)</b>
<b>Existing* (*from traffic rpt. figure 3)</b>		
Westbound Through	435	141
Westbound right turn	94	13
Eastbound left turn	643	102
Eastbound through	149	283
Southbound right turn	391	31
Southbound left turn	17	19
<b>Future Projected 2035 (from traffic rpt. figure 7)</b>		
Westbound Through	508	487
Westbound right turn	172	97
Eastbound left turn	771	585
Eastbound through	259	421
Southbound right turn	570	346
Southbound left turn	198	100
<i>Plus new turning movements with south intersection leg (future commercial site)</i>		
Westbound left turn	30	78
Eastbound right turn	100	325
Southbound straight through	19	12
Northbound left turn	69	273
Northbound straight through	14	19
Northbound right turn	35	147

**FIGURE 3**

## Carleo, Katie

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**From:** Rocky Manning <rockyandmargo@hotmail.com>  
**Sent:** Wednesday, January 20, 2016 5:40 PM  
**To:** Carleo, Katie  
**Subject:** Northfork Apps

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** REMINDER

Hi Katie,  
Things we would like to see addressed at the North Fork Meetings

1.) We hope this e-mail finds you well. Concerning the Northfork development. As a neighboring property owner our biggest concern, as from the beginning, is the traffic impacts on the area. We realize that the area is developing quickly and our main concern is the Union/Milam Road connection being completed. The city knows as well as we do that the delay in the connection is being held up by La Plata by refusing to work with other developers to finish the connection based only on retaining a monopoly on the land in the area only . As you know, there is a developer willing to cooperate with La Plata to finish this connection. There have already been pre application meeting on the land that will require the connection to be completed anyways.

We would like to see a requirement for La Plata to complete the Union/Milam connection or to cooperate with others willing to pay their share to complete the connection within 12 months of these pending approvals now requested.

2.) We just want to assure that the D-20 elementary school property does not border Howells Road as agreed earlier.

3.) Is High Valley Land Co. on track with the water system requirements in order to get COs from regional building department on filing 2?

4.) Building restrictions heights need to be illustrated to show layman how height is determined and only 30' feet max as per filing 1.

Rocky and Margo Manning  
10925 Howells Road 80908  
719-229-2332

## Carleo, Katie

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**From:** Barry Springer <bspringer@skybeam.com>  
**Sent:** Monday, February 01, 2016 11:34 AM  
**To:** Carleo, Katie  
**Subject:** Support for Union-Milam corridor

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** REMINDER

I am a Black Forest resident and I must often travel past Pine Creek High School to access southbound Powers and Union.

I read the Black Forest News report of the recent hearing on additional homes to be built near Pine Creek High School and the impact it will have on traffic congestion.

I strongly support the planned Union-Milam arterial connector which would reduce congestion by allowing some Black Forest traffic to be diverted away from the congested Pine Creek High School area. I recommend accelerating completion of this connector.

Barry Springer

## Carleo, Katie

---

**From:** Judy von Ahlefeldt <blackforestnews@earthlink.net>  
**Sent:** Friday, January 22, 2016 9:38 AM  
**To:** Herington, Meggan  
**Cc:** Nijkamp, Elizabeth; Krager, Kathleen; Carleo, Katie; me  
**Subject:** Re: Request for map

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** REMINDER

From Judy von Ahlefeldt

Thanks to all.

As a recall there was a map two years ago that redesigned the traffic circulation east of Powers, bounded by Union Blvd and Old Ranch Road.

It may have had to do with planning for Cordera, It included the roundabout discussed last night and several others, also including the future Milam-Union Intersection.

I do not believe there was a schedule to build all off this because it is mainly south of Old Ranch Road and was considered to be development-dependent, but it would affect the traffic volume and turn movements on ORR and near PCHS.

The current situation as I understood it last night is that the implementation of arterial road upgrades and improvements appears to be out of sync with the background traffic increases from commuters, as well as significant numbers of new homes near the High School. The access to the new proposal is confounded with and near the only access to PCHS on ORR and it appears that a different solution is needed.

Thanks,

Judy von Ahlefeldt

On 1/22/2016 8:42 AM, Herington, Meggan wrote:

> Kathleen, Do you have a different plan that was approved in 2014 for Union and Milam?

>

> We don't have anything here at Planning. The Sorrento/Bradley Ranch property was zoned several years ago (before 2014) and there was substantial input on the development plan and the road network. However, that development plan was never approved and is now withdrawn. Is there anything you know of that is this plan to send?

>

> Katie can send the old expired DP, but that would all be re-evaluated if a new developer takes over the property. Any other construction plans you are aware of?

>

> Thanks, Meggan

>

> Meggan Herington, AICP

> Planning Manager - LUR/DRE

> Planning and Community Development

> City of Colorado Springs

> 719-385-5083

> [mherington@springsgov.com](mailto:mherington@springsgov.com)

>

>

>

> -----Original Message-----

> From: Nijkamp, Elizabeth

> Sent: Friday, January 22, 2016 8:36 AM

> To: Judy von Ahlefeldt

> Cc: Herington, Meggan

> Subject: RE: Request for map

>

> Hi Judy,

>

> I am not sure what plan you are referring to. I do not believe that there has ever been construction documents submitted for the section that you are looking for. That leads me to believe you want the Concept plan or the Master plan for this section of the Cordera area.

>

> I do not have electronic copies of those documents. I have copied Meggan Herington in hopes that she can help you.

>

> Elizabeth Nijkamp, PE

> Area Review Engineer

> City of Colorado Springs

> 719-385-5410 direct

> 719-287-2659 cell

>

>

>

> -----Original Message-----

> From: Judy von Ahlefeldt [<mailto:blackforestnews@earthlink.net>]

> Sent: Friday, January 22, 2016 8:10 AM

> To: Nijkamp, Elizabeth

> Subject: Request for map

>

> Hi Elizabeth,

>

> I would like to request a .jpg or .pdf of the revised plan for the Union Extension to Milam that i believe was approved in 2014.

>

> As I recall it had five roundabouts and portrays the traffic circulation for arterials in the area between Milam-Union, Powers, and Old Ranch Rd.

>

> Thought I had a picture of this because i remember it was at a public meeting, but can't seem to find it on my computer.

>

> Thanks,

>

> Judy von Ahlefeldt

>

>

>

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> -----  
> No virus found in this message.  
> Checked by AVG - [www.avg.com](http://www.avg.com)  
> Version: 2016.0.7357 / Virus Database: 4522/11455 - Release Date:  
> 01/21/16  
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**Attachment 2**  
**Applicant Response to Public Comment Letter**

Please find Applicant responses to the comments in the right hand column in blue.

**Carleo, Katie**

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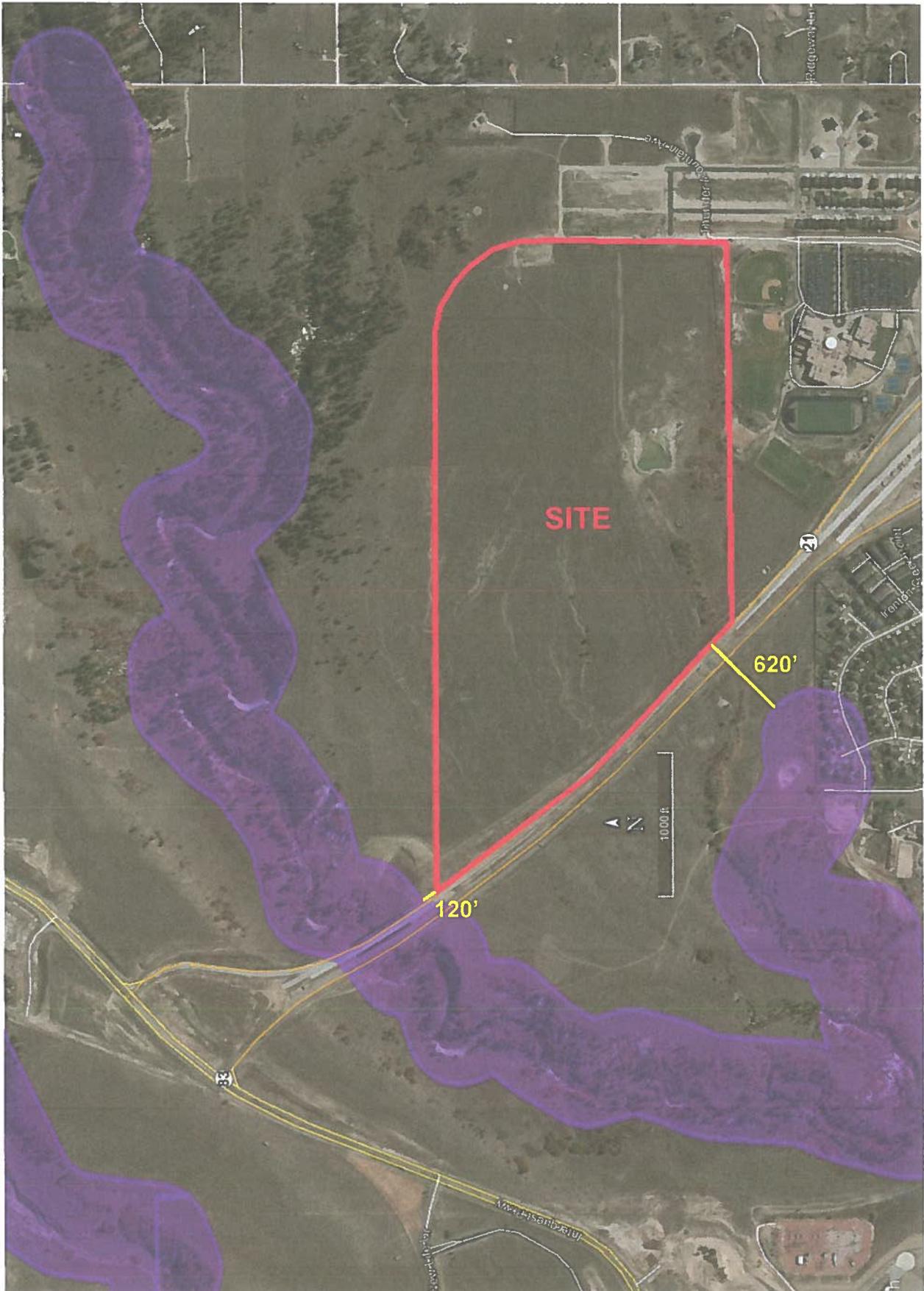
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**To:** Carleo, Katie  
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**Follow Up Flag:** Follow up  
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Hi Katie,  
 Things we would like to see addressed at the North Fork Meetings

Comment	Applicant Response
<p>1.) We hope this e-mail finds you well. Concerning the Northfork development. As a neighboring property owner our biggest concern, as from the beginning, is the traffic impacts on the area. We realize that the area is developing quickly and our main concern is the Union/Milam Road connection being completed. The city knows as well as we do that the delay in the connection is being held up by La Plata by refusing to work with other developers to finish the connection based only on retaining a monopoly on the land in the area only . As you know, there is a developer willing to cooperate with La Plata to finish this connection. There have already been pre application meeting on the land that will require the connection to be completed anyways.  <u>We would like to see a requirement for La Plata to complete the Union/Milam connection or to cooperate with others willing to pay their share to complete the connection within 12 months of these pending approvals now requested.</u></p>	<p>This comment is not related to the North Fork Filing 3-7 application.</p>
<p>2.) We just want to assure that the D-20 elementary school property does not border Howells Road as agreed earlier.</p>	<p>The D-20 elementary school property does not border Howells Road as agreed earlier.</p>
<p>3.) Is High Valley Land Co. on track with the water system requirements in order to get COs from regional building department on filing 2?</p>	<p>This comment is not related to the North Fork Filing 3-7 application.</p>
<p>4.) Building restrictions heights need to be illustrated to show layman how height is determined and only 30' feet max as per filing 1.</p>	<p>Building height definition can be found in the City Zoning Code</p>





NORTH FORK PREBLE'S MOUSE CRITICAL HABITAT EXHIBIT  
**FIGURE 7**

**7.5.603 (B): ESTABLISHMENT OR CHANGE OF ZONE DISTRICT BOUNDARIES:**

- B: A proposal for the establishment or change of zone district boundaries may be approved by the City Council only if the following findings are made:
1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.
  2. The proposal is consistent with the goals and policies of the Comprehensive Plan.
  3. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with a zone change request.
  4. For MU zone districts the proposal is consistent with any locational criteria for the establishment of the zone district, as stated in article 3, "Land Use Zoning Districts", of this Zoning Code. (Ord. 94-107; Ord. 97-111; Ord. 01-42; Ord. 03-157)

**PUD ZONE CHANGE REVIEW CRITERIA:**

**7.3.603: ESTABLISHMENT AND DEVELOPMENT OF A PUD ZONE:**

- A. A PUD zone district may be established upon any tract of land held under a single ownership or under unified control, provided the application for the establishment of the zone district is accompanied by a PUD concept plan or PUD development plan covering the entire zone district which conforms to the provisions of this part.
- B. An approved PUD development plan is required before any building permits may be issued within a PUD zone district. The PUD development plan may be for all or a portion of the entire district. The review criteria for approval of the PUD concept plan and approval of a PUD development plan are intended to be flexible to allow for innovative, efficient, and compatible land uses. (Ord. 03-110, Ord. 12-68)

### **7.3.606: REVIEW CRITERIA FOR PUD DEVELOPMENT PLAN:**

A PUD development plan for land within a PUD zone shall be approved if it substantially conforms to the approved PUD concept plan and the PUD development plan review criteria listed below. An application for a development plan shall be submitted in accord with requirements outlined in article 5, parts 2 and 5 of this chapter. Unless otherwise specified by a development agreement, the project shall be vested by the PUD development plan in accord with section [7.9.101](#) and subsection [7.5.504C2](#) of this chapter.

A. Consistency With City Plans: Is the proposed development consistent with the Comprehensive Plan or any City approved master plan that applies to the site?

B. Consistency With Zoning Code: Is the proposed development consistent with the intent and purposes of this Zoning Code?

C. Compatibility Of The Site Design With The Surrounding Area:

1. Does the circulation plan minimize traffic impact on the adjacent neighborhood?
2. Do the design elements reduce the impact of the project's density/intensity?
3. Is placement of buildings compatible with the surrounding area?
4. Are landscaping and fences/walls provided to buffer adjoining properties from undesirable negative influences that may be created by the proposed development?
5. Are residential units buffered from arterial traffic by the provision of adequate setbacks, grade separation, walls, landscaping and building orientation?

D. Traffic Circulation:

1. Is the circulation system designed to be safe and functional and encourage both on and off site connectivity?
2. Will the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?
3. Will adequately sized parking areas be located to provide safe and convenient access, avoid excessive parking ratios and avoid expanses of pavement?
4. Are access and movement of handicapped persons and parking of vehicles for the handicapped appropriately accommodated in the project design?

5. As appropriate, are provisions for transit incorporated?

E. Overburdening Of Public Facilities: Will the proposed development overburden the capacities of existing and planned streets, utilities, parks, and other public facilities?

F. Privacy: Is privacy provided, where appropriate, for residential units by means of staggered setbacks, courtyards, private patios, grade separation, landscaping, building orientation or other means?

G. Pedestrian Circulation:

1. Are pedestrian facilities provided, particularly those giving access to open space and recreation facilities?
2. Will pedestrian walkways be functionally separated from vehicularways and located in areas that are not used by motor vehicles?

H. Landscaping:

1. Does the landscape design comply with the City's landscape code and the City's landscape policy manual?
2. The use of native vegetation or drought resistant species including grasses is encouraged. The City's landscape policy manual or the Community Development Department's landscape architect can be consulted for assistance.

I. Open Space:

1. Residential Area:
  - a. Open Space: The provision of adequate open space shall be required to provide light, air and privacy; to buffer adjacent properties; and to provide active and passive recreation opportunities. All residential units shall include well designed private outdoor living space featuring adequate light, air and privacy where appropriate. Common open space may be used to reduce the park dedication requirements if the open space provides enough area and recreational facilities to reduce the residents' need for neighborhood parks. Recreational facilities shall reflect the needs of the type of residents and proximity to public facilities.
  - b. Natural Features: Significant and unique natural features, such as trees, drainage channels, slopes, and rock outcroppings, should be preserved and incorporated into the design of the open space. The

Parks and Recreation Advisory Board shall have the discretion to grant park land credit for open space within a PUD development that preserves significant natural features and meets all other criteria for granting park land credit.

2. Nonresidential And Mixed Use; Natural Features: The significant natural features of the site, such as trees, drainage channels, slopes, rock outcroppings, etc., should be preserved and are to be incorporated into the design of the open space.

J. Mobile Home Parks: Does a proposed mobile home park meet the minimum standards set forth in the mobile home park development standards table in subsection [7.3.104B](#) of this article? (Ord. 03-110; Ord. 03-190; Ord. 09-70; Ord. 09-80; Ord. 12-68)

**7.5.502 (E): DEVELOPMENT PLAN REVIEW CRITERIA:**

- E. Development Plan Review Criteria: A development plan shall be reviewed using the criteria listed below. No development plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the land uses surrounding the site. Alternate and/or additional development plan criteria may be included as a part of an FBZ regulating plan.
1. Will the project design be harmonious with the surrounding land uses and neighborhood?
  2. Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?
  3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties?
  4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off site negative influences and to buffer adjacent properties from negative influences that may be created by the proposed development?
  5. Will vehicular access from the project to streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption?
  6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?
  7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic?
  8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?
  9. Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design?
  10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?

11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?
12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design? (Ord. 94-107; Ord. 95-125; Ord. 01-42; Ord. 02-64; Ord. 03-74; Ord. 03-157; Ord. 09-50; Ord. 09-78)



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

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**File #:** CPC ZC 16-00018, **Version:** 1

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A zone change from C-6 (General Business) to M-1 (Light Industrial) for 10.7 acres located at 3640, 3720 and 3760 Drennan Road. (Springs Waste)

(Quasi-Judicial)

Related Item: CPC CP 16-00019

**Presenter:**

Mike Turisk, Planner II, Planning and Community Development

**Proposed Motion:**

Recommend approval to City Council of a zone change from C-6 (General Business) to M-1 (Light Industrial) located at 3640, 3720 and 3760 Drennan Road based on the finding the rezoning complies with the review criteria in City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries).



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

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**File #:** CPC CP 16-00019, **Version:** 1

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Springs Waste concept plan for a 10.7 acre site located at 3640, 3720 and 3760 Drennan Road  
(Quasi-Judicial)

Related Item: CPC ZC 16-00018

**Presenter:**

Mike Turisk, Planner II, Planning and Community Development

**Proposed Motion:**

Approve the Springs Waste concept plan located at 3640; 3720; and 3760 Drennan Road based on the finding the concept plan complies with the review criteria in City Code Section 7.5.501.E (Review Criteria for Concept Plans).

CITY PLANNING COMMISSION AGENDA

FILE NOS:

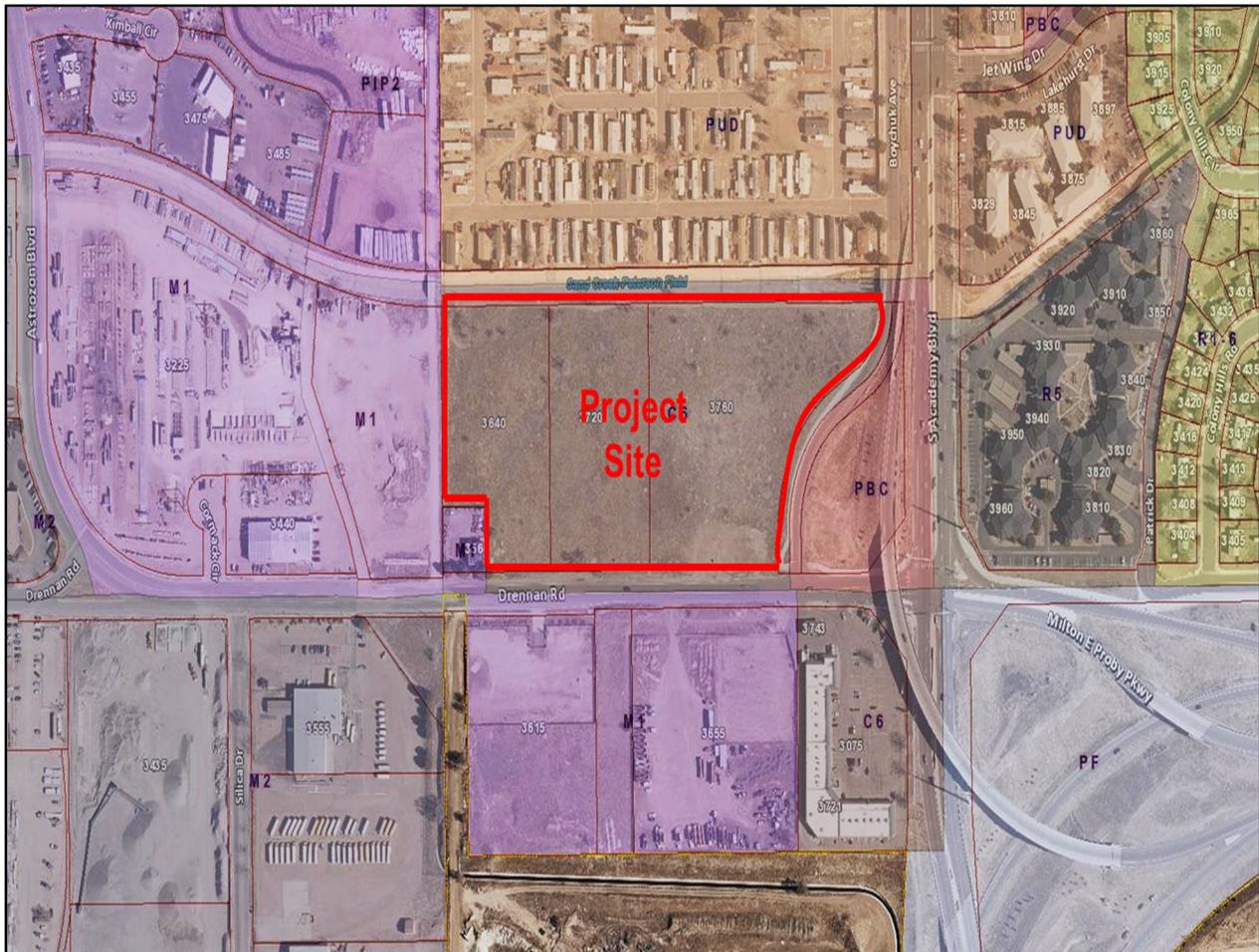
CPC ZC 16-00018 – QUASI-JUDICIAL  
CPC CP 16-00019 – QUASI-JUDICIAL

STAFF: MICHAEL TURISK

**PROJECT: SPRINGS WASTE**

**APPLICANT: TERRA NOVA ENGINEERING, INC.**

**OWNER: OLGA ZHUKOVA**



**PROJECT SUMMARY:**

**1. Project Description:**

The vacant subject properties located near to the northwest corner of Drennan Road and South Academy Boulevard that regard this request for a zone change and concept plan include three

platted lots that are approximately 10.7 acres in total and addressed as follows: 3640 (Lot 1), 3720 (Lot 2) and 3760 Drennan Rd. (Lot 3). The area in proximity to the site, particularly south and west, is zoned M-1, with PUD, PBC (Planned Business Center) and C-6 zoning to the north, east and southeast, respectively. The nature of development consists of primarily industrial-type uses; however, the PUD to the north includes the Lamplighter Mobile Home Park. Utility easements were vacated per a waiver of replat approved in 2011.

Note that garbage service companies are not permitted uses in the current C-6 zoning district and require a conditional use in the M-1 zoning district. Therefore, the Planning Commission will consider in the near future a conditional use development plan in order to fully entitle the proposed project.

2. Applicant's Project Statements: (FIGURES 1 and 2)
3. Planning and Development Team's Recommendation: Approve the zone change request from C-6 to M-1 and the associated concept plan.

#### **BACKGROUND:**

1. Site Addresses: 3640; 3720; and 3760 Drennan Road
2. Existing Zoning/Land Use: C-6 (General Business) with CU (Conditional Use) and AO (Airport Overlay)
3. Surrounding Zoning/Land Use:  
North: PUD (Planned)/Lamplighter Mobile Home Park  
South: M-1 (Light Industrial)/Truck and auto storage  
East: PBC (Planned Business Center)/Boychuk Avenue  
West: M-1 (Light Industrial)/vacant
4. Comprehensive Plan/Designated 2020 Land Use: Mature Redevelopment Corridor
5. Annexation: Pinehurst Addition #2; 1969
6. Master Plan/Designated Master Plan Land Use: The property is located in the Academy Boulevard Corridor Great Streets Plan which was adopted as an element of the City Comprehensive Plan in 2011. This document does not identify site-specific land uses. It does identify this area (intersection of Academy Boulevard and Drennan Road/Proby Parkway) as "minor gateway" intersection. By comparison, the Academy Boulevard/Hancock Expressway intersection to the north is identified as a major activity node. (See analysis of Comprehensive Plan below)
7. Subdivision: Katie Meade Subdivision
8. Zoning Enforcement Action(s): None
9. Physical Characteristics: The property is unimproved and flat.

#### **STAKEHOLDER PROCESS AND INVOLVEMENT:**

Public notice was provided to 14 property owners within 500-feet of the subject property during the internal review and prior to the Planning Commission meeting. Public notice, however, did not generate comments. In addition, staff convened a neighborhood meeting on February 29, 2016 to provide opportunity for the applicant and staff to present the proposal to potentially interested neighbors, but there were no attendees. Notice was also posted on-site for both the internal review and the Planning Commission Hearing.

As of this report, staff has not received any comments regarding the proposed rezoning and associated concept.

The applications were also sent to internal agencies for review and comment. Review agencies for this project included Traffic Engineering, City Engineering, and Fire Prevention and their review comments have been addressed.

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

Review Criteria/Design & Development Issues:

#### Zone Change

The request is to rezone the 10.7-acre site from C-6 to M-1 in order to accommodate light industrial uses to potentially include a garbage services use. The project site lies adjacent to a comparatively large area of industrially-zoned properties to the west, as the Drennan Road corridor from South Academy Boulevard westward accommodates a number of M-1 and M-2 properties, one of the largest such areas with contiguous industrial zoning in the City. The rezoning request is considered a reasonable extension of existing industrial zoning in the area, and given the scope of this particular garbage services use (no on-site garbage storage is proposed), the rezoning action is not considered one that would threaten public health, safety and/or welfare.

#### Concept Plan

The concept plan (FIGURE 3) illustrates a proposed approximately 22,000 square-foot maintenance and storage building and a 4,000 square-foot administration building with associated parking for trucks and various personnel. Ingress and egress would be provided via Boychuk Avenue. A possible future 24,000 square-foot administration/customer service building would be constructed at the western portion of the subject property. (A driveway would be cut via Drennan Road to accommodate any future administration building). A water quality/detention feature would be at the northwestern portion of the property. Although the proposed conceptual use is defined per City Code as a garbage services company, the project would not include a landfill or on-site storage of refuse and/or recyclables. Rather, the site would be used to store and maintain Springs Waste's fleet trucks and other vehicles, and would include an administrative building to coordinate route logistics and provide other administrative functions. The site would in essence be a point of departure for trucks embarking on pick up routes during the day and would act as a parking or storage area after operating hours. Because the site would not accommodate a landfill or recycling facility, the proposed concept would likely have much less potential for significant off-site impact upon on the area particularly the residential Lamplighter community to the north. The Lamplighter Mobile Home Park lies to the north, separated by the subject property by a comparatively wide (approximately 100-feet) City-owned drainage way. In order to help mitigate any negative off-site impacts generated by the use, perhaps most notably from potential noise and visual impacts, the applicant has proposed an extensive landscape buffer and opaque screening along the north property boundary. Landscape buffering and screening are the most practical, achievable and effective techniques for separating and mitigating potentially incompatible uses. Such measures provide protection for residential uses, including from noise and, more obviously, from visual impacts. These measures along with a comparatively large setback proposed at the north property boundary would combine to provide an even more effective means of separation and impact mitigation from the proposed industrial district.

Real Estate Services has requested an avigation easement given the site's location within the City's Airport Overlay.

In addition, the Airport Advisory Commission (AAC) was provided notice of the application, and approved a “no objection” recommendation for the property and proposed use.

The proposed concept generally complies with the review criteria. As was noted, the applicant has proposed mitigating potential for off-site impacts by providing for a landscape buffer and opaque screening along the north property boundary adjacent to the drainage way that provides for additional setback; this should provide adequate measure of potential off-site impact mitigation for the residential community to the north. In addition, the applicant has indicated that loading docks shall not be oriented to the north towards the Lamplighter community. The rezoning and concept are considered reasonable given that the site is proximate to other industrial-zoned properties and uses.

Staff has reviewed the zone change request and the associated concept plan and finds that the applications are consistent with the review criteria and standards of the City Code.

1. Conformance with the City Comprehensive Plan:

The City’s Comprehensive Plan indicates at least one objective, policy and strategy that support the proposed rezoning and associated concept. They include:

***Objective LU 2: Develop A Land Use Pattern That Preserves the City's Natural Environment, Livability, And Sense of Community***

A focused pattern of development makes more efficient use of land and natural and financial resources than scattered, "greenfield" development. In contrast to dispersed patterns of development, a consolidated pattern helps to decrease traffic congestion and facilitates the ability of the City to provide needed services and public facilities, such as street maintenance, public transit, police and fire protection, and emergency services.

***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 801f: Plan and Locate Mixed Uses to Serve Industrial Areas***

Plan and locate complimentary mixed-use centers to serve the needs of employees in industrial areas, including commercial, service, and restaurant uses.

The Comprehensive Plan designates this area of the City as a *Mature Redevelopment Corridor*, corridors that “...line older arterial streets and state highways with retail uses and auto-oriented services developed in a typical strip commercial pattern, with multiple curb cuts, individual parking lots, cluttered signage, and small lots.” However, of particular relevance to this request, Mature Redevelopment Corridors also provide for significant infill and redevelopment opportunities.

Per the recently adopted Infill Comprehensive Plan Supplement (March 2016), “*Infill projects seeking approval or consideration of zoning changes should generally be supported if they advance the overall infill and redevelopment principles, goals and outcomes...*” The City has a great deal of capacity for infill, with over 7,000 acres of vacant and developable land.

One of the Plan’s goals relevant to this request speaks to “substantial development and redevelopment need on sites that present an opportunity for conversion to new and/or intensified uses.” The proposed rezoning and concept represent property development in an older and largely developed area of the City.

The Supplement considers the development of large vacant properties, such as this, as infill, particularly when largely surrounded by pre-1980 development as is somewhat the case here.

Given the above, it is the finding of the City's Planning and Community Development Department that the rezoning request and associated concept plan conforms to the City's *Comprehensive Plan 2020 Land Use Map* and the Plan's Goals and Objectives.

2. Conformance with the Area's Master Plan:

The Academy Boulevard Corridor Great Streets Plan ("Plan") identifies the site within the "Proby Portal" which is further described as a "Mixed Use Gateway Intersection" in terms of challenges for this intersection,

Generally, the Plan is fairly permissive in addressing potential land use changes and recognizes the need to be relatively adaptable to the evolving market, including an acknowledgement that parts of Academy Boulevard are "over-retailed". However at the same time, the Plan recommends against uses that may not be compatible with the redevelopment context at a given location. In this case that context is somewhat unique given the proximity of the commercial area to the south, the residential area to the north, and heavier industrial uses to the west, and further south.

The Plan notes the limited traffic flow east of Academy Boulevard along with access limits created by the new interchange. The Plan also notes a limited area immediately available for large scale mixed use redevelopment. There are no specific opportunities identified for this quadrant. The short term recommendation for this site is to "support higher density mixed uses with a residential focus. In terms of long term recommendations immediately applicable to this property, the Plan had recommended the potential for a transit facility in this area. Staff notes that this recommendation is no longer particularly applicable because an alternate location (closer to Hancock Expressway) has now been planned and recommended for this use.

**STAFF RECOMMENDATION:**

**CPC ZC 16-00018 – ZONE CHANGE**

Recommend approval to City Council the zone change from C-6 (General Business) to M-1 (Light Industrial) located at 3640, 3720 and 3760 Drennan Road based on the finding the rezoning complies with the review criteria in City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries).

**CPC CP 16-00019 – CONCEPT PLAN**

Recommend approval to City Council the Springs Waste concept plan located at 3640, 3720 and 3760 Drennan Road based on the finding the concept plan complies with the review criteria in City Code Section 7.5.501.E (Review Criteria for Concept Plans).

Zone Change Project Statement for

**Springs Waste on Drennan Road**

An Equipment Maintenance Facility & Office Building

February 2016

The project statement has three components. They are as follows:

1. A clear description of the proposed zone change,
2. A justification based on the review criteria why the proposed zone change should be approved, and
3. An issue list stating how each of the pre-application issues, as communicated to the applicant/owner by the reviewing planner has been addressed.

Item 1 – Proposed Zone Change

There are three platted lots whose addresses from west to east are 3640 (lot 1), 3720 (lot 2) & 3760 (lot 3) Drennan Road which are the subject of this zone change request. The combined area of these lots is 10.7+/- acres. The lots are currently vacant with natural grass cover vegetation and assorted trees dotted throughout the property. The proposed zone change will include all three lots. It is proposed to change the zoning of these three lots from C6 General Business to M1 Light Industrial.

It should be noted that a waiver of replat for utility easements running along the interior lot line boundaries between lots 1, 2 & 3 were vacated per a document recorded at reception number 211078097 on 8/12/2011. The waiver of replat was approved by City Planning on 8/3/2011 under planning number AR WR 10-00232. According to note 3 of the Waiver of Replat document, 'The existing 5' utility easements are to be vacated by separate instrument at the Development Plan stage'.

Item 2 – Justification for Zone Change

The current zoning for this property is C6 which is for general business. A General Business zone is used to accommodate general commercial uses that are typically high volume traffic generators and usually dependent on more than the immediate neighborhood for their market area.

It is proposed to change the zoning to M1 which is light industrial which will be more compatible with the proposed use of the property. M1 zones accommodate light industrial uses and commercial uses that are complementary and compatible to the industrial uses.

Since this project calls for a vehicle maintenance facility on lots 2 & 3 with associated office space now and a future office building proposed for lot 1, the M1 seems to be a more suitable choice of zoning for this site. Zoning for properties that surround this site are as follows:

- |       |   |  |
|-------|---|--|
| North | - | Concrete Drainage Channel, City property |
| North | - | PUD/AO                                   |

Northwest	-	PIP2/AO
West	-	M1/AO
Southwest	-	M1/AO/CU
South	-	Drennan Road R/W
South of lot 1	-	M1/AO/CU
South of lot 2	-	M1/AO
South of lot 3	-	M1/AO
Southeast of lot 3	-	C6/AO
East	-	Boychuck Ave. R/W

With the exception of 3 private properties and the City-owned Rights-of-Way and a drainage channel, all of the surrounding properties have the requested M1 zoning designation. This and the proposed use for the property justifies the re-zoning request to an M1 zone.

### Item 3 – List of Issues

The list of issues for this project are as follows:

- Mitigation of noise/visual impacts –  
It is proposed to use a landscape berm, landscaping and an opaque wall to minimize this issue.
- Curb & Gutter for Drennan Road frontage-  
It is proposed to install curb & gutter along the existing north side pavement edge from where it currently terminates to the west end of the lot 1 frontage.

Concept Plan Project Statement for  
**Springs Waste on Drennan Road**  
An Equipment Maintenance Facility & Office Building  
February 2016

The project statement has three components. They are as follows:

1. Description: describe the project and/or land uses proposed,
2. Justification: justify the approval of the project and address the review criteria at the end of this checklist
3. Issues: explain how the identified issues have been addressed or mitigated.

Item 1 – Description

There are three platted lots whose addresses from west to east are 3640 (lot 1), 3720 (lot 2) & 3760 (lot 3) Drennan Road which are the subject of this Concept Plan. The owner wishes to develop lot 1 as an office building while lots 2 & 3 will be developed as a combination of garbage truck fleet maintenance area and associated office space. Parking for the fleet and employees will be provided on the premises of each building. At this time, Lot 1 is being proposed as a future use.

Item 2 – Justification for approval

Approval of this project is justified in that it is consistent with surrounding properties which consist of mostly light industrial uses. There is a drainage channel running across the north side of the site which creates a buffer between the residential area north of the channel and this site.

A property that is adjacent to this site in the southwest corner is being used as a warehouse of sorts for a temporary traffic control devices company.

The properties south of Drennan Road all have uses consistent with a light industrial area and the site is bounded on the east by Boychuck Ave. which is a public right-of-way with a paved street and attached concrete sidewalk.

Item 3 – List of Issues

The list of issues for this project are as follows:

- Mitigation of noise/visual impacts –  
It is proposed to use a landscape berm along the northern lot frontage (along the concrete drainage channel), landscaping and an opaque non-wood wall to minimize this issue.
- Curb & Gutter for Drennan Road frontage-  
It is proposed to install curb & gutter along the existing north side pavement edge from where it currently terminates to the west end of the lot 1 frontage.

# SPRINGS WASTE ON DRENNAN ROAD

## COLORADO SPRINGS, CO

### CONCEPT PLAN

#### FEBRUARY 2016

#### GENERAL NOTES

1. THIS PROPERTY MAY BE IMPACTED BY 100-YEAR FLOODPLAIN AS DETERMINED BY THE FLOOD INSURANCE RATE MAP (FIRM) NUMBER 08041C0742F EFFECTIVE DATE MARCH 17, 1997. THE AREA IN THE VICINITY OF THIS PARCEL OF LAND IS INDICATED TO BE IN FLOOD ZONE X (AREA OF 500-YEAR FLOOD), AND WHITE ZONE X (OUTSIDE 500-YEAR FLOOD).
2. NOTICE: THIS PROPERTY MAY BE IMPACTED BY 100-YEAR FLOODPLAIN AS DETERMINED BY THE FLOOD INSURANCE RATE MAP (FIRM) NUMBER 08041C0742F EFFECTIVE DATE MARCH 17, 1997. THE AREA IN THE VICINITY OF THIS PARCEL OF LAND IS INDICATED TO BE IN FLOOD ZONE X (AREA OF 500-YEAR FLOOD), AND WHITE ZONE X (OUTSIDE 500-YEAR FLOOD).
3. A SOUND OPaque WALL SHALL BE PROVIDED ALONG APPROPRIATE SOUND BUFFER BETWEEN THE PROPOSED VEHICLE MAINTENANCE USE AND THE EXISTING RESIDENTIAL NEIGHBORHOOD TO THE NORTH OF THE SITE.
4. TRUCK LOADING DOCKS SHALL NOT BE ORIENTED TO THE NORTH.
5. CROSS ACCESS EASEMENTS WILL BE PROVIDED AT THE TIME OF DEVELOPMENT PLAN, IF NEEDED.
6. ALL EXTERIOR LIGHTING WILL CONSIST OF FULL CUT OFF SHIELDING.
7. A FINAL DRAINAGE REPORT WILL BE REQUIRED FOR EACH LOT UPON SUBMITTAL OF THEIR RESPECTIVE DEVELOPMENT PLANS.
8. AN AVIGATION EASEMENT WILL BE REQUIRED IF ONE HAS NOT ALREADY BEEN RECORDED AGAINST THE PROPERTY.
9. AN APPLICATION FOR A ZONE CHANGE ON THIS PROPERTY WILL BE REQUIRED FOR THE PROPOSED BUILDING AND LANDSCAPE SETBACKS REPRESENT THE EXISTING C6 ZONING. THE PROPOSED BUILDING AND LANDSCAPE SETBACKS REPRESENT THE PROPOSED MI ZONING.
10. UTILITIES SHOWN ARE TAKEN FROM CSU FMS MAPS AND HAVE NOT BEEN FIELD LOCATED TO DATE.

#### EXISTING CONDITIONS OF RECORD PER APPROVED CONCEPT PLAN DATED SEPT. 28, 2010

- A. THE FOLLOWING USES ARE PROHIBITED FROM THE ENTIRE C-5 ZONE DISTRICTS (LARGE SCALE ACTIVITY)
  - B. SEXUALLY ORIENTED BUSINESS
  - C. MINING OPERATIONS
  - D. MINING OPERATIONS
- THE FOLLOWING USES ARE ALLOWED WITHIN THE ZONE DISTRICT BUT ARE REQUIRED TO BE LOCATED A MINIMUM OF 100-FT FROM THE CENTER LINE OF THE DRAINAGE CUTOFF SERVICE
- A. AUTOMOTIVE REPAIR GARAGE (INCLUDING OUTDOOR VACUUMS)
  - B. BODY & FENDER REPAIR SERVICE (INCLUDING EXTERMINATING SERVICES)
  - C. KENNELS
  - D. DRIVE-IN OR FAST FOOD RESTAURANT
  - E. VETERINARY SERVICE (SMALL ANIMAL CLINIC)
  - F. CONSTRUCTION AND/OR CONTRACTOR'S YARD
  - G. GENERAL INDUSTRY (LIGHT)
  - H. WAREHOUSE

- A. MINIMUM FRONT YARD SETBACK 30 FT
  - 20-FT IS REQUIRED.
- IF IN THE FUTURE THE CURRENT OR FUTURE PR. PERTY DEVELOPMENT PLAN IS CHANGED TO A USE OTHER THAN THAT REQUESTED, THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS FROM THE CITY PLANNING COMMISSION AND CITY COUNCIL.

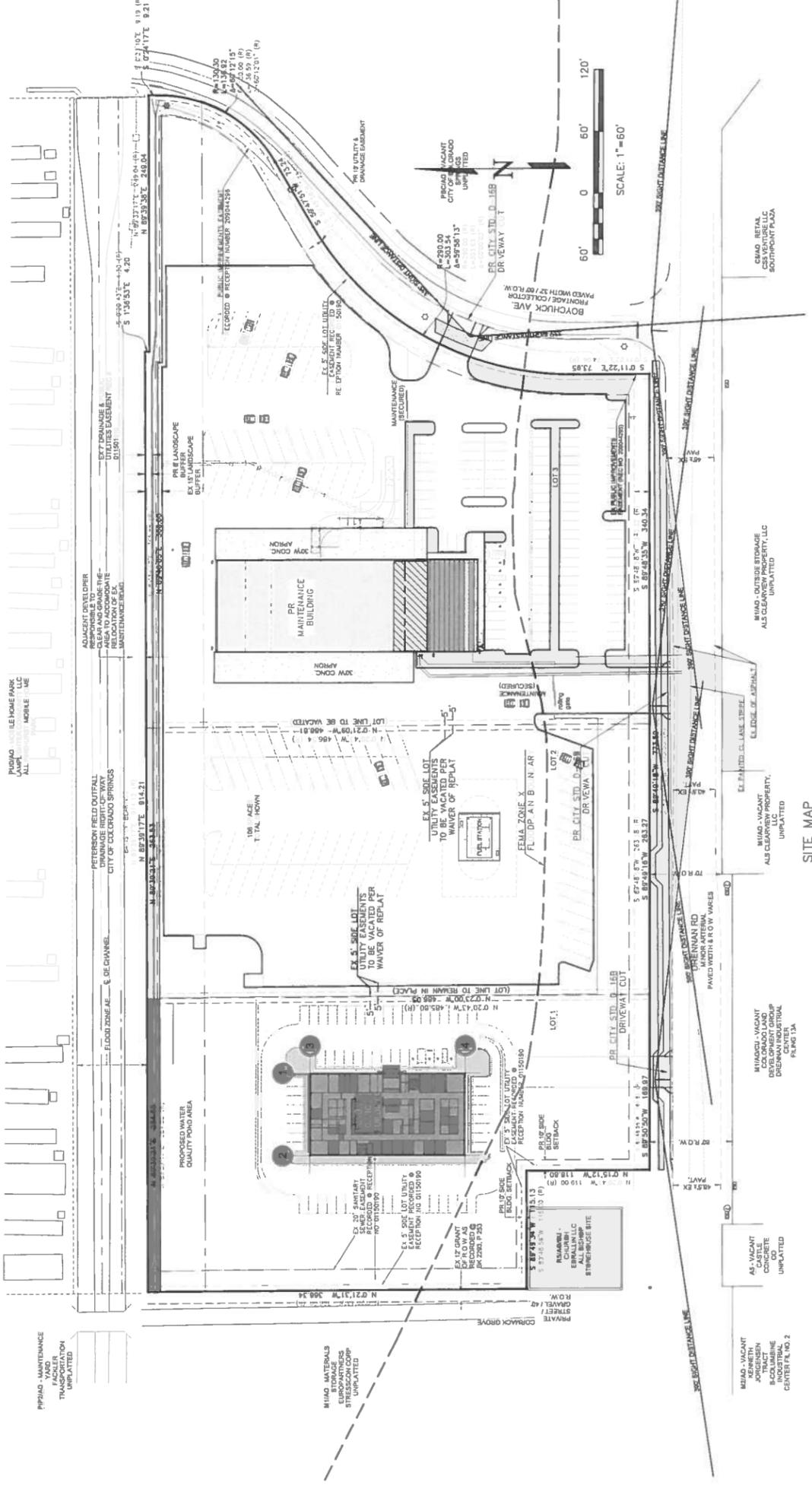
#### LEGAL DESCRIPTION:

LOTS 1, 2, & 3, KATE WEADE SUBDIVISION, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO AS RECORDED AT RECEPTION NUMBER 0150190



#### VICINITY MAP

NTS



#### SITE MAP

SCALE: 1"=60'

PREPARED FOR  
**TBONE CONSTRUCTION**  
ATTN: MIKE THIBAUT  
1310 FORD ST.  
COLORADO SPRINGS, CO 80915  
(719) 591-5217

Terra Nova Engineering, Inc.  
122 N. WALKER AVE.  
COLORADO SPRINGS, CO 80903  
OFFICE: 719-591-6444  
FAX: 719-591-4743  
WWW.TERRANOVA.COM

COVER SHEET  
CONCEPT PLAN  
SPRINGS WASTE ON DRENNAN ROAD

REVISIONS	DATE	DESCRIPTION

TRAFFIC ENGINEERING	CONTRACTS:
CITY OF COLORADO SPRINGS 30 S. NEVADA AVENUE COLORADO SPRINGS, COLORADO 80903 MS. KATHLEEN KRAGER, (719) 385-7628	OWNER/DEVELOPER MS. OLGA ZHUKOVA 7941 KATY FRWAY #276 HOUSTON, TX. 77024-1924 MS. OLGA ZHUKOVA, (XXXX)
CITY OF COLORADO SPRINGS 1521 HAINCOCK EXPRESSWAY COLORADO SPRINGS, CO 80903 WATER, USA ROSS, (719) 668-8270 WASTEWATER, USA ROSS, (719) 668-8270	CIVIL ENGINEER TERRA NOVA ENGINEERING 122 N. WALKER AVE. COLORADO SPRINGS, CO 80903 MS. L. DUCETT (719) 635-6422
CITY OF COLORADO SPRINGS 2880 INTERNATIONAL CIRCLE COLORADO SPRINGS, CO 80903 RICH WALKER, (719) 668-4490	GEOTECHNICAL ENGINEER N/A
CITY OF COLORADO SPRINGS 7710 DURANT DRIVE COLORADO SPRINGS, COLORADO 80920 TONY COLVIL, (719) 668-5768	ARCHITECT TBONE CONSTRUCTION, INC. 1310 FORD ST. COLORADO SPRINGS, CO 80915 JM. CHILDS, AIA, NCARB (719) 570-1456
U.S. WEST COMMUNICATIONS (LOCATIONS) (800) 922-1887 A.T. & T.	ENGINEERING DIVISION CITY OF COLORADO SPRINGS 1402 COLORADO SPRINGS, COLORADO 80903 PATRICK MORRIS, P.E., (719) 385-5075

CSU DEVELOPMENT SERVICES:	CSU INSPECTIONS:	FIRE PREVENTION DIVISION:	FIELD ENGINEER:	TELEPHONE COMPANY:
CITY OF COLORADO SPRINGS 1521 HAINCOCK EXPRESSWAY COLORADO SPRINGS, CO 80903 WATER, USA ROSS, (719) 668-8270 WASTEWATER, USA ROSS, (719) 668-8270	CITY OF COLORADO SPRINGS 2880 INTERNATIONAL CIRCLE COLORADO SPRINGS, CO 80903 RICH WALKER, (719) 668-4490	CITY OF COLORADO SPRINGS 7710 DURANT DRIVE COLORADO SPRINGS, COLORADO 80920 TONY COLVIL, (719) 668-5768	CITY OF COLORADO SPRINGS 1402 COLORADO SPRINGS, COLORADO 80903 PATRICK MORRIS, P.E., (719) 385-5075	U.S. WEST COMMUNICATIONS (LOCATIONS) (800) 922-1887 A.T. & T.

LOT 1 FUTURE OFFICE BUILDING SIZE IN SQUARE FEET	FUTURE LOT 1 MAXIMUM BUILDING HEIGHT	24,000 SF	45'
LOT 2 & 3 PROPOSED GARAGE BUILDING SIZE IN SQUARE FEET	LOT 2 & 3 PROPOSED OFFICE BUILDING SIZE IN SQUARE FEET	21,730± SF	4,270± SF
PROPOSED LOT 2 & 3 MAXIMUM BUILDING HEIGHT		36' PR / 45' MAX.	

TAX SCHEDULE NO	AREA	EXISTING ZONING	PROPOSED ZONING	EXISTING USE	PROPOSED USE	DEVELOPMENT SCHEDULE	SITE ADDRESS	SITE PLAT NEEDED	LOT 1 LAND USE	LOTS 2 & 3 LAND USE
643-4401002	1072 AC	C6/AO	M1/CU/AO	3 VACANT LIGHT INDUSTRIAL LOTS	OFFICE BUILDING & GARAGE SERVICE AREA	FALL 2016-WINTER 2017	3640, 3720 & 3730 DRENNAN ROAD	N/A	FUTURE OFFICE BUILDING	TRUCK MAINTENANCE SERVICE AREA & OFFICE BUILDING

#### SURVEY LEGEND:

- BOUNDARY MONUMENT FOUND (NUMBER DENOTES TYPE & SIZE)
  - 1 Hs 4 REBAR W/ YELLOW PLASTIC CAP PLS 2068
  - 2 Hs 4 REBAR W/ YELLOW PLASTIC CAP SMASHED OR ILLEGIBLE
  - 3 Hs 4 REBAR W/ ORANGE PLASTIC CAP PLS 1899
  - 4 Hs 4 REBAR W/ YELLOW PLASTIC CAP PLS 5078
  - 5 Hs 4 REBAR W/ YELLOW PLASTIC CAP PLS 1162
  - 6 Hs 4 REBAR W/ ORANGE PLASTIC CAP PLS 3243
- BOUNDARY MONUMENT SET (NUMBER DENOTES TYPE & SIZE)
  - 1 Hs 5 REBAR W/ ORANGE PLASTIC CAP PLS 3243
  - 2 CONCRETE WALL W/ ALUMINUM WASHER PLS 3243
- (R) RECORD
- ⊕ SANITARY SEWER MANHOLE
- ⊕ UNDERGROUND SANITARY SEWER SIGN
- STREET SIGN
- CHAIN LINK FENCE
- BARBED-WIRE FENCE
- CONCRETE SURFACE
- ASPHALT SURFACE
- POWER POLE
- FIBER OPTIC LINE
- UNDERGROUND GAS LINE
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND TELEPHONE LINE
- OVERHEAD POWER LINE
- EXISTING WATER LINE
- EXISTING SANITARY LINE

CP NUMBER HERE

FIGURE 3

**7.5.603 (B): ESTABLISHMENT OR CHANGE OF ZONE DISTRICT BOUNDARIES:**

- B: A proposal for the establishment or change of zone district boundaries may be approved by the City Council only if the following findings are made:
1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.
  2. The proposal is consistent with the goals and policies of the Comprehensive Plan.
  3. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with a zone change request.
  4. For MU zone districts the proposal is consistent with any locational criteria for the establishment of the zone district, as stated in article 3, "Land Use Zoning Districts", of this Zoning Code. (Ord. 94-107; Ord. 97-111; Ord. 01-42; Ord. 03-157)

### **7.5.501: CONCEPT PLANS:**

E. Concept Plan Review Criteria: A concept plan shall be reviewed using the criteria listed below. No concept plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the existing and proposed land uses surrounding the site.

1. Will the proposed development have a detrimental effect upon the general health, welfare and safety or convenience of persons residing or working in the neighborhood of the proposed development?
2. Will the proposed density, types of land uses and range of square footages permit adequate light and air both on and off the site?
3. Are the permitted uses, bulk requirements and required landscaping appropriate to the type of development, the neighborhood and the community?
4. Are the proposed ingress/egress points, traffic circulation, parking areas, loading and service areas and pedestrian areas designed to promote safety, convenience and ease of traffic flow and pedestrian movement both on and off the site?
5. Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?
6. Does the proposed development promote the stabilization and preservation of the existing properties in adjacent areas and surrounding residential neighborhoods?
7. Does the concept plan show how any potentially detrimental use to use relationships (e.g., commercial use adjacent to single-family homes) will be mitigated? Does the development provide a gradual transition between uses of differing intensities?
8. Is the proposed concept plan in conformance with all requirements of this Zoning Code, the Subdivision Code and with all applicable elements of the Comprehensive Plan? (Ord. 94-107; Ord. 01-42; Ord. 03-157; Ord. 09-78; Ord. 12-72)



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

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**File #:** CPC A 15-00060, **Version:** 1

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Annexation of 7.71 acres located near the northwest corner of Powers Boulevard and Dublin Boulevard into the City of Colorado Springs. (Kum and Go Store #685)

(Legislative)

Related Items: CPC ZC 15-00081, CPC DP 15-00082

**Presenter:**

Mike Schultz, Principal Planner, Planning and Community Development

**Proposed Motion:**

Recommend approval to the City Council of the Kum & Go Store #685, based upon the findings that the annexations comply with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 with the following conditions of approval:

1. Letter of Assent approval from Southeastern Colorado Water Conservancy District must be received prior to scheduling the City Council Hearing.
2. The final annexation agreement must be submitted to staff prior to scheduling the City Council Hearing.



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

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**File #:** CPC ZC 15-00081, **Version:** 1

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Establishment of PBC/AO (Planned Business Center with Airport Overlay) zoning for the annexed area. (Kum & Go #685) (Legislative)

Related Items: CPC A 15-00060, CPC DP 15-00082

**Presenter:**

Mike Schultz, Principal Planner, Planning and Community Development

**Proposed Motion:**

Recommend approval to the City Council of the establishment of the PBC/AO (Planned Business Center with Airport Overlay) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting establishment or change of zone boundary as set forth in City Code Section 7.5.603(B).



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

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**File #:** CPC DP 15-00082, **Version:** 1

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A development plan for Kum and Go Store #685 on 1.877 acres.  
(Quasi-Judicial)

Related Files: CPC A 15-00060, CPC ZC 15-00081

**Presenter:**

Mike Schultz, Principal Planner, Planning and Community Development

**Proposed Motion:**

Recommend approval to the City Council of the Kum & Go Store #685 development plan based upon the findings that the development plan complies with the review criteria in City Code Section 7.5.502.E, subject to compliance with the following technical and/or informational plan modifications along with the condition of approval:

1. Clarify line dimensions on the development plan.
2. The proposed water main is to be designated as "private", please label the main accordingly and remove the 30' PUE.

**Condition of Approval**

1. Process the quit claim of the private access easement prior to final approval.

**CITY PLANNING COMMISSION AGENDA**

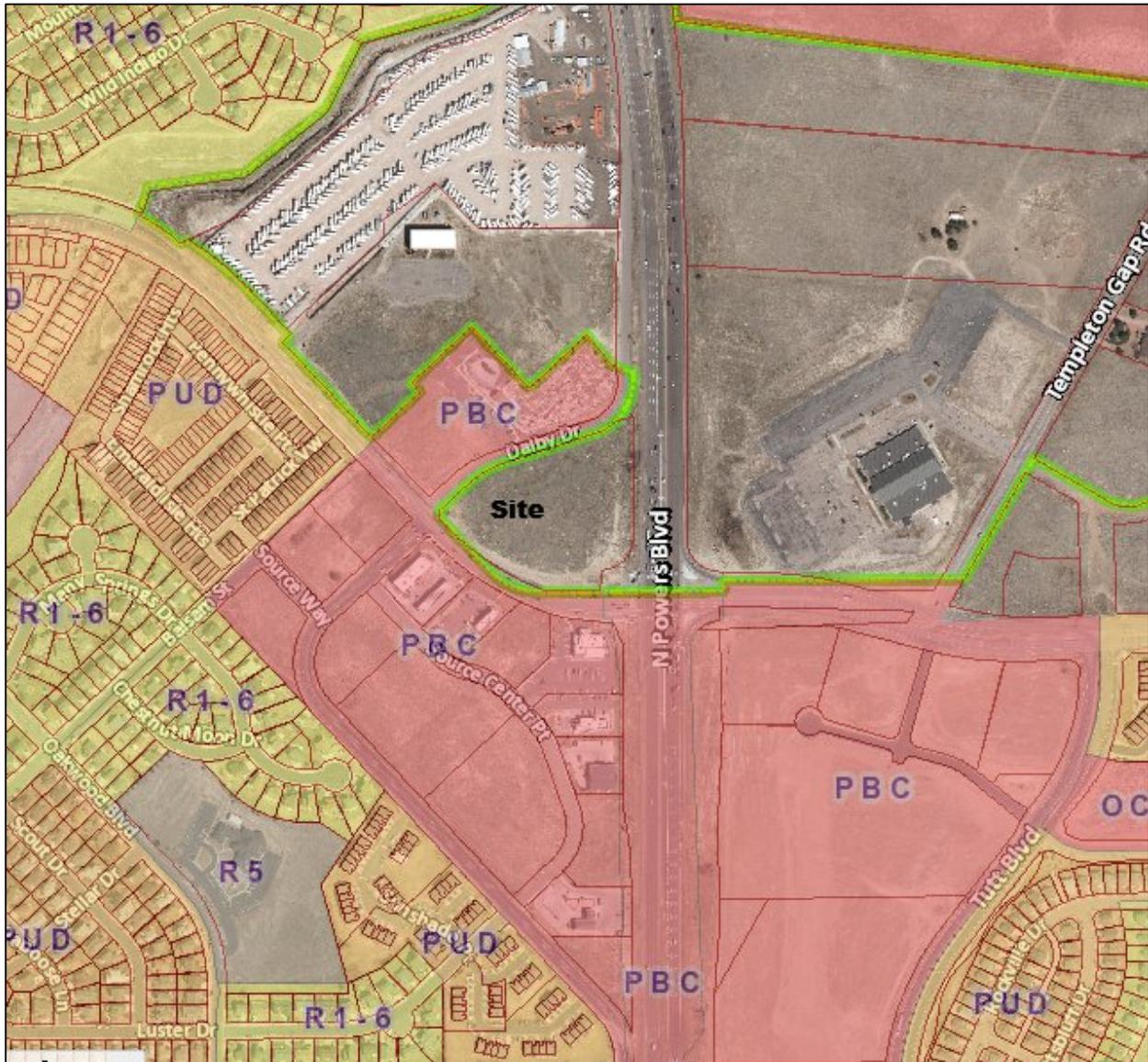
**STAFF: MIKE SCHULTZ**

**FILE NO(S):**  
**CPC A 15-00060 - LEGISLATIVE**  
**CPC ZC 15-00081 - LEGISLATIVE**  
**CPC DP 15-00082 – QUASI-JUDICIAL**

**PROJECT: KUM & GO STORE #685**

**APPLICANT: OLSSON ASSOCIATES**

**OWNER: WILFRED E. PERKINS**



**PROJECT SUMMARY:**

1. Project Description: This project includes concurrent applications for annexation, zoning and a development plan for property located at the northwest corner of Powers Boulevard and Dublin Boulevard.

The annexation area consists of 7.711 acres, approximately 4.23 acres of which is right-of-way for both Powers Boulevard and Dublin Boulevard. The zoning will establish a PBC/AO (Planned Business Center with Airport Overlay) zone for the property. The associated development plan illustrates the development of a Kum & Go convenience store on 1.877 acres with the remaining 1.6 acres consisting of a concept diagram for future retail on the northern portion of the site.

A final plat is also under administrative review regarding the development of this site.

2. Applicant's Project Statement: **(FIGURE 1)**
3. Planning and Development Department's Recommendation: Staff recommends approval of the applications, subject to conditions and the listed technical modifications.

**BACKGROUND:**

1. Site Address: No address is assigned to this property.
2. Existing Zoning/Land Use: Unincorporated El Paso County A-5 (Agriculture)/Vacant
3. Surrounding Zoning/Land Use:  
North: PBC/Outdoor Entertainment  
South: PBC/Restaurant and Convenience Store  
East: Unincorporated El Paso County RR-5/  
Church  
West: PBC/Vacant
4. Comprehensive Plan/Designated 2020 Land Use: No designation at this time since it is located outside the city.
5. Annexation: Under current consideration.
6. Master Plan/Designated Master Plan Land Use: There is not a master plan for this site.
7. Subdivision: The property was platted in El Paso County as Templeton Gap Heights Filing No. 3, 1968.
8. Zoning Enforcement Action: No enforcement cases are active.
9. Physical Characteristics: The site is relatively flat with no significant vegetation.

**STAKEHOLDER PROCESS AND INVOLVEMENT:** The public process included posting the site and sending postcard notifications to 29 property owners within 500 feet of the property. The notice was sent when the applications were submitted and notice of the City Planning Commission hearing.

Staff did not receive any written opposition to the proposal. Staff did meet with the property owner immediately north, Steven Hittle, along with Olsson Associates, regarding contributions and/or reimbursements to the full build out to Dalby Drive; the applicant agrees to those terms.

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, Airport, City Fire, City Landscape, Police and E-911.

**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 two (2) commercial properties. The annexation itself consists of 7.711 acres; approximately 4.23 acres of which is right-of-way for both Powers Boulevard and Dublin Boulevard. (**FIGURE 2**)

The site is part of a larger enclave referred to as Templeton Gap, 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 development plan acts as the planning document and illustrates the use layout.

A Fiscal Impact Analysis (FIA) is required for all annexation requests and is completed by the City Budget Office. The FIA was completed on October 23, 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 3**)

The draft annexation agreement is attached as **FIGURE 4**. The property is located along a portion of Dublin Boulevard that is planned to be widened. Although PPRTA (Pikes Peak Rural Transportation Authority) will be responsible for completing that section of Dublin, the developer will need to escrow \$31,858 to the PPRTA for sidewalk, curb & gutter and pedestrian ramps, adjacent to this property for the future Dublin improvements project. The developer will also be required to escrow \$75,000 to the City for the future anticipated traffic signal at the intersection of Dublin Boulevard and Dalby Drive.

PBC/AO Zoning

The zoning request is to zone the property PBC/AO (Planned Business Center with Airport Overlay). This zoning is similar to the commercial zoning adjacent to the site and the southwest and southeast corners of Powers Boulevard and Dublin Boulevard.

Development Plan

The development plan (**FIGURE 5**) illustrates the layout for a proposed convenience store on the south portion of the site. The plan also conceptually illustrates a future retail pad site on the northern portion of the site. No access is shown along either Powers or Dublin Boulevards, two access points are shown along Dalby Drive.

There is an existing large private access easement that runs north-south through the property which the applicant is coordinating with Real Estate Services to quit claim because they are unable to determine the benefitting party.

2. Conformance with the City Comprehensive Plan:

**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 Kum & Go Store #685 annexation, zoning, and development plan will substantially conform to the City Comprehensive Plan 2020 Land Use Map and the Plan's goals and objectives. The City Annexation Guide strongly recommends annexation of areas identified within an enclave for proposed urban development.*

3. Conformance with the Area's Master Plan:

This property is not part of a master plan.

**STAFF RECOMMENDATION:**

**CPC A 15-00060 – ANNEXATION**

Recommend approval to the City Council of the Kum & Go Store 685 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 conditions of approval:

1. Letter of Assent approval from Southeastern Colorado Water Conservancy District must be received prior to scheduling the City Council Hearing.
2. The final annexation agreement must be submitted to staff prior to scheduling the City Council Hearing.

**CPC ZC 15-00081 – ESTABLISHMENT OF ZONE**

Recommend approval to the City Council of the establishment of the PBC/AO (Planned Unit Development 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).

**CPC ZC 15-00082 – DEVELOPMENT PLAN**

Recommend approval to the City Council of the Kum & Go Store 685 development plan based upon the findings that the development plan complies with the review criteria in City Code Section 7.5.502.E, subject to compliance with the following technical and/or informational plan modifications along with the condition of record:

1. Clarify line dimensions on the development plan.
2. The proposed water main is to be designated as “private”, please label the main accordingly and remove the 30’ PUE.

Condition of Approval

1. Process the quit claim of the private access easement prior to final approval.

August 20, 2015

Mr. Steve Tuck  
City of Colorado Springs – Planning & Development  
30 S. Nevada Avenue, Suite 105  
Colorado Springs, CO 80901

Re: Kum & Go #685 Development Plan/Final Plat/Zone Change – Dublin Boulevard and North Powers Boulevard  
(573 North Powers Boulevard)

Mr. Tuck:

Kum & Go, L.C. respectfully submits the enclosed development plan, final plat and zone change for Kum & Go Store #685, located at the northwest corner of Dublin Boulevard and North Powers Boulevard intersection, within the existing Templeton Gap Heights Subdivision Filing No. 3, to be re-platted as Kum & Go Store 685 Subdivision and rezoned from A-5 (Agricultural) to PBC (Planned Business Center). The enclosed final plat reflects the requested 30' right-of-way dedication along Powers Boulevard, 50' along Dublin Boulevard, and 10' of right-of-way dedication along Dalby Drive. The enclosed plan outlines the development of two lots consisting of 3.477 acres; Lot 1 for immediate development of a Kum & Go convenience store, and Lot 2 for future commercial development.

Uses adjacent to the site are as follows:

- North (across Dalby) - Commercial/Recreational
- South (across Dublin Boulevard) - Commercial/Restaurant/Convenience Store w/fuel
- East (across Powers Boulevard) - Religious Institution
- West (across Dublin Boulevard) - Commercial/Undeveloped

The convenience store building (refer to the enclosed elevations) utilizes fiber cement and precast stone panels with enhanced entry features on the south and west elevations. HVAC equipment associated with the structure will be contained on the roof and screened from view. Signage for the building is limited to the Kum & Go logo and Fresh Market sign placed on the south and west elevations. This 6,321 square foot building incorporates Kum & Go's newest store concept with a terrific product offering and fresh food choices, such as made-to-order pizzas and bakery items.

The enclosed site layout proposes to face the Kum & Go store entry to the south, with 2 full movement access points along Dalby Drive. Kum & Go also proposes to install a through lane with curb & gutter along the property, on Dalby Drive.

Parking for the facility will be accomplished with 25 parking stalls located immediately adjacent to the building; one stall at the south building entry will be striped as ADA accessible. This arrangement will promote adequate circulation for, both, fuel delivery trucks and customers. Multiple points of entry with adjacent parking diminish the congested feel of a single entry development, and will provide for safe and convenient access to the store. Although a traffic study has not been prepared for this project, it is anticipated that development of Lots 1 and 2 will not overburden the adjacent thoroughfares since much of the traffic expected to utilize this store will be pulled from the existing (or "pass-by") traffic on the

adjacent streets. Additionally, Kum & Go proposes to enhance pedestrian circulation through the lot by installing a new perimeter sidewalk along the north side on Dublin Boulevard and east side of Dalby Drive.

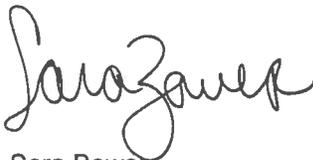
Utility services for the store will be connected to the proposed 8" public water main, and the proposed 8" public sanitary sewer main extension, as shown on the enclosed plans. The enclosed plan also depicts drainage patterns for the Kum & Go site which, generally, flow away from the building to a water quality pond prior to being discharged offsite. Kum & Go proposes to install a junction box that will connect the two existing 42" pipes at the northeast corner of Lot 2 and install a 54" public storm sewer main, to carry that flow and proposed runoff from the site. The proposed 54" public storm sewer main will discharge into a proposed drainage ditch, at the northwest corner of Dublin Boulevard and Dalby Drive. Easements will be dedicated for the public water main and storm sewer, as part of the final plat.

Finally, the enclosed landscaping plan depicts substantial greenery which meets City requirements. Screening along the roadways reduces headlight spill and softens the edge of parking areas. The tree plantings are concentrated along the roadway, which also adds to the public benefit. It is expected that Lot 2 will provide for similar landscaping upon development of that lot.

The City's 2020 Land Use Plan anticipated this property to be annexed, with the surrounding area envisioned as "new/developing corridor". A convenience store with fueling, along with future commercial space, fit within the City's vision for this property and immediate area. Furthermore, with only two, limited-height buildings planned on 3.477 acres, there will be plenty of space on the property to allow for light and air. At this time, no variances are being pursued for this development, and we expect to meet all applicable requirements of the City's zoning code, subdivision code and comprehensive plan.

Please review our submittal at your earliest convenience. We appreciate your time and thank you for your consideration. Please let us know if you have any further questions or if you need any additional information concerning our application.

Sincerely,



Sara Bower  
Olsson Associates

Attachments: Store #685 Development Plan/Final Plat/Zone Change Submittal Package



**TO:** Meggan Herington, Principal Planner  
**FROM:** Michael Miles, Senior Analyst  
**DATE:** October 23, 2015  
**SUBJECT: Kum & Go @ Powers & Dublin Annexation - Fiscal Impact Analysis**

A copy of the fiscal impact analysis for the Kum & Go @ Powers & Dublin 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 Kum & Go @ Powers & Dublin development for the period 2016-2025.

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 2016-2025. 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 (\$100-\$120), Police Department (\$300-\$359) and Traffic Division (\$1,000-\$1,195) identified marginal increases in operation costs annually.

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.

**EXPENDITURE NOTES:**

**Kum & Go @ Powers & Dublin Annexation**

**General Fund/Public Safety Sales Tax (PSST) Fund Fiscal Impact Analysis, 2016-2025**

**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 3.477 acres and 2 commercial lots will have a small identifiable marginal increase in cost of services for the Police Department within the next ten years of approximately \$300 to \$359 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 (~\$100-\$120 annually).

**PUBLIC WORKS – STREETS, TRAFFIC ENGINEERING, CITY ENGINEERING:**

There are no additional public infrastructure and maintenance obligations associated with this annexation in the next ten years. The parcel is an infill parcel so infrastructure adjacent 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 Traffic Division for lanes striping, signage, and street lights (\$1,000-\$1,195). The Streets Division already services the area around the Dublin and Powers intersection and are currently responsible for the lanes and drainage (no additional funds needed).

**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.

## **REVENUE NOTES**

### **Kum & Go @ Powers & Dublin Annexation**

### **General Fund/Public Safety Sales Tax Fund Fiscal Impact Analysis, 2016-2025**

#### **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 commercial assessment ratio of 29%. The cumulative assessed valuation includes a 3% annual increase in market values.

#### **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 commercial sales projected to be completed at the Kum & Go store in the Powers & Dublin area and the sale of building materials used in the projected construction of the commercial building in the development.

The Sale Tax Revenue for commercial businesses is projected by analyzing the type of business proposed for the development. The proposed business is a convenience store with gasoline. Projected sales data was attained through small business data public websites. The projections assume a reduced percentage of the average expected sales because the area does not have a full build out of residential units. The sales tax projection on the convenience store assumes 10% of sales are taxable due to the product mix of gas and cigarettes along with other non-taxable food items. Also, the projection 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.

**GENERAL FUND FISCAL IMPACT ANALYSIS  
 SUMMARY OF EXPENDITURES AND REVENUE FOR  
 Kum and Co @ Powers and Dublin**

	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
<b>EXPENDITURES</b>										
<u>Total Salaries, Operating, and Capital Outlay</u>										
Police	300	306	312	318	325	331	338	345	351	359
Fire	100	102	104	106	108	110	113	115	117	120
Public Works - Streets	0	0	0	0	0	0	0	0	0	0
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	1,000	1,020	1,040	1,061	1,082	1,104	1,126	1,149	1,172	1,195
Parks, Recreation and Cultural Services	0	0	0	0	0	0	0	0	0	0
<b>TOTAL EXPENDITURES</b>	<b>1,400</b>	<b>1,428</b>	<b>1,457</b>	<b>1,486</b>	<b>1,515</b>	<b>1,546</b>	<b>1,577</b>	<b>1,608</b>	<b>1,640</b>	<b>1,673</b>
<b>REVENUES</b>										
Property Taxes	0	0	1,489	1,534	1,580	1,627	1,676	1,726	1,778	1,831
Specific Ownership Taxes	0	0	174	179	185	190	196	202	208	214
Road & Bridge Revenue	0	0	57	59	61	63	65	66	68	71
Sales Tax Revenue (Commercial Uses)	0	6,809	7,013	7,224	7,441	7,664	7,894	8,130	8,374	8,884
Sales and Use Tax Revenue (Building Materials)	9,600	0	0	0	0	0	0	0	0	0
Miscellaneous Revenue	0	0	0	0	0	0	0	0	0	0
<b>General Fund Sub-Total</b>	<b>9,600</b>	<b>6,809</b>	<b>8,734</b>	<b>8,996</b>	<b>9,266</b>	<b>9,544</b>	<b>9,830</b>	<b>10,125</b>	<b>10,429</b>	<b>11,001</b>
<u>Public Safety/Sales Tax Fund</u>										
Sales Tax Revenue (Commercial Uses)	0	1,362	1,403	1,445	1,488	1,533	1,579	1,626	1,675	1,725
Sales and Use Tax Revenue (Building Materials)	1,920	0	0	0	0	0	0	0	0	0
<b>Public Safety Sales Tax Fund Sub-Total</b>	<b>1,920</b>	<b>1,362</b>	<b>1,403</b>	<b>1,445</b>	<b>1,488</b>	<b>1,533</b>	<b>1,579</b>	<b>1,626</b>	<b>1,675</b>	<b>1,725</b>
<b>TOTAL REVENUE</b>	<b>11,520</b>	<b>8,171</b>	<b>10,137</b>	<b>10,441</b>	<b>10,754</b>	<b>11,077</b>	<b>11,409</b>	<b>11,751</b>	<b>12,104</b>	<b>12,726</b>
<b>REVENUE SURPLUS/DEFICIT</b>										
(Total Rev. less Total Exp.)	10,120	6,743	8,680	8,955	9,239	9,531	9,832	10,143	10,463	11,053
<b>ANNUAL</b>	<b>10,120</b>	<b>16,863</b>	<b>25,543</b>	<b>34,498</b>	<b>43,737</b>	<b>53,268</b>	<b>63,100</b>	<b>73,243</b>	<b>83,707</b>	<b>94,759</b>
<b>CUMMULATIVE</b>										

**FIGURE 3**

Draft  
March 31, 2016

**Kum & Go Store 685 ANNEXATION  
ANNEXATION AGREEMENT**

THIS ANNEXATION AGREEMENT "Agreement", dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, is between the City of Colorado Springs, a home rule city and Colorado municipal corporation ("City"), and \_\_\_\_\_ ("Owners" or "Property Owners").

I.  
INTRODUCTION

The Owners own all of the real property located in El Paso County, Colorado, identified and described on the legal description attached as Exhibit A (the Property).

The growth of the Colorado Springs metropolitan area makes it likely that the Property will experience development in the future. The Owner will be required to expend substantial amounts of funds for the 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

The Owners have petitioned the City for annexation of the Property as set forth in Exhibit A. The annexation will become effective upon final approval by the City Council and the recording of this annexation agreement, the annexation plat, the \_\_\_\_\_ special warranty deed and irrevocable consent to the appropriation, withdrawal, and use of groundwater as forth in Exhibit B and the annexation ordinance with the El Paso County Clerk and Recorder.

All references to the Property or to the Owners' Property are to the Property described in Exhibit A except as otherwise indicated.

III.  
LAND USE

The \_\_\_\_\_ Master Plan for the Property has been proposed and submitted to the City for approval. Owners will comply with the approved Master Plan or an amended Master Plan approved in accord with applicable provisions of the Code of the City of Colorado Springs 2001, as amended or recodified ("City Code"). **No master plan exists for this property.**

IV.  
ZONING

A. Zoning. The Planning and Development Department of the City agrees to recommend that the initial zone for the Owners' Property shall be zoned PBC (Planned Business Center) upon annexation. While zoned PUD, a development plan shall be required for any use. Owners acknowledge and understand that the City Council determines what an appropriate zone is for the Property, and this recommendation does not bind the Planning Commission or City Council to adopt the recommended zone for the Property.

B. Change of Zoning. Any future change of zone request shall conform to the Master Plan, as approved or as amended by the City in the future. Rezoning in accord with the zones reflected on the Master Plan will occur prior to actual development of the site. **No master plan exists for this property.**

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 property which, after being constructed by the 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.) Utility facilities and extensions for water, wastewater, fire hydrants, electric, gas, streetlights, telephone and telecommunications (For water, wastewater, gas and electric utility service, refer to Chapter 12 of the City Code and Section VI. "Utilities Services" 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 subject to the provisions of the Chapter 7, Article 7 of the City 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. The Owners and City agree that the \_\_\_\_\_ Metropolitan District (Metro District) has been created to finance, design, extend, install and construct specific public facilities and improvements as identified in this Agreement. The public facilities and improvements are:

\_\_\_\_\_.

C. Streets, bridge and Traffic Control. Unless agreed to elsewhere in this Agreement the Owner agrees to construct, at the Owner' expense, those street, bridge 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. The provisions of City Code §§ 7.7.706

(Reimbursements) and 7.7.1001-1006 (Arterial Roadway Bridges) are excluded. City participation or reimbursement for Arterial Streets and Arterial Bridges within the Property will not be allowed.

1. On-Site or Adjacent Streets

Dalby Improvements:

1. The Developer shall construct 12- foot additional pavement on the east side of Dalby to accommodate a TWLT (center lane) from the intersection of Dublin/Dalby to the end of the property line. The developer/subdivider shall design and have approved full width street plans and profiles for this section of roadway. The Developer shall also construct sidewalk and curb & gutter and pedestrian ramps on the east side of Dalby.

2. The Developer shall dedicate 10' of right-of-way to the City on the east side of Dalby.

Dublin Improvements:

1. The developer shall escrow the amount of \$31,858 to the Pikes Peak Rural Transportation Association for sidewalk, curb & gutter and pedestrian ramps, adjacent to this property for the future Dublin Improvements project

2. The Developer shall dedicate 50' of right-of-way to the City on the north side of Dublin.

2. Off-Site Streets and Bridges: Not Applicable.

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 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 notify the Owner in writing and the Owner will install the traffic signal within one hundred eighty (180) days after receipt of that notice. The Owner will be responsible for all components of the traffic signal, except the City will supply the controller equipment and cabinet (Owner will reimburse the City for its reasonable costs of the equipment and cabinet).

4. Dublin Improvements:

1. The developer shall escrow the amount of \$75,000 to the City for the future anticipated traffic signal at the intersection of Dublin/Dalby,

D. Drainage. A Master Development Drainage Plan shall be prepared and submitted by the Owner to the City and approved by the City Engineer. Final Drainage Reports and Plans shall be prepared and submitted by the 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. The Owner shall provide water quality for all developed areas; to be owned and maintained by the Owner. Owner shall be responsible for conformance with the Cottonwood Creek Drainage Basin Planning Study.

1. The developer shall construct the 54" public storm sewer west of Powers (connecting to the 2 existing 42" pipes under Powers) to the west side of Dalby then south to the north side of Dublin then to the west, terminating and outfalling to a ditch. The 54" public storm sewer is reimbursable.

- E. Parks (This section may not apply depending on the type of development or other conditions specific to the particular annexation)
- F. Schools: (This section may not apply depending on the type of development or other conditions specific to the particular annexation)
- 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 the 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.

Owners 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, Owners acknowledge 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 Owners 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 Owners. Owners acknowledge that such connection requirements shall include Owners' 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, Owners are responsible for contacting CSU's Customer Contract Administration at (719) 668-8111 to ascertain which fees or charges apply to the Property.

Owners acknowledge 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 Owners 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, Owners, at Owners' 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.

Owners shall provide CSU all written, executed conveyances prior to platting or prior to the development of the Property as determined by CSU. Owners 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 Owners, with prior written approval by CSU, relocate, require relocation, or alter any existing utility facilities within the Property, then the relocation or alteration of these facilities shall be at the Owners' sole cost and expense. If CSU, determines that Owners' relocation or alteration requires new or updated easements, Owners 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. Owners 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, Owners 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 Owners shall pay any 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 Owners 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: Owners 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 Owners' 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), Owners shall complete the design, installation and obtain preliminary acceptance of such utility facilities prior to CSU's approval of Owners' water and wastewater service requests.

Owners 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, Owners acknowledge 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 Owners' water or wastewater construction plans and copies of such approved plans are received by CSU. Owners 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, Owners acknowledge 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, Owners recognize that the extension of water system facilities may affect the quality of water in CSU's water system. Consequently, Owners acknowledge responsibility for any costs that CSU, determines necessary to incur in order to maintain water quality in its system as a result of Owners' 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). Owners 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 Owners for the Owners' 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 Owner 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 Bureau of Reclamation ("Reclamation"). The Owner 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, Owners grant 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 Owners 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, Owners agree 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 Owners' Property without additional consent from Owners.

Upon annexation of the Property, any wells or groundwater developed by Owners prior to annexation will become subject to CSU's applicable tariffs, Rules and Regulations, and rates as amended in the future. Owners' 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. No commingling of well and City water supply will be permitted.

VIII.  
FIRE PROTECTION

The Owner acknowledges that the Property is located within the boundaries of the (?) District (the "Fire District") and is subject to property taxes payable to the Fire District for its services. The 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.

The 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, 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. The Owner understands

and acknowledges that the 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

The Owners agree to pay a fee of \$1,985.00 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. The Fire Protection Fee will be due prior to recordation of the annexation plat and this agreement. The City agrees as future annexations occur within the service area of the proposed fire station the owners of future annexations will be required to pay a per-acre fee to the City for the capital improvements to the fire station.

X.  
POLICE SERVICE FEE  
**Confirming acreage rate**

The Owner agrees to pay a fee of \$600.00 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. The Police Service Fee will be due prior to recordation of the annexation plat and this agreement. The City agrees as future annexations occur within the service area of the proposed police station the owners of future annexations will be required to pay a per-acre 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 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

*(This section may not apply, depending upon specific locations and special provisions such as airport concerns, METEX, overlapping special districts, etc. To be removed if not needed.)*

XIII.  
ORDINANCE COMPLIANCE

Owners 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

Where as used in this Agreement, the term "the Owners" or "Property Owners," shall also mean any of the heirs, executors, personal representatives, transferees, or assigns of the Owners and all these parties shall have the right to enforce and be enforced 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 the Owners unless specifically assigned to another person.

By executing this Agreement, the deed of trust holder agrees that: (1) should it become owner of the Property through foreclosure or otherwise that it will be bound by the terms and conditions of this Agreement to the same extent as Owner; and (2) should it become owner of the Property, any provisions in its deed of trust or other agreements pertaining to the Property in conflict with this Agreement shall be subordinate to and superseded by the provisions of this Agreement. *(OR, THE FOLLOWING IS TO BE INSERTED IF THERE ARE NO DEED OF TRUST HOLDERS: Owners affirmatively state 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 the Owners and all other persons who may purchase land within the Property from the Owners or any persons later acquiring an interest in the Property. Any refunds made under the terms of this Agreement shall be made to the Owners 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 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 as 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 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.

DRAFT

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

CITY OF COLORADO SPRINGS

BY: \_\_\_\_\_  
Steve Bach, Mayor

ATTEST:

BY: \_\_\_\_\_  
Sarah B. Johnson, City Clerk

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Wynetta Massey, City Attorney

DRAFT

PROPERTY OWNER:

\_\_\_\_\_  
(Owner)

ACKNOWLEDGMENT

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF EL PASO     )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ ,  
by \_\_\_\_\_ as Owner(s).

Witness my hand and notarial seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public  
Address: \_\_\_\_\_  
\_\_\_\_\_

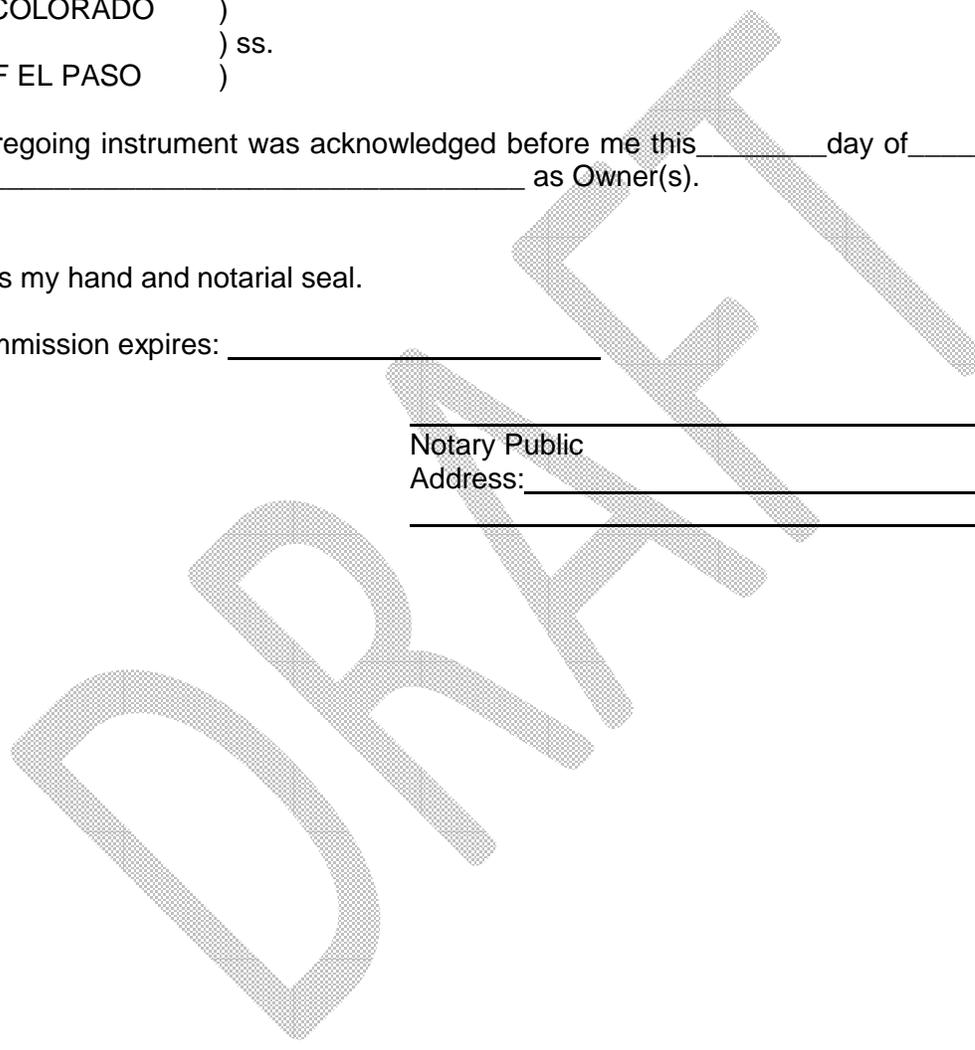




EXHIBIT A  
LEGAL DESCRIPTION

DRAFT



My Commission Expires:

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
Notary Public

DRAFT

Accepted by the City of Colorado Springs

By: \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20##  
Real Estate Services Manager

By: \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20##

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 Peter Michaud, LLC, Grantor(s) 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 (Owner), Grantor(s) 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:

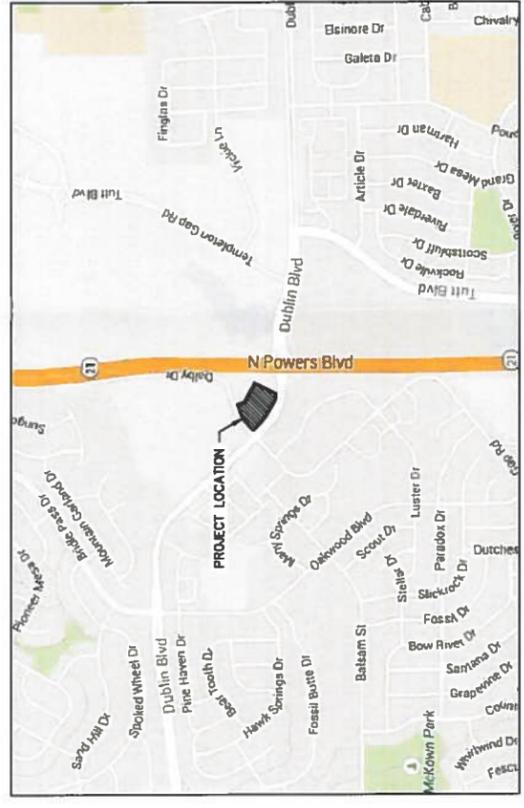
Date of Decree:

Name of Owner:

# DEVELOPMENT PLAN STORE #0685 6615 DALBY DRIVE COLORADO SPRINGS, CO 80920



**WHERE & MEANS MORE.**



**PROJECT TEAM:**  
**OWNER/DEVELOPER/APPLICANT:**  
 KUM & GO L.C.  
 6400 WESTOWN PARKWAY  
 WEST DES MOINES, IA 50266  
 CONTACT: RYAN HALDER  
 PH: (515)457-6832  
 E: RYAN.HALDER@KUMANDGO.COM

**ENGINEER:**  
 OLSSON ASSOCIATES  
 2880 INTERMOUNTAIN CIRCLE, SUITE 160  
 COLORADO SPRINGS, CO 80903  
 CONTACT: JOSH EFRAMOUSPE  
 PH: (970)461-7733  
 E: JEFFRAMOUSPE@OLSSONASSOCIATES.COM

**LANDSCAPE ARCHITECT:**  
 OLSSON ASSOCIATES  
 7157 VISTA DRIVE, SUITE 1A, 80926  
 COLORADO SPRINGS, CO 80903  
 CONTACT: JOSEPH STOBBERL  
 PH: (919)331-6517  
 E: JSTOBBER@OLSSONASSOCIATES.COM

**GEOTECHNICAL ENGINEER:**  
 OLSSON ASSOCIATES  
 11627 VIRGINIA PLAZA, SUITE 103  
 LAVISTA, NE 68128  
 CONTACT: ED SCHNACKENBERG  
 PH: (402)927-7220  
 E: ESCHNACKENBERG@OLSSONASSOCIATES.COM

**SURVEYOR:**  
 OLSSON ASSOCIATES  
 4690 TABLE MOUNTAIN DRIVE, SUITE 200  
 COLORADO SPRINGS, CO 80903  
 CONTACT: DANA SPERLING  
 PH: (303)237-2072  
 E: DSPERLING@OLSSONASSOCIATES.COM

**BENCHMARKS:**  
 BENCHMARK #1  
 SET CHISELED 'X' ON SIDEWALK SOUTHWEST OF DUBLIN BOULEVARD.  
 ELEV=6605.22' (COLORADO CENTRAL ZONE, US FT)  
 N: 1399618.27, E: 3222581.41

BENCHMARK #2  
 CHISELED 'X' ON SIDEWALK SOUTHWEST OF DUBLIN BOULEVARD.  
 ELEV=6898.32' (COLORADO CENTRAL ZONE, US FT)  
 N: 1399476.13, E: 3222817.15

BENCHMARK #3 (TO BE DEMOLISHED)  
 SET #4 REBAR.  
 ELEV=6603.99' (COLORADO CENTRAL ZONE, US FT)  
 N: 1399750.02, E: 3222647.42

BENCHMARK #4 (TO BE DEMOLISHED)  
 SET #4 REBAR.  
 ELEV=6810.37' (COLORADO CENTRAL ZONE, US FT)  
 N: 1399843.52, E: 3222854.47

BENCHMARK #5  
 SET #5 REBAR.  
 ELEV=6810.37' (COLORADO CENTRAL ZONE, US FT)  
 N: 1399838.02, E: 3222968.18

**AGENCY CONTACTS:**  
**WATER/SANITARY SEWER:**  
 COLORADO SPRINGS UTILITIES  
 1521 HANCOCK EXPRESSWAY  
 COLORADO SPRINGS, CO 80903  
 CONTACT: AL JUVERA  
 PH: (719)668-8769  
 E: ALJUVERA@CSU.ORG

**GAS/ELECTRIC:**  
 COLORADO SPRINGS UTILITIES  
 2880 INTERMOUNTAIN CIRCLE, SUITE 105  
 COLORADO SPRINGS, CO 80903  
 CONTACT: JC BUTTERFIELD  
 PH: (719)668-5618  
 E: JBUTTERFIELD@CSU.ORG

**STORM SEWER:**  
 COLORADO SPRINGS STORMWATER  
 ENGINEERING  
 30 S. NEVADA AVENUE, SUITE 401  
 COLORADO SPRINGS, CO 80903  
 CONTACT: VERA MARING  
 PH: (719)668-8769  
 E: VMARING@SPRINGSGOV.COM

**TELEPHONE:**  
 CENTURYLINK  
 1710 BRIMCATE BOULEVARD  
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 CONTACT: PATTY MOORE  
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**BUILDING DEPARTMENT:**  
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 2880 International Circle  
 Colorado Springs, CO 80910  
 CONTACT: SHELLEY SAVAGE  
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 E: DWITHEE@SPRINGSGOV.COM

**PLANNING AND DEVELOPMENT:**  
 CITY OF COLORADO SPRINGS  
 30 S. NEVADA AVENUE, SUITE 105  
 COLORADO SPRINGS, CO 80903  
 CONTACT: MEGGAN HERRINGTON  
 PH: (719)365-5083  
 E: MHERRINGTON@SPRINGSGOV.COM

**LEGAL DESCRIPTION:**  
 LOT 1, KUM & GO STORE #685 SUBDIVISION BEING A REPLAT OF LOT 24, TEMPLETON GAP HEIGHTS FILING NO. 3 TO THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO.

**FLOOD ZONE:**  
 PROPERTY IS IN FLOOD ZONE X-AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN.  
 MAP NUMBER=0804100336 F  
 EFFECTIVE DATE=MARCH 17, 1997

**NOTES:**

- PUBLIC IMPROVEMENTS BEING INSTALLED WITH THE DEVELOPMENT OF LOT 1 INCLUDE:
  - PUBLIC SIDEWALKS ALONG DALBY DRIVE
  - PUBLIC STORM SEWER WITHIN DALBY DRIVE
  - PUBLIC SANITARY SEWER MAIN EXTENSION ACROSS DUBLIN BOULEVARD
  - PUBLIC WATER MAIN EXTENSION THROUGH LOT 2
  - PUBLIC ROAD IMPROVEMENTS TO DALBY DRIVE
  - PUBLIC STORM SEWER AS SHOWN ON SHEET C22 ADJACENT TO DUBLIN BOULEVARD
- A SEPARATE PLAN AND PROFILE SHALL BE PROVIDED TO COLORADO SPRINGS TRAFFIC ENGINEERING FOR THE DALBY DRIVE IMPROVEMENTS.
- THIS PROPERTY IS SUBJECT TO AN AIRPORT AVIGATION EASEMENT RECORDED JULY, 18 2007, UNDER RECEPTION NO. 207085753.
- A DEVELOPMENT PLAN SHALL BE ESTABLISHED AND APPROVED FOR PHASE 2/LOT 2 PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR LOT 2.
- STORMWATER QUALITY WILL BE PROVIDED FOR LOT 1 AND IN THE FUTURE FOR LOT 2.
- DEVELOPMENT PLAN TO BE USED FOR PRELIMINARY PLATING PURPOSES.
- THE DEVELOPER SHALL ESCROW THE AMOUNT OF \$75,000 TO THE CITY FOR THE FUTURE ANTICIPATED TRAFFIC SIGNAL AT THE INTERSECTION OF DUBLIN/DALBY.
- THE DEVELOPER SHALL ESCROW THE AMOUNT OF \$31,858 TO THE Pikes Peak Rural Transportation Association for sidewalk, curb & gutter and pedestrian ramps, adjacent to this property for the future Dublin improvements project.
- THE ACCESS EASEMENT AS SHOWN SHALL BE OWNED AND MAINTAINED BY KUM & GO. THE STORMWATER EASEMENT AS SHOWN SHALL BE OWNED AND MAINTAINED BY KUM & GO, L.C. THE CITY OF COLORADO SPRINGS TRAFFIC ENGINEERING SHALL BE MAINTAINED BY THE CITY. HOMEWER SURFACE MAINTENANCE SHALL BE MAINTAINED BY KUM & GO, L.C.

**PROJECT TEAM:**  
**OWNER/DEVELOPER/APPLICANT:**  
 KUM & GO L.C.  
 6400 WESTOWN PARKWAY  
 WEST DES MOINES, IA 50266  
 CONTACT: RYAN HALDER  
 PH: (515)457-6832  
 E: RYAN.HALDER@KUMANDGO.COM

**ENGINEER:**  
 OLSSON ASSOCIATES  
 2880 INTERMOUNTAIN CIRCLE, SUITE 160  
 COLORADO SPRINGS, CO 80903  
 CONTACT: JOSH EFRAMOUSPE  
 PH: (970)461-7733  
 E: JEFFRAMOUSPE@OLSSONASSOCIATES.COM

**LANDSCAPE ARCHITECT:**  
 OLSSON ASSOCIATES  
 7157 VISTA DRIVE, SUITE 1A, 80926  
 COLORADO SPRINGS, CO 80903  
 CONTACT: JOSEPH STOBBERL  
 PH: (919)331-6517  
 E: JSTOBBER@OLSSONASSOCIATES.COM

**GEOTECHNICAL ENGINEER:**  
 OLSSON ASSOCIATES  
 11627 VIRGINIA PLAZA, SUITE 103  
 LAVISTA, NE 68128  
 CONTACT: ED SCHNACKENBERG  
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**BENCHMARKS:**  
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 ELEV=6810.37' (COLORADO CENTRAL ZONE, US FT)  
 N: 1399838.02, E: 3222968.18

**BASIS OF BEARINGS:**  
 BEARINGS ARE BASED ON THE WEST LINE OF LOT 24, TEMPLETON GAP HEIGHTS FILING NO. 3 BEING MONUMENTED AT BOTH THE NORTH AND SOUTH ENDS BY A NUMBER 5 REBAR WITH A YELLOW PLASTIC CAP MARKED 'PL5 35012' AND HAVING AN ASSUMED BEARING OF S00D318 E AND A DISTANCE OF 366.12 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

**LEGAL DESCRIPTION:**  
 LOT 1, KUM & GO STORE #685 SUBDIVISION BEING A REPLAT OF LOT 24, TEMPLETON GAP HEIGHTS FILING NO. 3 TO THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO.

**FLOOD ZONE:**  
 PROPERTY IS IN FLOOD ZONE X-AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN.  
 MAP NUMBER=0804100336 F  
 EFFECTIVE DATE=MARCH 17, 1997

**NOTES:**

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**AGENCY CONTACTS:**  
**WATER/SANITARY SEWER:**  
 COLORADO SPRINGS UTILITIES  
 1521 HANCOCK EXPRESSWAY  
 COLORADO SPRINGS, CO 80903  
 CONTACT: AL JUVERA  
 PH: (719)668-8769  
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**GAS/ELECTRIC:**  
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**STORM SEWER:**  
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 30 S. NEVADA AVENUE, SUITE 401  
 COLORADO SPRINGS, CO 80903  
 CONTACT: VERA MARING  
 PH: (719)668-8769  
 E: VMARING@SPRINGSGOV.COM

**TELEPHONE:**  
 CENTURYLINK  
 1710 BRIMCATE BOULEVARD  
 COLORADO SPRINGS, CO 80902  
 CONTACT: PATTY MOORE  
 PH: (719)638-6098  
 E: PATTY.MOORE@CENTURYLINK.COM

**BUILDING DEPARTMENT:**  
 Pikes Peak Regional Building Department  
 2880 International Circle  
 Colorado Springs, CO 80910  
 CONTACT: SHELLEY SAVAGE  
 PH: (719)327-2880  
 E: SHELLEY@PPRBD.ORG

**HEALTH DEPARTMENT:**  
 EL PASO COUNTY ENVIRONMENTAL HEALTH  
 2880 International Circle  
 Colorado Springs, CO 80910  
 PH: (719)578-3199

**FIRE DEPARTMENT:**  
 COLORADO SPRINGS FIRE DEPARTMENT  
 2880 International Circle, Suite 200-7  
 Colorado Springs, CO 80910  
 CONTACT: DEE WITHEE  
 PH: (719)365-7381  
 E: DWITHEE@SPRINGSGOV.COM

**PLANNING AND DEVELOPMENT:**  
 CITY OF COLORADO SPRINGS  
 30 S. NEVADA AVENUE, SUITE 105  
 COLORADO SPRINGS, CO 80903  
 CONTACT: MEGGAN HERRINGTON  
 PH: (719)365-5083  
 E: MHERRINGTON@SPRINGSGOV.COM

**AGENCY CONTACTS:**  
**WATER/SANITARY SEWER:**  
 COLORADO SPRINGS UTILITIES  
 1521 HANCOCK EXPRESSWAY  
 COLORADO SPRINGS, CO 80903  
 CONTACT: AL JUVERA  
 PH: (719)668-8769  
 E: ALJUVERA@CSU.ORG

**GAS/ELECTRIC:**  
 COLORADO SPRINGS UTILITIES  
 2880 INTERMOUNTAIN CIRCLE, SUITE 105  
 COLORADO SPRINGS, CO 80903  
 CONTACT: JC BUTTERFIELD  
 PH: (719)668-5618  
 E: JBUTTERFIELD@CSU.ORG

**STORM SEWER:**  
 COLORADO SPRINGS STORMWATER  
 ENGINEERING  
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**AGENCY CONTACTS:**  
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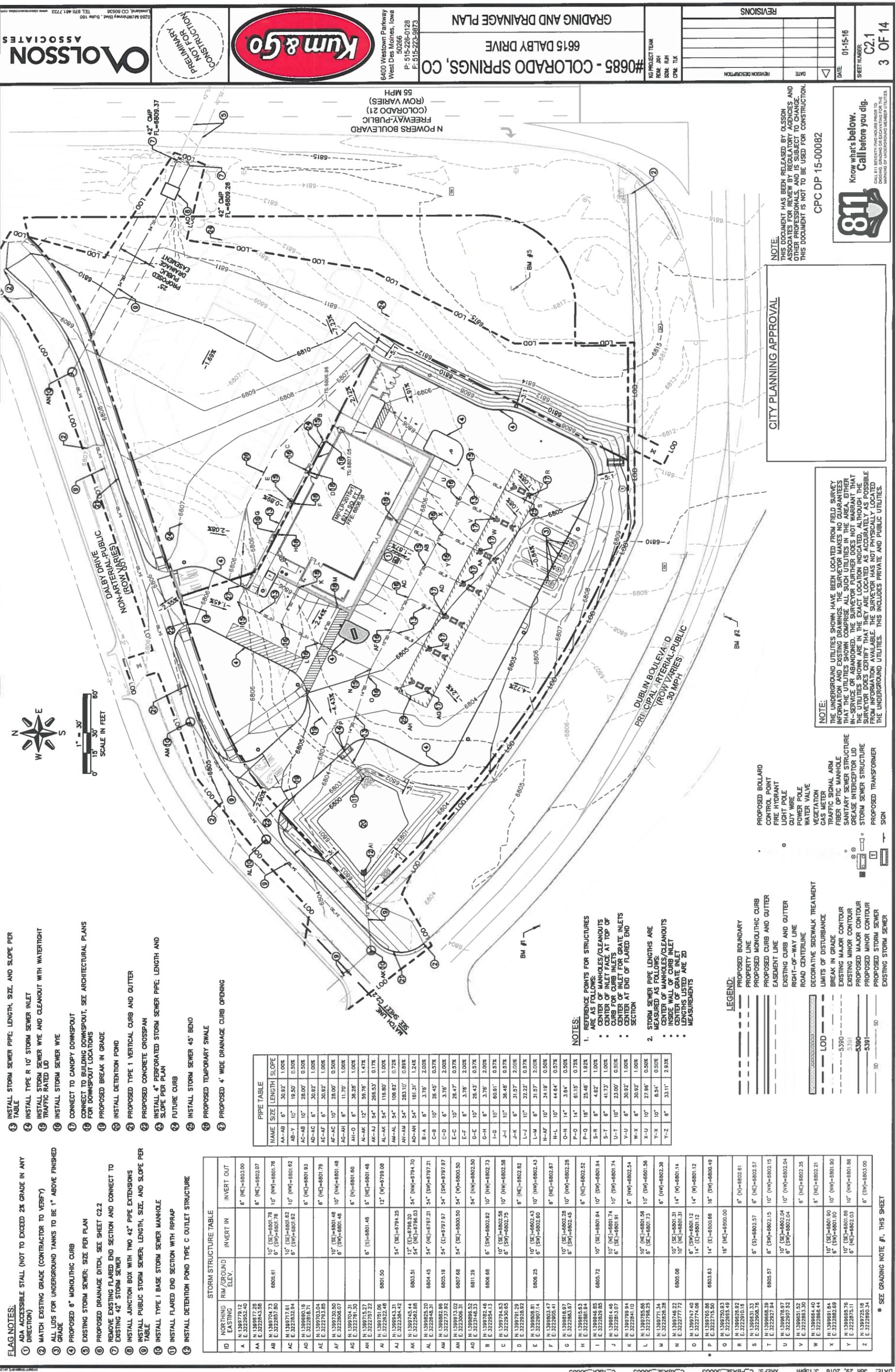
**GAS/ELECTRIC:**  
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 CONTACT: PATTY MOORE  
 PH: (719)638-6098  
 E: PATTY.MOORE@CENTURYLINK.COM

**BUILDING DEPARTMENT:**  
 Pikes Peak Regional Building Department





- FLAG NOTES:**
- ADA ACCESSIBLE STALL (NOT TO EXCEED 2% GRADE IN ANY DIRECTION)
  - MATCH EXISTING GRADE (CONTRACTOR TO VERIFY)
  - ALL LIDS FOR UNDERGROUND TANKS TO BE 1" ABOVE FINISHED GRADE
  - PROPOSED 6" MONOLITHIC CURB
  - EXISTING STORM SEWER; SIZE PER PLAN
  - PROPOSED DRAINAGE DITCH, SEE SHEET C2.2
  - REMOVE EXISTING FLARED END SECTION AND CONNECT TO EXISTING 42" STORM SEWER
  - INSTALL JUNCTION BOX WITH TWO 42" PIPE EXTENSIONS
  - INSTALL PUBLIC STORM SEWER; LENGTH, SIZE, AND SLOPE PER TABLE
  - INSTALL TYPE I BASE STORM SEWER MANHOLE
  - INSTALL FLARED END SECTION WITH RIPRAP
  - INSTALL DETENTION POND TYPE C OUTLET STRUCTURE

**STORM STRUCTURE TABLE**

ID	NORTHING EASTING	RIM/(GROUND) ELEV.	INVERT IN	INVERT OUT
A	N 1398779.12 E 3222852.40		6" (NE)=6803.00	
AA	N 1398777.28 E 3222843.58		6" (NE)=6802.07	
AB	N 1398774.73 E 3222857.80	6805.61	10" (SE)=6801.76 6" (SW)=6801.76	10" (NW)=6801.76 10" (NW)=6801.76
AC	N 1398771.61 E 3222832.84		10" (SE)=6801.62 6" (SW)=6801.62	10" (NW)=6801.62 10" (NW)=6801.62
AD	N 1398690.16 E 3222816.71		6" (NE)=6801.83	
AE	N 1398703.04 E 3222793.85		6" (NE)=6801.79	
AF	N 1398730.50 E 3222808.07		10" (SE)=6801.48 6" (SW)=6801.48	10" (NW)=6801.48 10" (NW)=6801.48
AG	N 1398794.31 E 3222781.30		6" (N)=6801.60	
AH	N 1398715.27 E 3222757.22		6" (NE)=6801.48	
AI	N 1398791.06 E 3222822.48	6801.50	12" (W)=6799.08	
AJ	N 1398843.31 E 3222838.42	6803.51	54" (SE)=6794.25 12" (E)=6794.20 54" (NE)=6796.03	54" (NW)=6794.70
AK	N 1398745.44 E 3222822.88	6804.45	54" (NE)=6797.21	
AL	N 1398825.20 E 3222848.31	6805.19	54" (E)=6797.97	
AM	N 1398982.86 E 3222737.92	6807.68	54" (SE)=6800.50 54" (W)=6800.50	
AN	N 1398933.02 E 3223198.33	6811.29	54" (NW)=6802.50	
AO	N 1398791.16 E 3222954.13	6806.66	10" (SW)=6802.92 10" (NW)=6802.73	
B	N 1398794.15 E 3222930.65		10" (SE)=6802.56 6" (SW)=6802.73	10" (NW)=6802.58 10" (NW)=6802.58
C	N 1398791.15 E 3222930.65		6" (NE)=6802.82	
D	N 1398791.15 E 3222930.65		10" (SE)=6802.43 6" (SW)=6802.60	10" (NW)=6802.43 10" (NW)=6802.43
E	N 1398903.47 E 3222805.41	6808.23	10" (SE)=6802.28 6" (SW)=6802.45	10" (NW)=6802.28 10" (NW)=6802.28
F	N 1398981.67 E 3222863.67		10" (SE)=6802.87	
G	N 1398981.67 E 3222863.67		10" (SE)=6802.87	
H	N 1398915.63 E 3222801.84	6805.72	10" (SE)=6801.84 10" (NE)=6801.74 6" (SE)=6801.91	10" (SW)=6801.84 10" (SW)=6801.74 10" (SW)=6801.74
I	N 1398946.85 E 3222829.85		10" (NE)=6801.74	
J	N 1398914.46 E 3222813.07		10" (SW)=6802.54	
K	N 1398799.84 E 3222841.10		10" (NE)=6801.56 6" (SE)=6801.73	10" (SW)=6801.56 10" (SW)=6801.56
L	N 1398785.86 E 3222798.25	6805.08	10" (SE)=6801.31 10" (NE)=6801.31	10" (SW)=6801.31 10" (SW)=6801.31
M	N 1398771.34 E 3222777.72		14" (E)=6803.66 16" (NE)=6800.00	16" (SW)=6802.36 16" (SW)=6802.36
N	N 1398747.40 E 3222774.06		6" (N)=6802.81	
O	N 1398747.40 E 3222774.06		6" (S)=6802.57	
P	N 1398765.86 E 3222906.76	6803.63	6" (SW)=6802.15 10" (NW)=6802.15	6" (NW)=6802.15 6" (NW)=6802.15
Q	N 1398750.93 E 3222910.16		10" (SE)=6802.04 6" (SW)=6802.04	10" (NW)=6802.04 10" (NW)=6802.04
R	N 1398681.39 E 3222927.84	6805.57	10" (SE)=6802.52 10" (SW)=6802.52	10" (NW)=6802.52 10" (NW)=6802.52
S	N 1398631.33 E 3222906.76		6" (NE)=6802.35	
T	N 1398681.39 E 3222927.84		6" (NE)=6802.21	
U	N 1398681.39 E 3222927.84		10" (SE)=6801.90 10" (SW)=6801.90	10" (NW)=6801.90 10" (NW)=6801.90
V	N 1398681.39 E 3222927.84		10" (SE)=6801.86 6" (NE)=6802.03	10" (NW)=6801.86 10" (NW)=6801.86
W	N 1398681.39 E 3222927.84		6" (NE)=6802.35	
X	N 1398681.39 E 3222927.84		6" (NE)=6802.21	
Y	N 1398681.39 E 3222927.84		10" (SE)=6801.86 6" (NE)=6802.03	10" (NW)=6801.86 10" (NW)=6801.86
Z	N 1398725.16 E 3222890.34		6" (SW)=6803.00	

**PIPE TABLE**

NAME	SIZE	LENGTH	SLOPE
AA-AB	6"	30.92'	1.00%
AB-AC	10"	19.50'	0.50%
AC-AD	10"	28.00'	0.50%
AD-AE	6"	30.92'	1.00%
AE-AF	6"	30.92'	1.00%
AF-AG	10"	28.00'	0.50%
AG-AH	6"	11.70'	1.00%
AH-AI	6"	36.28'	1.00%
AI-AJ	12"	59.76'	1.47%
AJ-AK	54"	285.53'	0.17%
AK-AL	54"	116.80'	1.00%
AL-AM	54"	106.82'	0.72%
AM-AN	54"	283.10'	0.85%
AN-AO	54"	161.31'	1.24%
AO-AP	6"	3.76'	2.00%
AP-AQ	6"	3.76'	2.00%
AQ-AR	10"	26.45'	0.37%
AR-AS	6"	3.76'	2.00%
AS-AT	10"	28.47'	0.37%
AT-AU	6"	3.76'	2.00%
AU-AV	10"	28.43'	0.37%
AV-AW	6"	3.76'	2.00%
AW-AX	10"	32.22'	0.37%
AX-AY	10"	31.37'	2.00%
AY-AZ	10"	44.64'	0.37%
AZ-BA	10"	34.16'	0.50%
BA-BB	10"	81.15'	0.35%
BB-BC	10"	25.46'	1.92%
BC-BD	6"	4.82'	1.00%
BD-BE	6"	41.73'	1.00%
BE-BF	10"	23.00'	0.50%
BF-BG	6"	30.92'	1.00%
BG-BH	6"	30.92'	1.00%
BH-BI	10"	27.96'	0.50%
BI-BJ	10"	8.54'	0.50%
BJ-BK	6"	33.11'	2.93%

- NOTES:**
- REFERENCE POINTS FOR STRUCTURES:
    - CENTER OF MANHOLES/CLEANOUTS
    - CENTER OF INLET FACE AT TOP OF CURB FOR CURB INLETS
    - CENTER OF INLET FOR GRATE INLETS
    - CENTER AT END OF FLARED END SECTION
  - STORM SEWER PIPE LENGTHS ARE MEASURED AS FOLLOWS:
    - CENTER OF MANHOLES/CLEANOUTS
    - CENTER OF INLET
    - CENTER OF GRATE INLET
    - LENGTHS LISTED ARE 2D MEASUREMENTS

- LEGEND:**
- PROPOSED BOLLARD
  - CONTROL POINT
  - FIRE HYDRANT
  - LIGHT POLE
  - GUY WIRE
  - POWER POLE
  - WATER VALVE
  - GAS METER
  - VEGETATION
  - TRAFFIC SIGNAL ARM
  - FIBER OPTIC MANHOLE
  - SANITARY SEWER STRUCTURE
  - CREASE INTERCEPTOR LID
  - STORM SEWER STRUCTURE
  - PROPOSED TRANSFORMER
  - EXISTING STORM SEWER
  - SIGN

- STORM STRUCTURE TABLE**
- | ID | NORTHING EASTING             | RIM/(GROUND) ELEV. | INVERT IN   | INVERT OUT   |
|----|------------------------------|--------------------|---|--|
| A  | N 1398779.12<br>E 3222852.40 |                    | 6" (NE)=6803.00   |  |
| AA | N 1398777.28<br>E 3222843.58 |                    | 6" (NE)=6802.07   |  |
| AB | N 1398774.73<br>E 3222857.80 | 6805.61            | 10" (SE)=6801.76<br>6" (SW)=6801.76                     | 10" (NW)=6801.76<br>10" (NW)=6801.76                     |
| AC | N 1398771.61<br>E 3222832.84 |                    | 10" (SE)=6801.62<br>6" (SW)=6801.62                     | 10" (NW)=6801.62<br>10" (NW)=6801.62                     |
| AD | N 1398690.16<br>E 3222816.71 |                    | 6" (NE)=6801.83   |  |
| AE | N 1398703.04<br>E 3222793.85 |                    | 6" (NE)=6801.79   |  |
| AF | N 1398730.50<br>E 3222808.07 |                    | 10" (SE)=6801.48<br>6" (SW)=6801.48                     | 10" (NW)=6801.48<br>10" (NW)=6801.48                     |
| AG | N 1398794.31<br>E 3222781.30 |                    | 6" (N)=6801.60  |  |
| AH | N 1398715.27<br>E 3222757.22 |                    | 6" (NE)=6801.48   |  |
| AI | N 1398791.06<br>E 3222822.48 | 6801.50            | 12" (W)=6799.08   |  |
| AJ | N 1398843.31<br>E 3222838.42 | 6803.51            | 54" (SE)=6794.25<br>12" (E)=6794.20<br>54" (NE)=6796.03 | 54" (NW)=6794.70   |
| AK | N 1398745.44<br>E 3222822.88 | 6804.45            | 54" (NE)=6797.21  |  |
| AL | N 1398825.20<br>E 3222848.31 | 6805.19            | 54" (E)=6797.97   |  |
| AM | N 1398982.86<br>E 3222737.92 | 6807.68            | 54" (SE)=6800.50<br>54" (W)=6800.50                     |  |
| AN | N 1398933.02<br>E 3223198.33 | 6811.29            | 54" (NW)=6802.50  |  |
| AO | N 1398791.16<br>E 3222954.13 | 6806.66            | 10" (SW)=6802.92<br>10" (NW)=6802.73                    |  |
| B  | N 1398794.15<br>E 3222930.65 |                    | 10" (SE)=6802.56<br>6" (SW)=6802.73                     | 10" (NW)=6802.58<br>10" (NW)=6802.58                     |
| C  | N 1398791.15<br>E 3222930.65 |                    | 6" (NE)=6802.82   |  |
| D  | N 1398791.15<br>E 3222930.65 |                    | 10" (SE)=6802.43<br>6" (SW)=6802.60                     | 10" (NW)=6802.43<br>10" (NW)=6802.43                     |
| E  | N 1398903.47<br>E 3222805.41 | 6808.23            | 10" (SE)=6802.28<br>6" (SW)=6802.45                     | 10" (NW)=6802.28<br>10" (NW)=6802.28                     |
| F  | N 1398981.67<br>E 3222863.67 |                    | 10" (SE)=6802.87  |  |
| G  | N 1398981.67<br>E 3222863.67 |                    | 10" (SE)=6802.87  |  |
| H  | N 1398915.63<br>E 3222801.84 | 6805.72            | 10" (SE)=6801.84<br>10" (NE)=6801.74<br>6" (SE)=6801.91 | 10" (SW)=6801.84<br>10" (SW)=6801.74<br>10" (SW)=6801.74 |
| I  | N 1398946.85<br>E 3222829.85 |                    | 10" (NE)=6801.74  |  |
| J  | N 1398914.46<br>E 3222813.07 |                    | 10" (SW)=6802.54  |  |
| K  | N 1398799.84<br>E 3222841.10 |                    | 10" (NE)=6801.56<br>6" (SE)=6801.73                     | 10" (SW)=6801.56<br>10" (SW)=6801.56                     |
| L  | N 1398785.86<br>E 3222798.25 | 6805.08            | 10" (SE)=6801.31<br>10" (NE)=6801.31                    | 10" (SW)=6801.31<br>10" (SW)=6801.31                     |
| M  | N 1398771.34<br>E 3222777.72 |                    | 14" (E)=6803.66<br>16" (NE)=6800.00                     | 16" (SW)=6802.36<br>16" (SW)=6802.36                     |
| N  | N 1398747.40<br>E 3222774.06 |                    | 6" (N)=6802.81  |  |
| O  | N 1398747.40<br>E 3222774.06 |                    | 6" (S)=6802.57  |  |
| P  | N 1398765.86<br>E 3222906.76 | 6803.63            | 6" (SW)=6802.15<br>10" (NW)=6802.15                     | 6" (NW)=6802.15<br>6" (NW)=6802.15                       |
| Q  | N 1398750.93<br>E 3222910.16 |                    | 10" (SE)=6802.04<br>6" (SW)=6802.04                     | 10" (NW)=6802.04<br>10" (NW)=6802.04                     |
| R  | N 1398681.39<br>E 3222927.84 | 6805.57            | 10" (SE)=6802.52<br>10" (SW)=6802.52                    | 10" (NW)=6802.52<br>10" (NW)=6802.52                     |
| S  | N 1398631.33<br>E 3222906.76 |                    | 6" (NE)=6802.35   |  |
| T  | N 1398681.39<br>E 3222927.84 |                    | 6" (NE)=6802.21   |  |
| U  | N 1398681.39<br>E 3222927.84 |                    | 10" (SE)=6801.90<br>10" (SW)=6801.90                    | 10" (NW)=6801.90<br>10" (NW)=6801.90                     |
| V  | N 1398681.39<br>E 3222927.84 |                    | 10" (SE)=6801.86<br>6" (NE)=6802.03                     | 10" (NW)=6801.86<br>10" (NW)=6801.86                     |
| W  | N 1398681.39<br>E 3222927.84 |                    | 6" (NE)=6802.35   |  |
| X  | N 1398681.39<br>E 3222927.84 |                    | 6" (NE)=6802.21   |  |
| Y  | N 1398681.39<br>E 3222927.84 |                    | 10" (SE)=6801.86<br>6" (NE)=6802.03                     | 10" (NW)=6801.86<br>10" (NW)=6801.86                     |
| Z  | N 1398725.16<br>E 3222890.34 |                    | 6" (SW)=6803.00   |  |

- NOTES:**
- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE. CALL 811 SEVENTY-TWO HOURS PRIOR TO ANY EXCAVATION TO IDENTIFY AND MARK THE UNDERGROUND UTILITIES. THIS INCLUDES PRIVATE AND PUBLIC UTILITIES.

- NOTE:**
- THIS DOCUMENT HAS BEEN RELEASED BY OLSSON ASSOCIATES FOR REVIEW BY REGULATORY AGENCIES AND OTHER PROFESSIONALS, AND IS SUBJECT TO CHANGE. THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION.

- CITY PLANNING APPROVAL**
- CPC DCP 15-00082

**811** Know what's below. Call before you dig.

CALL 811 SEVENTY-TWO HOURS PRIOR TO ANY EXCAVATION TO IDENTIFY AND MARK THE UNDERGROUND UTILITIES.

**REVISIONS**

NO.	DATE	DESCRIPTION

NO. PROJECT TEAM: \_\_\_\_\_  
 DATE: 01-15-16  
 SHEET NUMBER: C2.1  
 OF 14: 3 OF 14

**GRADING AND DRAINAGE PLAN**

#0685 - COLORADO SPRINGS, CO  
 6615 DALBY DRIVE

6400 Westown Parkway  
 West Des Moines, Iowa  
 50266  
 P: 515-226-0128  
 F: 515-223-9873

PRELIMINARY  
 NOT FOR CONSTRUCTION

**OLSSON ASSOCIATES**

2225 Mackay Blvd., Suite 100  
 Lincoln, CO 80538  
 TEL: 970.481.7733

**FIGURE 5**

DATE: Jan 29, 2016 3:15pm  
 USER: bower  
 PROJECT: 1015-0005-LDVP-Preliminary Plans-CR050005.dwg  
 XREFS: C:\BASE\_50005 C:\BASE\_50005 C:\BASE\_50005  
 C:\BLK\_50005

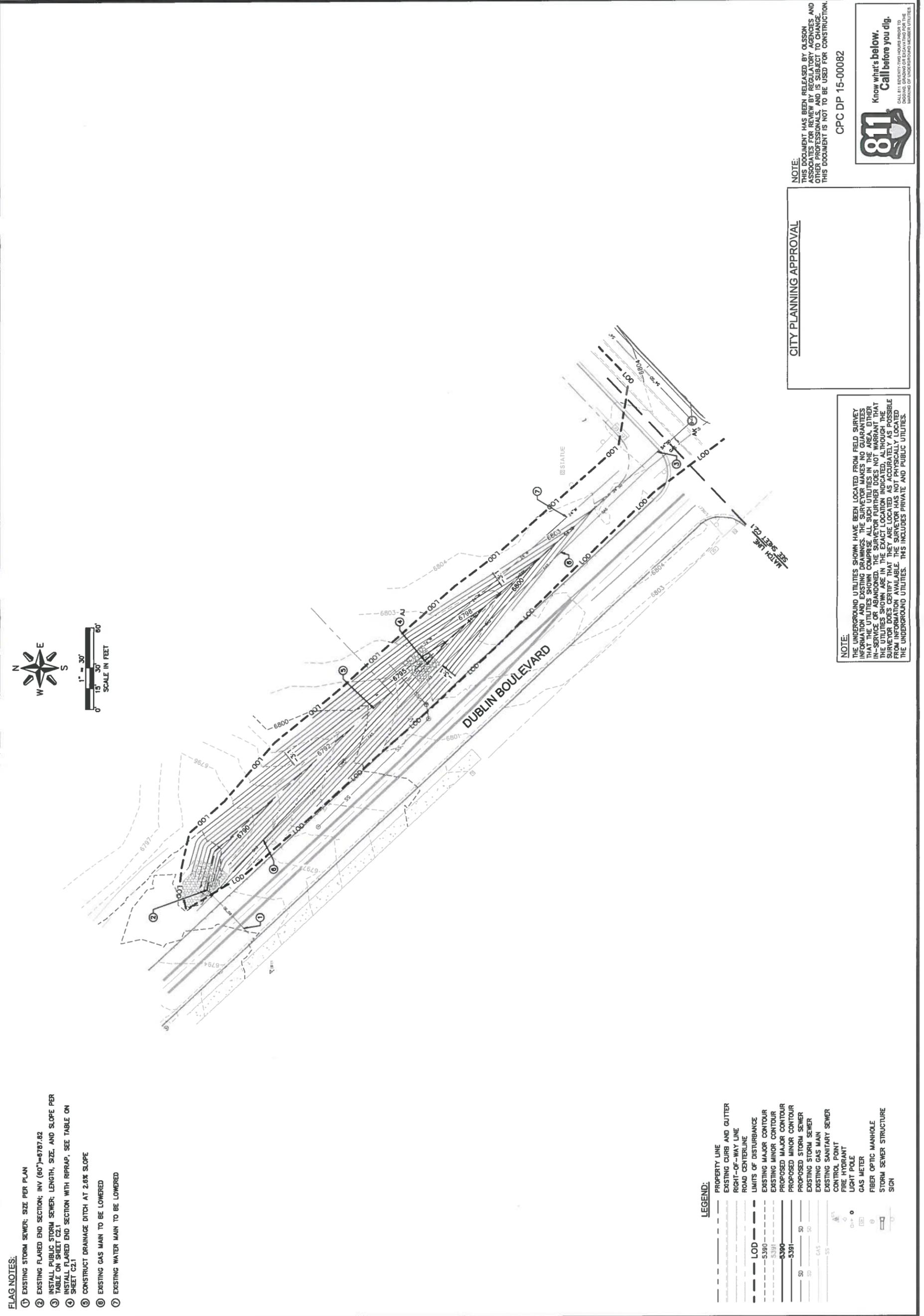


6400 Westown Parkway  
 West Des Moines, Iowa  
 50266  
 P: 515-226-0128  
 F: 515-223-9873

**#0685 - COLORADO SPRINGS, CO**  
 6615 DALBY DRIVE  
 GRADING AND DRAINAGE OFFSITE PLAN

NO PROJECT TEAM:  
 FROM: JAH  
 FROM: RJA  
 FROM: TJK  
 DATE: 01-15-16

DATE: 01-15-16  
 SHEET NUMBER: **C2.2**  
 4 OF 14



**FLAG NOTES:**

- 1 EXISTING STORM SEWER; SIZE PER PLAN
- 2 EXISTING FLARED END SECTION; INV (60")=6787.82
- 3 INSTALL PUBLIC STORM SEWER; LENGTH, SIZE, AND SLOPE PER TABLE ON SHEET C2.1
- 4 INSTALL FLARED END SECTION WITH RIPRAP; SEE TABLE ON SHEET C2.1
- 5 CONSTRUCT DRAINAGE DITCH AT 2.6% SLOPE
- 6 EXISTING GAS MAIN TO BE LOWERED
- 7 EXISTING WATER MAIN TO BE LOWERED

**LEGEND:**

- PROPERTY LINE
- EXISTING CURB AND GUTTER
- RIGHT-OF-WAY LINE
- ROAD CENTERLINE
- LOD
- LIMITS OF DISTURBANCE
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED STORM SEWER
- EXISTING STORM SEWER
- EXISTING GAS MAIN
- EXISTING SANITARY SEWER
- CONTROL POINT
- FIRE HYDRANT
- LIGHT POLE
- GAS METER
- FIBER OPTIC MANHOLE
- STORM SEWER STRUCTURE
- SIGN

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**CITY PLANNING APPROVAL**

**NOTE:**  
 THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE TO THE SURVEYOR. THIS INCLUDES PRIVATE AND PUBLIC UTILITIES.

**811**  
 Know what's below.  
 Call before you dig.  
 CALL 811 SEVENTY-TWO HOURS PRIOR TO THE MARKING OF UNDERGROUND MEMBER UTILITIES.

CPC DP 15-00082

**FIGURE 5**





6400 Westown Parkway  
 West Des Moines, Iowa  
 50266  
 P: 515-226-0128  
 F: 515-223-9873

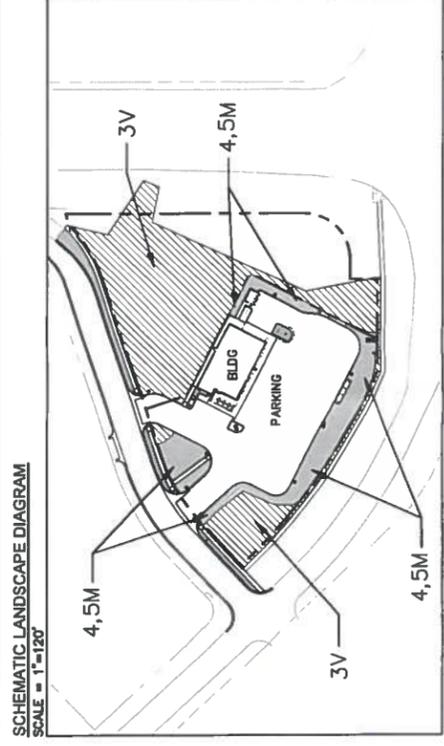
**#0685 - COLORADO SPRINGS, CO**  
 6615 DALBY DRIVE  
 FINAL LANDSCAPE PLAN

NO PROJECT TEAM:  
 RDM: JDM  
 SSM: RJH  
 CPM: TLX

REVISION DESCRIPTION	DATE

DATE: 01-15-16  
 SHEET NUMBER: L1.1  
 6 OF 14

PLANT LIST - KUM & GO SITE						
QTY.	KEY SYMBOL	COMMON/SCIENTIFIC NAME	PLANTING SIZE	MATURE WIDTH	MATURE HEIGHT	KEY FROM APPENDIX B
<b>SHADE TREES</b>						
3	CO	CELSTIS OCCIDENTALIS COMMON HACKBERRY	1.5" CAL.	40'-50'	50'-60'	3457DA
4	UD	ULMUS DAVIDIANA VAR JAPANICA 'DISCOVERY' DISCOVERY ELM	1.5" CAL.	35'-40'	35'-40'	457AD
5	OB	QUERCUS BICOLOR SWAMP WHITE OAK	1.5" CAL.	35'-40'	35'-40'	45
<b>ORNAMENTAL TREES</b>						
4	VL	VIBURNUM LANTANA WATKINS TREE	1" CAL.	15'-20'	15'-20'	456A
7	AG	ACER GINNALA ANEUR MAPLE	1" CAL.	15'-20'	15'-20'	457A
<b>EVERGREEN TREES</b>						
2	PE	PINUS EDULIS PINYON PINE	6" HT.	10'-15'	30'-40'	1256D
1	JV	JUNIPERUS VIRGINIANA EASTERN REDCEDAR	6" HT.	20'-25'	30'-50'	2568A
TOTAL NUMBER OF TREES: 26						
TOTAL SIGNATURE TREES: 26 = 100% SIGNATURE TREES						
<b>PERCENT SIGNATURE TREES (60% MINIMUM)</b>						
<b>DECIDUOUS SHRUBS</b>						
36	AM	ARONIA MELANOCARPA BLACK CHOKEBERRY	5 GAL	3'-5'	3'-5'	457A
41	AC	RIBES ALPIMUM ALPINE CURRANT	5 GAL	3'-6'	3'-6'	5678A
49	RA	RHUS AROMATICA 'CRO-L' CRO-L' FRAGRANT SUMAC	5 GAL	5'-6'	20'-24'	23456DA
71	PB	PRUNUS BESSEYI 'PANWEE BUTTES' PANWEE BUTTES WESTERN SAND CHERRY	5 GAL	4'-6'	15'-18'	23456DA
<b>EVERGREEN SHRUBS</b>						
50	PM	PINUS MUGO PUMILIO MUGO PINE	5 GAL	5'-6'	3'-5'	1256D
75	JC	JUNIPERUS CHINENSIS 'SEA GREEN' SEA GREEN JUNIPER	5 GAL	4'-6'	3'-5'	568A
53	YC	YUCCA GLAUCA NARROW LEAF YUCCA	5 GAL	2'-4'	2'-4'	123456D
TOTAL NUMBER OF SHRUBS: 375						
TOTAL SIGNATURE SHRUBS: 375 = 100% SIGNATURE SHRUBS						
<b>ORNAMENTAL GRASSES</b>						
75	BC	BOUTELOUA CURTIPENDULA SIDEGRASS GRAMA	1 GAL	18'-24"	24"	1235D
64	BC	BOUTELOUA GRACILIS BLUE GRAMA	1 GAL	12"	12"	23D
19	SS	SCHIZACHYRIU SCOPARIUM LITTLE BLUESTEM	1 GAL	18'-24"	24"	1235D
101	SC	SPOROBOLUS CRYPTANDRUS S. AROIDES SAND DROPSSEED, ALKAU SACATON	1 GAL	18'-24"	24"	134D
6	HM	PANICUM VIRGATUM 'HEAVY METAL' HEAVY METAL SWITCH GRASS	1 GAL	18'-30"	36"	12346D
TOTAL NUMBER OF GRASSES: 265						
TOTAL SIGNATURE GRASSES: 265 = 100% SIGNATURE GRASSES						

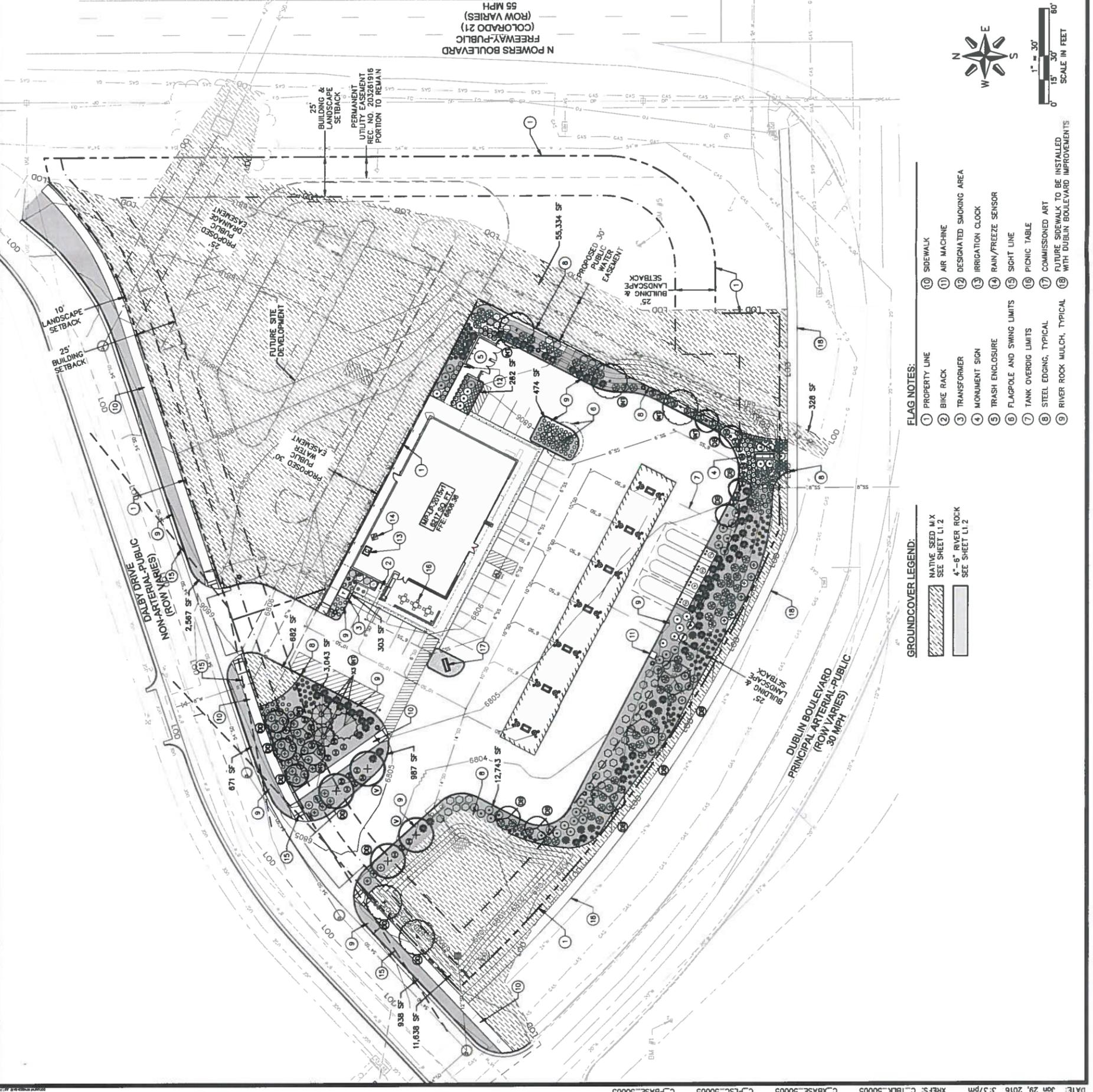


**CITY PLANNING APPROVAL**

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- FLAG NOTES:**
- PROPERTY LINE
  - BIKE RACK
  - TRANSFORMER
  - MONUMENT SIGN
  - TRASH ENCLOSURE
  - FLAGPOLE AND SWING LIMITS
  - TANK OVERDIG LIMITS
  - STEEL EDGING, TYPICAL
  - RIVER ROCK MULCH, TYPICAL
  - SIDEWALK
  - AIR MACHINE
  - DESIGNATED SMOKING AREA
  - IRRIGATION CLOCK
  - RAIN/FREEZE SENSOR
  - SIGHT LINE
  - PICNIC TABLE
  - COMMISSIONED ART
  - FUTURE SIDEWALK TO BE INSTALLED WITH DUBLIN BOULEVARD IMPROVEMENTS

- GROUND COVER LEGEND:**
- NATIVE SEED MIX SEE SHEET L1.2
  - 4" - 5" RIVER ROCK SEE SHEET L1.2



FIGURE 5

**OLSSON ASSOCIATES**  
 150 S. Main Street  
 Loveland, CO 80538  
 TEL: 970.451.7733



6400 Westown Parkway  
 West Des Moines, Iowa  
 50266  
 P: 515-226-0128  
 F: 515-223-9873

**#0685 - COLORADO SPRINGS, CO**  
 6615 DALBY DRIVE  
 LANDSCAPE NOTES

NO PROJECT TEAM  
 ROK: JKH  
 SKI: RHM  
 CNA: TLK

CITY OF COLORADO SPRINGS LANDSCAPE REQUIREMENTS									
STREET NAME OR ZONE BOUNDARY	STREET CLASSIFICATION	WIDTH (IN FT.) REQ./PROV.	LINEAR FOOTAGE	TREE/FEET REQUIRED	NO. OF TREES REQ./PROVISED				
EAST BOUNDARY	N/A	N/A	N/A	N/A	N/A				
DUBLIN BLVD	MAJOR ARTERIAL	25' / 25'	401'	1 / 20	20 / 8 + SHRUBS				
DALBY DRIVE	NON-ARTERIAL	10' / 10'	276'	1 / 30	10 / 7 + SHRUBS				
NORTH BOUNDARY	N/A	N/A	N/A	N/A	N/A				
SHRUB SUB. REQ./PROVISED	ORNAMENTAL GRASS SUB. REQ./PROVISED	SETBACK PLANT ABR. DENOTED ON PLAN		PERCENT GROUND PLANE VEG. REQ./PROVISED					
N/A	N/A	EB (EAST BOUNDARY)		75% / 75%					
120 / 120	N/A	DB (DUBLIN BLVD)		75% / 75%					
30 / 30	N/A	DD (DALBY DRIVE)		75% / 75%					
N/A	N/A	NB (NORTH BOUNDARY)		75% / 75%					

MOTOR VEHICLE LOTS									
NO. OF SPACES PROVIDED	SHADE TREES REQ./PROVISED	VEHICLE LOT FRONTAGES	LENGTH OF FRONTAGE (EXCLUDING DRIVEWAYS)	TREE/FEET REQUIRED	2/3 LENGTH OF FRONTAGE (FEET)				
28 STALLS	1/15 STALLS 2 TREES REQUIRED 2 TREES PROVIDED	EAST BOUNDARY DUBLIN BLVD DALBY DRIVE NORTH BOUNDARY	171' 272' 181' N/A	N/A N/A N/A N/A	115 LF 180 LF 120 LF N/A				
MIN. 3' SCREENING PLANTS REQ./PROV	EVERGREEN PLANTS REQ./PROV	SCREEN WALL/BERM	VEHICLE LOT PLANT ABR. ON PLAN	PERCENT GROUND PLANE VEG. REQ./PROVISED					
38 / 38	20 / 20	N/A	V	75% / 75%					
60 / 60	30 / 30	N/A	V	75% / 75%					
40 / 40	20 / 20	N/A	V	75% / 75%					
N/A	N/A	N/A	N/A	N/A					

INTERNAL LANDSCAPING									
NET SITE AREA LESS PUBLIC ROW	PERCENT MINIMUM INTERNAL AREA	INTERNAL AREA REQ./PROVISED	INTERNAL TREES (1/500 SF) REQ./PROVISED	PERCENT GROUND PLANE VEGETATION REQ. / PROVIDED					
81,786 SF	5% (NON-RES)	4,099 SF / 96,843 SF	9 / 8	75% / 75%					
SHRUBS SUB. REQ./PROVISED	ORNAMENTAL GRASS SUB. REQ./PROVISED	INTERNAL PLANT ABR. DENOTED ON PLAN							
N/A	N/A	INT							

LANDSCAPE BUFFERS AND SCREENS									
STREET NAME OR PROPERTY LINE	WIDTH (IN FT.) REQ./PROV.	LINEAR FOOTAGE	BUFFER TREES (1/200) REQ./PROVISED	EVG/GR TREES REQ. (3000) / PROVIDED	BUFFER TREE ABR. ON PLAN	PERCENT GROUND PLANE VEG. REQ./PROVISED			
EAST BOUNDARY	N/A	N/A	N/A	N/A	BU	N/A			
DUBLIN BLVD	N/A	N/A	N/A	N/A	BU	N/A			
DALBY DRIVE	N/A	N/A	N/A	N/A	BU	N/A			
NORTH BOUNDARY	N/A	N/A	N/A	N/A	BU	N/A			

ZONING: PEC (PLANNED BUSINESS CENTER)

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CITY PLANNING APPROVAL

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811

CALL 811 SEVENTY-TWO HOURS PRIOR TO THE DIGGING. OBTAINING EDUCATION FOR THE DURING OF PROFESSIONAL AND LANDSCAPE DESIGNERS.

CPC DP 15-00082

REVISIONS

DATE: 01-15-16  
 SHEET NUMBER: L1.2  
 7 OF 14

GENERAL PLANTING NOTES

- ALL WORK SHALL BE COORDINATED WITH THE WORK OF OTHER TRADES.
- LOCATE AND FLAG ALL UNDERGROUND UTILITIES PRIOR TO ANY CONSTRUCTION. PROTECT ALL UTILITIES. ANY DAMAGE TO UNDERGROUND UTILITIES, ANY DAMAGE TO SUCH SHALL BE REPAIRED BY THE CONTRACTOR AT NO EXPENSE TO THE OWNER.
- PLANTS AND OTHER MATERIALS ARE QUANTIFIED AND SUMMARIZED FOR THE CONVENIENCE OF THE CITY AND LOCAL GOVERNING BODIES. CONTRACTOR TO VERIFY AND INSTALL SUFFICIENT QUANTITIES TO COMPLETE THE WORK AS SHOWN.
- PLAN IS SUBJECT TO CHANGES BASED ON PLANT SIZE AND MATERIAL AVAILABILITY. ALL CHANGES OR SUBSTITUTIONS MUST BE APPROVED BY THE CITY OF COLORADO SPRINGS, CO AND THE LANDSCAPE ARCHITECT.
- ALL PLANT MATERIAL SHALL BE NURSERY GROWN TO MEET MINIMUM SIZE AS SPECIFIED IN THE AMERICAN STANDARD FOR NURSERY ESTABLISHED BY THE AMERICAN NURSERY & LANDSCAPE ASSOCIATION (ANLA). THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL NOT MEETING SPECIFICATIONS.
- PLANTING OF TREES, SHRUBS, SOODED AND SEEDED TURFCRACK IS RECOMMENDED TO COMMENCE ON EITHER THE SPRING (MARCH - JUNE 15) OR FALL (SEPTEMBER 1 - OCTOBER 15) PLANTING SEASON AND WITH WATER AVAILABLE FOR IRRIGATION PURPOSES.
- THE LANDSCAPE CONTRACTOR SHALL REMOVE ALL CONSTRUCTION DEBRIS AND MATERIALS INJURIOUS TO PLANT GROWTH FROM PLANTING PITS AND BEDS PRIOR TO BACKFILLING WITH PLANTING MIX.
- A PRE-EMERGENT HERBICIDE SHALL BE APPLIED TO ALL SHRUB BEDS PRIOR TO THE INSTALLATION OF ANY PLANT MATERIAL.
- BACKFILL ALL PLANTING BEDS TO A MINIMUM 12-INCH DEPTH WITH PLANTING SOIL MIX. PLANTING SOIL MIX SHALL CONSIST OF ONE (1) PART PERLITE, ONE (1) PART PEAT MOSS, AND TWO (2) PARTS CLEAN LOAM TOPSOIL THOROUGHLY MIX PLANTING SOIL COMPONENTS PRIOR TO PLACEMENT.
- ALL SHRUB PLANTING AREAS SHALL CONTAIN 4"-6" DIAMETER RIVER ROCK MULCH AT A MINIMUM OF 8" DEEP OR APPROVED EQUAL. ALL RIVER ROCK AREAS SHALL CONTAIN GEOTEXTILE WEED BARRIER FABRIC. ALL TREE AND PERENNIAL AREAS SHALL BE MULCHED WITH 3"-4" OF SHREDDED HARDWOOD MULCH.
- ALL LANDSCAPE AREAS AND SOI AREAS SHALL BE IRRIGATED WITH A HIGH-EFFICIENCY AUTOMATIC IRRIGATION SYSTEM. A CHEWING LOOK EVEN COVERAGE OF ALL LANDSCAPE AREAS. IRRIGATION SYSTEM SHALL BE DESIGNED TO MEET ALL CITY REQUIREMENTS. DRIP IRRIGATION SHALL BE USED IN ALL LANDSCAPE BED AND SPRAY HEADS ON ALL SOODED AREAS.
- STEEL LANDSCAPE EDGING IS TO BE USED ON ALL LANDSCAPE BEDS ABUTTING SOODED AREAS AS NOTED ON LANDSCAPE PLANS.
- LANDSCAPE CONTRACTOR IS TO BE RESPONSIBLE FOR WATERING ALL PLANT MATERIALS UNTIL THE TIME THE PERMANENT IRRIGATION SYSTEM IS FULLY FUNCTIONAL AND ACCEPTANCE OF THE PROJECT HAS TAKEN PLACE. ANY MATERIAL WHICH DIES, OR DEFOLIATES (PRIOR TO ACCEPTANCE OF THE WORK) WILL BE PROMPTLY REMOVED AND REPLACED.
- THE CONTRACTOR WILL COMPLETELY GUARANTEE ALL WORK FOR A PERIOD OF ONE YEAR BEGINNING AT THE DATE OF ACCEPTANCE, OR STORE OPENING, WHICHEVER IS GREATER. CONTRACTOR WILL MAKE ALL REPLACEMENTS PROMPTLY (AS PER DIRECTION OF OWNER).
- AN IRRIGATION PLAN APPLICATION WITH FEE IS REQUIRED AND MAY BE SUBMITTED TO THE COLORADO SPRINGS LAND USE REVIEW OFFICE AT ANY TIME CONCURRENT WITH THE BUILDING PERMIT PROCESS, AND NO LATER THAN 90 DAYS SUBSEQUENT TO RECEIVING A BUILDING PERMIT APPROVAL.
- UPON INSTALLATION OF ALL LANDSCAPING, CONTRACTOR SHALL NOTIFY OWNER NOTICE AFTER LANDSCAPE INSTALLATION IS COMPLETE TO PERFORM A FINAL LANDSCAPE INSPECTION AND APPROVAL.
- PRIOR TO FINAL LANDSCAPE INSPECTION, CONTRACTOR SHALL PROVIDE OLSSON ASSOCIATES WITH RECEIPTS OF ALL PLANT MATERIALS INSTALLED ON-SITE.
- CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING AS-BUILT REDLINES SHOWING CHANGES TO THE APPROVED FINAL LANDSCAPE PLAN. AS-BUILT REDLINES SHALL BE PROVIDED TO OWNER PRIOR TO THE FINAL LANDSCAPE INSPECTION.
- SOIL SAMPLING AND TESTING TO DETERMINE EXACT FERTILIZER REQUIREMENTS AND SOIL ADJUSTMENTS WILL BE COMPLETED AND SUBMITTED TO THE CITY PRIOR TO CONSTRUCTION.

NATIVE SEEDING NOTES (CONTINUED)

- 1ST YEAR - MOW FREQUENTLY TO PREVENT WEED GROWTH AND THATCH BUILD-UP. MOWING HEIGHT SHOULD BE APPROXIMATELY 4-6 INCHES IN HEIGHT AND COMPLETED BETWEEN THE MONTHS OF MARCH - JULY 15. NO MOWING SHOULD BE COMPLETED AFTER THE JULY 15 DATE. ADDITIONAL WEED PREVENTION IS RECOMMENDED WITH THE USE OF AN APPROVED HERBICIDE FOR NATIVE GRASSES. A GOOD APPROACH IS TO APPLY HERBICIDE TO THE SEASONAL MOWING REGIME IN AUGUST AND SEPTEMBER. HAND WEED AS NECESSARY.
- 2ND YEAR - MOWING SHOULD BE LIMITED TO 2-3 TIMES BEFORE JULY 15TH. MOWING HEIGHT SHOULD BE INCREASED TO 8" IN HEIGHT. CONTINUE TO WEED AS NECESSARY.
- 3RD YEAR - MOW ONCE BEFORE JULY 15TH AFTER VEGETATION REACHES A HEIGHT OF 16". MOW TO A HEIGHT OF 8". CONTINUE TO SPOT TREAT INVASIVE WEEDS WITH AN APPROVED HERBICIDE. HAND WEED AS NECESSARY.
- IN ADDITION TO THE SPECIFIED NATIVE SEED MIX, A COVER CROP OF OATS (AVENA SATIVA) FROM END OF GROWING SEASON TO BEGINNING OF GROWING SEASON OR WINTER WHEAT (TRITICUM AESTIVUM) DURING GROWING SEASON TO BE SEED AT A RATE OF 120 LBS PER ACRE.

COMMON NAME	RATE
IDAHO FESCUE	25%
ROCKY MOUNTAIN FESCUE	25%
CANBY BLUEGRASS	25%

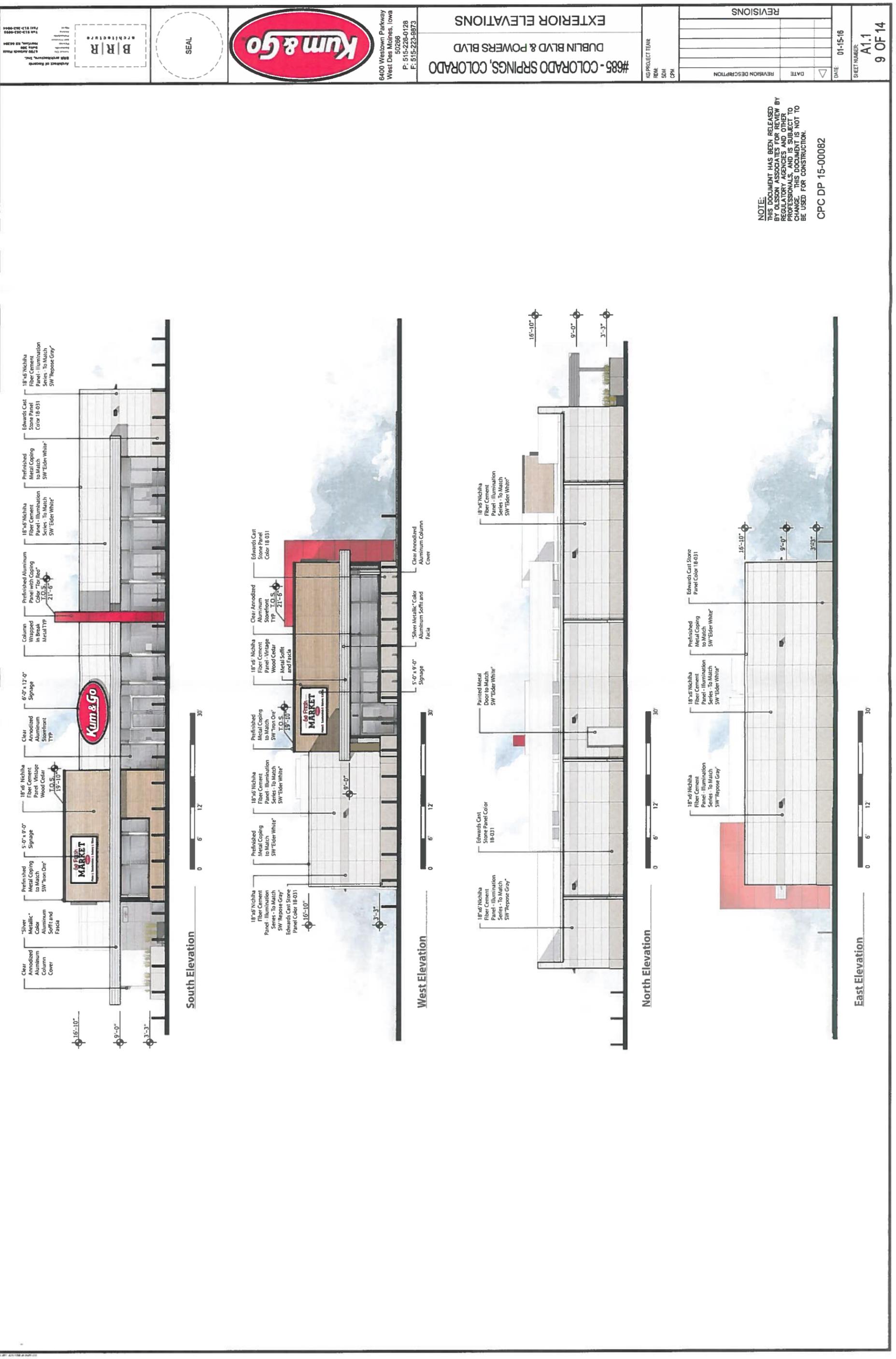
SEEDBED PREP:	WEED CONTROL:	CHEMICAL:	14 DAYS PRIOR TO SEEDING
METHOD: HYDROMULCH AFTER SEEDING.	METHOD: HYDROMULCH AFTER SEEDING.	GREEN COLOR	
DEPTH: 1/4" - 1/2"	DEPTH: 1/4" - 1/2"	HYDROMULCH	
FERTILIZER: 50 LBS PER ACRE	FERTILIZER: 15T - SEED	ANCHOR	
P205: 40 LBS PER ACRE	P205: 2ND - MULCH	TACKIFIER	
K: N/A	K: N/A		

- ORGANIC COMPOST: WELL DECOMPOSED, STABLE, WEED FREE ORGANIC MATTER SOURCE. IT SHALL BE DERIVED FROM AGRICULTURE, FORESTRY, OR OTHER SOURCES. BIOSOLIDS (TREATED SEWAGE SLUDGE), YARD TRIMMINGS AND LEAF RAININGS, SOURCE-SEPARATED OR MIXED SOLID WASTE MEETING THE FOLLOWING CRITERIA:
  - 100 PERCENT SHALL PASS THROUGH A 3/8" INCH SCREEN.
  - PH OF 6.0 TO 8.5.
  - MOISTURE CONTENT OF 30% TO 60% BY WEIGHT.
  - NO TOXIC SUBSTANCES TO PLANTS.
  - NO TOXIC SUBSTANCES TO HUMANS.
  - NO OBTAINABLE COOR.
  - SHALL NOT RESEMBLE THE RAW MATERIAL FROM WHICH IT DERIVED.
- PLANTING SOIL: A UNIFORM MIX OF FREE OF PLANT RESIDUE, STONES, STUMPS ROOTS OR SIMILAR OBJECTS LARGER THAN 1 INCH. MIXTURE OF TOPSOIL AND COMPOST CONSISTING OF THE FOLLOWING:
  - 15% BY VOLUME ORGANIC COMPOST
  - 15% BY VOLUME SAND
  - 70% BY VOLUME TOPSOIL
- TOPSOIL: SOIL CLASSIFICATION OF SANDY LOAM OR LOAMY SAND MEETING THE FOLLOWING CRITERIA:
  - TO 80 PERCENT BY WEIGHT SAND (2.0 TO 0.050MM) ACCORDING TO AASHTO T88.
  - 5 TO 50 PERCENT BY WEIGHT SILT (0.050 TO 0.0025MM) ACCORDING TO AASHTO T88.
  - 2 TO 5 PERCENT BY WEIGHT CLAY (LESS THAN 0.0025MM) ACCORDING TO AASHTO T88.
  - 3 TO 10 PERCENT BY WEIGHT ORGANIC MATTER ACCORDING TO AASHTO T194.
- TEXTURAL ANALYSIS:
  - MINIMUM 100% BY WEIGHT PASSING THE NO. 4 PER ASTM E11.
  - MINIMUM 90% BY WEIGHT PASSING THE NO. 10 PER ASTM E11.
  - MINIMUM 80% BY WEIGHT PASSING THE NO. 10 SEIVE PER ASTM E11.

- SOIL SPECIFICATIONS
- SEEDING OPERATION:
  - METHOD: HYDROMULCH AFTER SEEDING.
  - DEPTH: 1/4" - 1/2"
  - FERTILIZER: 50 LBS PER ACRE
  - P205: 40 LBS PER ACRE
  - K: N/A
- SEEDING OPERATION:
  - METHOD: HYDROMULCH AFTER SEEDING.
  - DEPTH: 1/4" - 1/2"
  - FERTILIZER: 50 LBS PER ACRE
  - P205: 40 LBS PER ACRE
  - K: N/A
- SEEDING OPERATION:
  - METHOD: HYDROMULCH AFTER SEEDING.
  - DEPTH: 1/4" - 1/2"
  - FERTILIZER: 50 LBS PER ACRE
  - P205: 40 LBS PER ACRE
  - K: N/A

- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO INSTALL TEMPORARY SIGNS, FLAGGING, ETC. AT THE PERIMETER OF ALL SEEDING SITES IMMEDIATELY AFTER THEIR COMPLETION, WHICH SHALL SERVE TO NOTIFY FOOT AND VEHICULAR TRAFFIC THAT A SENSITIVE AREA MAY BE DAMAGED BY THEIR ENTRY.
- AREAS DESCRIBED AS NATIVE GRASS ZONES SHALL BE MULCHED, MULCHING IS THE APPLICATION OF ORGANIC MATERIAL TO THE SOIL SURFACE TO PROTECT IT FROM RAINDROP IMPACT AND OVERLAND FLOW. MULCH COVERS THE SOIL AND ABSORBS THE EROSION IMPACT OF RAINFALL AND REDUCES THE FLOW VELOCITY OF RUNOFF.
  - STRAW MULCH SHALL BE OAT, WHEAT, OR RICE STRAW MULCH. HAY MULCH SHALL BE PRAIRIE GRASS OR OTHER HAY AS APPROVED BY THE OWNER.
  - THE MULCH SHALL BE FREE OF JOHNSON GRASS OR OTHER NOXIOUS WEEDS AND FOREIGN MATERIALS. IT SHALL BE KEPT IN A DRY CONDITION AND SHALL NOT BE MOULDED OR ROTTED. STRAW OR HAY FOR EROSION CONTROL SHALL BE CLEAN, SEED-FREE HAY OR THRESHED STRAW OF WHEAT, RYE, OATS, OR BARLEY.
  - MULCH SHALL COVER A MINIMUM OF 80% OF THE SOIL SURFACE FOR UNSEEDED AREAS. FOR SEEDED AREAS, MULCH SHALL BE PLACED LOOSE AND OPEN ENOUGH TO ALLOW SOME SUNLIGHT TO PENETRATE AND AIR TO CIRCULATE BUT STILL COVER A MINIMUM OF 70% OF THE SOIL SURFACE.
  - MULCH SHALL BE APPLIED AT THE RATE OF 1 1/2 TO 2 TONS PER ACRE FOR SITES THAT ARE SEED. THIS APPLICATION RESULTS IN A LAYER OF 1/4 TO 1 1/2 INCHES THICK FOR SEEDED SITES, AND 1/2 TO 3 INCHES THICK FOR SITES NOT SEED.
  - MULCH SHALL BE APPLIED AT THE RATE OF 1 1/2 TO 2 TONS PER ACRE FOR SITES THAT ARE SEED. THIS APPLICATION RESULTS IN A LAYER OF 1/4 TO 1 1/2 INCHES THICK FOR SEEDED SITES, AND 1/2 TO 3 INCHES THICK FOR SITES NOT SEED.
  - IMMEDIATELY AFTER SPREADING, THE MULCH SHALL BE ANCHORED BY A MULCH CRUMPER AND/OR TACKIFIER.
  - THE CRUMPER SHALL CONSIST OF A SERIES OF DULL FLAT DISCS WITH NOTCHED EDGES SPACED APPROXIMATELY 8 INCHES APART. THE MULCH SHALL BE IMPRESSED IN THE SOIL TO A DEPTH OF 1 TO 3 INCHES.
  - TACKIFIER SHALL BE SPRAYED IN CONJUNCTION WITH MULCH OR IMMEDIATELY AFTER THE MULCH HAS BEEN PLACED. TACKIFIERS SHALL BE MIXED AND APPLIED IN ACCORDANCE WITH THE MANUFACTURER'S DIRECTIONS.
  - THE WORK AREA SHALL BE KEPT FREE OF DEBRIS BY THE CONTRACTOR. AFTER SEED INSTALLATION IS COMPLETE, CLEAN UP ANY REMAINING MATERIALS, DEBRIS, TRASH, ETC. AVOID DRIVING OVER SEEDED AREAS TO MINIMIZE DISTURBANCE. GRADING STAKES, STONES, TRASH, AND OTHER DEBRIS WHICH MAY DETRACT FROM THE APPEARANCE OR HINDER SEEDING OPERATIONS ARE COMPLETELY PROHIBITED. SOIL STABILIZATION MULCH, FERTILIZER, COMPOST, LIMESTONE, ELEMENTAL SULFUR, GYPSUM, AND OTHER DEBRIS SHALL BE REMOVED FROM PAVED AREAS SOON AS POSSIBLE AFTER SPREADING AND SEEDING OPERATIONS ARE COMPLETED. CLEAN UP OPERATIONS SHALL BE COMPLETED BEFORE ACCEPTANCE IS GIVEN.
  - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO APPLY EFFECTIVE SEEDING AND EROSION CONTROL MULCH MATERIALS AND TO ENSURE THAT SUCH MATERIALS ARE SECURED TO THE SOIL SO THAT THEY ARE NOT BLOWN, WASHED, OR OTHERWISE REMOVED FROM THE SEEDING SITE, AND SO THAT NEARBY STREAMS AND OTHER AREAS SHALL BE PROTECTED FROM SOIL FERTILIZER, COMPOST, AND THE INCURSION OF UNWANTED GRASS SEED.
  - INSTALLING CONTRACTOR SHALL REVIEW LANDSCAPE MAINTENANCE RECOMMENDATIONS WITH A QUALIFIED MITIGATION SPECIALIST APPROVED BY THE OWNER WHO IS FAMILIAR WITH THE STATED GOALS AND OBJECTIVES OF THE MITIGATION PLAN. MAINTENANCE IS TO BE PROVIDED THROUGHOUT CONSTRUCTION AND FOR THREE-YEARS FOLLOWING THROUGHOUT. DURING THE MAINTENANCE PERIOD, BEFORE AND AFTER THE GROWING SEASON, HAND WEEDING SHALL BE REQUIRED TO REMOVE ALL WEEDS AND PATCHES LARGER THAN 3X3". THE FOLLOWING GENERAL NATIVE GRASS MAINTENANCE RECOMMENDATIONS ARE TO BE FOLLOWED UNLESS AN ALTERNATIVE IS APPROVED BY THE OWNER.





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6400 Westown Parkway  
 West Des Moines, Iowa  
 50266  
 P: 515-226-0128  
 F: 515-223-9873

#685 - COLORADO SPRINGS, COLORADO  
 DUBLIN BLVD & POWERS BLVD  
 EXTERIOR ELEVATIONS

NG PROJECT TEAM  
 RDMK  
 SMH  
 CPM

REVISION DESCRIPTION	DATE	REVISIONS



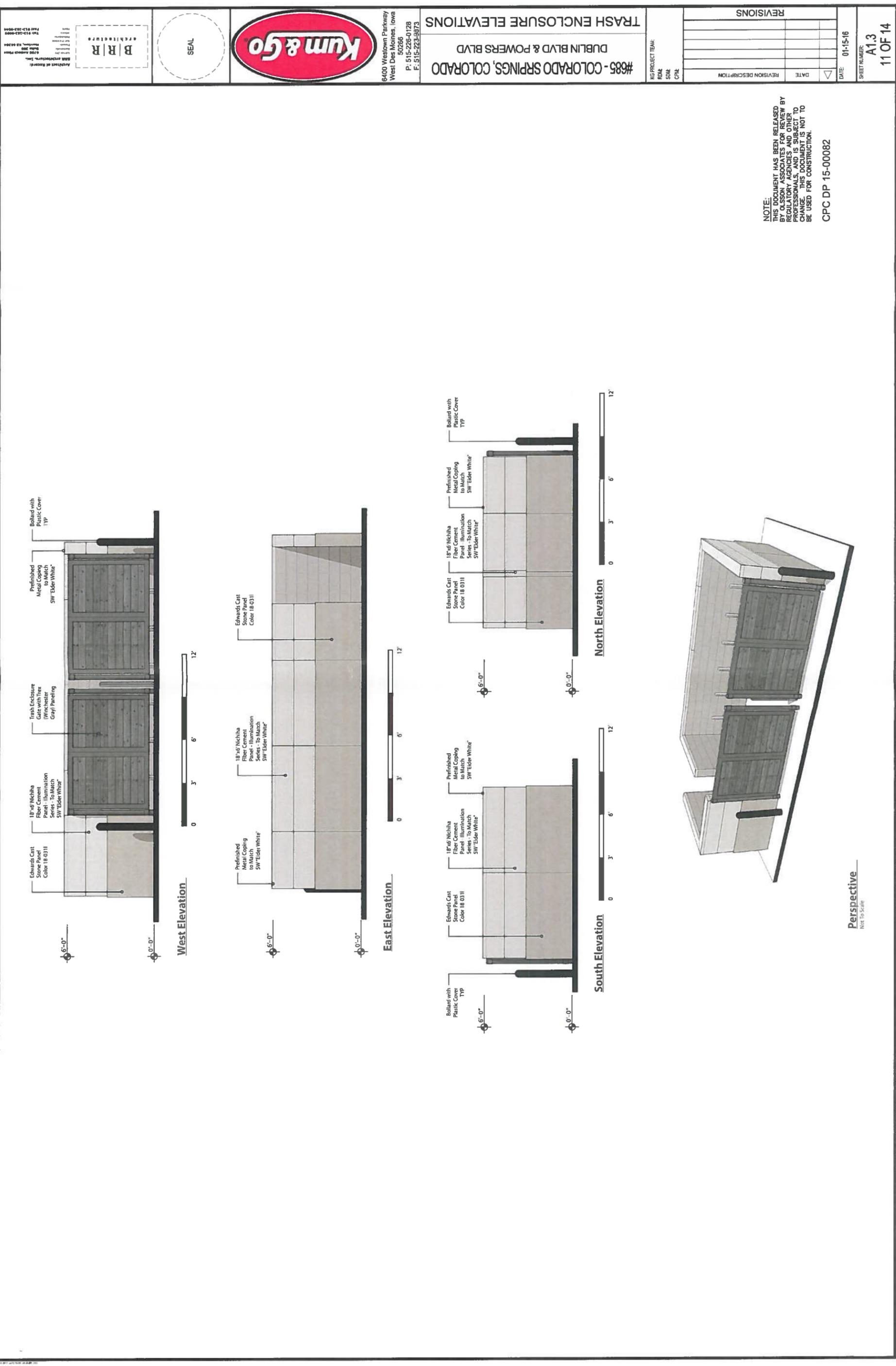
B|R|R ARCHITECTURE, INC.  
 6180 Northpark Mall  
 Suite 200  
 Omaha, NE 68148  
 Phone: 402-342-8888  
 Fax: 402-342-9888

SEAL

DATE: 01-15-16  
 SHEET NUMBER:  
 A1.1  
 9 OF 14

FIGURE 5





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CPC DP 15-00082

Architects at Research  
 B | R | R  
 ARCHITECTURE  
 6700 Arapahoe Plaza  
 Suite 800  
 Denver, CO 80202  
 Tel: 303-733-9044  
 Fax: 303-733-9044

SEAL

6400 Westtown Parkway  
 West Des Moines, Iowa  
 50266  
 P: 515-226-0128  
 F: 515-223-9873

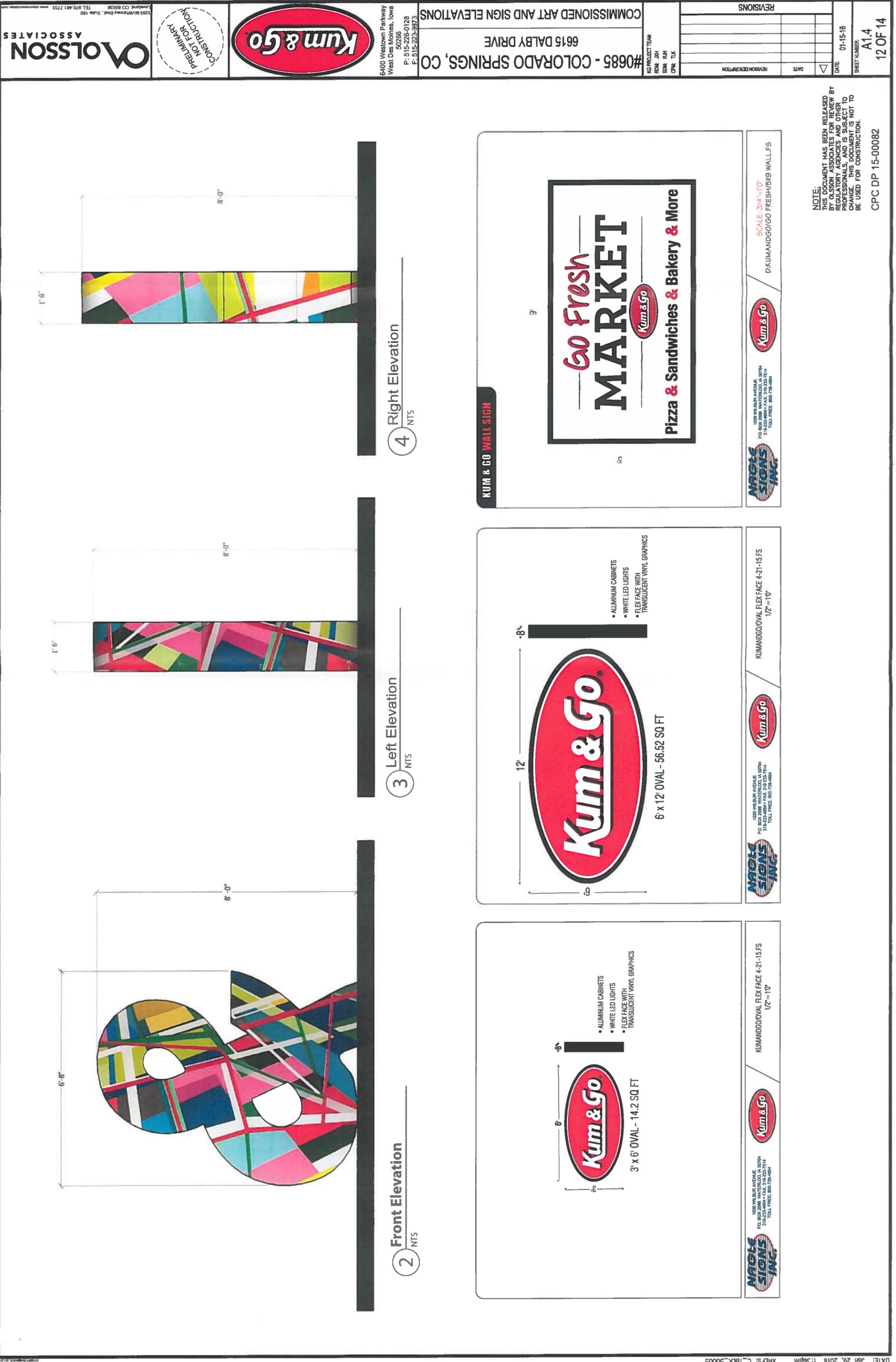
#685 - COLORADO SPRINGS, COLORADO  
 DUBLIN BLVD & POWERS BLVD  
 TRASH ENCLOSURE ELEVATIONS

NO PROJECT TEAM:  
 RDMK  
 SMMK  
 CP&K

REVISION DESCRIPTION	DATE

DATE: 01-15-16  
 SHEET NUMBER: A1.3  
 11 OF 14

FIGURE 5



NOTE:  
 THIS DOCUMENT HAS BEEN RELEASED  
 BY OLSSON ASSOCIATES FOR REVIEW BY  
 PROFESSIONALS AND IS SUBJECT TO  
 CHANGE. THIS DOCUMENT IS NOT TO  
 BE USED FOR CONSTRUCTION.

CPC DP 15-00082

**OLSSON ASSOCIATES**  
 5255 Midway Blvd., Suite 100  
 Loveland, CO 80538  
 TEL: 970.461.7733 www.olssonassociates.com

PRELIMINARY  
 CONSTRUCTION  
 NOT FOR



6400 Westtown Parkway  
 West Des Moines, Iowa  
 50266  
 P: 515-226-0128  
 F: 515-225-9873

#0685 - COLORADO SPRINGS, CO  
 6615 DALBY DRIVE  
 COMMISSIONED ART AND SIGN ELEVATIONS

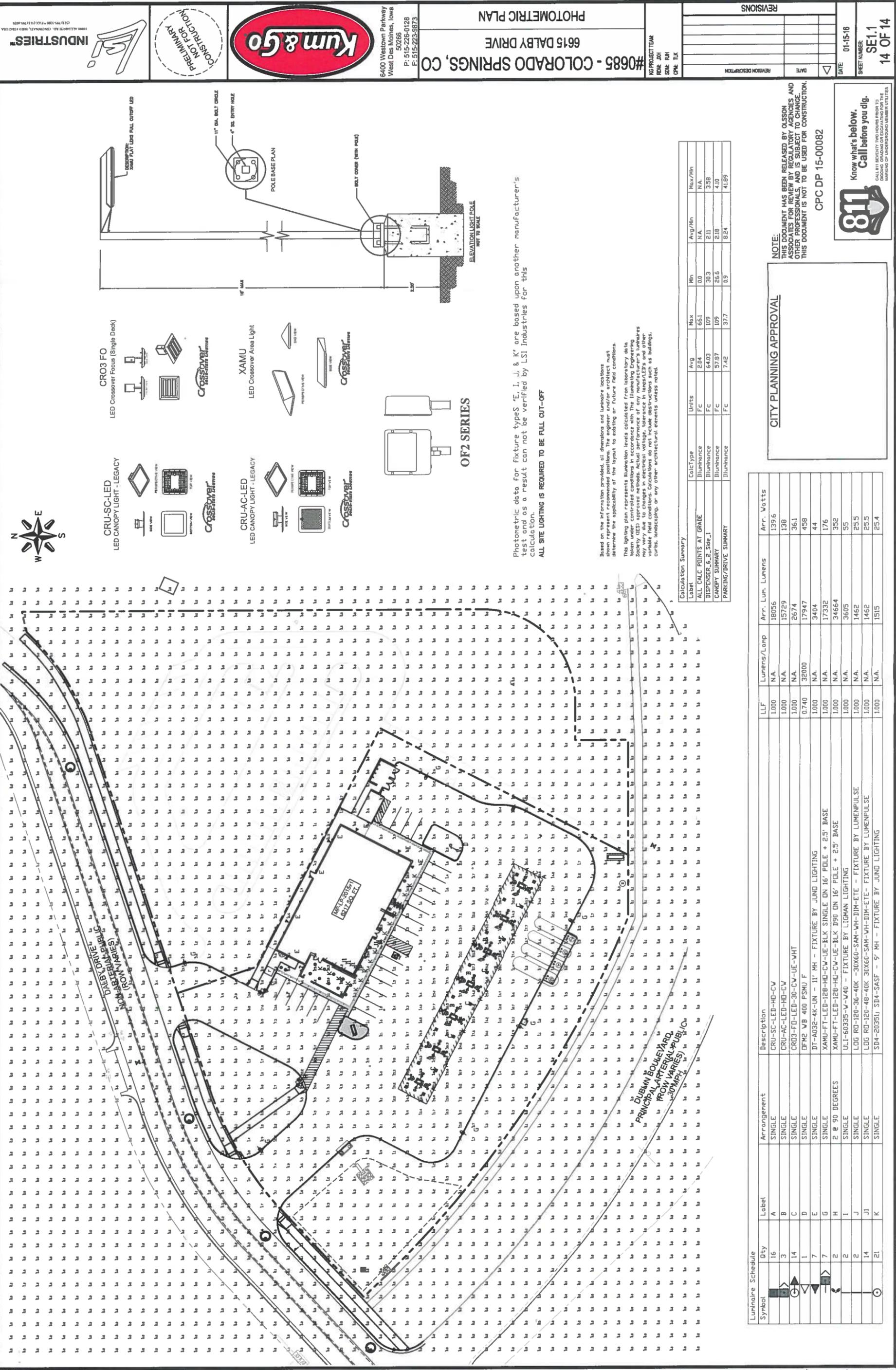
NO PROJECT TEAM  
 RDR: JAH  
 EDR: RJA  
 CRK: TJK

REVISION DESCRIPTION	DATE

DATE: 01-15-16  
 SHEET NUMBER: A1.4  
 12 OF 14

FIGURE 5





DWG: F:\Projects\1015-0005\LDV\Final\Plns\C\_GLT\_50005.dwg USER: C:\XBASE\_50005 128699-1KG  
 DATE: Jan 29, 2016 1:39pm XREFS: C:\BLK\_50005 C:\PRASE\_50005 C:\PRASE\_50005

FIGURE 5

18885 ALABAMA AVE. CHICKENIA, MO 64601  
 (417) 791-1111 FAX: (417) 791-1111

6400 Westown Parkway  
 West Des Moines, Iowa  
 50266  
 P: 515-226-0128  
 F: 515-223-9873

**PHOTOMETRIC PLAN**

#0685 - COLORADO SPRINGS, CO  
 6615 DALBY DRIVE

NO PROJECT TEAM  
 RANK J01  
 RANK R01  
 CPE TLX

REVISIONS

NO.	DATE	DESCRIPTION

PRELIMINARY  
NOT FOR  
CONSTRUCTION

DATE: 01-15-16  
 SHEET NUMBER: SE1.1  
 14 OF 14

**NOTE:**  
 THIS DOCUMENT HAS BEEN RELEASED BY OLSSON ASSOCIATES FOR REVIEW BY REGULATORY AGENCIES AND OTHER PROFESSIONALS, AND IS SUBJECT TO CHANGE. THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION.

CPC DP 15-00082

**CITY PLANNING APPROVAL**

Know what's below.  
 Call before you dig.  

 CALL 811 SEVENTY-TWO HOURS BEFORE THE START OF ANY EXCAVATION OR THE MARKING OF UNDERGROUND UTILITIES.

Luminaire Schedule	Symbol	Dty	Label	Arrangement	Description	LLF	Lumens/Lamp	Arr. Lum. Lumens	Arr. Watts
	⬆	16	A	SINGLE	CRU-SC-LED-HQ-CV	1.000	N.A.	18056	1396
	⬆	3	B	SINGLE	CRU-AC-LED-HQ-CV	1.000	N.A.	15729	138
	⬆	14	C	SINGLE	CRU3-FD-LED-30-CV-UE-WHT	1.000	N.A.	2674	361
	⬆	1	D	SINGLE	DFM2 WB 400 PSHU F	0.740	32000	17947	458
	⬆	7	E	SINGLE	DT-A032-4K-UN - 11' MH - FIXTURE BY JUND LIGHTING	1.000	N.A.	3404	44
	⬆	7	G	SINGLE	XAMU-FT-LED-120-HQ-CV-UE-BLK SINGLE ON 16' POLE + 2.5' BASE	1.000	N.A.	17332	176
	⬆	2	H	2 @ 90 DEGREES	XAMU-FT-LED-120-HQ-CV-UE-BLK 90 ON 16' POLE + 2.5' BASE	1.000	N.A.	34664	352
	⬆	2	I	SINGLE	ULI-60395-V-W40 - FIXTURE BY LIGHMAN LIGHTING	1.000	N.A.	3605	55
	⬆	2	J	SINGLE	LOG RO-120-40K-40K - 30X60-SAM-WH-DIM-ETE - FIXTURE BY LUMENPULSE	1.000	N.A.	1462	255
	⬆	14	J1	SINGLE	LOG RO-120-40K-40K-30X60-SAM-WH-DIM-ETE- FIXTURE BY LUMENPULSE	1.000	N.A.	1462	255
	⬆	21	K	SINGLE	SD4-20351J SD4-SASF - 9' MH - FIXTURE BY JUND LIGHTING	1.000	N.A.	1515	254

## DEVELOPMENT APPLICATION REVIEW CRITERIA

---

### **7.6.203: CONDITIONS FOR ANNEXATION:**

To assist the City Council in its decision, each proposal for annexation shall be studied to determine whether:

- A. The area proposed to be annexed is a logical extension of the City's boundary;
- B. The development of the area proposed to be annexed will be beneficial to the City. Financial considerations, although important, are not the only criteria and shall not be the sole measure of benefit to the City;
- C. There is a projected available water surplus at the time of request;
- D. The existing and projected water facilities and/or wastewater facilities of the City are expected to be sufficient for the present and projected needs for the foreseeable future to serve all present users whether within or outside the corporate limits of the City;
- E. The annexation can be effected at the time the utilities are extended or at some time in the future;
- F. The City shall require as a condition of annexation the transfer of title to all groundwater underlying the land proposed to be annexed. Should such groundwater be separated from the land or otherwise be unavailable for transfer to the City, the City, at its discretion, may either refuse annexation or require payment commensurate with the value of such groundwater as a condition of annexation. The value of such groundwater shall be determined by the Utilities based on market conditions as presently exist;
- G. All rights of way or easements required by the Utilities necessary to serve the proposed annexation, to serve beyond the annexation, and for system integrity, shall be granted to the Utilities. Utilities, at the time of utility system development, shall determine such rights of way and easements;
- H. If the proposed annexation to the City overlaps an existing service area of another utility, the applicant shall petition the PUC (Public Utilities Commission) or other governing authority to revise the service area such that the new service area will be contiguous to the new corporate boundary of the City.

After the foregoing have been studied in such depth as the City Council shall require, the City Council in its discretion may annex or not annex the proposed area. In the event the City Council chooses to annex, it may require a contemporary annexation agreement specifying the installation and the time of installation of certain public and utility improvements, both on site and off site, that are required or not required under this Subdivision Code. City Council may specify such other requirements, as it deems necessary. In the event the City Council chooses not to annex, utilities shall not be extended unless Council is assured that an agreement for annexation can be enforced, and that the remaining provisions of this section for annexation subsequent to extension of utilities have been met. (Ord. 96-44; Ord. 01-42)

**7.5.603 (B): ESTABLISHMENT OR CHANGE OF ZONE DISTRICT BOUNDARIES:**

- B: A proposal for the establishment or change of zone district boundaries may be approved by the City Council only if the following findings are made:
1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.
  2. The proposal is consistent with the goals and policies of the Comprehensive Plan.
  3. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with a zone change request.
  4. For MU zone districts the proposal is consistent with any locational criteria for the establishment of the zone district, as stated in article 3, "Land Use Zoning Districts", of this Zoning Code. (Ord. 94-107; Ord. 97-111; Ord. 01-42; Ord. 03-157)

**7.5.502 (E): DEVELOPMENT PLAN REVIEW CRITERIA:**

- E. Development Plan Review Criteria: A development plan shall be reviewed using the criteria listed below. No development plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the land uses surrounding the site. Alternate and/or additional development plan criteria may be included as a part of an FBZ regulating plan.
1. Will the project design be harmonious with the surrounding land uses and neighborhood?
  2. Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?
  3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties?
  4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off site negative influences and to buffer adjacent properties from negative influences that may be created by the proposed development?
  5. Will vehicular access from the project to streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption?
  6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?
  7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic?
  8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?
  9. Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design?
  10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?

11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?
12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design? (Ord. 94-107; Ord. 95-125; Ord. 01-42; Ord. 02-64; Ord. 03-74; Ord. 03-157; Ord. 09-50; Ord. 09-78)



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

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**File #:** CPC A 14-00131-1, **Version:** 1

---

Colorado Springs Airport Annexation Filing #1 located southwest of Space Village Drive and Marksheffel Road consisting of 31.158 acres.

(Related Item: CPC ZC 14-00132) Legislative

**Presenter:**

Mike Schultz, Principal Planner, Land Use Review Division of the Planning and Community Development Department

**Proposed Motion:**

Recommend approval to City Council the Colorado Springs Airport Annexation Filing #1 based upon the finding that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

---

**File #:** CPC ZC 14-00132-1, **Version:** 1

---

Establishment of the APD/AO/APZ (Airport Planned District with Airport Overlay and Accident Potential Zone) for the Colorado Springs Airport Annexation Filing #1.

Related File: CPC A 14-00131 (Airport Annexation Filing #1) Legislative

**Presenter:**

Mike Schultz, Principal Planner, Planning and Community Development Department

**Proposed Motion:**

Recommend approval to the City Council of the establishment of the APD/AO/APZ (Airport Planned District with Airport Overlay and Accident Potential Zone) zone district for the property designated as Colorado Springs Airport Filing Number 1, based upon the findings that the establishment of zoning request complies with the three (3) criteria for granting establishment of zone districts as set forth in City Code Section 7.5.603.B.



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

---

**File #:** CPC A 14-00131-2, **Version:** 1

---

Colorado Springs Airport Annexation Filing #2 located between Highway 94 and Airport Lane and totaling 18.89 acres.

(Related Item: CPC ZC 14-00132) (Legislative)

**Presenter:**

Mike Schultz, Principal Planner, Planning and Community Development

**Proposed Motion:**

Recommend approval to City Council of the Colorado Springs Airport Annexation Filing #2, 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.



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

---

**File #:** CPC A 14-00131-3, **Version:** 1

---

Colorado Springs Airport Annexation Filing #3 located southeast of the intersection of Highway 24 and Powers Boulevard and consisting of 47.484 acres.  
(Related Item: CPC ZC 14-00132) (Legislative)

**Presenter:**

Mike Schultz, Principal Planner, Planning and Community Development

**Proposed Motion:**

Recommend approval to City Council of the Colorado Springs Airport Annexation Filing #3, based upon the finding that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

---

**File #:** CPC ZC 14-00132-2, **Version:** 1

---

Establishment of the APD/AO/APZ (Airport Planned District with Airport Overlay and Accident Potential Zone) zone district for Colorado Springs Airport Annexation Filing #2.

Related File: CPC A 14-00131 (Airport Annexation Filing) Legislative

**Presenter:**

Mike Schultz, Principal Planner, Planning and Community Development

**Proposed Motion:**

Recommend approval to City Council the establishment of the APD/AO/APZ (Airport Planned District with Airport Overlay and Accident Potential Zone) zone district for the property designated as Colorado Springs Airport Addition Filing #2, based upon the findings that the establishment of zoning request complies with the three (3) criteria for granting establishment of zone districts as set forth in City Code Section 7.5.603.B.



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

---

**File #:** CPC ZC 14-00132-3, **Version:** 1

---

### **Title**

Establishment of the APD/AO/APZ (Airport Planned District with Airport Overlay and Accident Potential Zone) zone district for the Colorado Springs Airport Annexation Filing #3.

Related File: CPC A 14-00131(Airport Annexation Filing) Legislative

### **Presenter:**

Mike Schultz, Principal Planner, Planning and Community Development Department

### **Proposed Motion:**

Recommend approval to City Council of the establishment of the APD/AO/APZ (Airport Planned District with Airport Overlay and Accident Potential Zone) zone district for the property designated as the Colorado Springs Airport Annexation Filing #3, based upon the findings that the establishment of zoning request complies with the three (3) criteria for granting establishment of zone districts as set forth in City Code Section 7.5.603.B.

CITY PLANNING COMMISSION AGENDA

**ITEM:**  
**STAFF: MIKE SCHULTZ**

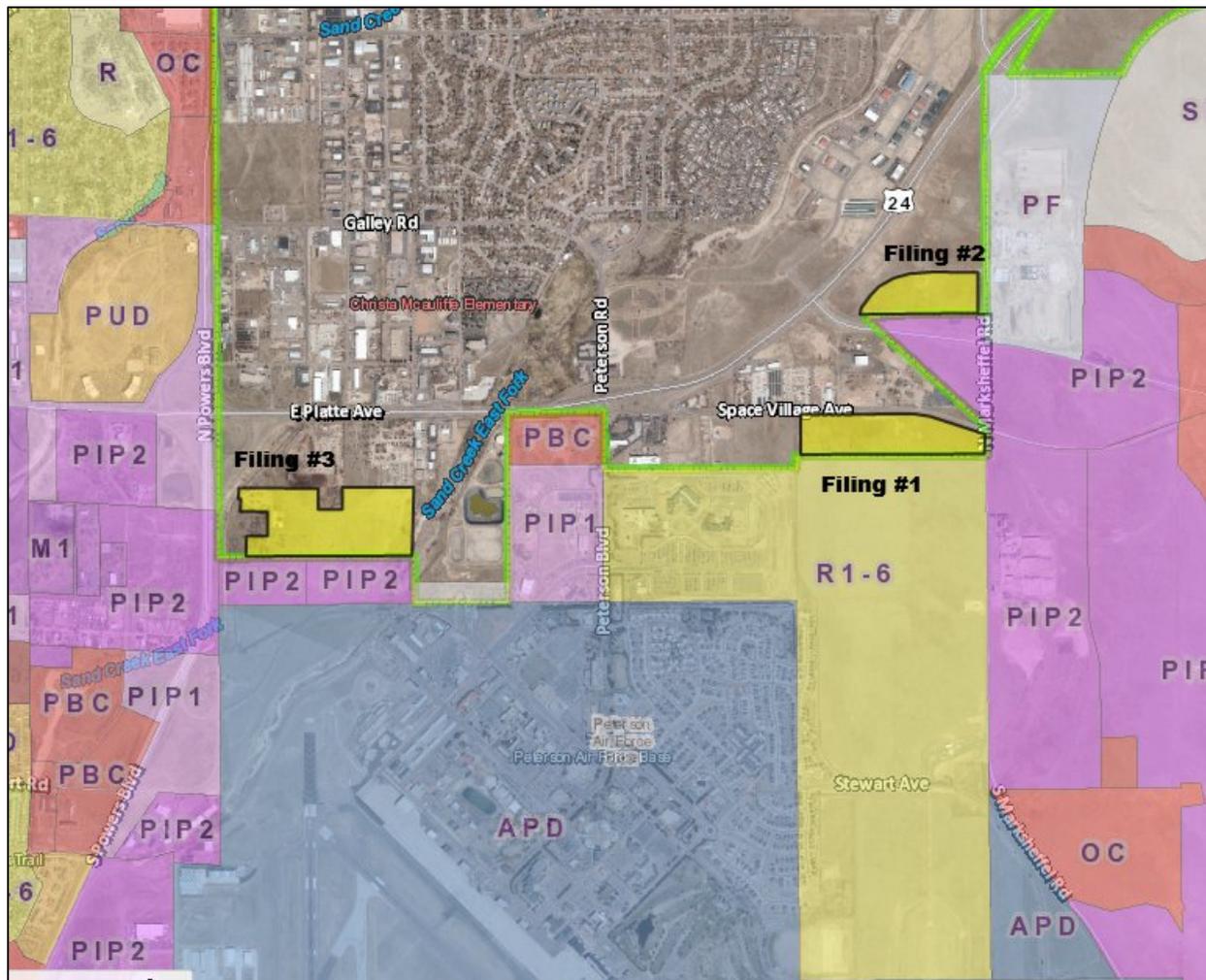
**FILE NOS:**

**CPC A 14-00131 – LEGISLATIVE**  
**CPC ZC 14-00132 – LEGISLATIVE**

**PROJECT:** COLORADO SPRINGS AIRPORT ANNEXATION FILINGS 1, 2 & 3

**APPLICANT:** CITY OF COLORADO SPRINGS AIRPORT

**OWNERS:** CITY OF COLORADO SPRINGS



**PROJECT SUMMARY:**

1. Project Description: This project includes concurrent applications for annexation and establishment of zoning consisting 97.532 acres of property owned by the City of Colorado Springs Airport. The Airport is seeking to include the properties within the City as to fall within the jurisdiction and oversight of the City and City departments rather under the oversight of El Paso County. The Airport has no current plans for use of the properties at this time other than to serve as protection zones for the operation of the Airport.

The properties are located as follows:

1. Annexation Filing #1 is located southwest of Space Village Drive and Marksheffel Road and totals 31.158 acres. **(FIGURE 1)**
2. Annexation Filing #2 located between Highway 94 and Airport Lane and totals 18.89 acres. **(FIGURE 2)**
3. Annexation Filing #3 located southeast of Highway 24 and the Powers Boulevard intersection and totals 47.484 acres. **(FIGURE 3)**

The zoning will establish an APD (Airport Planned District) zone for the properties with accompanying AO (Airport Overlay) and APZ (Accident Potential Zone).

4. Applicant's Project Statement: **(FIGURE 4)**
5. Planning and Development Department's Recommendation: Staff recommends approval of the applications.

**BACKGROUND:**

1. Site Address: No addresses are associated with the properties.
2. Existing Zoning/Land Use: All three properties are vacant.
3. Surrounding Zoning/Land Use:

Filing #1

North: Unincorporated El Paso County I-3 (Heavy Industrial)/Vacant

South: R-1 6000 (Single-family Residential)/Vacant

East: PIP-2 (Planned Industrial Park)/Vacant

West: Unincorporated El Paso County/I-3 (Heavy Industrial)

Filing #2

North: Unincorporated El Paso County/CR (Commercial Regional) and I-2 (Limited Industrial)

South: PIP-2/Vacant

East: Unincorporated El Paso County/CR (Commercial Regional)

West: PIP-2/Vacant

Filing #3

North: Unincorporated El Paso County CR (Commercial Regional), CS (Commercial Service), C-2 (Commercial) and RR-5 (Residential Rural – 5 acres) / Landscape yard and mobile home park

South: R-1 6000/Vacant

East: Unincorporated El Paso County/RR-5 (Residential Rural – 5 acres)

West: Unincorporated El Paso County CC (Commercial Community) and CR (Commercial Regional) / Right-of-way (property is owned by CDOT as part of Powers ROW)

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: The properties are shown as part of the Colorado Springs Airport operational master plan and the properties are part of the "strategic reserve" for the Airport.
7. Subdivision: Filing #1 is part of the Colorado Springs Airport Filing No. 1, Filing #2 properties are part of Hillcrest Acres and Filing #3 is unplatted.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The properties are all mostly vacant and void of any vegetation. Filing #2 properties were intended for development with Air Lane serving as access, but the road has not been constructed.

#### **STAKEHOLDER PROCESS AND INVOLVEMENT:**

The public process included posting the site and sending postcard notice to 35 property owners within 500 feet. The notice was sent when the applications were submitted and notice of the City Planning Commission hearing.

Staff did receive an initial objection from Ben Pinello Jr., who owns property north of Filing #2. He objected to the APZ overlay zoning and how it would impact his property, use of the property, future access and utility service. Staff sat down with the property owners to discuss these issues. Staff clarified that El Paso County also had a similar APZ overlay zone that was already applied to adjacent county properties. Staff also clarified that the Airport had no immediate plans to develop or utilize the property since the property was acquired for safety considerations due to the proximity to the runway. A copy of the owner's letter is included for consideration (**FIGURE 5**). Staff did not receive any other objections to this request.

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

This is a request by Colorado Springs Airport to annex several properties into the municipal limits of the City of Colorado Springs. The three annexation areas, Filings #1, #2 and #3 consist 97.532 acres located both northwest and northeast of the Airport. The sites were acquired as part of Federal Aviation Agency requirements to protect the operational procedures of aircraft navigating into and out of the Colorado Springs Airport. The three sites are contiguous to the City limits and are part of the larger Cimarron Hills enclave. Therefore, the properties are eligible for annexation.

The Airport is seeking to annex the sites into the municipal jurisdiction in order to allow City review and standards in lieu of a dual process with both the City and El Paso County. If future development is considered on one or more portions of the site, the review will be entirely within the jurisdiction of the City and reviewing departments.

Because the property is owned by the City, no Fiscal Impact Analysis (FIA) was conducted nor an annexation agreement completed. Also, because the Airport has no intended use of the property at this time, staff did not require a concept plan to be completed with this application. If any portions of the properties are to be developed, at a minimum, a development plan would be necessary for review and approval.

#### APD/AO/APZ Zoning

The zoning request is to zone the entire 97.532-acres of property to APD/AO/APZ (Airport Planned District with Airport Overlay and Accident Potential Zone Overlay). The APD zone is the primary zone district utilized for Airport property with the exception being several areas leased by Peterson Air Force Base (PAFB) or property later acquired by the Airport for operational and/or safety considerations.

Note that the accident potential zones are based on Federal Aviation Agency recommendations based on the start or end of the particular runway. Each of the subzones, RPZ, APZ-1 and APZ-2, have set length and width parameters based on the runway location. Both APZ-1 and APZ-2 subzones will be applied to Filing #1, APZ-2 subzone will be applied to Filing #2 and APZ-1 subzone will be applied to Filing #3.

#### 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 "Major Institutional" as is the operational portion of the Airport.

**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.

#### **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.

#### **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 Colorado Springs Airport Filings #1, #2 and #3 annexation and zoning 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:

The properties were included as part of a recent amendment to the Colorado Springs Airport Master Plan that was primarily to identify the operational components of the Airport as required by the FAA. The properties are identified as "strategic reserve" on the master plan (**FIGURE 6**), which is intended for future aviation operational uses as the need arises.

**STAFF RECOMMENDATION:**

**CPC A 14-00144 – ANNEXATION**

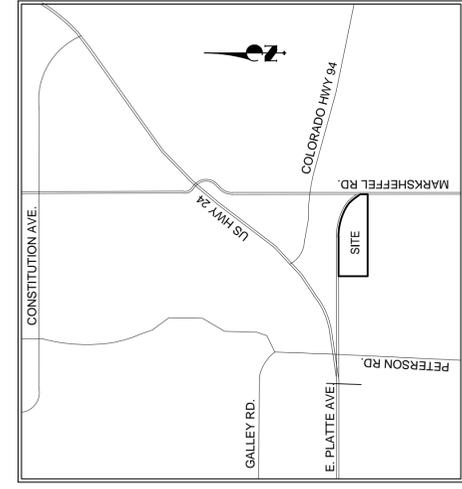
Recommend approval of the Colorado Springs Airport Annexations Filings #1, #2 and #3 to the City Council, based upon the findings that the annexations comply with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.

**CPC ZC 14-00132 – ESTABLISHMENT OF ZONE DISTRICT**

Recommend approval to the City Council of the establishment of the APD/AO/APZ (Airport Planned Districts with Airport Overlay and Accident Potential Zone) zone district for the properties designated as Filings #1, #2 and #3, based upon the findings that the establishment of zoning request complies with the three (3) criteria for granting establishment of zone districts as set forth in City Code Section 7.5.603.B.

# ANNEXATION PLAT AIRPORT ANNEXATION FILING 1

A PORTION OF LOT 1 OF COLORADO SPRINGS AIRPORT FILING NO. 1 LOCATED IN THE THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M. EL PASO COUNTY, COLORADO



**KNOW ALL MEN BY THESE PRESENTS:**  
 THAT THE CITY OF COLORADO SPRINGS, A MUNICIPAL CORPORATION BEING THE OWNER OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

THAT PORTION OF LOT 1 OF COLORADO SPRINGS AIRPORT FILING NO. 1, ACCORDING TO THE OFFICIAL MAP THEREOF RECORDED MARCH 9, 2001 IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDED UNDER RECEPTION NO. 201029273, LIEING NORTH OF LOT 10, AND WEST OF LOT 11, OF THE AIRPORT ANNEXATION FILING NO. 1, AS SHOWN THEREOF RECORDED MARCH 31, 2009 IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDED UNDER RECEPTION NO. 209712938.

THE ABOVE DESCRIBED PROPERTY ENCOMPASSES 1,357,254 SQUARE FEET OR 31.15926 ACRES OF LAND, MORE OR LESS.

**OWNER:**  
 THE OWNERS OF THE ABOVE DESCRIBED PARCEL HEREBY REQUEST ANNEXATION TO THE CITY OF COLORADO SPRINGS, COLORADO.

BY: \_\_\_\_\_ MAYOR  
 THAT CITY OF COLORADO SPRINGS, A MUNICIPAL CORPORATION, HAS EXECUTED THIS INSTRUMENT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, A.D.

\_\_\_\_\_  
 CITY CLERK

**GENERAL NOTES:**

1. THIS ANNEXATION PLAT DOES NOT REPRESENT A MONUMENTED LAND SURVEY NOR A LAND SURVEY PLAT. ALL BOUNDARY POINTS THEREON WAS TAKEN FROM MAPS AND DOCUMENTS OF RECORD.
2. DATE OF PREPARATION: JULY 29, 2014 (REVISED 4/05/2016)
3. TOTAL PERIMETER: 5,998.59 FEET
4. 1/16TH PERIMETER: 999.77 FEET
5. PERIMETER CONTIGUOUS TO CITY LIMITS: 2838.15 FEET

**SURVEYOR'S STATEMENT**

I, ROBERT L. MEADOWS JR., A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO AND LEGALLY DOING BUSINESS FOR AND ON BEHALF OF MATRIX DESIGN GROUP INC., IN EL PASO COUNTY, DO HEREBY CERTIFY THAT THE MAP HEREON SHOWN IS A CORRECT DELINEATION OF THE ABOVE DESCRIBED PARCELS OF LAND AND THAT AT LEAST ONE-SIXTH (1/6) OF THE PERIMETER OF THE BOUNDARY OF SAID PARCEL IS CONTIGUOUS TO THE PRESENT BOUNDARY OF THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO.

ROBERT L. MEADOWS, JR., PLS  
 REGISTRATION NO. 34977, STATE OF COLORADO

**CITY APPROVAL:**  
 ON BEHALF OF THE CITY OF COLORADO SPRINGS, THE UNDERSIGNED HEREBY APPROVE FOR FILING THE ACCOMPANYING PLAT OF AIRPORT ANNEXATION FILING NO. 1

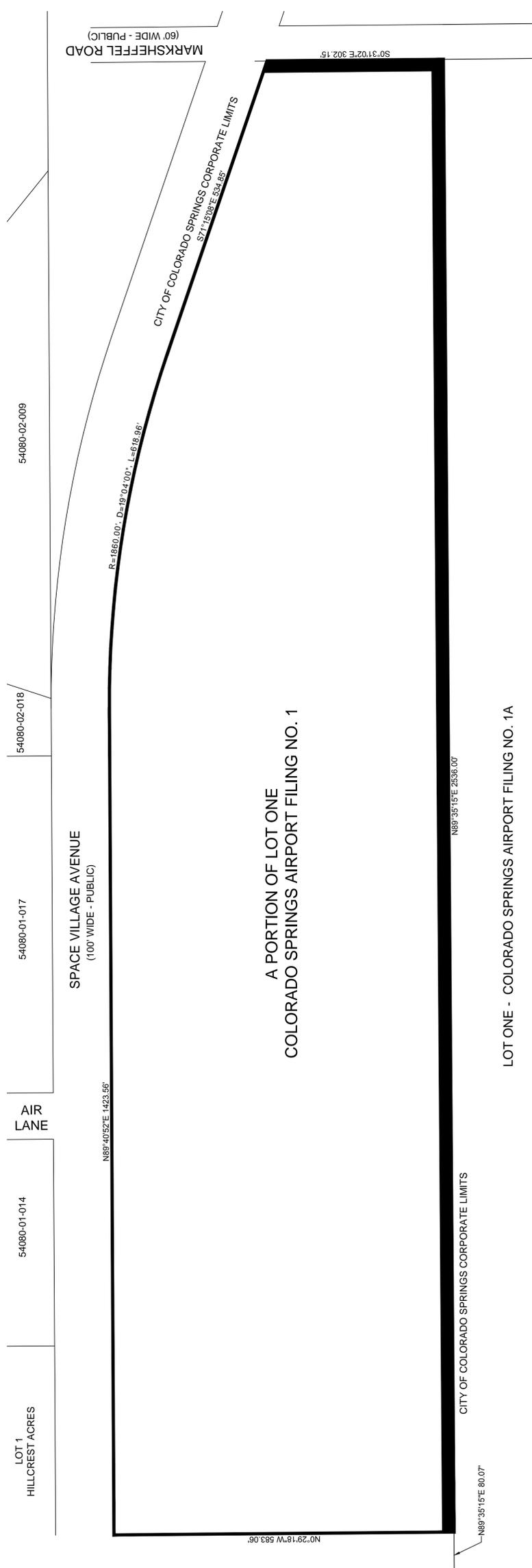
(PLANNING AND DEVELOPMENT DIRECTOR) \_\_\_\_\_ DATE \_\_\_\_\_

DIRECTOR OF PUBLIC WORKS \_\_\_\_\_ DATE \_\_\_\_\_

PURSUANT TO AN ORDINANCE MADE AND ADOPTED BY THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_

PRESIDENT OF CITY COUNCIL \_\_\_\_\_ DATE \_\_\_\_\_



A PORTION OF LOT ONE  
 COLORADO SPRINGS AIRPORT FILING NO. 1

LOT ONE - COLORADO SPRINGS AIRPORT FILING NO. 1A

**RECORDING:**  
 STATE OF COLORADO )  
 COUNTY OF EL PASO ) SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT \_\_\_\_\_ M. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, A.D., AND IS DULY RECORDED UNDER RECEPTION NUMBER \_\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

\_\_\_\_\_  
 FEE: \_\_\_\_\_  
 BY: \_\_\_\_\_ EL PASO COUNTY CLERK AND RECORDER

**Matrix**  
 DESIGN GROUP

PREPARED BY: \_\_\_\_\_

DRAWN BY: JAM  
 CHECKED BY: RLM

SCALE: 1" = 100'  
 DATE ISSUED: OCT. 20, 2014 (REV. 4/05/16)  
 SHEET 1 OF 1

FIGURE 1

# ANNEXATION PLAT AIRPORT ANNEXATION FILING 2

A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M. TO THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO

**KNOW ALL MEN BY THESE PRESENTS:**

THAT THE CITY OF COLORADO SPRINGS, A MUNICIPAL CORPORATION BEING THE OWNER OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M. TO THE CITY OF COLORADO SPRINGS, EL PASO COUNTY OF EL PASO, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 8, 9, 10 AND 11 OF HILLCREST ACRES, A SUBDIVISION RECORDED MAY 12, 1980 AT RECEPTION NUMBER 153860, COUNTY OF EL PASO, STATE OF COLORADO, EXCEPT THAT PORTION CONVEYED TO THE COLORADO DEPARTMENT OF TRANSPORTATION BY RULE AND ORDER RECORDED JUNE 30, 1995 IN BOOK 6675 AT PAGE 288.

THE ABOVE DESCRIBED PROPERTY ENCOMPASSES 822,882 SQUARE FEET OR 18.89076 ACRES OF LAND, MORE OR LESS.

**OWNER:**

THE OWNERS OF THE ABOVE DESCRIBED PARCEL, HEREBY REQUEST ANNEXATION TO THE CITY OF COLORADO SPRINGS, COLORADO.

BY: \_\_\_\_\_ MAYOR

THAT CITY OF COLORADO SPRINGS, A MUNICIPAL CORPORATION, HAS EXECUTED THIS INSTRUMENT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, A.D.

\_\_\_\_\_  
 CITY CLERK



**GENERAL NOTES:**

1. THIS ANNEXATION PLAT DOES NOT REPRESENT A MONUMENTED BOUNDARY. THE BOUNDARY SHOWN HEREON WAS TAKEN FROM MAPS AND DOCUMENTS OF RECORD.
2. DATE OF PREPARATION: JULY 29, 2014 (REVISED APRIL 5, 2016)
3. TOTAL PERIMETER: 4114.89 FEET
4. 1/8TH PERIMETER: 685.82 FEET
5. PERIMETER CONTIGUOUS TO CITY LIMITS: 1637.06 FEET

**CITY APPROVAL:**  
 ON BEHALF OF THE CITY OF COLORADO SPRINGS, THE UNDERSIGNED HEREBY APPROVE FOR FILING THE ACCOMPANYING PLAT OF AIRPORT ANNEXATION FILING NO. 1

\_\_\_\_\_  
 (PLANNING AND DEVELOPMENT DIRECTOR) DATE \_\_\_\_\_

\_\_\_\_\_  
 DIRECTOR OF PUBLIC WORKS DATE \_\_\_\_\_

PURSUANT TO AN ORDINANCE MADE AND ADOPTED BY THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
 CITY CLERK DATE \_\_\_\_\_

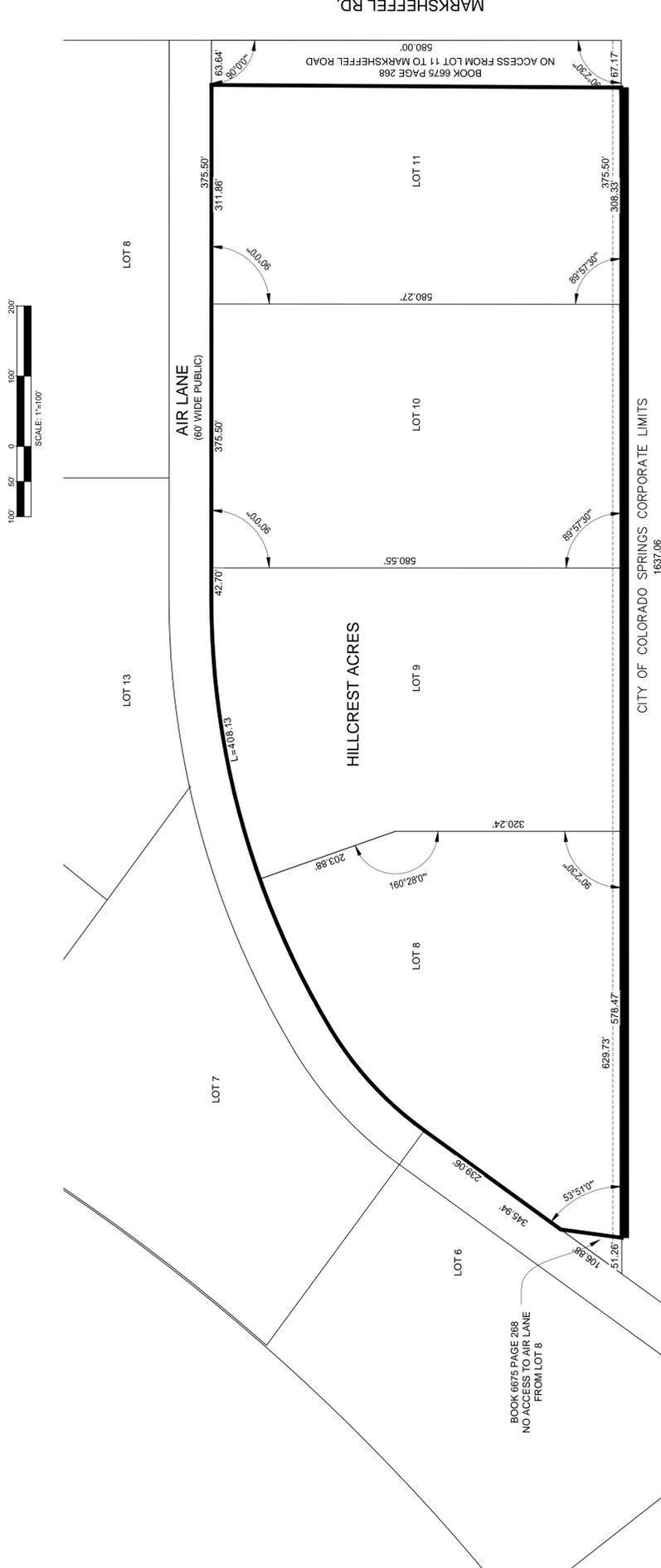
\_\_\_\_\_  
 PRESIDENT OF CITY COUNCIL DATE \_\_\_\_\_

**RECORDING:**

STATE OF COLORADO )  
 COUNTY OF EL PASO ) SS  
 I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, A.D. AND IS DULY RECORDED UNDER RECEPTION NUMBER \_\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

FEE: \_\_\_\_\_

BY: \_\_\_\_\_ EL PASO COUNTY CLERK AND RECORDER



**Matrix DESIGN GROUP**

PREPARED BY: \_\_\_\_\_  
 DRAWN BY: JAM  
 CHECKED BY: RLM

DATE ISSUED: JULY 29, 2014 (REV. 4/05/16)  
 SCALE: 1" = 100'  
 SHEET 1 OF 1

LOTS 8, 9, 10 AND 11 OF HILLCREST ACRES LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 65 WEST, EL PASO COUNTY, COLORADO

FIGURE 2



## AIRPORT ANNEXATIONS FILING 1, 2, & 3 – PROJECT STATEMENT

### Project Statement

The property proposed to be annexed consists of approximately 96 acres that includes property acquired by the Airport as part of its Noise Compatibility and Land Acquisition Program. The areas proposed for annexation meet the conditions as outlined in 7.6.203 of the City of Colorado Springs Code.

The property is a logical extension to the City of Colorado Springs Airport as it provides a contiguous extension to the rest of the Airport property that has already been annexed. Colorado Springs Utilities will provide water and sewage services in the future for those parcels requiring service. Parcels that are within the Southeastern Colorado Water Conservancy District boundaries can receive water and sewage service once documentation for the National Environmental Policy Act and other federal requirements has been completed via the Bureau of Reclamation.

***Ben Pinello, Jr  
P.O. Box 6200  
Colorado Springs, CO 80934***

December 19, 2014

Mike Schultz, Planner II (via email: [mdschultz@springsgov.com](mailto:mdschultz@springsgov.com))  
City of Colorado Springs  
Planning Department  
30 South Nevada  
Suite 105  
Colorado Springs, CO 80903

Subject: Notice of pending Annexation Petition File No. CPC  
A 14-00131.

Dear Sir:

This letter is to notify you that we object to the approval of the Airport Annexation Filing 2 request as it is presented. At the minimum, we request more time to review the potential impact on our property by the Airport Authority's action.

Ben Pinello, Jr., Vira Pinello and Ben F. Pinello III are the owners of six platted lots identified by El Paso County Assessor's schedule Numbers 54080-01-006, 007, 008, 32, 033 and 034. The Pinello lots are located adjacent to the property owned by the City of Colorado Springs identified by El Paso County Assessor's Schedule Numbers 54080-02-002, 003, 014 and 015 and are included in the subject petition request.

Our objections are as follows:

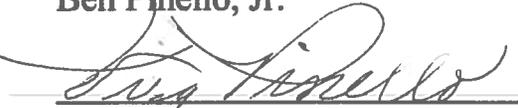
- If granted the property will have a proposed zone of APD/AO/APZ. With respect to the APZ designation, our property will be stigmatized. It would be better to lower the elevation of the lots in order to lessen the accident potential. Has this been considered or could it be done?

- We were informed by Airport Authority staff that the property would not be used, offered for sale or developed. What then is the purpose of annexation? Why is it being annexed at this time?
- The Pinello property and the City property are bisected by Air Lane a dedicated street from which both properties have access. We have learned that the City of Colorado Springs Utilities Department plan to use Air Lane to install a high pressure sanitary sewer to service its Southern Delivery System facility. We feel that the City should be required to include the Air Lane ROW in Annexation Plat.

We will be available to meet with you to discuss our concerns in more detail. Thank you for making this letter a part of your file on this matter.

Sincerely,

  
Ben Pinello, Jr.

  
Vira Pinello

  
Ben F. Pinello, III



## DEVELOPMENT APPLICATION REVIEW CRITERIA

---

### **7.6.203: CONDITIONS FOR ANNEXATION:**

To assist the City Council in its decision, each proposal for annexation shall be studied to determine whether:

- A. The area proposed to be annexed is a logical extension of the City's boundary;
- B. The development of the area proposed to be annexed will be beneficial to the City. Financial considerations, although important, are not the only criteria and shall not be the sole measure of benefit to the City;
- C. There is a projected available water surplus at the time of request;
- D. The existing and projected water facilities and/or wastewater facilities of the City are expected to be sufficient for the present and projected needs for the foreseeable future to serve all present users whether within or outside the corporate limits of the City;
- E. The annexation can be effected at the time the utilities are extended or at some time in the future;
- F. The City shall require as a condition of annexation the transfer of title to all groundwater underlying the land proposed to be annexed. Should such groundwater be separated from the land or otherwise be unavailable for transfer to the City, the City, at its discretion, may either refuse annexation or require payment commensurate with the value of such groundwater as a condition of annexation. The value of such groundwater shall be determined by the Utilities based on market conditions as presently exist;
- G. All rights of way or easements required by the Utilities necessary to serve the proposed annexation, to serve beyond the annexation, and for system integrity, shall be granted to the Utilities. Utilities, at the time of utility system development, shall determine such rights of way and easements;
- H. If the proposed annexation to the City overlaps an existing service area of another utility, the applicant shall petition the PUC (Public Utilities Commission) or other governing authority to revise the service area such that the new service area will be contiguous to the new corporate boundary of the City.

After the foregoing have been studied in such depth as the City Council shall require, the City Council in its discretion may annex or not annex the proposed area. In the event the City Council chooses to annex, it may require a contemporary annexation agreement specifying the installation and the time of installation of certain public and utility improvements, both on site and off site, that are required or not required under this Subdivision Code. City Council may specify such other requirements, as it deems necessary. In the event the City Council chooses not to annex, utilities shall not be extended unless Council is assured that an agreement for annexation can be enforced, and that the remaining provisions of this section for annexation subsequent to extension of utilities have been met. (Ord. 96-44; Ord. 01-42)

**7.5.603 (B): ESTABLISHMENT OR CHANGE OF ZONE DISTRICT BOUNDARIES:**

- B: A proposal for the establishment or change of zone district boundaries may be approved by the City Council only if the following findings are made:
1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.
  2. The proposal is consistent with the goals and policies of the Comprehensive Plan.
  3. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with a zone change request.
  4. For MU zone districts the proposal is consistent with any locational criteria for the establishment of the zone district, as stated in article 3, "Land Use Zoning Districts", of this Zoning Code. (Ord. 94-107; Ord. 97-111; Ord. 01-42; Ord. 03-157)



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

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**File #:** CPC CA 16-00044, **Version:** 1

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Endorsement of a resolution adopting the North Nevada/University of Colorado, Colorado Springs Economic Opportunity Zone Task Force Findings and Recommendations, for strategic planning purposes (Legislative).

**Presenter:**

Carl Schueler, Comprehensive Planning Manager, Department of Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

**Proposed Motion:**

CPC CA 16-00044

Move to recommend approval to the City Council of a resolution adopting the North Nevada/University of Colorado, Colorado Springs Economic Opportunity Zone Task Force Findings and Recommendations, for strategic planning purposes.

**CITY PLANNING COMMISSION AGENDA**

**STAFF: CARL SCHUELER**

**FILE NO:**  
**CPC CA 16-00044 – LEGISLATIVE**

**PROJECT: NORTH NEVADA EOZ PLAN**

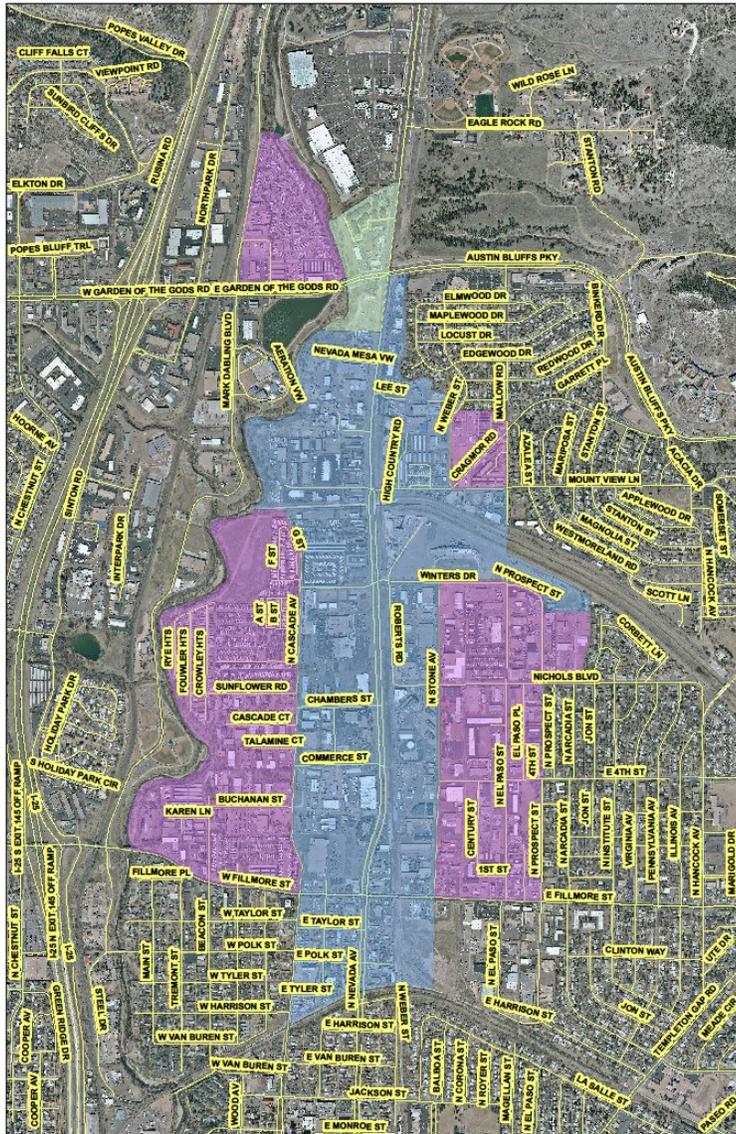
**APPLICANT: CITY OF COLORADO SPRINGS – PLANNING AND DEVELOPMENT  
DEPARTMENT**

**PROJECT SUMMARY:**

A resolution adopting the North Nevada/University of Colorado, Colorado Springs Economic Opportunity Zone Task Force Findings and Recommendations, for strategic planning purposes (Legislative).

The draft resolution is included as **FIGURE 1**

The 2014 North Nevada/University of Colorado, Colorado Springs Economic Opportunity Zone Task Force Findings and Recommendations document is attached as **FIGURE 2**. **FIGURE 3** is limited 2016 supplement that separately provides a few updates but does not revise any of the original text. It is recommended that this supplement be adopted along with the 2014 document



**N. Nevada Avenue  
 Economic Opportunity Zone**



**Legend**

- Corridor Improvement Focus Area
- Planning Influence Area
- Focus Area Currently within Urban Renewal Boundary
- Roads

0.0 0.1 0.2 0.3 0.4  
 Miles

**BACKGROUND**

In 2013 at the request of then Mayor Steve Bach, Fred Veitch assembled Task Forces for Academy Boulevard and North Nevada as part of larger EOZ Solutions Team. The co-chairs for the Nevada effort were Rob Oldach of Colorado Structures and Councilman Don Knight. Additional members are listed in the report. The purpose of the effort was to recommend specific strategies to implement revitalization of the North Nevada Avenue area, particularly in light of the growth potential associated with UCCS.

The Task Force's resulting report recommends a focus on leveraging the growth and potential of UCCS, and presents 12 recommendations that vary in time frame, specificity and responsibility.

The general approach of the City with respect to these recommendations has been to focus on getting the plans and regulations in place to support the emerging vision and expected development activity in this corridor.

To-date the City has moved forward with securing funding for and engaging a consultant (Kimley Horn) to update the roadway traffic projections, cross section and access plans. This process is well underway. The City has also recently identified and secured funding for the recommended market study, land use and potential zoning/ design guideline planning process, including a \$95,000 Colorado Department of Local Affairs (DOLA) grant. The City has also identified a project manager for this effort.

In addition, the creation and adoption of TOD-supportive rezoning along this identified "high frequency transit corridor" has subsequently been recommended as part of the recent 2016 Infill Action Plan.

If adopted, staff suggests that these recommendations be treated and used by the City as a "menu" of available strategic options.

This action would be consistent with the overall intent of the City Strategic Plan, and with several of its particular recommendations. These include:

*"Improve our image by addressing blight, improving medians and rights-of-ways, and encouraging development of EOZs (Economic Opportunity Zones)*

*'Implement priorities of the Infill & Revitalization Steering Committee*

*Facilitate increased private sector investment in EOZs through improving infrastructure, updating planning efforts, and changing related City policies.*

*Partner with stakeholders to continue development in EOZs."*

### **STAKEHOLDER PROCESS AND INVOLVEMENT:**

The stakeholder's process for this document involved an overall EOZ Solutions Team endorsed by then Mayor Bach and chaired by community member Fred Veitch. Two EOZ task forces were organized by Mr. Veitch, one for this area and one for Academy Boulevard, each with a City Council and community co-chairs. A complete list of Task Force members is included in the report.

### **ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES**

With respect to these findings and recommendations for the North Nevada Avenue EOZ, the issue from the staff perspective is not so much should they be adopted, but in what exact form and for what purpose. These recommendations align with the City's current Comprehensive Plan including the recently adopted Infill Supplement and Infill Action Plan. They are also supported by the City's Strategic Plan. Since it was created, the City has been using this

document for guidance on strategic initiatives including for further transportation and land use planning for this corridor.

Although this document can and should provide some interim land use guidance, there is the expectation that the recommended and in-progress plans will provide additional context and detail.

It is also noted that the assumed completion dates for several of the recommendations included in this report were quite optimistic and progress has been slower than anticipated. This has been in part due to other priorities, and delays in getting funding identified and project management established. Additionally it should be understood that the include recommendations are just that, and not intended to pre-ordain outcomes, decisions and choices. New information and outcomes of processes may substantially affect the direction and decisions for a given recommendation. For example, subsequent to 2014 more has been learned about the Birdsall Power plant, both from a site-specific perspective and in light of the activities and decisions concerning the Drake Power Plant. Therefore, it may well be that logical and realistic options for de-commissioning Birdsall may be much more limited than anticipated two years ago.

**RECOMMENDED MOTION:**

Move to recommend approval to the City Council of a resolution adopting the North Nevada/University of Colorado, Colorado Springs Economic Opportunity Zone Task Force Findings and Recommendations, for strategic planning purposes.

RESOLUTION NO. \_\_\_\_-16

A RESOLUTION ADOPTING THE “NORTH NEVADA/  
UNIVERSITY OF COLORADO, COLORADO SPRINGS  
ECONOMIC OPPORTUNITY ZONE TASK FORCE FINDINGS  
AND RECOMMENDATIONS” REPORT FOR STRATEGIC  
PLANNING PURPOSES

WHEREAS, by Ordinance No. 16-31 City Council adopted an Infill Comprehensive Plan Supplement (the “Infill Chapter”) as an element of the City’s Comprehensive Plan; and

WHEREAS, the Infill Chapter supports efforts to revitalize arterial corridors such as North Nevada Avenue, as an important infill priority; and

WHEREAS, by Resolution No. 28-16 City Council has endorsed the use and maintenance of an Infill Action Plan to further support implementation of the Infill Chapter; and

WHEREAS, the Infill Action Plan recommends strategies specific to promoting infill and redevelopment in Economic Opportunity Zones (“EOZs”) including North Nevada Avenue; and

WHEREAS, the City’s adopted 2016-2020 Strategic Plan also contains specific strategy direction to support infill and redevelopment in EOZs; and

WHEREAS, in late 2013 and early 2014, a North Nevada Task Force prepared and recommended a North Nevada/ University Of Colorado, Colorado Springs Economic Opportunity Zone Task Force Findings and Recommendations report for the North Nevada Avenue/ University Of Colorado, Colorado Springs EOZ (“North Nevada Findings and Recommendations”) to further the strategic implementation priorities for this EOZ; and

WHEREAS, the North Nevada Findings and Recommendations were presented to the Mayor and City Council in February and March of 2014; and

WHEREAS, City Council now desires to more formally acknowledge and accept these North Nevada Findings and Recommendations for strategic planning and implementation purposes consistent with the overall policy direction of the City.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:**

Section 1. The above and foregoing recitals are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. City Council hereby finds and directs that these North Nevada Findings and Recommendations, including the limited 2016 Supplement (all attached and incorporated as “Exhibit 1”), should be used as a guide for strategic direction in furthering implementation of the City’s infill and redevelopment goals for the North Nevada Avenue corridor.

Section 3. City Council hereby adopts the North Nevada Findings and Recommendations and directs that the North Nevada Findings and Recommendations be used as appropriate in the review and consideration, consistent with Sections 7.5.408, 7.5.501 and 7.5.502 of the City Code, of Master Plans, concept plans and development plans for properties located in the North Nevada Avenue/ University Of Colorado, Colorado Springs EOZ as that area is defined in the North Nevada Findings and Recommendations.

Section 4. City Council further directs that the recommendations in the North Nevada Findings and Recommendations are to be used holistically and as policy guidance and should not be intended to limit or constrain the Executive or Legislative branches with respect to their specific and ultimate decisions and actions.

DATED at Colorado Springs, Colorado, this \_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
Sarah Johnson, City Clerk

**NORTH NEVADA /  
UNIVERSITY OF COLORADO, COLORADO SPRINGS  
ECONOMIC OPPORTUNITY ZONE  
TASK FORCE  
FINDINGS AND RECOMMENDATIONS**

**Background:**

Colorado Springs Mayor Steve Bach identified three Economic Opportunity Zones (EOZs) within the city limits: Downtown; South Academy; and the North Nevada/University of Colorado, Colorado Springs (UCCS) corridor. In his 2014 budget, Mayor Bach set the following goals for these EOZs as part of his strategic plan:

*"1.2 Focus on Economic Opportunity Zones (EOZ) (Downtown, North Nevada/UCCS Corridor, South Academy)*

- A. Establish a stakeholder task force to conduct SWOT analyses to determine impediments to redevelopment in Economic Opportunity Zones and develop strategies for mitigating these impediments.
- B. With the stakeholder task force, craft a vision and redevelopment strategy for each EOZ and define specific outcomes
- C. Identify anchor projects that stimulate infill development and realize the vision in each EOZ
- D. Actively market and promote redevelopment of EOZ areas by reaching out to developer and broker communities
- E. Consider public and public-private funding options for implementing recommendations of the redevelopment strategy"  
(2014 Budget, page xxi)

The North Nevada/UCCS Task Force was co-chaired by District 1 City Councilmember Don Knight and Mr. Rob Oldach, Vice President of Colorado Structures, Incorporated. Other members of the Task Force are:

Bill Cherrier	Colorado Springs Utilities
Stephannie Finley	UCCS
Jeff Greene	El Paso County
Dave Munger	CONO
Elena Nunez	Colorado Springs Utilities
Wynne Palermo	Urban Renewal Authority
Jim Rees	Urban Renewal Authority
Nolan Schriener	Planning Consultant
Parry Thomas	Planner, Thomas & Thomas
Fred Veitch	Nor'wood
Martin Wood	UCCS

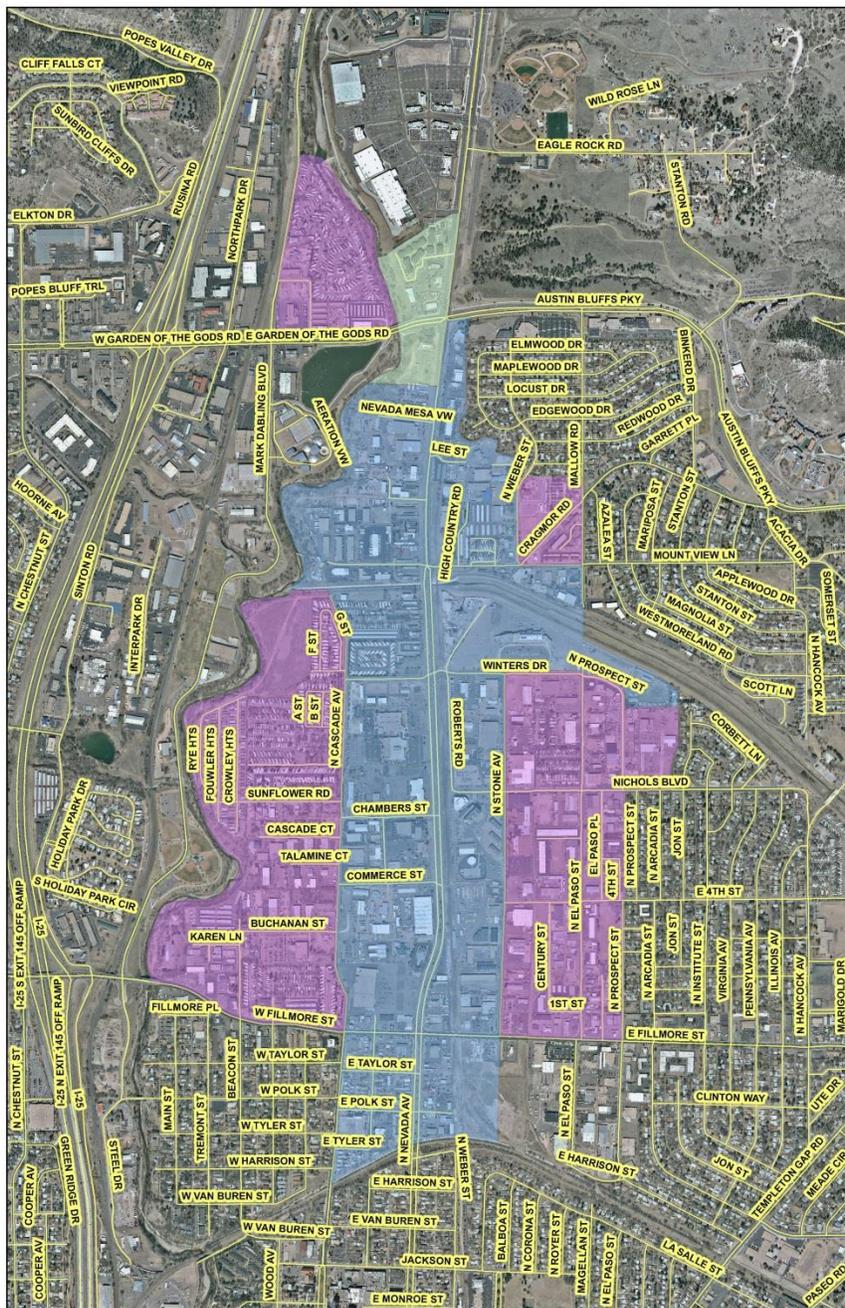
The North Nevada/UCCS Task Force was greatly assisted by the following City staff who worked directly with our group: Bob Cope, Kathleen Krager, Carl Schueler and Peter

Wysocki. Others on City staff behind the scenes also earned recognition for their assistance.

One of the Task Force's first actions was to identify and bound our area of concern to focus energy and resources on that portion of this EOZ that has the most inertia and opportunity for transformation into a community gateway and connection between UCCS and Downtown. This recommended area of focus is the immediate Nevada Avenue corridor between UCCS and the Old North End, starting at Interstate 25 (I-25) and proceeding south to Rock Island Right of Way just south of Fillmore (**Figure 1**).

Within this area, the North Nevada/UCCS Task Force is pleased to present their findings and recommendations.

**Figure 1**  
**Recommended EOZ Focus Area**



**N. Nevada Avenue  
 Economic Opportunity Zone**

0.0 0.1 0.2 0.3 0.4  
 Miles



**Legend**

- Corridor Improvement Focus Area
- Planning Influence Area
- Focus Area Currently within Urban Renewal Boundary
- Roads

Copyright © 2012. The aerial photos herein are based on Google Earth imagery. The information shown on this map is for informational purposes only and does not constitute a warranty of any kind. The City of Carson City is not responsible for any errors or omissions on this map. The City of Carson City is not responsible for any damages, including consequential damages, arising from the use of this map. The City of Carson City is not responsible for any damages, including consequential damages, arising from the use of this map. The City of Carson City is not responsible for any damages, including consequential damages, arising from the use of this map.

**FINDINGS:**

**1. Establish a stakeholder task force to conduct SWOT analyses to determine impediments to redevelopment in Economic Opportunity Zones and develop strategies for mitigating these impediments**

• Strengths:

- i. The major strength within this area is the University of Colorado, Colorado Springs' already planned expansion along their property on the east side of Nevada from Austin Bluffs/Garden of the Gods intersection north to almost I-25. When completed, this expansion will include concentrated studies in sports and wounded warrior medicine as well as the performing arts.
- ii. The second strength is the City's existing redevelopment of University Village Colorado.
- iii. The third strength is that both the UCCS and UVC initiatives have already lead to major utility infrastructure improvements which should reduce both the need and cost of additional utility improvements for the southern half of the zone from the Austin Bluffs/Garden of the Gods intersection to the Rock Island ROW.

**Figure 2- Excerpt from UCCS Master Plan**



- Weaknesses:

- i. The major weakness is the disarray into which the corridor from the Austin Bluffs/Garden of the Gods intersection to the Rock Island ROW, has fallen. While several good small- businesses are located along the corridor, many others have deteriorated.
- ii. ComCor maintains the majority of its facilities in this corridor, housing on the order of 400 - 450 daily residents, with about 200 others checking in but not staying overnight in nine facilities.
- iii. Crime rates within this EOZ appear to be high based on CSPD statistics, and the perception of crime is also an issue.
- iv. Another major issue is the now-closed dog track.
- v. The wide and unimproved existing street roadway and streetscape are visually unappealing and create a sense of separation from, and lack of connectivity with adjoining uses and properties.
- vi. The railroad ROW along the east side of Nevada is a weakness. While unused, this area, if left unmitigated, will cause any redevelopment to be significantly offset from Nevada and is inconsistent with urban redevelopment best practices.
- vii. At this time, there is very little prioritization of funding for public improvements allocated for this area.
- viii. An additional weakness is CSU's Birdsall power plant occupying a major footprint within this area.

**Photo 1 - Existing Conditions**



Wide non-landscaped railroad right-of-way and CSU easements on east side of corridor

- Opportunities:

UCCS's expansion provides Colorado Springs with the perfect opportunity, catalyst and leverage to redevelopment the North Nevada/UCCS EOZ in following areas:

- i. Economic growth in the northern portion of the corridor centered around UCCS needs to include but not limited to:
  - a). Off-campus student housing
  - b). Other standard neighborhood services for UCCS's growing student population: grocery stores, restaurants, entertainment, etc.
  - c). Hotels for parents, new students, and medical tourism
- ii. Economic growth in the southern portion providing high income jobs directly connected to the areas of study and work force being produced by:
  - a). UCCS - 2.1 miles from Four Diamonds to Fillmore and Nevada
  - b). Colorado College (CC) - 2.1 miles to Fillmore and Nevada
  - c). Colorado Technical University (CTU) - 2.1 miles to Fillmore and Nevada
- iii. Connecting UCCS to both Colorado College and Downtown with both multi-modal transportation and architecture.
- iv. Finally, there are some historic or unique buildings within the corridor which could be adaptively redeveloped to establish the corridor as an inviting and special place.

- Threats:

- i. As other cities also emerge from harsh economic times, they will be actively seeking to promote redevelopment of their neighborhoods. Those cities with college campuses will be in direct competition with Colorado Springs for the same high paying jobs we are seeking.
- ii. Uncertainties surrounding topics such as the street cross section (including its design, access, timing and funding), decisions regarding rights-of-way and easements, a possible but undetermined land use plan and Code changes, and yet-to-be-made choices concerning acceptable special incentives for this area, may all combine to put a damper on non-City reinvestment activities.
- iii. Third, any new entrants into the EOZ before new codes are developed, could be non-conforming to the new master plan for this area.
- iv. Finally, the current land-use regulations for this area are arguably too permissive in some respects and not permissive enough in others. Additionally these regulations largely govern land and building use rather than the sometimes more important aspects of urban form and design.

**2. With the stakeholder task force, craft a vision and redevelopment strategy for each EOZ and define specific outcome**

- As stated above under opportunities, the Task Force Vision for the North Nevada/UCCS EOZ is threefold:
  - i. Economic growth in the northern portion of the EOZ based upon UCCS student/visitor population needs
  - ii. Economic growth in the southern portion centered around high-paying, career-orientated jobs supporting all three college institutions adjacent to the EOZ (UCCS, CC and CTU)
  - iii. Redefining and connecting North Nevada Avenue with CC and the downtown area with multi-modal transportation options
  
- To best achieve the above Vision, the Task Force crafted the following redevelopment strategy centered on maximizing the City's above strengths and mitigating the weaknesses and threats to take full advantage of the unique opportunities available for this EOZ.
  - i. The first step in the Task Force's redevelopment strategy to achieve the above Vision is that City and UCCS should jointly combine resources to retain an expert third party consultant with experience in the "town-gown" development/redevelopment field including extensive experience in community planning, land planning, and architecture for similar projects. The end result should be an over-arching Master Plan containing the following:
    - a). A Vision Plan
    - b). A Market Study and Demand Analysis of desirable uses
    - c). Specific recommendations for incorporating design elements, the ROW improvements, and streetscape.

Additionally, the consultant should seek public input before finalizing any design; potential using the City's Camp Creek community involvement process as a model.

- ii. At the same time the consultant is developing the Master Plan:
  - a). The City should work with ComCor to identify ComCor's long term goals and requirements with respect to the planned improvements in the EOZ.
  - b). CSU should review the future need for the Birdsall power plant and alternatives to the plant in its 2014 Electric Integrated Resource Plan.
  - c). City Council should develop an Intergovernmental Agreement (IGA) with the railroad to acquire and/or remove their ROW easement along the east side of Nevada.
  - d). The City's Historic Preservation Board and Planning Department should jointly identify any historical or unique buildings deserving of preservation.

- e). The Colorado Springs Regional Business Alliance should work with the UCCS, CC, and CTU to develop capture plans to identify and attract businesses with high-paying, career-fulfilling jobs to the EOZ.
  - f). The City's Public Works and Planning Department's should coordinate with property owners and stakeholders to prepare an updated transportation corridor and streetscape plan for Nevada Avenue to connect UCCS with CC and Downtown with multi-modal transportation options.
  - g). City Council and City Planning should develop "interim" land use codes for the EOZ for any new land uses and activities before redevelopment in accordance with the above master plan could begin. While these new uses may be allowable under existing zoning codes and economically beneficial to the City, they could also be inconsistent with the new vision and requirements for the EOZ.
- The Task Force believes that at the completion of the above steps, the City should have at least the following specific outcomes:
    - i. **A specific vision of both desirable and undesirable uses and design features.** Examples include, but are not limited to:
      - a). **Desirable uses** (examples)
        - 1). Hotels and motels supportive of UCCS and related uses (parents, medical tourism, business, convention travelers, and associated visitors)
        - 2). Student housing of various types including married student housing
        - 3). Multifamily housing of various types, densities, and price points - may include senior housing if well integrated with other uses - owner occupied and rental
        - 4). Grocery store to meet the needs of existing neighborhoods and expected new housing
        - 5). Office parks with businesses connected to the surrounding universities/colleges
        - 6). Student-related retail and service uses, including late night activities, in close proximity to campus and unique and one-of-a-kind uses.
        - 7). Entertainment and restaurants
        - 8). Health care and wellness including but not limited to uses associated with UCCS.
        - 9). Vertical or horizontal mixed use projects
        - 10). Uses with "drive-through" orientations (e.g. banks, fast food, pharmacies etc.) are assumed acceptable for most of the corridor subject to the design considerations below
      - b). **Undesirable uses** (examples)
        - 1). Most vehicle sales and storage especially if these uses require large high visibility parking lots and very high levels of lighting etc.
        - 2). Uses with heavier industrial type or scale impacts e.g. large low-employment distribution centers and warehouses, high impact construction businesses and contractor's yards, truck terminals, batch plants and transfer stations

- 3). Other uses with substantial outside storage including modular home sales, and storage of construction materials - especially if in immediate proximity to the corridor)
  - 4). Mini-storage and related uses unless located largely out of sight from the main corridor, away from activity nodes and designed in such a way that connectivity throughout the corridor is not compromised
  - 5). Low density and/or gated housing particularly if located close to the corridor or activity nodes
  - 6). Concentrations of human services establishments, detention facilities or halfway houses
  - 7). Concentrations of lower income housing
- c). **Desirable design features** (examples)
- 1). Street orientation with most parking alongside or beside structures
  - 2). Enhanced landscaping and streetscaping
  - 3). Building design enhancements potentially including architectural context sensitivity, facade variations, variation in rooflines, fenestration and enhanced exterior treatments such as stone, brick or high quality stucco.
  - 4). Vehicular and pedestrian interconnectivity including options for shared or interconnected parking. Focus should include connectivity from the UCCS facilities to the adjoining uses for both vehicles and pedestrians.
  - 5). Context sensitive lighting treatments with downcast lighting and moderate to limited intensity
  - 6). Preference for integrated building arrangements versus poorly integrated individual pad sites or standard strip retail centers
- d). **Undesirable design features** (examples)
- 1). Large amounts of parking between structures and the street especially poorly landscaped and buffered
  - 2). “Over parking” of projects – especially retail centers, although consideration shall be given to use and demand (example = restaurants)
  - 3). Buildings without architectural variability
  - 4). Lower quality exterior finishes such as basic cinderblock, plain pre-cast concrete or large areas of metal roofing
  - 5). Poorly maintained, “highway scale”, and/or uncoordinated signage
- ii. **A New Cross Section and Theme for North Nevada Avenue**
- a). The current approved transportation plans for the Nevada between Garden of the Gods and Fillmore call for a six-lane cross section with limited designated full movement access points. This 2009 plan allowed for ‘worst case’ projections for growth in future traffic counts on this segment of Nevada, along with its role as a higher speed arterial corridor. Even though this six-lane plan was adopted only five years ago, the Task Force strongly believes a more limited four-lane cross section is more appropriate.
  - b). Although it would continue to serve as a major arterial, the purpose of this roadway should be as a full service multi-modal street serving properties adjacent to it and in the surrounding areas, with less emphasis on high speed, long distance through traffic. This cross section would complement and

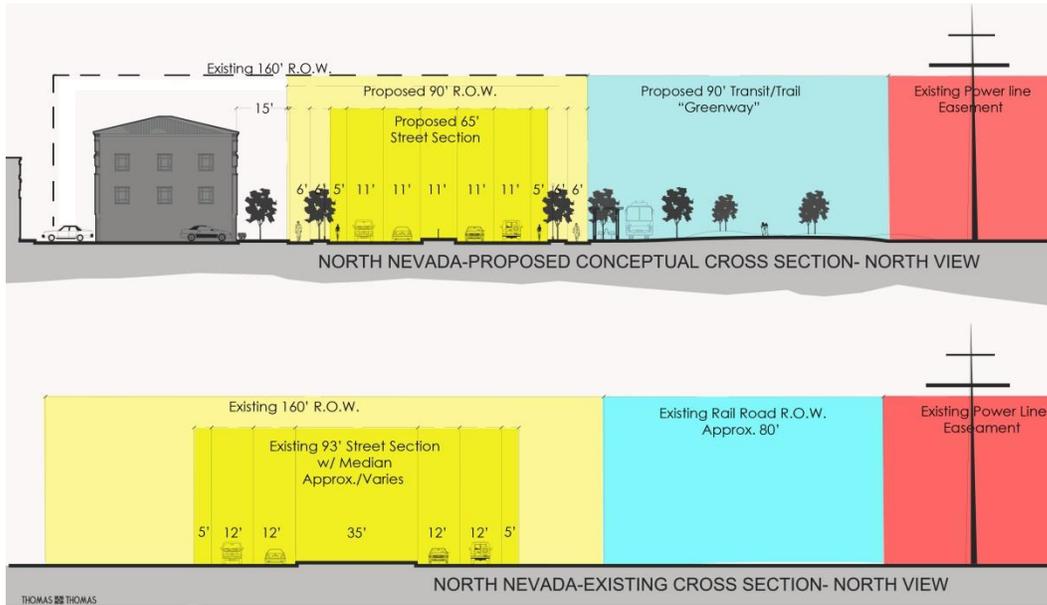
transition between the somewhat higher speed segment north of Garden of the Gods Road and anticipated plans for managing the mature tree-lined segment in the Old North End to the south. The specifics of the recommended cross section will need to be determined based on a sound engineering and modeling process that includes stakeholder input. However, anticipated elements for segments other than at major intersections could include:

- 1). A maximum 105-foot wide total cross section to include two through travel lanes and bicycle lanes in each direction, and either a relatively continuous center turning lane or a limited median with left turn bays.
- 2). Accommodation for additional full movement signalized and other intersections at planned and safe locations in a manner that allows for efficient timing queuing of signals and traffic flow to provide more frequent signalization timed for steady traffic flow at moderate speeds.
- 3). As safety warrants, left turn movements should be signalized with 'green ball' single lane turns in lieu of double left turn lanes and left turn arrows.
- 4). Potential for a significantly different streetscape treatment on west side versus the east side due to the presence of railroad right-of-way, major utility easements, utility lines, and more industrial-type uses on this side of the roadway.
- 5). Preservation of sufficient right-of-way to accommodate future addition of traffic lanes if needed and/or dedicated transit and bikeway corridors.
- 6). Accommodation of pedestrian, bicycle and transit uses and movements.
- 7). Inclusion of distinctive design elements to distinguish the University District such as signage, banners, median design, lighting (LED) and District monumentation.
- 8). Although the details of this narrower cross section would need to be worked out as part of a detailed and stakeholder-based future design process.

**Figure 3** is included to provide a sense for what the new desired cross section could look like when compared with existing conditions.

**Photos 2 and 3** provide working examples from the Denver metropolitan area that can be drawn on for elements of the recommended cross section. A particularly compelling option considered by the Task Force would be a five-lane paved section punctuated with a limited number of small median features which would provide some median character and relief particularly at key intersections. Otherwise, most of the extent and value of streetscape and landscape treatments would be shifted to the edges of the roadway (beginning especially on the west side) in order to more directly enhance the value to adjoining properties and non-motorized users as well as motor vehicles.

**Figure 3**  
**Conceptual Future and Existing Cross Sections**



Note: Median for proposed cross section may need to be widened at intersections to accommodate turn lanes

**Photo 2- Example of a More Urban Streetscape**



Example from 15<sup>th</sup> Street in Denver area showing a more urban street section

- c). The look, feel and allowable access would therefore be significantly more urban, especially on the west side. More full movement accesses could be allowed with proper design and timing. A revised/reduced plan for the cross section would mesh with recommendations that will likely be brought forward next year for the Old North End arterial corridors further south. At least for the near term, sufficient right-of-way could be maintained on the east side to allow for six lanes of capacity, if ever needed. If not, this width would also be available for multi-modal options including robust transit or off street non-motorized facilities.
- d). While volumetric capacity and speed should not be entirely compromised since the businesses and other uses along the corridor will depend on higher volumes and relatively efficient flow, the recommendations contained here, if executed properly, should continue to support relatively high traffic volumes.
- e). Bicycle routing is also an important element. Significant demand could occur, especially in proximity to UCCS and CC. Major arterials such as this one are not that conducive to handling bicycle traffic. However, parallel street options may be limited.
- f). Additionally, public transportation is essential for redevelopment. Nevada Avenue has been identified as a priority corridor for more frequent fixed route bus service (15 minute versus the current 30-minute headways) along with the other legs of an “H System” which is proposed to include Platte Avenue and Academy Boulevard). Although it may take some time to generate higher ridership along this segment of Nevada, it is expected that transit supportive conditions should continue to improve as the UCCS West Campus builds out and other complimentary uses are developed along

the corridor. For the near term, The Task Force supports phased-in implementation of more frequent “H-System” fixed route bus service.

- g). Longer term options for more robust transit (potentially including streetcar) should be preserved, primarily by maintaining adequate right-of-way on the east side of the corridor, and incorporating these options as future contingency alternatives in the nearer term roadway and streetscape planning and implementation. The Task Force notes that the Phase I Streetcar Feasibility Study identifies this corridor as a potential second phase for a system that would begin closer to Downtown.

**Photo 3- Santa Fe Avenue in Littleton**



Example from Santa Fe Avenue in Littleton showing monumentation and landscape treatments potentially applicable to the wider east side right-of-way and easement areas

3. **Identify anchor projects that stimulate infill development and realize the vision in each EOZ.**

The Task Force believes that market-driven redevelopment of the North Nevada/UCCS Economic Opportunity Zone corridor will be fueled by the UCCS expansion and by the City's existing redevelopment of the west side of the same stretch of Nevada with the University Village Colorado (UVC) via the North Nevada Avenue Corridor Urban Renewal Area (NNCURA). This holistic impact will generate a 'gravity' that should naturally attract capital to this corridor for redevelopment. Even with the strength of this attraction, its longevity and the potential results should not be considered a foregone conclusion. However, in other communities this type of gravity has resulted in transformational impacts on a large scale, when there is a clear agreed upon vision that is vigorously supported by the community.

**Photo 4- Closed Greyhound Track as a Redevelopment Opportunity**



Closed Greyhound Track as a mixed use redevelopment opportunity

4. **Consider public and public-private funding options for implementing recommendations of the redevelopment strategy**

Until the Master Plan is complete, it is not possible to confidently estimate either the total costs of the desired public improvements or the total value of the expected redevelopment. Therefore, it is premature to fully commit to a package of funding options best suited for this EOZ, or particular areas and projects within it. In the meantime though, the Executive Branch and City Council should jointly develop and

evaluate a toolbox of incentives to help counter other competing cities pursuits as well as accelerating redevelopment within the EOZ.

5. Actively market and promote redevelopment of EOZ areas by reaching out to developer and broker communities.

Once the above consultant's Master Plan and other above steps in the preceding recommendations have been completed, the Task Force recommends the City conduct the following to actively market redevelopment of the EOZ:

- The City should implement policies and procedures to ensure that private redevelopments within the EOZ meet the following:
  - i. Done Right: New uses are located in the highest-best locations in the corridor and that their developments have lasting value to further attract capital for other complementary and synergistic redevelopment projects.
  - ii. Done Quickly: Prioritize existing regional, City and CSU capital improvements funds for projects benefitting this corridor.
  - iii. Done Easily: Craft policies and processes to attract new capital by providing consistent answers to development questions: e.g. what the City will or will not support or bring to the table are known by developers willing to invest within the EOZ.
- City Council and City Planning should develop EOZ regulations that influence "desirable uses" more than just exterior appearance, but also the location, features, size, density and impact of any redevelopment.

Options include, but are not limited to:

- Total private funding
- Non-financial incentives (e.g. new zoning rules; streamlined permit process, overlay zones, etc.)
- Federal grants and funding options
- State grants and funding options
- County grants and funding options (e.g. PPACG)
  - i. City-funded infrastructure improvements (e.g. roads and utilities)
  - ii. Waiving or reducing City fees
  - iii. Special Improvement Districts
  - iv. Expanding the North Nevada Urban Renewal Area
  - v. Public-private profit sharing opportunities (e.g. tax rebates, tax incremental funding)

### **Conclusion and Recommendations:**

The North Nevada/UCCS Task Force concluded the following:

- The above listed strengths far outweigh the weaknesses
- The City can mitigate the weaknesses and threats
- The City needs a framework in place to ensure any redevelopment including the location, size, character, connectivity, density, and amenities match up with a consistent Vision Plan for the corridor.

Therefore, the Task Force makes the following recommendations:

1. The Mayor should appoint a Project Manager, and as necessary allocate funds within the current budget, to advance the goals of the EOZ, execute the recommendations contained herein, and follow up with other stakeholders to direct processes to ensure conformance with the Task Force Recommendations. Desired completion date is June 30, 2014.
2. The City and UCCS should jointly retain an expert third party consultant to develop a Master Plan. Desired completion date is December 15th, 2014.
3. The City should work with ComCor to identify their long term goals and requirements with respect to the planned improvements in the EOZ. Desired completion date is June 30, 2014.
4. CSU should review the future need for the Birdsall power plant and alternatives to the plant in its 2014 Electric Integrated Resource Plan. Desired completion date is December 17, 2014.

**Photo 5- Birdsall Power Plant**



5. The City should evaluate options to acquire and/or remove the railroad ROW easement along the east side of Nevada and then proceed with a plan for implementation. Desired completion date is December 15, 2014.
6. The City's Historic Preservation Board, City Planning and CONO should jointly identify any historical buildings deserving of preservation. Desired completion date is September 30, 2014.
7. The City should implement policies and procedures for redevelopments within the EOZ: Desired completion date is June 30, 2015.
8. The Colorado Springs Regional Business Alliance should work with the UCCS, CC, and CTU to develop capture plans to identify and attract businesses with high-paying, career-fulfilling jobs to the EOZ. Desired completed date is June 30, 2014.
9. The City's Public Works Department should prepare a new transportation master plan for Nevada Avenue to connect UCCS with CC and Downtown with multi-modal transportation options. The development of this plan should be closely coordinated with the Master Plan outlined in #1 above. Desired completion date is December 15, 2014.
10. The Executive Branch and City Council should jointly develop and evaluate a toolbox of incentives. As most of the information required will be from the third-party consultant's report, the desired completion date is June 30, 2015.
11. City Council and City Planning should develop "interim" land use codes for the EOZ. Desired completion date is September 30, 2014.
12. City Council and City Planning should develop EOZ regulations that influence desirable uses and design features. As most of the information required will be from the third-party consultant's report, the desired completion date is June 30, 2015.

**North Nevada/University of Colorado, Colorado Springs Economic Opportunity Zone  
Task Force Findings & Recommendations:**

**Supplemental Information from 2016**

Since the North Nevada/University of Colorado, Colorado Springs Economic Opportunity Zone Task Force Findings & Recommendations were published in 2014, several developments have occurred.

In early 2016, the City was awarded grant funding for a North Nevada EOZ Master Plan. The selected consultant will begin work on the North Nevada EOZ Master Plan in spring of 2016, with estimated completion in early 2017.

The City is currently under contract with Kimley Horn to prepare a *North Nevada Corridor Study Traffic Analysis*. This analysis will be completed in 2016 and will help inform the Master Plan.

Also in early 2016, the Governor announced the future opening of a National Cybersecurity Intelligence Center in Colorado Springs in an effort to move the City towards becoming a national hub for cybersecurity. The Center will be housed within the boundaries of the North Nevada EOZ in the former TRW manufacturing plant. The Center is projected to open, at least in part, in 2017/2018.

# North Nevada EOZ Recommendations Planning Commission

April 21, 2016

Peter Wysocki, Planning and Community  
Development Director

Carl Schueler, Comprehensive Planning Manager

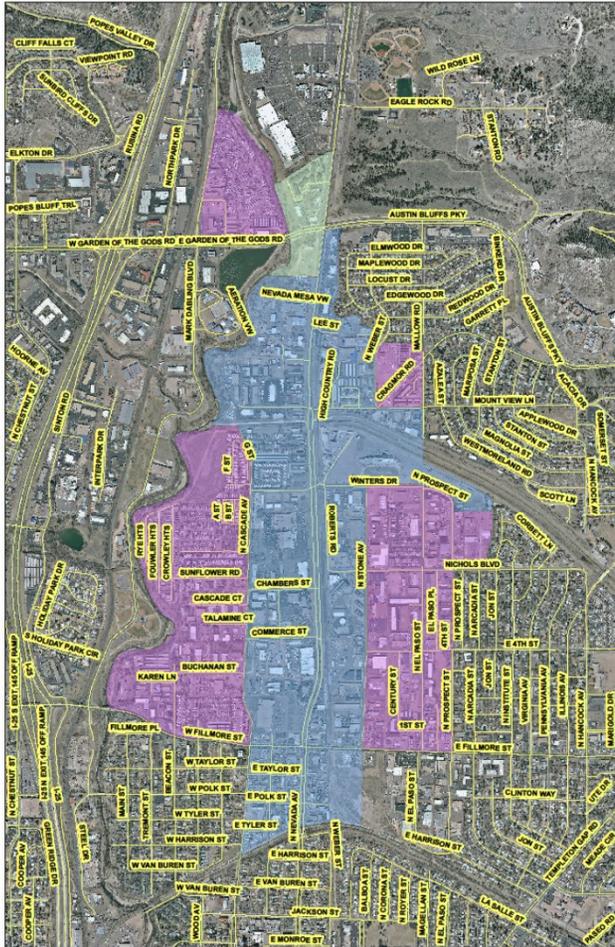


# Summary



- Council Resolution to adopt North Nevada Avenue Economic Opportunity Zone Findings and Recommendations
- Originally prepared in 2014; not formally adopted at this time
- Aligned with Infill Plans, and City Strategic Plan
- Nexus to UCCS as Colorado growth campus
- Additional strategic guidance- nonbinding

# Geographic Context



**N. Nevada Avenue  
 Economic Opportunity Zone**

0 0.1 0.2 0.3 0.4  
 Miles



**Legend**

- Corridor Improvement Focus Area
- Planning Influence Area
- Focus Area Currently within Urban Renewal Boundary
- Roads

# Planning Context



- Concern with planned 6-lane road section
- UCCS MP in place; University Village close to complete
- No land use plan south of Garden of the Gods/ Austin Bluffs
- Unique issues and constraints
  - \$
  - Power plant
  - Railroad
- Interest in market study and complimentary uses

# 12 Recommendations



## Conclusion and Recommendations:

The North Nevada/UCCS Task Force concluded the following:

- Vary in specificity, duration and City control
- Status and activity level varies

- The above listed strengths far outweigh the weaknesses
- The City can mitigate the weaknesses and threats
- The City needs a framework in place to ensure any redevelopment including the location, size, character, connectivity, density, and amenities match up with a consistent Vision Plan for the corridor.

Therefore, the Task Force makes the following recommendations:

1. The Mayor should appoint a Project Manager, and as necessary allocate funds within the current budget, to advance the goals of the EOZ, execute the recommendations contained herein, and follow up with other stakeholders to direct processes to ensure conformance with the Task Force Recommendations. Desired completion date is June 30, 2014.
2. The City and UCCS should jointly retain an expert third party consultant to develop a Master Plan. Desired completion date is December 15th, 2014.
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4. CSU should review the future need for the Birdsall power plant and alternatives to the plant in its 2014 Electric Integrated Resource Plan. Desired completion date is December 17, 2014.

# Zoning-Related Recommendations



11. City Council and City Planning should develop "interim" land use codes for the EOZ. Desired completion date is September 30, 2014.
12. City Council and City Planning should develop EOZ regulations that influence desirable uses and design features. As most of the information required will be from the third-party consultant's report, the desired completion date is June 30, 2015.

# City Process and Approach



- Get the necessary planning done
  - Roadway plan underway
  - Land use, market and design study funded
- Identify funding
- Put necessary zoning in place

# Supporting Materials



- Agenda memo
- Resolution
- Document

# Staff Recommendation and Next Steps



- Approval
  - Adopt 2014 document and limited 2016 supplemental update
- Informal City Council May 9, 2016
- Continue work on North Nevada plans with public input



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

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**File #:** CPC CA 16-00043, **Version:** 1

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Endorsement of a resolution adopting the Academy Boulevard Economic Opportunity Zone Action Plan, for strategic planning purposes (Legislative).

**Presenter:**

Carl Schueler, Comprehensive Planning Manager, Department of Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

**Proposed Motion:**

CPC CA 16 00043

Move to recommend approval to the City Council of a resolution adopting the Academy Boulevard Economic Opportunity Zone Action Plan, for strategic planning purposes

## CITY PLANNING COMMISSION AGENDA

STAFF: CARL SCHUELER

FILE NO:  
CPC CA 16-00043 – LEGISLATIVE

**PROJECT: ACADEMY BOULEVARD EOZ PLAN**

**APPLICANT: CITY OF COLORADO SPRINGS – PLANNING AND DEVELOPMENT DEPARTMENT**

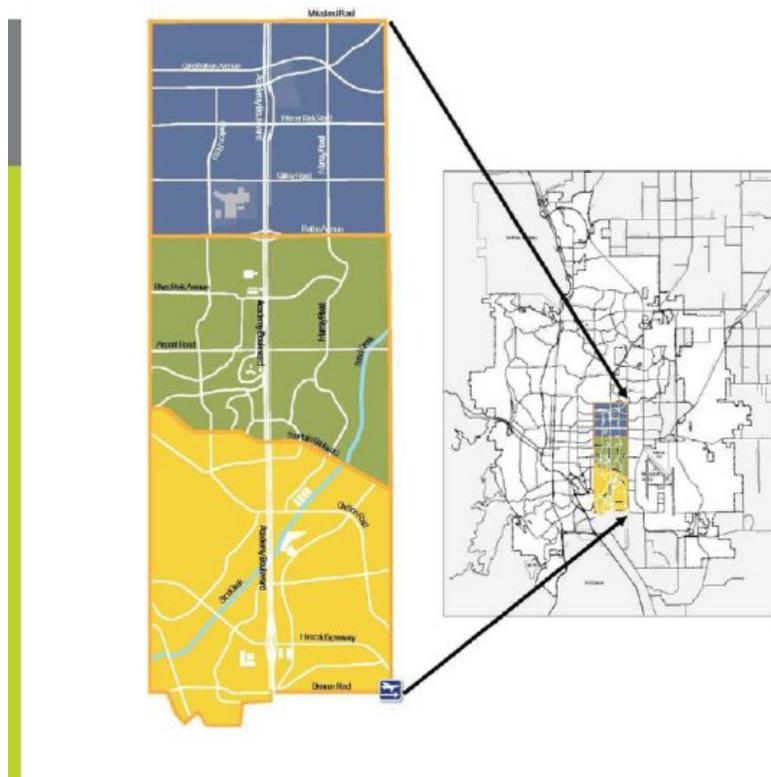
### PROJECT SUMMARY:

Approval of a Resolution Adopting the Academy Boulevard Colorado Springs Economic Opportunity Zone Action Plan, for Strategic Planning Purposes (Legislative).

The draft City Council resolution is included as **FIGURE 1**

The Academy Boulevard Economic Opportunity Zone Action Plan document is attached as **FIGURE 2**.

### Implementation Boundaries



## **BACKGROUND**

In 2013 at the request of then Mayor Steve Bach, Fred Veitch assembled Task Forces for Academy Boulevard and North Nevada as part of larger EOZ Solutions Team. The co-chairs for the Academy Boulevard effort were Tiffany Colvert of NAI- Highland Commercial and Councilman Merv Bennett. Additional members are listed in the report. The purpose of the effort was to recommend specific strategies to implement revitalization of the south and central Academy Boulevard area, particularly following from the approved Academy Boulevard Corridor Great Streets Plan (2011).

The report recommends a focus on four catalyst areas:

- Academy Boulevard/ Hancock Expressway
- Academy and Fountain Boulevard
- Citadel Mall area, and
- Rustic Hills Mall area

The Action Plan also presents 28 recommendations that vary in time frame, specificity and responsibility. Some are more pro-active, and others are more responsive, from the City's perspective.

The general approach of Action Plan and the City's approach focus on pursuing specific projects and plans and leveraging opportunities. One example has been the largely completed plans for substantially reconfiguring and reconstructing the intersection at Academy Boulevard and Hancock Expressway and securing funding for a first phase project at that location.

Although TOD-supporting rezoning along this corridor has been subsequently recommended as part of the recent 2016 Infill Action Plan, the need for City-initiated rezoning is not considered as high a priority for this corridor as it has been for North Nevada Avenue.

If adopted, staff suggests that these recommendations be treated and used by the City as a "menu" of available strategic options, consistent with the approach and progress to-date.

The general approach of the City with respect to these recommendations has been to focus on getting the plans and regulations in place to support the emerging vision and expected development activity in this corridor.

To-date the City has moved forward with projects and initiatives along this corridor on a logical and opportunistic basis. For example, one area of focus has been on the Academy Boulevard/ Hancock Expressway intersection. A plan for a major 'renovation' of this intersection, access and multimodal facilities in this area is almost complete and funding for a first phase project is being finalized.

The *de-facto* project manager for this EOZ effort is the City's Comprehensive Planning Manager who coordinates with a variety of City departments and other groups and agencies.

This action would be consistent with the overall intent of the City Strategic Plan, and with several of its particular recommendations. These include:

*“Improve our image by addressing blight, improving medians and rights-of-ways, and encouraging development of EOZs (Economic Opportunity Zones)*

*‘Implement priorities of the Infill & Revitalization Steering Committee*

*Facilitate increased private sector investment in EOZs through improving infrastructure, updating planning efforts, and changing related City policies.*

*Partner with stakeholders to continue development in EOZs.”*

### **STAKEHOLDER PROCESS AND INVOLVEMENT:**

The stakeholder’s process for this document involved an overall EOZ Solutions Team endorsed by then Mayor Bach and chaired by community member Fred Veitch. Two EOZ task forces were organized by Mr. Veitch, one for this area and one for Academy Boulevard, each with a City Council and community co-chairs. A complete list of Task Force members is included in the report.

### **ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES**

With respect to the recommendations in the Academy Boulevard EOZ Action Plan, staff recommends adoption but notes that the recommendations represent a broad “menu” of general-to-specific recommendations, some of which are more or less suited for a proactive approach from the City as this time. The recommendations are also not resource constrained.

Compared with the North Nevada Avenue corridor, these recommendations place less of an emphasis on creating new zoning and more on the City role in strategic public and private projects.

These recommendations align with the City’s current Comprehensive Plan including the recently adopted Infill Supplement and Infill Action Plan. They are also supported by the City’s Strategic Plan. Since it was created, the City has been using this document for guidance on strategic initiatives including for further transportation and land use planning for this corridor.

### **RECOMMENDED MOTION:**

Move to recommend approval to the City Council of a resolution adopting the Academy Boulevard Economic Opportunity Zone Action Plan for strategic planning purposes.

RESOLUTION NO. \_\_\_\_-16

A RESOLUTION ADOPTING THE SOUTH ACADEMY  
ECONOMIC OPPORTUNITY ZONE ACTION PLAN FOR  
STRATEGIC PLANNING PURPOSES

WHEREAS, by Ordinance No. 16-31 City Council adopted an Infill Comprehensive Plan Supplement (the “Infill Chapter”) as an element of the City’s Comprehensive Plan; and

WHEREAS, the Infill Chapter supports efforts to revitalize arterial corridors such as Academy Boulevard, as an important infill priority; and

WHEREAS, by Resolution No. 28-16 City Council endorsed the use and maintenance of an Infill Action Plan to further support implementation of the Infill Chapter; and

WHEREAS, the Infill Action Plan recommends strategies specific to promoting infill and redevelopment in Economic Opportunity Zones (“EOZs”) including Academy Boulevard; and

WHEREAS, the City’s adopted 2016-2020 Strategic Plan also contains specific strategy direction to support infill and redevelopment in EOZs; and

WHEREAS, in May of 2011, City Council adopted the Academy Boulevard Corridor Great Streets Plan (“Great Streets Plan”) as an element of the City’s Comprehensive Plan (Ordinance No.11-74); and

WHEREAS, in late 2013 and early 2014, an Academy Boulevard Task Force prepared and recommended a South Academy Economic Opportunity Zone Action Plan report for the South Academy Boulevard EOZ (“South Academy Action Plan”) in part to further the strategic implementation of the Great Streets Plan; and

WHEREAS, the South Academy Action Plan was presented to the Mayor and City Council in February and March of 2014; and

WHEREAS, the Planning Commission considered and recommended adoption of this Action Plan at their April 21, 2016 meeting; and

WHEREAS, City Council now desires to more formally acknowledge and accept this South Academy Action Plan for strategic planning and implementation purposes consistent with the overall policy direction of the City.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:**

Section 1. The above and foregoing recitals are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. City Council hereby finds that the South Academy Action Plan (attached and incorporated as "Exhibit 1") should be used as a guide for strategic direction in furthering implementation of the City's infill and redevelopment goals for the South Academy Boulevard corridor.

Section 3. City Council hereby adopts the South Academy Action Plan and directs that the South Academy Action Plan be used as appropriate in the review and consideration, consistent with Sections 7.5.408, 7.5.501 and 7.5.502 of the City Code, of Master Plans, concept plans and development plans for properties located in the South Academy EOZ as that area is defined in the South Academy Action Plan.

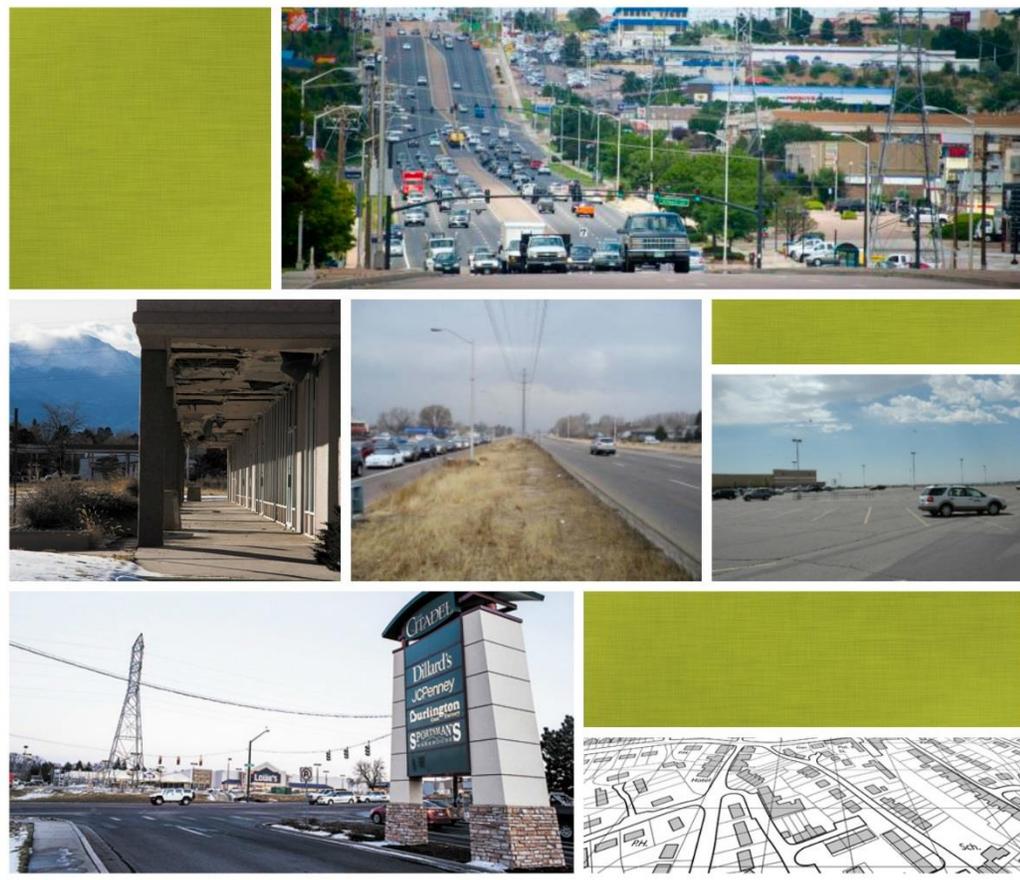
Section 4. City Council further directs that the recommendations in the South Academy Action Plan are to be used holistically and as policy guidance and should not be intended to limit or constrain the Executive or Legislative branches with respect to their ultimate decisions and actions.

DATED at Colorado Springs, Colorado, this \_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
Sarah Johnson, City Clerk



# South Academy Economic Opportunity Zone Action Plan

February 25, 2014

FIGURE 2

## Contributors

### Solutions Team

Fred Veitch, Nor'wood Development- Lead  
Tiffany Colvert, NAI Highland- Chair  
Merv Bennett, CS City Council- Co-Chair

Bill Cherrier, Colorado Springs Utilities  
Cindy Newsome, Colorado Springs Utilities  
Dan Lewis, State Farm Insurance  
Dan Rodriguez, Madsen Real Estate Group  
DeAnne McCann, El Paso County Economic  
Development, El Paso County Housing Authority  
Elena Nunez, Colorado Springs Utilities  
Greg Kaufman, Cushman Wakefield  
Gerrit Slater, Matrix Design Group  
Jan Doran, Council of Neighbors and Organizations  
Jeff Greene, County Administrator  
Joe Barrera, Black and Latino Coalition  
John Wilson, CS Business Alliance  
Kyle Campbell, Classic Consulting  
Matt Craddock, Craddock Commercial  
Mike Helwege- Cushman Wakefield  
Rick Hoover, Council of Neighbors and Organizations  
Tim Seibert, N.E.S. Inc.  
Vince Colarelli, Colarelli Construction

### City of Colorado Springs Staff

Aimee Cox, Senior Economic Vitality Specialist  
Bob Cope, Principal Analyst Economic Development  
Carl Schueler, Comprehensive Planning Manager  
Craig Blewitt, Transit Services Manager  
Karen Palus, Director of Parks and Recreation  
Kathleen Krager, City Traffic Engineer  
Peter Wysocki, Planning & Development Director

### Colorado Springs City Council

Helen Collins, District 4  
Jill Gaebler, District 5  
Merv Bennett, At Large

### El Paso County Commissioners

Amy Lathen, District 2  
Dennis Hisey, District 4  
Peggy Littleton, District 5

## The Problem

South and Central Academy Blvd. lacks a sense of place and community. It is cluttered with overhead transmission lines, concrete medians, minimal landscaping, and a hodgepodge of building styles, billboards and signage. Vacant buildings are commonplace, and many structures are deteriorating and in disrepair. Higher crime rates and the perception of crime negatively impact the area, there is a deficiency of quality jobs and primary employers, and transportation, connectivity and access is inefficient. Generally, this area is missing many of the fundamental elements that make a great community.

## The Purpose

This report is designed to be a workable action plan and implementation strategy for the both the public and private sector to best encourage and accelerate redevelopment along South Academy Blvd.

## The Process

Over the course of many months a solutions team, which was comprised of residents and business owners from the area, as well as community, business and civic leaders, came together to discuss, analyze and formulate the recommendations found within this action plan.

## The Recommendations

Due to the size, population and complexity of the entire strategy area, the solution team recommends focusing on four catalyst areas (Rustic Hills, Citadel, Fountain and Hancock) and executing projects in each that which will have the greatest impact and opportunities for value capture. These game changing projects will create the momentum needed to spark change in the entire corridor. Below are a list of the overall recommendations, through the report these are describe in greater detail and outlined in the implementation matrix at the end of the report.

- Bury overhead powers and transmission lines throughout corridor, to begin in catalyst areas
- Designated an area, or each catalyst area, as a Community Development Block Grant strategy area
- Initiate and expand community cleanup programs
- Establish and enforce design standards
- Align and create a full movement signalized intersection at Portal Dr.
- Relocate primary bus transfer station east of Citadel Mall onto Academy Blvd. and enhance service
- Support 2014 Hancock intersection improvements plan and then fund recommended design
- Connect surrounding neighborhoods to the corridor
- Further expand the Enterprise Zone
- Develop an expanded policy to defer connection and associated utility fees
- Kick off business retention and strategy meetings
- Encourage and incentivize a pharmacy/ grocer to locate in the Rustic Hills neighborhood
- Research the relocation or expansion of the City Senior Center
- Explore, engage and further community policing programs
- Increase police presence
- Coordinate with Citadel Mall management and key property owners to tackle crime and safety concerns
- Engage Colorado Springs Utilities meter check program
- Support targeted tax incentives for game changing projects
- Coordinate with Local Housing Authorities to promote existing programs
- Explore feasibility of satellite, mobile or other enhanced access program to Citizens Service Center
- Develop and improve public spaces, parks, community centers, etc.
- Support local farmers and ethnic markets
- Promote ownership in community improvements
- Implement community public art program
- Develop a branding strategy for the corridor with a branded, informational website for the corridor
- Work with local media to positively promote area
- Implement an oversight and accountability group for the execution of these recommendations
- Designate a City project manager and implement an oversight and accountability group for the execution of these recommendations

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# Introduction and Background

## Purpose

Years ago South Academy Blvd. was the place to be. It was a thriving corridor with a myriad of shopping options, restaurant choices and an overall good quality of life. But over the years, the city sprawled eastward and South Academy Blvd. got left behind and mostly forgotten. Until now.

In the spring of 2013, Mayor Steve Bach announced the formation of a Solutions Team to focus on strategies to revitalize his Economic Opportunity Zones (EOZs), of which South Academy is included. In his 2014 budget, Mayor Bach set the following goals for these EOZs as part of his strategic plan:

"1.2 Focus on Economic Opportunity Zones (EOZ) (Downtown, North Nevada/UCCS Corridor, South Academy)

- A. Establish a stakeholder task force to conduct SWOT analyses to determine impediments to redevelopment in Economic Opportunity Zones and develop strategies for mitigating these impediments.
- B. With the stakeholder task force, craft a vision and redevelopment strategy for each EOZ and define specific outcomes.
- C. Identify anchor projects that stimulate infill development and realize the vision in each EOZ.
- D. Actively market and promote redevelopment of EOZ areas by reaching out to developer and broker communities
- E. Consider public and public-private funding options for implementing recommendations of the redevelopment strategy"

(2014 Budget, page xxi)"

The Solutions Team, which is comprised of volunteers, residents and business owners from the area, as well as community, business and civic leaders, have set out to identify strategies and actions to best encourage and accelerate redevelopment. The result is this action plan- an implementation strategy to guide both public and private efforts.

## Reference and Related Documents

This document is not intended to be another study or report. Rather, it is a set of actionable recommendations. The following documents have been utilized as a basis for the recommendations made here within:

**Academy Boulevard Corridor Great Streets Plan** – it is strongly encouraged and recommended that this plan be reviewed to adequately gain a context for this implementation plan.

<http://www.springsgov.com/Page.aspx?NavID=4264>

City's Comprehensive Plan, Land Use Vision Plan, Existing Land



## Vision

To promote, support and adaptively redevelop the Academy Blvd. corridor as a Great Street with access to alternative modes of transportation, public/private investment in business and residential development, and enhanced connectivity with the street, between land uses, and with neighborhoods.

To spark a revitalization of the Academy Blvd. corridor by reconnecting to surrounding neighborhoods physically, socially, and economically — making the area relevant and desirable.

Our vision is for Academy Blvd. to be the heart of a safe, clean, attractive, neighborhood of choice that celebrates its diversity in terms of race, ethnic background, incomes, age, and other measures. Its scale, character, physical appearance, public realm, and mix of uses are designed to serve the needs, and engage the lives of the community.

## Implementation Boundaries



The South Academy Economic Opportunity Zones is defined as a 12 square mile area of Academy Blvd. from Maizeland Rd. on the north and Drennan Rd. on the south extending 1 mile wide to each side of Academy Blvd. This area accounts for approximately 15 percent of the City's population.

Key attributes of the planning area include above average shopping center and office vacancy rates, high crime rates, and demographically the area is considerably more diverse than the overall City

\* Please reference the Great Streets Plan for a full demographic profile of the area.

**FIGURE 2**

## Catalyst Areas

Given the size, population and complexity of this overall EOZ, the Solution Team recommends focusing particular attention on specific sub-areas that have some combination of a strong potential for redevelopment, special needs, ongoing inertia and/or definitive and actionable options. These areas are:

**Rustic Hills | Citadel | Fountain Boulevard | Hancock Expressway**

The generalized boundaries of these areas are depicted in the maps found in the appendix at the end of this report. Please also reference the implantation matrix at the end of this report in regards to recommended actions.

### Rustic Hills

This subarea is centered on and encompasses the two Rustic Hills Malls south of Constitution Avenue and including intersection of Palmer Park Boulevard and Academy.

This area represents unique opportunity because the Rustic Hills North Shopping Center (north of Palmer Park Boulevard) is almost entirely vacant at this time and is in fairly poor physical condition. It, and the surrounding properties, therefore have the potential for redevelopment as a truly special “game changing” and innovative project that could serve as the community focal point for surrounding primarily single-family neighborhoods that were originally developed in the 1950s and 60’s. Over the coming years, much of the older population of these neighborhoods will continue to be replaced by younger or newer residents. A successful project would be predicated on property acquisition and assembly by a motivated developer along with a commitment of City support.



#### Strengths

- Central location in large trade area
- Limited but active reinvestment south of Palmer Park Blvd has occurred
- The area has proximity to two major trail corridors
- Redevelopable property could be available in this area with a fairly low basis

#### Weaknesses

- High commercial vacancies combined with some low value/transitional leasing activity
- Visibility of the Rustic Hills North Shopping Center from Academy Boulevard and other arterial roadways is relatively poor
- At this point the area is relatively unattractive to those young families and young professionals with options for living and/or working elsewhere
- Current reinvestment activity north of Palmer Park Boulevard is limited
- There is poor connectivity with single-family neighborhoods and Homestead Trail/ Creek east of shopping centers and an uninviting transition between uses
- Limited availability of public parks and desirable public places in the immediate vicinity of this node

### Opportunities

- Relatively unified mall ownerships could simply land assembly for redevelopment/ reinvestment projects
- Potentially available acreage sufficient to support one or more significant and impactful projects
- Neighborhoods would likely support (or not oppose) a wide range of options
- Poor condition and limited current uses in Rustic Hills North Mall provide an opportunity for substantial redevelopment
- There is potential for creation of a unique public or semi-public place within this node.
- The immediate area encompassing one or both of the malls would certainly qualify for urban renewal area designation if there were a value added project identified.
- Possibilities exist for enhanced trail connections
- There is potential for reconstruction of the fire station
- A broadly encompassing overall or form based (FBZ) zoning plan could be developed and adopted for this area to reduce the regulatory entitlement period for a wider choice of land uses while at the same time instituting agreed-upon enhances standards for design elements and integration with the public realm

### Threats

- There is potential for further fragmentation of ownerships and/or introduction of uses that could inhibit or complicate redevelopment
- The current owners of largely vacant properties may be unwilling to sell to new owners at a price conducive to supporting cost-effective redevelopment
- Further erosion of market fundamentals could occur depending on socioeconomic trends in the local trade area
- There is potential for related school quality and/or public safety concerns that could frustrate reinvestment

### Recommended Actions

- Focus some Code enforcement attention on the immediate area of Rustic Hills North Mall especially if the buildings continue to deteriorate.
- Hire a consultant to perform a site-specific market study for this area focusing on the demand for a grocery store and pharmacy.
- Convene a group of City, County, Colorado Springs Utilities, health care, agency and non-profit representatives, to systematically determine whether there is a demand for and interest in incorporation of their programs and facilities as part of a public-private project at this location.
- Systematically evaluate the existing CSU Utilities capacity to serve a potential public/private project at this location and identify any known limitation or cost including potential need for relocation constraints created by easements, reconnection cost etc.
- Possibly sponsor a redesign charette process with notice to major property owners and the community.

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## Citadel

This sub-area encompasses the greater Citadel Mall property as well as the Citadel Crossing Shopping Center and immediately surrounding areas.

The Citadel Mall area has been and continues to be the major activity center within this EOZ, and functions as a major employment center. Maintaining its vitality will be essential to the community health of the larger surrounding core of the City. The large size of the Citadel Mall area, its complex ownership pattern, and its multiple existing and often viable uses make it difficult for the City to have a prominent role in “game changing” redevelopment of this area, at this time. Therefore, the most productive role of the City should be focusing on improving the public realm and access to automotive, non-motorized transit and traffic, all to support continued adaptation of uses in this area to meet and grow the demands of an evolving market.

### Strengths

- Area continues to be a major employment center, with fairly high rates of occupancy
- Malls and adjacent properties support a wide range of uses including retail, offices, professional, education and services
- High traffic volumes from major roadways

### Weaknesses

- Citadel Mall enclosed design is dated and not outwardly appealing
- Narrow strip configuration of Citadel Crossing creates a variety of challenges including vehicular access, pedestrian connectivity within the center and connectivity from it to surrounding areas
- Physical and perceptual access from Platte Avenue is limited and unappealing
- The Platte Avenue interchange is particularly unappealing and not conducive to local access
- Multiple and inter-related ownerships of Citadel Mall and adjacent properties could make land assembly and/or coordination for redevelopment difficult.
- Transit center on west side of Citadel Mall is not well located to support efficient in-line transit service along Academy or Platte
- Limited high quality parks and public places in the vicinity



### Opportunities

- "Excess capacity" is available in some of the parking areas with the Citadel Mall
- Shorter term opportunities for location specific redevelopment projects including the potential to adapt one of Mall anchors to make it more outwardly facing
- Potential for adaptation of part of this sub-area to support a major medical or educational use
- Potential for construction of unique housing projects with pedestrian access to current and potential future Mall.
- Longer term opportunities for a larger scale multiple/mixed use project in the area, including the potential for substantial adaptation and/or reconstruction
- Medium term opportunity to locate a state-of-the art transit center along Academy Boulevard
- Shorter term potential to directly interconnect the Citadel Mall and Citadel Crossing via a full movement access at Portal Drive
- Longer term option to reconstruct the Platte avenue interchange with a modern more inwardly focused design that is more compatible with land uses in the vicinity

### Threats

- Continued competition from retail uses in other and more recently developing areas may make it more difficult for this traditional regional center to continue to draw customers from as large a market area.
- The combination of a complex ownership pattern and relatively high rates of leasing and absorption could make it difficult to stimulate coordinated redevelopment planning and implementation, thereby contributing to a pattern and acceptance of gradual overall aging and decline
- There is potential for further erosion of market fundamentals depending on socioeconomic trends in the core Colorado Springs trade area

### Recommended Actions

- Privately funded non-traditional and mixed uses and redevelopment projects should generally be encouraged in this area especially if they contribute to its ongoing viability, diversity employment and improve the public realm.
- Limited tax incentives (such a sales tax sharing agreements) should be supported for significant retail and/or employment investments in the area, especially if there are enhancements to the public realm and a tie to longer term performance (e.g. if a new tenant/owner of the vacant Macy's space came forward with a plan to adaptively redesign rather than simply fill that space).
- Portal Drive in the Citadel Mall should be lined up to connect with Citadel Crossing with a full movement intersection, as a publically funded project.
- City Transit Services should pursue grant funding for and then initiate a siting and preliminary design study directed toward relocating the existing Citadel Mall transfer station to a location in-line on Academy Boulevard (most likely at NW corner of Platte and Academy). The preliminary site and design should preferably fit within City-owned right of way and incorporate pedestrian connectivity (including across Academy Boulevard).

**FIGURE 2**

## Fountain Boulevard

The Fountain Boulevard sub-area encompasses the properties surrounding the intersection of Fountain Boulevard and Academy primarily including office uses of various types, but also some retail and automobile sales uses.

This is the primary professional employment center within the EOZ, with most of the “Class A” office space. Much of the infrastructure, access, and entitlements are already in place to accommodate additional uses. However, a number of high profile employers (such as General Dynamics) have moved from the area, existing office vacancy rates are high, and there is a substantial amount of vacant property that has persistently remained undeveloped. There is definitely a concern with public safety realities and perceptions especially with the Fountain/Chelton area immediately to the west. Some enhancement of access from Academy Boulevard is already in the works. There have been long-standing plans to construct a grade-separated interchange at this location. However, the current thinking is that an at-grade intersection would be most supportive of economic development in this area.

### Strengths

- This area has a concentration of professional and/or primary employment uses to leverage from
- The area also has a base of higher quality office parks and office buildings in the vicinity
- There is a significant amount of vacant easily developable land with this node
- Utility capacity and roadway infrastructure is largely in place and available to support significant additional development

### Weaknesses

- There are no coordinated land use plans or design guidelines for the area, and many of the uses are not well integrated
- There are limited housing choices and amenities available in the immediately surrounding areas to support professional level employees (e.g. restaurants, hotels, signature public spaces)
- The uncertainty surrounding the future of grade-separated plans for the Academy Boulevard and Fountain intersection may be contributing to a lack of development investment
- The market potential for the immediate residential trade area may be limited due to its socioeconomic characteristics
- Pedestrian connectivity is generally limited within the area



### Opportunities

- Land with facilities largely in place to support development of a variety of mixed and preferably integrated uses
- There is an opportunity for reassessing the future need for a grade-separated interchange at this location and subsequently implementing an improved design for an at-grade intersection with enhanced multi-modal access
- This process would need to occur in coordination with CDOT
- Specialized and unique higher density and more street-oriented housing projects could be designed, incentivized, and implemented within this node

### Threats

- Significant primary and professional employers (particularly defense contractors) could continue to vacate the area; thereby undermining its potential to develop as an employment and activity center
- Continued high office vacancy rates would create an impediment to associated new development
- Continued concerns with crime and violence in proximity to this area (e.g. area of Fountain and Chelton) could put a damper on interest in reinvestment for this area

## Recommended Actions

- Coordinate one or more meetings among the Mayor, City Council representatives and the Regional Business Alliance with major primary employers and building owners in this area with a focus on the most important steps needed to support business retention and expansion.
- Continue to work with and support residents, business owners and CSPD on initiatives such as the Fountain & Chelton Partnership with the purpose of systematically and aggressively attacking the high incidence of crime in the immediate Fountain/ Chelton area.
- Initiate conversations with CDOT to re-evaluate the need for a grade-separated interchange at City of Fountain and Academy Boulevard; then fund a study and intersection design process with objectives that would include the support and enhancement of business and community development in this area.

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## Hancock Expressway

The Hancock Expressway sub-area encompasses the properties surrounding the intersection of Hancock Expressway and Academy including the four retail or formerly retail corners as well as adjacent vacant and developable properties.

This is one of the key redevelopment nodes identified in the 2011 Great Streets Plan. Funding and plans are also underway to accomplish a planning and design study for this intersection beginning in 2014. This process could be used to 'pilot' some of the approaches and solutions with transferability to other parts of the corridor.



## Strengths

- Substantial vacant developable land is available
- The basis in many of the existing properties is fairly low; thereby reducing financial barriers to entry, and potentially allowing investment dollars to be available for property enhancements.
- From I-25 south, this is and will be the entry point for the City
- This area is close and easily accessible to Fort Carson, South I-25, the Airport and Pikes Peak Community College
- Military and civilian employment at Fort Carson should remain relatively stable in the near future
- Utility capacity is generally available to support substantial additional development within this node.

## Weaknesses

- The existing intersection design limits access to properties in this node, is visually unwelcoming, not conducive to pedestrian use and does not support accessible high quality transit facilities
- Overhead transmission lines (both north/south and east/west) are unattractive and their associated easements contribute to the 'perceptual width' of the intersection and limit the potential to construct buildings closer to the roadway
- Much of the population of this immediate trade area is relatively young, transient and with limited disposable incomes
- This area is considered to be "over-retailed" at least for traditional retail uses, and in particular a market does not and most likely will not exist for all three of the grocery stores that were operating at this location at one point in time
- Some of the apartments in the area would be considered a dated and less desirable product.
- The area does not have a highly favorable reputation at this time due to combination of a factors including perceptions of crime and lack of confidence in property values

### Opportunities

- The relative and diversity youth of the area's population could be leveraged for unique land use and marketing opportunities
- In process plans to first design and then construct a modern at-grade intersection at this location should increase vehicular access to this node and make it more attractive to development
- If feasible and cost-effective, associated options to underground overhead utilities would further contribute to a more aesthetically pleasing location for redevelopment and allow for a more street-oriented development pattern
- Significant funds are identified in PPRTA and in the approved PPACG Long Range Plan with which to reconstruct portions of Academy Boulevard in this vicinity
- One or more corners of this intersection could be redeveloped with a mixed use approach and theme which would celebrate the cultural diversity of this area
- This area would certainly qualify for urban renewal area designation if one or more value enhancing projects were identified and the URA (Urban Renewal Authority) and City were so support such a designation
- The area also qualifies for a wide variety of incentives including Enterprise Zone tax credits, Community Development Block Grant (CDBG) funding and various housing programs
- A broadly encompassing overall or form based (FBZ) zoning plan could be developed and adopted for this area to reduce the regulatory entitlement period for a wider choice of land uses while at the same time instituting agreed-upon enhances standards for design elements and integration with the public realm.

### Threats

- Under the status quo option, there is a likely potential that area-wide sustained economic redevelopment will not occur
- If the unincorporated South Academy Station development occurs as planned just to the west of Academy Boulevard and I-25, this could further detract from the retail market for this activity center in particular
- Area business and other property owners may be unwilling or unable to make the financial commitments necessary to support full implementation of redevelopment
- -For example they might be unwilling to support a maintenance district needed to take care of publically funded improvements
- Environmental concerns associated with the closed landfill could impact the continued development or redevelopment of the northwest quadrant of this node.

### Recommended Actions

- Support the 2014 Hancock Intersection /Academy Planning and Environmental Linkages (PEL) consultant process which has the objective of comprehensively redesigning this intersection to support access to, and redevelopment of this area.
- With the concurrence of owners, apply for and obtain grant funding from EPA or another agency to further characterize and recommend mitigation strategies for the closed landfill that is currently encumbering several otherwise developable properties northwest of Academy Boulevard and Hancock Expressway.

## Challenges and Opportunities | Strategy and Recommendations

### Central Challenges and Themes

While the Solutions Team suggest focusing on the four catalyst areas for the greatest overall impact, there are a number of overarching challenges and themes throughout the area that need to be addressed.

The recommendations for the catalyst areas are design to create an immediate result, visual impact or specific result that will likely spur further redevelopment and act as a stimulus. The challenges that are central to the corridor as whole need to be approached more holistically. Many of the themes are interconnected and as one improves gradually all will be improved. It is a combination of these incremental changes that will overtime change the entire area.

Reference the Implementation Matrix for specific action items, timeframes and possible funding sources, and people and agencies to involve.



FIGURE 2

# 1. Challenge

*Corridor is blighted and is a poor representation of the city.*

South Academy Blvd. is cluttered with overhead transmission and power lines, concrete medians, minimal landscaping, and a hodgepodge of billboards and signage. Vacant buildings are deteriorating and in disrepair. There is no continuity or character, or sense of place.

## Opportunity

There is huge opportunity for beautification of the area through streetscape improvements, grounding of transmission lines, implementation of design standards, façade improvements and greening the public right of way.

## Strategy and Recommendation

### City to actively pursue funding for burying utility lines

Target each catalyst area's intersections as a priority. Colorado Springs Utilities (CSU) has the ability to pay 50% of the cost to underground overhead power lines. An alternate funding source will have to be identified to address the remaining costs for burying utility lines. For this we recommend looking into the possibility of using Community Development Block Grant Funds, Safe Routes to School Grants, etc.

### Designate area as a Community Development Block Grant strategy area and prioritize CDBG funding for improvements

Through the CDBG program many public improvements can be funded such as streetscape enhancements, public facility improvements, façade improvement programs, lighting, demolition and clean up, code enforcement, and more.

It is recommended that South Academy be made a priority for the use of CDBG funds. Additional Section 108 Loan Guarantees should be evaluated as a tool for larger scale projects.

### Initiate and Expand Community Clean Up Programs

Engage neighborhood organizations and community members to organize a number of community clean up days per year. City to possibly sponsor roll-off dumpsters for residents and businesses to dispose of yard debris, and other unwanted items that may be an eyesore to the community (old sofas on lawns. etc.) free of charge.

### Establish and Enforce Design Standards

Consider overlays for Land-Use. Determine and implement uniform setback requirements, signage requirements and overall design standards for new and existing buildings and users. Further enforce general code enforcement.



**FIGURE 2**

## 2. Challenge

**Current roadway and intersections discourage pedestrians and cyclists and are unsafe, with poor accessibility and connectivity.**

Academy Blvd. is currently classified as an expressway, however this doesn't align with current land uses and traffic patterns. There is an imbalance among through travel, local circulation and access. The neighborhoods do not connect with the corridor.

## Opportunity

Due to the changed nature of the corridor, from an express way to corridor with distinctive nodes (i.e. catalyst areas), there is a unique opportunity to create distinctive multi-modal neighborhoods. The possibility of creating a walkable, connected corridor is very feasible.

## Strategy and Recommendation

**Align and create a full movement signalized intersection at Portal Dr. (Citadel Mall / Citadel Crossing Intersection) to enhance vehicular and pedestrian access to both centers.**

The Citadel is a major center for activity and in the spirit of creating a major mixed-use destination at this location having cross access to the two centers will further enhance each center and create a sense of place. In addition, the streetscape concepts should be aimed to create a more walkable and comfortable environment. As depicted, the streetscape improvements would include additional street trees as well as the installation of monuments that could identify the Citadel area as a major destination along the corridor.



EXISTING CONDITION



CONCEPTUAL CONDITION

**Relocate Primary Bus Transfer Station on to Academy Blvd. and Enhance Services**

City Transit Services should pursue grant funding for, and then initiate a siting and preliminary design study directed toward relocating the existing Citadel Mall transfer station to a location in-line on Academy Boulevard (most likely at NW corner of Platte and Academy). The preliminary site and design should preferably fit within City-owned right of way and incorporate pedestrian connectivity (including across Academy Boulevard).

Additionally, pursue enhancements to fixed route transit service as funds allow. Routes 25 (Academy) and 5 (Platte/Boulder) represent 2/3rds of the recommended core "H-system" for the City, which is recommended for possible more frequent service.

### Support 2014 Hancock Intersection Interchange Improvements

Leverage current PPRTA & PPACG funds and further the Planning and Environmental Linkages consultant process which has the objective of comprehensively redesigning this intersection to support access improvements and redevelopment of this area.

Hancock Intersection Concept Prototype



### Connect Surrounding Neighborhoods to the Corridor

Incorporate walking and bike trails to and from the corridor into the surrounding neighborhoods. Integrate public spaces and natural buffers combined with ongoing streetscape improvements. Slow traffic and narrow roads, and consider reconfiguration of traffic signals to promote walkability and enhanced traffic flow.

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## 3. Challenge

### High overall commercial vacancies

The South Academy corridor has above average vacancy rates for retail and office space in comparison to the rest of the City. Many structures are completely vacant and deteriorating, others are partially vacant, underutilized or suffering from obsolescence.

### Opportunity

High vacancy rates mean lots of potentially usable space. There is an opportunity here for more room for public and private development to occur. There is the ability to be creative in the adaptive reuse and repurposing of these buildings for a greater use. There are opportunities to attract new businesses and uses.

FIGURE 2

## Strategy and Recommendation

### Further Expansion of Enterprise Zone

The Enterprise Zone program provides incentives for new and established businesses to locate and expand in economically distressed areas of the State. Businesses in the Enterprise Zone may save thousands of dollars on their Colorado income tax bill each year for making capital investments, hiring new employees, providing training for employees, rehabilitating old buildings and conducting research & development.

It is recommend that classification of the corridor as an Enterprise Zone be explored and initiated if possible.

### CSU to Develop a Policy to Defer Connection and Associated Fees

Colorado Springs Utilities to develop a policy to defer connection and associated feed for projects located within the EOZ boundaries. In conjunction, explore the option of waiving CSU fees, such as waiving abandonment fees, and possible amortization of tap fees over time.



### Business Retention and Expansion Strategy Meetings

Coordinate one or more meetings among the Mayor, City Council and the Regional Business Alliance to strategize on the most important steps needed to support business retention and expansion, with specific emphasis on primary employers and major building owners within the corridor.

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## 4. Challenge

### Underserved Senior Population

The South Academy corridor, specifically the Rustic Hills area, has an ever growing elderly population. The Solutions Team has identified this group to be in need of basic amenities within walking distance, additionally, better access to public transportation and services is a challenge. Engagement of this large segment of the population is critical to the success of the area.

### Opportunity

This is a possibility to engage, accommodate and enrich the lives a growing community of senior citizens. To efficiently provide services and access to daily needs, possibly through the creation of a senior village and wellness hub that will become a destination for all seniors in the city.

## Strategy and Recommendation

### Encourage and Incentivize a Pharmacy/ Grocer to be located in the Rustic Hills Neighborhood

The primary concentration of senior citizens in the area is in the Rustic Hills neighborhood. With the closing of the Albertsons Grocery and Longs Drugs at the Rustic Hills Shopping Center, there is very limited access to a pharmacy or a grocery store. While this may primarily be market-driven, the City and Colorado Springs Utilities can help promote and market development incentives for these users. The Regional Business Alliance might also be helpful in this process.

Business financing can potentially be supplemented with funds from the Colorado Fresh Food Financing Fund administer by CHFA.

### Research the possibility of an expansion or relocation of the City Senior Center



The Colorado Springs Senior Center, currently located in the 80903 Zip Code (between North Nevada and Union Blvd, currently has the majority of its members coming from the 80909 and 80910 Zip Codes. It is recommended that the City look into the potential and the feasibility of relocating the center, or possibly opening a second/satellite location within the Academy Corridor.

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## 5. Challenge

### High Crime Rates

Crime rates in this area, measured on a per capita basis, are higher than City-wide averages by 30 to 50 percent. Concerns with both actual and perceived criminal activity need to be addressed in order to provide an incentive for private investment in the Corridor and to assure that public investments have their desired positive effect.

There is also a perception that crime is a concern, along with a relative lack of community and neighborhood engagement.

## Opportunity

Crime reduction and public safety must be addressed as a community, this lends to the opportunity for community engagement. Encouraging business, residents, and community groups to work with the police, aids in crime reduction and enhanced public safety. Working together to modify the social and physical features of a target area in order to make them less attractive to criminals will further compound on the effort to reduce crime overall.

## Strategy and Recommendation

### Explore, Engage or Further Community Policing Programs

Programs such as Neighborhood Watch, Crime Stoppers, Police Assisted Community Enhancement, and educational programs have been proven to reduce crime and enhance public safety. It is recommended that the City seek out best practices and implement, and enhance a number of Community Policing Programs within the corridor. One such program in place is the Fountain & Chelton partnership.

### Explore Options to Increase Police Presence

While community policing programs are needed, there is no substitute for the physical presence of police. It is further recommended that the city increase the number of patrol units as well as the frequency of such patrols in the area.

### Work with Citadel Mall Management and Key Property Owners to Identify Key Issues

It has further been identified that the Citadel Mall in particular is a hub for crime, to best determine causes and develop solutions it is recommended that the City coordinate with Mall Management.

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## 6. Challenge

### Lack of Primary Employers and Availability of Jobs in the Area

Overall, the planning area is a net exporter of workers because the area contains more people than there are available jobs. Employment in the planning area is concentrated in the retail and service sectors.

## Opportunity

With new public and private investment into the area there is an opportunity to attract and expand businesses that create quality jobs.

## Strategy and Recommendation

### Further Expansion of Enterprise Zone

The Enterprise Zone program provides incentives for new and established businesses to locate and expand in economically distressed areas of the State. Businesses in the Enterprise Zone may save thousands of dollars on their Colorado income tax bill each year for making capital investments, hiring new employees, providing training for employees, rehabilitating old buildings and conducting research & development.

### Actively engage Colorado Springs Utilities' Meter Check

Engage Colorado Springs Utilities' Meter Check Program to ensure meters on existing buildings with new uses are appropriately sized to avoid unnecessary monthly costs to building occupants/businesses

### CSU to Develop a Policy to Defer Connection and Associated Fees

Colorado Springs Utilities to develop a policy to defer connection and associated fees for projects located within the EOZ boundaries. In conjunction, explore the option of waiving CSU fees, such as waiving abandonment fees, and possible amortization of tap fees over time

### Support Limited Tax Incentives

Limited Tax Incentives, such as sales tax sharing agreements should be supported for significant employment and/or retail investments in the area, especially if there are enhancements to the public realm and tie to longer term performance.

### Business Retention and Expansion Strategy Meetings

Coordinate one or more meetings among the Mayor, City Council, and the Regional Business Alliance to strategize on the most important steps needed to support business retention and expansion, with specific emphasis on primary employers and major building owners within the corridor.

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## 7. Challenge

### Aging Housing Stock and Affordability

The planning area has higher proportions of rentals than owner-occupied housing and a higher proportion of multi-family housing, especially in the Central sub-area, much of the housing stock is aging and in need of repair and upgrades. Additionally, newer housing options are offered at similar or lower prices out east and often detour movement into the area.

### Opportunity

The corridor has a large existing population and diverse housing options, there is a great opportunity to spur revitalization and modernize the housing stock, offer opportunities for housing rehabilitation, potentially attract more young professionals.



**FIGURE 2**

## Strategy and Recommendation

### Coordinate with local Housing Authorities and Housing Agencies to better market the available programs and resources

By working with the Colorado Springs Housing and the El Paso County Housing Authority, as well as local housing agencies, such as Greccio, Partners in Housing, Rocky Mountain Community Land Trust, and Habitat for Humanity, to better promote the incentives and housing assistance already available, residents will have better access such services.

## 8. Challenge

### Overall Lack of City and County Services in the Area

The relocation of the Citizens Service Center to Garden of Gods Road created a challenge in terms of ease of access to essential services, particularly in the southeast side of town. Total trip and travel time to the Citizens Service Center, depending on time of day, with public transportation can take upwards of 4 hours to complete.

## Opportunity

Service delivery is often a challenge faces by many agencies, however with that challenge comes the opportunity to get creative about access and service delivery, not along for the South Academy corridor, but the County as a whole.

## Strategy and Recommendation

### City/ County to explore the feasibility of either a satellite office for Citizens Services, the potential of mobile services or other enhanced access program.

Residents along the South Academy corridor need better access to essential services such as the Clerk and Recorder, Department of Motor Vehicles, Human Services and others. A central satellite office should be considered, however it is understood that the costs associated with real estate and staffing could be high. Other agencies such as Peak Vista and Care & Share have successful models of providing mobile service delivery; this option should be explored.



FIGURE 2

## 9. Challenge

### Unengaged Community and Lack of Sense of Place

While the South Academy Blvd. is one of the most diverse areas in the City it lacks a sense of place and community. There are no distinctive neighborhoods, community gathering places or mechanisms to unite the community.

## Opportunity

By playing off the strengths of the diversity of the area there is great potential to create neighborhoods and nodes with recognizable identities, connect the community and establish pride in the neighborhood

## Strategy and Recommendation

**Focus efforts on developing and improving public spaces, parks, community centers, community gardens, etc.**

It is recommended that the city plan to identify at least one project for each of the catalyst areas that could be implemented within the next 2 years. Each project, whether it be a park or community center should reflect the personality and unique character of the neighborhood that it is in. It is further suggested that community members also play a significant role in this process

**Encourage and support the development of farmers markets and various ethnic markets in the area**

The City should do all that it can to support seasonal farmers markets and ethnic markets in the area. Assisting local farmers and community groups in utilizing vacant parking lots (coordinating with land owners) and public spaces will help to create central gathering place. Also by supporting such activities the City not only helps to create a sense of community, but also helps to provide better access to healthy and fresh foods.

**Promote Community Ownership in area Improvements**

To help establish a sense of pride in the community it is important to have the community involved in creating the change. One way of doing so is by encouraging jobs that are created from local improvements to be filled by local residents. An example of this is the South YMCA. The contractor was asked to only employ people from the immediate area/zip code, and to date it is the only YMCA building in the County that has not be vandalized. By including and engaging the community as much as possible a sense of pride is created.

**Implement a Community Public Art Program**

To further build on the concept of creating pride in the area it is recommend that the City help to implement a public art program. This could include coordination with local schools, galleries and other community groups to select community artist and students to have their works installed throughout the corridor. A similar example of this is the UCCS art scholarship program that is integrated with the University Village Development, where students compete for small grants to build public art pieces that are then installed at the Shopping Center. This completes multiple objectives. It creates a sense of pride, place and community, and it aids in the beatification of the area.

## 10. Challenge

### General Perception of the Area is Poor

Currently South Academy has a stigma of blight and crime. People from other parts of the City generally avoid the area because they have a preconceived idea of what to expect. All the improvements and recommendations in this report won't mean much unless there is an effort to change perceptions and attract more people to the area.

## Opportunity

There is a unique opportunity to revive the area and give it a fresh start. In conjunction with all the recommendations in this report, a total re-branding and marketing strategy of the corridor is suggested. By developing a brand that creates sense of place, instills pride, and celebrates the neighborhood and its culture, all the other corridor improvements will be solidified and enhanced.

## Strategy and Recommendation

### Develop a Branding Strategy for the Area

Work with a local marketing agency to re-brand the corridor, possibly designing various campaigns that reflect the culture, feel and vision for each catalyst area neighborhoods. Through the use of colors, a name, a tag line, a sign, symbol, design or a logo, the re-branding will help to identify and differentiate the corridor from all others in the city, and ultimately create a destination, rather than just a location.

### Create a Branded Website for the Corridor

As part of the re-branding effort, it is critical that the area have a designated (user-friendly) website that is a tool for the residents and businesses in the area. Similar to the Downtown Partnership website, we envision the website for South Academy to include a directory of all businesses, lists of resources for residents, such as the area's parks, community centers, a calendar of events to include farmers markets and community meetings, public safety information and other various tools and resources for businesses. This would also be a valuable place to outline and market the City's standard economic Vitality Accommodation Package.

Additionally, this would be an ideal place to list the various incentives and programs available from the City, County and CSU. Another opportunity to show that the City is a partner in the corridor.



### Work Diligently with Local Media to Highlight and Tell Better Stories of the Area

The City should highlight and run press releases on each and every positive project, story and accomplishment in the area. Changing perceptions starts with telling better stories.

# Additional Implementation Strategies

Capitalize and play on the wins that the area is already having, use what is happening currently in the area that is positive for momentum to accelerate community redevelopment and revitalization. Below is a summary from the Great Streets Plan annual update that highlights recent accomplishments in the corridor.

Additionally, it is important to leverage significant transportation fund already set aside and prioritized for this area to maximize positive community development impact.

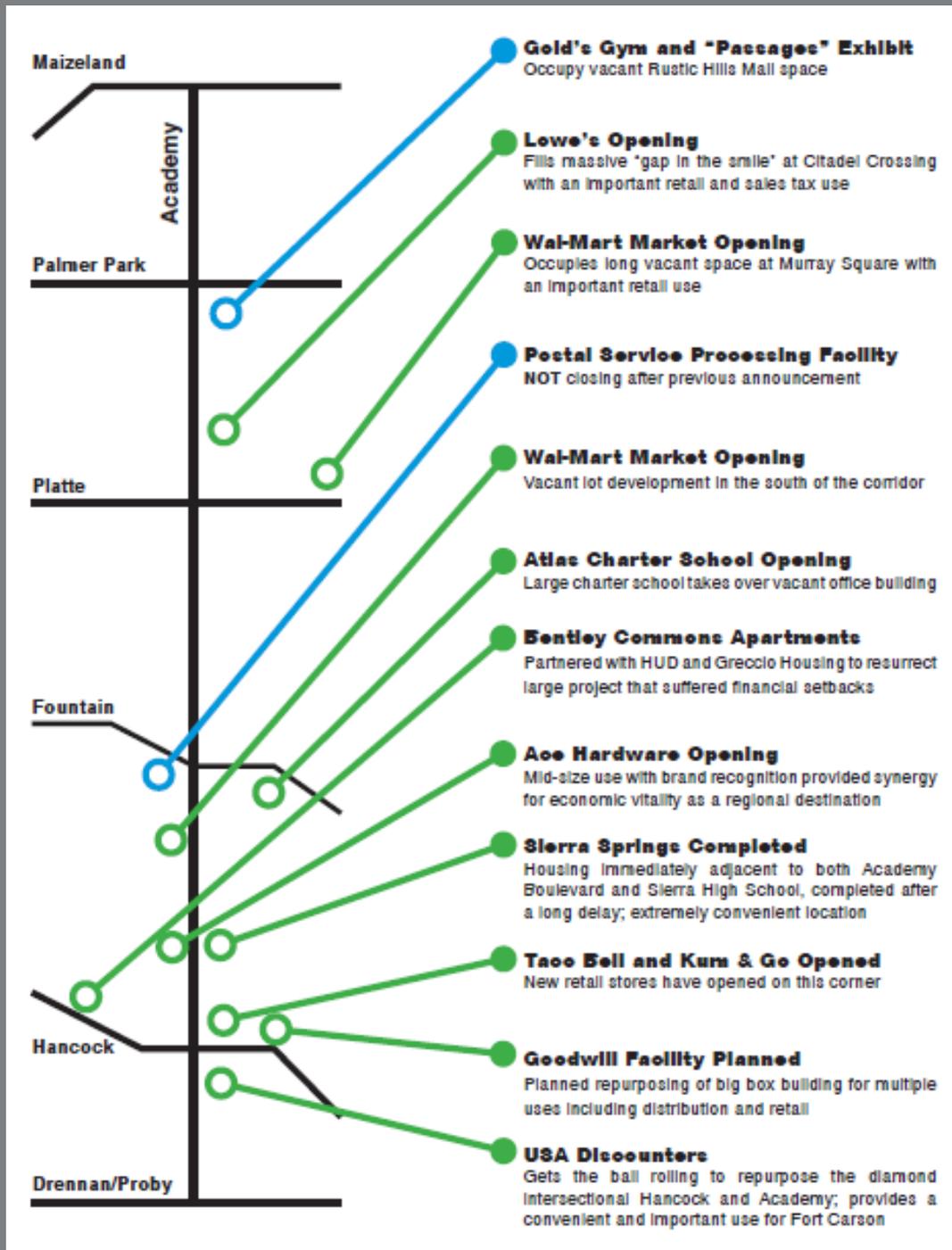


FIGURE 2

## Additional Tools and Resources to Explore

There is no single or perfect way to make all of the recommendations in this report come to life, there are however many resources and tools that can be utilized. With an overarching recommendation for the City to utilize the Grants Management Department to aggressively seek funding for South Academy projects, the following are programs and resources that should be researched and evaluated for applicability and feasibility in the corridor.

- **New Market Tax Credits**  
The New Markets Tax Credit Program was established by Congress in 2000 to spur new or increased investments into operating businesses and real estate projects located in low-income communities. The NMTC Program attracts investment capital to low-income communities by permitting individual and corporate investors to receive a tax credit against their Federal income tax return in exchange for making equity investments in specialized financial institutions called Community Development Entities (CDEs). This program is administered by the Treasury Department through the CDFI Community Development Financial Institutions Fund.
- **Choice Neighborhood Grants**  
The Choice Neighborhoods program supports locally driven strategies to address struggling neighborhoods with distressed public or HUD-assisted housing through a comprehensive approach to neighborhood transformation. Local leaders, residents, and stakeholders, such as public housing authorities, cities, schools, police, business owners, nonprofits, and private developers, come together to create and implement a plan that transforms distressed HUD housing and addresses the challenges in the surrounding neighborhood.
- **Tax Increment Financing**  
A designation of an Urban Renewal area allows for Increment Financing (TIF), which is a program that allocates future increases in property taxes (and sometimes sales tax) from a designated area to pay for improvements within that area.
- **Renewable Energy Credits and Energy Investments Credits**  
There is currently a number of programs that offer tax rebates and credits, for utilizing renewal energy sources. With the ample amount of large buildings in the corridor there is an opportunity for adding substantial rooftop solar panels that may result in additional incentives. The Colorado Clean Energy Fund – New Energy Economic Development (NEED) Program, are a few such programs.
- **Business Improvement Districts**  
A business improvement district (BID) is a private sector initiative to manage and improve the environment of a business district with services financed by a self-imposed and self-governed assessment. Similar to a common area maintenance (CAM) charge commonly found in shopping centers, a BID can help a business district increase its competitiveness in the regional marketplace. Services financed by a BID are intended to enhance, not replace, existing City services.

# Implementation Matrix

Action	Possible People and Agencies to be Involved	Possible Funding Sources	Timeframe
Bury overhead power and transmission lines- to begin with consideration of each Catalyst Area	Colorado Springs Utilities  City Grants Manager City Planning Public Works	CSU to pay for 50%  Obtain Grants to pay remainder – CDBG Funds, Safe Routes to School, etc.	Immediate- beginning with Hancock intersection as a pilot area Plans in place and funded for priority segments and intersections by end of 2015.
Designate additional Community Development Block Grant strategy area and prioritize CDBG funding for improvements.	City Community Development Block Grant Manager	HUD- CDBG	As soon as possible, next CDBG planning cycle.
Initiate and Expand Community Clean Up Programs	City – Parks Dept.  Council of Neighbors Organizations CONO  Local schools, churches, etc.	Keep America Beautiful Grants  HUD- CDBG	Immediate  Community clean up to occur semi-annually
Establish and Enforce Design Standards (Land Use & General)	City Planning, Stakeholders	CDBG for Code Enforcement	By 2015
Align and create a full movement signalized intersection at Portal Dr.	City Traffic Engineering	City Funded	By 2015
Relocate Primary Citadel Bus Transfer Station onto Academy Blvd.	City Transit Services  City Grants Manager	Grants- DOT, Safe Routes to School,	Within 5 Years – 2019 Goal
Support 2014 Hancock Intersection Interchange Improvements	City Planning  City Traffic Engineering	PPRTA, PPACG	Design and funding plan by end of 2015
Connect Surrounding Neighborhoods to the Corridor	City Planning  City Traffic Engineering	Grants- CDBG, Safe Routes to School,  PPRTA, PPACG	Ongoing – significant progress within 5 Years – 2019 Goal
Further Expansion of Enterprise Zone	El Paso County Economic Development	N/A	Begin process as soon as possible, goal to be classified as and Enterprise Zone- 2015
Develop a Policy to Defer Connection and Associated Utility Fees	Colorado Springs Utilities	N/A	Immediate ; options and action plans by end of 2014
Business Retention and Expansion Strategy Meetings	Mayor, City Council, Regional Business Alliance, Small Business Development Center	N/A at this time	One meeting to be held by end of 2014
Encourage and Incentivize a Pharmacy/ Grocer to be located in the Rustic Hills Neighborhood	Market Driven  Colorado Springs Utilities, City Economic Development	Private Investment  Colorado Fresh Food Financing Fund	Market Driven, general target of 2016
Research the possibility of an expansion or relocation of the City Senior Center	Colorado Springs Housing Authority  Outside Consultants	HUD, Other Grants Housing Authority Reserve	By 2015
Explore, Engage or Further Community Policing	CSPD, Pikes Peak Areas Crime Stoppers, Various	N/A at this time	Immediate

**FIGURE 2**

## Implementation Matrix

Action	Possible People and Agencies to be Involved	Possible Funding Sources	Timeframe
Explore Options to Increase Police Presence	Colorado Springs Police Department , City Grants Manager	Grants- CDBG for enhanced Code Enforcement	Immediate and ongoing
Work with Citadel Mall Management and Key Property Owners to Identify Key Issues	City Staff, Colorado Springs Police Department, Citadel Mall Management	N/A at this time	First meeting by July 2014, follow up actions as appropriate
Actively engage Colorado Springs Utilities' Meter Check	Colorado Springs Utilities	N/A	Immediate
Support Strategic Use of Tax Incentives	City Economic Vitality Office	Public-Private Partnerships	Immediate and opportunistic
Coordinate with local Housing Authorities and Housing Agencies to better market the available programs and resources	Colorado Springs Housing Authority, El Paso County Housing Authority, local housing agencies	N/A	Immediate
City/ County to explore the feasibility of either a satellite office for Citizens Services, the potential of mobile services, or other enhanced access programs	DHS, DMV, Clerk and Recorder, City Grant Manager	Grants, PPACG	Feasibility study to be completed by early 2015, possible execution within 2-3 years.
Focus efforts on developing and improving public spaces, parks, community centers, community gardens, etc.	Parks and Recreation Department, City Grants Manager, Local neighborhood members	Grants- Great Outdoors Colorado	Prioritize one project for each catalyst area by end of 2014, create a funding and execution plan by mid-2015
Encourage and support the development of farmers markets and various ethnic markets in the area	Local Farmers, Land Owners	N/A at this time	Ongoing
Promote Community Ownership in area Improvements	City Economic Development Office, Contractors, Community Organizations	N/A	Ongoing
Implement a Community Public Art Program	City Parks and Recreation, Local Art Galleries, Schools, Arts Council	Grants	As soon as possible, aim to have to installations by summer 2015
Develop a Branding Strategy for the Area	City Staff, Local Marketing Agency	NA at this time	Immediate
Create a Branded Website for the Corridor	City Staff, Local Marketing Agency	City Sponsored	Immediate and ongoing
Work Diligently with Local Media to Highlight and Tell Better Stories of the Area	Public Information / Communication Office, Local Media	N/A	Immediate and ongoing
Designate a City Project manager and establish oversight/ follow up/ accountability committee	Solutions Team, City Staff	N/A	Within next 6 months and annual update meeting and report

**FIGURE 2**



## Appendix B - Citadel Catalyst Area Map



FIGURE 2





# Academy Blvd. EOZ Action Plan Planning Commission

April 21, 2016

Peter Wysocki, Planning and Community  
Development Director

Carl Schueler, Comprehensive Planning Manager



# Summary

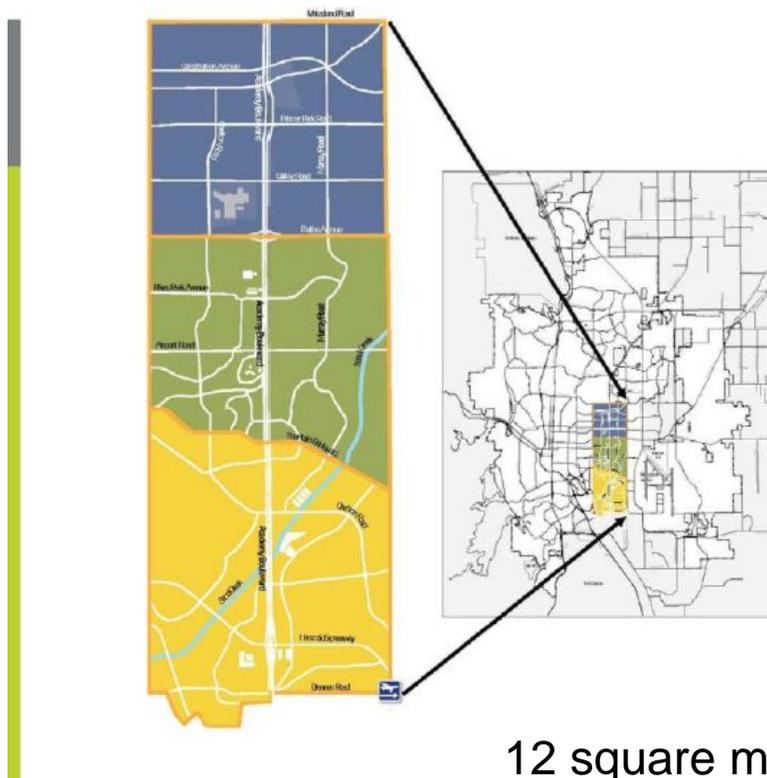


- Council resolution to adopt South Academy Boulevard Economic Opportunity Zone Action Plan
- Originally prepared in 2014; not formally adopted at this time
- Aligned with Infill Plans, and City Strategic Plan
- Follows from 2011 *Academy Boulevard Corridor Great Streets Plan*
- Additional strategic guidance- nonbinding

# Geographic Context



## Implementation Boundaries



12 square miles; 68,000 population

South Academy Economic Opportunity Zone  
**Action Plan**

February 25, 2014

# Four Catalyst Areas



- Rustic Hills
- Citadel
- Fountain Boulevard
- Hancock Expressway

# 28 Recommendations



## Implementation Matrix

- Vary in specificity, duration and City control
- Status and activity level varies

Action	Possible People and Agencies to be Involved	Possible Funding Sources	Timeframe
Bury overhead power and transmission lines- to begin with consideration of each Catalyst Area	Colorado Springs Utilities City Grants Manager City Planning Public Works	CSU to pay for 50% Obtain Grants to pay remainder – CDBG Funds, Safe Routes to School, etc.	Immediate- beginning with Hancock intersection as a pilot area Plans in place and funded for priority segments and intersections by end of 2015.
Designate additional Community Development Block Grant strategy area and prioritize CDBG funding for improvements.	City Community Development Block Grant Manager	HUD- CDBG	As soon as possible, next CDBG planning cycle.
Initiate and Expand Community Clean Up Programs	City – Parks Dept. Council of Neighbors Organizations CONO Local schools, churches, etc.	Keep America Beautiful Grants HUD- CDBG	Immediate Community clean up to occur semi-annually
Establish and Enforce Design Standards (Land Use & General)	City Planning, Stakeholders	CDBG for Code Enforcement	By 2015
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Further Expansion of Enterprise Zone	El Paso County Economic Development	N/A	Begin process as soon as possible, goal to be classified as and Enterprise Zone- 2015
Develop a Policy to Defer Connection and Associated	Colorado Springs Utilities	N/A	Immediate ; options and

# City Process and Approach



- Focus on identified projects and areas
- Leverage opportunities
- Remain adaptive
- Maintain focus on key recommendations
- Track trends and progress

# Supporting Materials



- Agenda memo
- Resolution
- Document

# Staff Recommendation and Next Steps



- Approval
- Informal City Council for May 29, 2016
- Continuing progress being made
  - Subject to market and City resources



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

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**File #: 16-275, Version: 2**

---

An ordinance amending Section 205 (Additional Standards For Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development And Building) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Medical Marijuana Centers.

**Presenter:**

Peter Wysocki, Director of Planning and Community Development

**Proposed Motion:**

Item 5.H.1 - CPC CA 16-00045

Recommend approval to the City Council of an ordinance amending Section 205 (Additional Standards For Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development And Building) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Medical Marijuana Centers.



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

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**File #: 16-277, Version: 2**

---

An ordinance amending Section 105 (Additional Standards For Specific Land Uses Allowed In Residential Zones) of Part 1 (Residential Districts) of Article 3 (Land Use Zoning Districts) Of Chapter 7 (Planning, Development And Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Personal Cultivation of Marijuana and Medical Marijuana.

**Presenter:**

Peter Wysocki, Director of Planning and Community Development

**Proposed Motion:**

Item 5.H.2 - CPC CA 00046

Recommend approval to the City Council of an ordinance amending Section 105 (Additional Standards For Specific Land Uses Allowed In Residential Zones) of Part 1 (Residential Districts) of Article 3 (Land Use Zoning Districts) Of Chapter 7 (Planning, Development And Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Personal Cultivation of Marijuana and Medical Marijuana.



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO 80903

## Memorandum

---

**File #: 16-291, Version: 2**

---

An ordinance amending Section 302 (Definitions Of Use Types) of Part 3 (Land Use Types And Classifications) of Article 2 (Basic Provisions, Definitions And Land Use Types And Classifications) and Sections 203 (Permitted, Conditional And Accessory Uses) and 205 (Additional Standards For Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development And Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Medical Marijuana Centers.

**Presenter:**

Peter Wysocki, Director of Planning and Community Development

**Proposed Motion:**

Item 5.H.3 - CPC CA 00047

Recommend approval to the City Council of an ordinance amending Section 302 (Definitions Of Use Types) of Part 3 (Land Use Types And Classifications) of Article 2 (Basic Provisions, Definitions And Land Use Types And Classifications) and Sections 203 (Permitted, Conditional And Accessory Uses) and 205 (Additional Standards For Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development And Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Medical Marijuana Centers.

ORDINANCE NO. 16-\_\_\_\_\_

AN ORDINANCE AMENDING SECTION 205 (ADDITIONAL STANDARDS FOR SPECIFIC LAND USES) OF PART 2 (COMMERCIAL DISTRICTS) OF ARTICLE 3 (LAND USE ZONING DISTRICTS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO MEDICAL MARIJUANA CENTERS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.205: ADDITIONAL STANDARDS FOR SPECIFIC LAND USES:

\* \* \*

L. \* \* \*

4. ~~If necessary, the facility shall install, maintain and operate an air filtration system so that odor is not detectable beyond the facility.~~ The MMJ facility shall install, maintain and operate an adequate ventilation and filtration system that ensures odors are not substantially detectable by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit or residential unit.

5. A medical marijuana center (MMC) shall be located no less than ~~four hundred feet (400')~~ one thousand feet (1,000') from any public or private elementary, middle, junior high or high school, or a residential childcare facility or a drug or alcohol treatment facility. This minimum distance shall be measured from the nearest portion of the building used for the medical marijuana center to the nearest property line of the school, residential childcare facility or drug or alcohol treatment facility using a route of direct pedestrian access.

\* \* \*

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2016.

Finally passed: \_\_\_\_\_  
Council President

Mayor's Action:

- Approved on \_\_\_\_\_.
- Disapproved on \_\_\_\_\_, based on the following objections:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

---

Council President

ATTEST:

---

Sarah B. Johnson, City Clerk

DRAFT

**CITY PLANNING COMMISSION AGENDA**

**STAFF: PETER WYSOCKI**

**FILE NO(S):**  
**CPC CA 16-00045**  
**CPC 16-00046**  
**CPC 16-00047**

**PROJECT: ORDINANCES PERTAINING TO MEDICAL MARIJUANA REGULATIONS**

**APPLICANT: CITY OF COLORADO SPRINGS**

**PROJECT SUMMARY:**

The proposed ordinances amend current medical marijuana regulations and cultivation of marijuana within residential lots or dwellings set forth in Chapter 7 of City Code.

There are three separate ordinances:

1. An ordinance increasing the separation distance of medical marijuana dispensaries, MMIPs and commercial grow operations from public or private elementary, middle, junior high or high school, or a residential childcare facility or a drug or alcohol treatment facility from 400 feet to 1000 feet.
2. An ordinance establishing criteria for personal cultivation of medical marijuana and marijuana within residential lots or dwellings, and changing the current maximum from 36 plants to 12 plants total (regardless if medical or non-medical).
3. An ordinance establishing new definitions of non-hazardous medical marijuana infused products manufacturing (MMIP) and hazardous MMIP; and amending in which zoning districts medical marijuana cultivation and MMIPs can be located. Summary of zoning location changes:

**Medical Marijuana Dispensaries**

No changes to the proposed zoning allowances.

**Commercial Cultivation of more than 12 plants**

Current:

Permitted use by right in:

PBC, C5, C6, PIP1, PIP2, M1, M2, FBZ

Task Force Recommendation:

Permitted use by right in:

M1 and M2

Conditionally permitted in:

PBC, C5, C6, PIP1, PIP2, FBZ

### MMIPs

#### Current:

Permitted use by right in:

PBC, C5, C6, PIP1, PIP2, M1, M2, FBZ

#### Task Force Recommendation:

Hazardous

Permitted as use by right in M1 and M2

Non-hazardous

Permitted use by right in:

M1 and M2

Conditionally permitted in:

PBC, C5, C6, PIP1, PIP2, FBZ

Attached is a PowerPoint presentation from the April 11, 2016 City Council work session that summarizes the recommendations of the Task Force and city staff.

### **BACKGROUND:**

- Late 2015, Council received numerous constituent complaints and reports of possible illegal activities, and City staff reports of public safety concerns
- Since 2000, marijuana industry has evolved, and existing City ordinances have not kept pace
- City Council adopted Ordinance 15-79, 6-month moratorium, effective November 23, 2015
  - Medical Marijuana Task Force appointments confirmed November 24, 2015
  - Moratorium ends May 25, 2016
- Task Force briefed Council on its recommendations at the March 21, 2016 and April 11, 2016 Council work sessions
- Because these ordinances amend Chapter 7 (“zoning code”) of City Code, they must first be reviewed by the Planning Commission before Council’s formal consideration.
- Complementary ordinances relating to licensing and criminal enforcement of residential cultivation exceeding the permitted amount are being concurrently developed and will be considered by Council.
- Council’s formal consideration and action on the subject ordinances is tentatively scheduled for the April 26, 2016 and May 10, 2016 Council meetings.

### **STAKEHOLDER PROCESS AND INVOLVEMENT:**

The proposed ordinances were developed by the Medical Marijuana Task Force, which consisted of voting representatives from the marijuana industry as well as neighborhoods. The Task Force was supported by non-voting City Staff from Planning, Police, Fire, City Clerk’s Office, CSU, City Attorney’s Office, and the Mayor’s Office. Members of the Task Force were official appointed by the City Council

**STAFF RECOMMENDATION:**

Item 5.H.1 - CPC CA 16-00045

Recommend approval to the City Council of an ordinance amending Section 205 (Additional Standards For Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development And Building) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Medical Marijuana Centers.

Item 5.H.2 - CPC CA 00046

Recommend approval to the City Council of an ordinance amending Section 105 (Additional Standards For Specific Land Uses Allowed In Residential Zones) of Part 1 (Residential Districts) of Article 3 (Land Use Zoning Districts) Of Chapter 7 (Planning, Development And Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Personal Cultivation of Marijuana and Medical Marijuana.

Item 5.H.3 - CPC CA 00047

Recommend approval to the City Council of an ordinance amending Section 302 (Definitions Of Use Types) of Part 3 (Land Use Types And Classifications) of Article 2 (Basic Provisions, Definitions And Land Use Types And Classifications) and Sections 203 (Permitted, Conditional And Accessory Uses) and 205 (Additional Standards For Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development And Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Medical Marijuana Centers.

# Medical Marijuana Task Force Proposed Ordinances

April 11, 2016

City Council Work Session

Councilmember Larry Bagley, Chair

Peter Wysocki, Director of Planning and  
Community Development

Commander Sean Mandel, CSPD

Sarah B. Johnson, City Clerk



# Today's Presentation



- Draft Ordinances
  - Introduce – Larry Bagley
  - Present Draft Ordinances – Peter Wysocki, Commander Sean Mandel, Sarah Johnson
  - Discussion
- Task Force Update from April 1, 2016 Meeting
- Enforcement

## Draft Ordinances



- Item 8.G. (16-277) – Land Use, Plant Count
- Item 8.H. (16-291) – Land Use, MMIPs Zoning
- Item 8.I. (16-275) – Land Use, MMJ center separation
- Item 8.J. (16-276) – Enforcement
- Item 8.K. (16-278) – Licensing

# Task Force Update



- Economic Opportunity Zones
- Possible New Moratorium
- Working Group

# Summary



- Draft Ordinances
- Recommendations
- Options

# Background



- Late 2015, Council received numerous constituent complaints and reports of possible illegal activities, and City staff reports of public safety concerns
- Since 2000, marijuana industry has evolved, and existing City ordinances have not kept pace
- City Council adopted Ordinance 15-79, 6-month moratorium, effective November 23, 2015
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# Residential Cultivation Plant Limitations



Currently 36 plants permitted in Zoning Code

## Task Force Recommendation

- 12 plants total
- 150 sq. ft. growing area per dwelling or SFR (single family residential) lot
- Growing in enclosed, locked space
- Odor mitigation required
- City may inform landlord that grow activities occurring
- Criminal penalty under the City Code for MMJ grows over 12 plants in a residence
- Excessive growth results in significant destruction to homes, neighborhoods and property values

## Residential Marijuana Grows: *The New Meth Houses?*

There are aspects of Colorado's marijuana laws about which every homeowner should be aware. Unlike laws in other states that have legalized marijuana possession and use, Colorado's state laws do not restrict or limit how much marijuana can be grown in a private residence. This has led to a proliferation of large-scale marijuana grow operations in hundreds of homes throughout the state. These grow operations usually cause extensive damage to the houses they're in.

### Let's Do the Math...

There are 8,200 medical marijuana patients in Colorado with physician recommendations to grow 50-99 plants. If each patient grew only 50 plants, that's 410,000 marijuana plants. From each plant, they'd likely harvest one pound per plant every 90 days. That's 1,640,000 pounds of harvested marijuana per year. One ounce of marijuana equals roughly 60 joints. A pound of marijuana equals roughly 960 joints.

In 2000, Amendment 20 legalized medical marijuana for patients with certain health conditions. As of January 2016, there are 107,798 registered medical marijuana patients in the state, according to the Colorado Department of Public Health and Environment (CDPHE). More than 90 percent cite muscle spasms or severe pain as the condition that qualifies them for medical marijuana. Medical marijuana patients can purchase marijuana at state-licensed dispensaries, obtain it from private caregivers who grow their plants for them, or they can grow it themselves. Amendment 20 limited each medical marijuana patient to six plants – unless a physician recommends more.

According to CDPHE, of the 107,798 registered medical marijuana patients, roughly 8 percent – or more than 8,200 patients – have physician recommendations for 50 to 99 marijuana plants. Nothing in the state's laws prohibit them from growing those plants in a private residence. Legislation passed last year will limit private caregivers and medical marijuana patients to growing 99 plants on their own, effective January 2017 (SB 15-0014).

Similarly, in 2012, Amendment 64 made it legal for any Colorado resident to grow up to six plants. Again, nothing in state law prohibits growing those plants in a private residence.

Furthermore, if a number of adults live in the same residence, they can justify growing up to six plants each. If a resident

grows plants for others, such as family members or friends, he can justify having numerous plants as well. There is no mechanism at the state level to document or regulate home grows, even large ones.

Some local municipalities have passed ordinances limiting the number of plants that can be grown in private residences. The plant count limits vary widely and are often difficult for local authorities to effectively enforce.

Indoor marijuana plants can grow to heights of six feet or more and yield more than a pound of harvested marijuana every 90 days. Growing them requires specific conditions that require high levels of power and water consumption, as well as drainage of chemical-laden waste water. Grow rooms must be maintained at temperatures between 71 and 80 degrees Fahrenheit. At certain times during the growing cycle, plants must remain under high-power grow lights 24 hours per day.

Fertilizers and pesticides – sometimes harsh ones – are required to grow robust and healthy plants. At certain times in the growing cycle, each plant can require up to three or more gallons of water per day.

Local police departments often receive calls from neighbors about marijuana grow houses. Common complaints include strong odors, excessive noise from industrial air conditioning units, blown transformers, and heavy vehicle traffic.

Marijuana grows cause extensive damage to the homes they're in. Moisture, condensation, and molds spread throughout the residence. Often, growers cut holes in floors and exterior walls in order to run ventilation tubes. Growers often tamper with electrical systems in order to supply multiple high-powered grow lights and industrial air conditioning units. Many times, these alterations are done by tenant growers with little regard for fire risk or the home's structural integrity. This is an increasing concern for first responders. Altered electrical systems with loose and entangled wires, flammable fertilizers and chemicals, explosives such as propane and butane, or holes cut into sub-floors for venting all pose clear hazards to firefighters or police responding to the residence in an emergency situation.

---

Signs of a grow house:

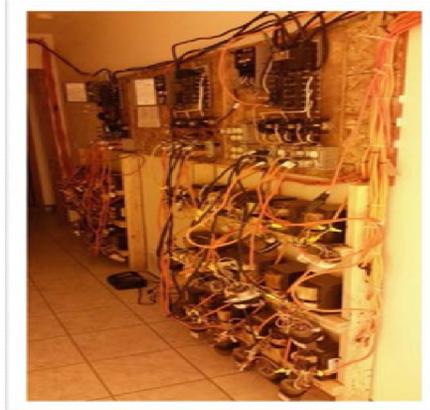
- Strong odor
  - Blocked windows
  - Mold and condensation on exterior
  - Extra AC units
  - Venting tubes and/or holes cut through exterior
- 

While growing large numbers of marijuana plants within residential grows can fall within the parameters of state law, it presents significant potential risk to the occupants, first responders, homeowners, and neighbors. Unfortunately, just like the meth houses of the 1990s, many of these homes will be rendered uninhabitable.

100 pounds of processed marijuana In a Colorado grow house



Altered electrical system In a Colorado home grow



Marijuana grow house in Larkspur



Venting cut into floor of a Colorado grow house



Basement grow in Colorado residence



Mold damage in marijuana grow house

# Zoning – Medical Marijuana Centers (Dispensaries)



## Current

Permitted use by right in:

PBC, C5, C6, PIP1, PIP2, M1, M2, FBZ

## Task Force Recommendation

No change

# Zoning - Medical Marijuana Optional Premises Cultivation (“Commercial” Grow Operations, more than 12 plants)



## Current

Permitted use by right in:

PBC, C5, C6, PIP1, PIP2, M1, M2, FBZ

## Task Force Recommendation

Permitted use by right in:

M1 and M2

Conditionally permitted in:

PBC, C5, C6, PIP1, PIP2, FBZ

## Zoning - Medical Marijuana Optional Premises Cultivation

("Commercial" Grow Operations, more than 12 plants)



### Staff's Initial Recommendation to Task Force

Permitted only in M1 and M2 as use by right

Similar use to "crop production", not "commercial greenhouse"

## Zoning - Medical Marijuana Optional Premises Cultivation ("Commercial" Grow Operations, more than 12 plants)



### City Code Definitions:

**CROP PRODUCTION:** The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis...

**COMMERCIAL GREENHOUSE:** The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses for plants grown on site.

# Zoning – Medical Marijuana Infused Product Manufacturer



## Current

Permitted use by right in:

PBC, C5, C6, PIP1, PIP2, M1, M2, FBZ

## Task Force Recommendation

Establish two definitions:

- (1) Hazardous
- (2) Non-hazardous

# Zoning – Medical Marijuana Infused Product Manufacturing



## Task Force Recommendation

### Hazardous

Permitted use by right in M1 and M2

### Non-hazardous

Permitted use by right in:

M1 and M2

Conditionally permitted in:

PBC, C5, C6, PIP1, PIP2, FBZ

## Zoning – Medical Marijuana Infused Product Manufacturing



Non-Hazardous : Any MMIPM location that does not exceed reasonable fire and life safety risks, or does not otherwise meet the definition ... Examples of MMIPM – NH land use classifications may include but are not limited to the use of super/subcritical CO2 extraction processes, cooking or baking facilities.

Hazardous: Any MMIPM location that presents fire and life safety risks by utilizing oil extraction processes through the use of pressurized flammable gas, flammable or combustible liquids, and other processes. Examples ...the use of Butane, Propane, Acetone, Naptha, Alcohol, etc., during the manufacturing process.

# Zoning – Medical Marijuana Infused Product Manufacturing



## Staff's Initial Recommendation to Task Force

Permitted only in M1 and M2

Consistent with the purpose and intent of industrial districts

Similar to "general industrial" definition

Not a bakery, which is defined as a "restaurant"

Potential life/safety impacts in commercial districts

# Zoning – Separation Requirements



## Current

400 feet from public or private elementary, middle or high school, residential childcare facility, or drug or alcohol treatment facility

## Task Force Recommendation

1,000 feet

## Other Considerations (staff recommendation)

1,000 feet from residentially used or zoned properties

1,000 feet from detention facilities

## Zoning – Other Requirements



- Mirror the licensing requirements
- Air ventilation and odor mitigation
- New buildings, exterior modifications, building expansion will require development plan review regardless if conditional use

# Zoning Considerations for Grow Operations & MMIPS



- Best fit the purpose and intent of M1 and M2 zoning districts
  - Compatibility with adjoining land uses
  - Excessive odor, smoke, hazards and other objectionable influences
- Not consistent with the purpose of FBZ, PBC, C5 and C6 zoning districts, which are intended for:
  - Retail and mixed use commercial uses supportive of residential uses or nearby neighborhoods
  - Regional commercial centers
  - Customer and neighborhood interaction
  - Active, interactive and engaging

# Zoning Considerations for Grow Operations & MMIPS



- Create uninviting, sterile and “vacant” appearance
- Negative perception may discourage neighborhood service businesses from locating in shopping centers
- Impacts on redevelopment and neighborhood vitality
- Impacts to identified Economic Opportunity Zones
- Negative perception by primary employers/high tech/corporate office uses
- More challenging business recruitment and retention

# Zoning Considerations for Grow Operations & MMIPS



- MMJ operations reinvest in shopping centers that otherwise would remain vacant
- Generate little traffic and noise
- Over-concentration if limited to too few zoning districts
- Relatively inconspicuous operations

# Conditional Use Process



- Submittal of application with city planning
- Optional neighborhood meeting(s)
- Direct notification to property owners (500 or 1,000 feet)
- Planning Commission public hearing and final action
- Planning Commission can place conditions it deems necessary to mitigate impacts
- Planning Commission action appealable to City Council

# Legal Non-Conforming Uses



- Can continue to operate
- Can perform regular maintenance/repairs
- Expansion of the use within the building cannot exceed 50% of the non-conforming use
- Building cannot be enlarged or structurally altered
- If use is discontinued for more than a year, it cannot be re-instated
- If damaged, it can be repaired if the cost of the repairs is less than 50% of the replacement cost
- Uses that require conditional use shall be presumed to have the conditional use approval

# Medical Marijuana Business Licensing

April 11, 2016

Sarah B. Johnson



# MMJ Business License Summary



- Dual Jurisdictional Licensing Program
  - State: Colorado Department of Revenue – Marijuana Enforcement Division (MED) (C.R.S. § 12-43.4, and 1 C.C.R. 212-1)
  - Local: City of Colorado Springs (City Code § 2.3, Part 1, City Code § 2.1, and MMJ Rules)
- Licensed MMJ businesses may cultivate, manufacture, and sell Medical Marijuana (for patient use only)
  - Medical Marijuana Center (MMC)
  - Medical Marijuana Optional Premises Cultivation (OPC)
  - Medical Marijuana Infused Product Manufacturer (MIP)
- 135 MMCs in COS (26% of the 517 MMCs in Colorado)
- Does NOT include MMJ Caregiver activities or personal use

# City MMJ Licensing Code



- City Code and Rules are supplementary to State Statute and MED Regulations
  - MED Goals :
    - Keeping MJ out of hands of person under 21 years of age
    - Preventing involvement of criminal element or enterprises
    - Preventing diversion to other states from regulated environment/businesses
- In concert with MMJ Statute and Rules, City MMJ Code and Rules are, in part, an effort to provide guidelines for “clear and unambiguous compliance” in this highly regulated business model

# Proposed City MMJ Code Changes



Only two basic changes of MMJ Code at this time:

- 2.2.108 (A) and (C)(1): Streamlining resolution of uncontested violations (again, in the effort to achieve compliance)
- 2.2.109 (A): Additions to codify existing interpretations and policies of State MMJ Code and Rules, and adds clarification for certain unlawful acts.

# Proposed City MMJ Code Changes



- Unlawful Acts additions to 2.2.109(A):
  - Specifies that violations of State MMJ Code and Rules are also unlawful acts of City MMJ Code and Rules (A and #1).
  - Clarifies existing requirement for disclosure of new investments or managers, or any State MED actions (#7, #8, #23).
  - Prepares MMJ code for potential future limitations on advertising practices, including consistency with medicinal use of MMJ (#9, #10).
  - Specifies allowed hours of operation (#13, #14).
  - Specifies disclosure for hazardous v. non-hazardous MIP processes (in concert with zoning and fire code), and that changes require prior approval (#15, #16).
  - Specifies what an MMC can or cannot sell – only MMJ and non-consumable cannabis related products (#17, #18).
  - Clarifies existing requirement for the patient to be in the licensed premises (no drive-up windows) and that MMJ cannot be visible to the public (#19, #20).
  - Clarifies that that there can be no outdoor grows, and odor violations are subject to disciplinary action against the licensee, in concert with zoning code changes. (#21).
  - Clarifies existing requirement for compliance with building and fire code.

# Proposed City MMJ Code Changes



## Steps after approval of MMJ Code Changes:

- Subsequent administrative MMJ rule making process through the City Clerk's Office, with applicable stakeholder input, will detail the process and reporting of code changes and additions.
- New/updated application forms and packets based on code changes and disclosure requirements to be available by effective date of ordinance.
- Future and ongoing discussions on MMJ advertising practices and MMJ fee structure analysis may result in additional recommended action by City Council.



Questions?

ORDINANCE NO. 16-\_\_\_\_\_

AN ORDINANCE AMENDING SECTION 105 (ADDITIONAL STANDARDS FOR SPECIFIC LAND USES ALLOWED IN RESIDENTIAL ZONES) OF PART 1 (RESIDENTIAL DISTRICTS) OF ARTICLE 3 (LAND USE ZONING DISTRICTS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO PERSONAL CULTIVATION OF MARIJUANA AND MEDICAL MARIJUANA

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 105 (Additional Standards for Specific Land Uses Allowed in Residential Zones) of Part 1 (Residential Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.105: ADDITIONAL STANDARDS FOR SPECIFIC LAND USES ALLOWED IN RESIDENTIAL ZONES:

\* \* \*

~~P. Medical Personal Cultivation of Marijuana and Medical Marijuana: Exception – Patient Or Primary Caregiver: A patient who is in possession of a Colorado State issued registry identification card may grow a maximum of six (6) plants and possess medical marijuana for their medical use only in accord with Colorado Constitution article XVIII, section 14. A person designated as the primary caregiver for no more than five (5) patients may grow and possess a maximum of six (6) medical marijuana plants per patient for their patients' medical use in accord with Colorado Constitution article XVIII, section 14. Pursuant to Colorado Constitution article XVIII, sections 14 and 16, patients, caregivers, and persons over twenty-one (21) years of age may lawfully grow a limited amount of marijuana. No more than twelve (12) medical marijuana plants, marijuana plants for personal use, or any combination thereof, with ½ or~~

fewer being mature, flowering plants can be grown in a single residential unit or an accessory structure to a single residential unit, regardless of the number of patients, caregivers, or persons over twenty-one (21) years of age, or any combination thereof, that reside in the residential unit. These activities are allowed as accessory uses in all residential zone districts or residential units so long as:

1. No ~~medical~~ marijuana is dispensed, except to registered patients pursuant to Colorado Constitution article XVIII, section 14;
2. No marijuana or medical marijuana infused products are manufactured or sold;
3. No marijuana or medical marijuana is cultivated outdoors;
4. No signs regarding medical marijuana are displayed;
5. No more than one (1) caregiver cultivating medical marijuana ~~per~~ resides in the dwelling unit ~~is permitted~~;
6. A ventilation and filtration system that ensures odors from the cultivation activities are not substantially detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit or residential unit;
7. Marijuana and medical marijuana plants are grown in an enclosed and locked space;
8. All personal cultivation of marijuana and medical marijuana shall be limited to an area of 150 square feet for a single-family dwelling detached or 75 square feet for all other dwelling unit types and accessory structures;
9. The person growing, cultivating, or processing marijuana or medical marijuana within a residential or accessory structure owned by another person or entity obtains the written consent of the property owner. The written consent of the property owner must be furnished to any requesting City official. If the person growing, cultivating, or processing marijuana or medical marijuana does not provide the City official with the written consent of the property owner, the City may inform the property owner of the marijuana or medical marijuana related activities occurring on the property; and

10. The residential unit or accessory structure shall be and remain at all times in compliance with all applicable City regulations including, but not limited to, Zoning, Building, Housing and Fire Codes.

~~Footnote 1: See Colo. Const. art. XVIII, §1 for definitions of "medical use", "patient", "primary caregiver" and "registry identification card".~~

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2016.

Finally passed: \_\_\_\_\_  
Council President

Mayor's Action:

- Approved on \_\_\_\_\_.
- Disapproved on \_\_\_\_\_, based on the following objections:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.

- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
Sarah B. Johnson, City Clerk

DRAFT

ORDINANCE NO. 16-\_\_\_\_\_

AN ORDINANCE AMENDING SECTION 302 (DEFINITIONS OF USE TYPES) OF PART 3 (LAND USE TYPES AND CLASSIFICATIONS) OF ARTICLE 2 (BASIC PROVISIONS, DEFINITIONS AND LAND USE TYPES AND CLASSIFICATIONS) AND SECTIONS 203 (PERMITTED, CONDITIONAL AND ACCESSORY USES) AND 205 (ADDITIONAL STANDARDS FOR SPECIFIC LAND USES) OF PART 2 (COMMERCIAL DISTRICTS) OF ARTICLE 3 (LAND USE ZONING DISTRICTS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO MEDICAL MARIJUANA FACILITIES

WHEREAS, the City of Colorado Springs ("City") is a home rule city and Colorado municipal corporation created and organized pursuant to Art. XX of the Colorado Constitution and the Charter of the City of Colorado Springs; and

WHEREAS, City Code § 7.2.102 sets forth the purpose and intent of the City's zoning and land use regulations is "to protect property values, to preserve neighborhoods and to protect private property from adjacent nuisances such as noise, excessive traffic, incompatibility of uses, inappropriate design of buildings, and visual obstructions"; and

WHEREAS, in the November 2000 general election, the voters of the State of Colorado approved Amendment 20; and

WHEREAS, the City's licensing and land use regulations for medical marijuana related services and medical marijuana facilities were adopted in 2011; and

WHEREAS, on November 10, 2015 the City Council ordained a six (6) month moratorium on the establishment of any new medical marijuana facilities within the City limits; and

WHEREAS, the situation regarding marijuana uses statewide and within the City have fundamentally changed since 2011 and requires a new analysis regarding the land uses related to approval of marijuana-related land uses; and

WHEREAS, the increasing number of and new types of marijuana-related land uses has created increasing health, safety and welfare concerns throughout the City; and

WHEREAS, City Code § 7.2.107 ordains “it shall be unlawful to use any building, structure, or land or to erect, move, structurally alter, convert, extend, or enlarge any building or other structure except in conformity with the requirements established in the zone district in which said structure, building, or land is located and in accord with the provisions of this Zoning Code.”; and

WHEREAS, the study by and recommendation of a City Council appointed task force during the moratorium period has illustrated the need for updated zoning and land use regulations to sufficiently protect the public health, safety and welfare and to mitigate the impacts of medical marijuana facilities in accord with City Code § 7.2.102.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 302 (Definitions of Use Types) of Part 3 (Land Use Types and Classifications) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.2.302: DEFINITIONS OF USE TYPES:

\* \* \*

C. \* \* \*

22. MEDICAL MARIJUANA FACILITY (MMJ Facility):

a. \* \* \*

b. Medical Marijuana Infused Products Manufacturer (MMIPM): An establishment for the manufacture and storage of medical marijuana infused products. MMIPMs shall be classified by the Manager, in consultation with the City Fire Marshal, in accord with the following land use types:

(1) Medical Marijuana Infused Products Manufacturer – Non- Hazardous (MMIPM – NH): Any MMIPM location that

does not exceed reasonable fire and life safety risks, or does not otherwise meet the definition of a MMIPM – HZ. Examples of MMIPM – NH land use classifications may include but are not limited to the use of super/subcritical CO2 extraction processes, cooking or baking facilities.

(2) Medical Marijuana Infused Products Manufacturer – Hazardous (MMIPM – HZ): Any MMIPM location that presents fire and life safety risks by utilizing oil extraction processes through the use of pressurized flammable gas, flammable or combustible liquids, and other processes. Examples of MMIPM – HZ land use classifications may include but are not limited to the use of Butane, Propane, Acetone, Naptha, Alcohol, etc., during the manufacturing process.

\* \* \*

E. \* \* \*

11. Medical Marijuana Infused Products Manufacturer – Hazardous (MMIPM – HZ): See section 7.2.302 (C)(22)(b)(2) of this chapter.

~~11~~12. \* \* \*

~~12~~13. \* \* \*

~~13~~14. \* \* \*

~~14~~15. \* \* \*

~~15~~16. \* \* \*

~~16~~17. \* \* \*

~~17~~18. \* \* \*

~~18~~19. \* \* \*

~~19~~20. \* \* \*

\* \* \*

Section 2. Section 203 (Permitted, Conditional and Accessory Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.203: PERMITTED, CONDITIONAL AND ACCESSORY USES:

Use Types	OR	OC	PBC	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	TND
* * *														
Commercial use types:														
* * *														
Medical marijuana facility:														
Medical marijuana center	* * *													
Medical marijuana infused product manufacturer – non hazardous	7	7	CP	CP	CP	CP	CP	P	P					
Optional premises cultivation operation	7	7	CP	CP	CP	CP	CP	P	P					
* * *														
Industrial use types:														
* * *														
Medical marijuana facility:														
Medical marijuana infused product manufacturer – hazardous	7	7						P	P					
* * *														

Notes:

\* \* \*

7. Refer to subsection 7.3.205KL6 of this part for additional standards for MMJ facilities located within the OR and OC zone districts.

\* \* \*

Section 3. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 4. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Finally passed: \_\_\_\_\_  
Council President

Mayor's Action:

- Approved on \_\_\_\_\_.
- Disapproved on \_\_\_\_\_, based on the following objections:

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\_\_\_\_\_  
Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
Sarah B. Johnson, City Clerk

DRAFT