



CITY PLANNING COMMISSION AGENDA

**THURSDAY, SEPTEMBER 18, 2014
8:30 A.M.**

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

CITY PLANNING COMMISSION MEETING PROCEDURES

MEETING ORDER:

The City Planning Commission will hold its regular meeting on **Thursday, September 18, 2014 at 8:30 a.m.** in the City Hall Council Chambers at 107 North Nevada Avenue, Colorado Springs, Colorado.

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

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

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

VIEW LIVE MEETINGS:

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

CITY PLANNING COMMISSION COMPREHENSIVE PLAN AND REVIEW CRITERIA

COMPREHENSIVE PLAN:

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

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

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

APPLICATION REVIEW CRITERIA:

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

CITY PLANNING COMMISSION APPEAL INSTRUCTIONS

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

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

Monday, September 29, 2014

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

CITY PLANNING COMMISSION MEETING AGENDA THURSDAY, SEPTEMBER 18, 2014

1. Approval of the Record of Decision (minutes) for the August 20, 2014 City Planning Commission Meeting
2. Communications
3. Consent Calendar (Items A.1-B) Page 8
4. New Business Calendar (Items 4.A-7.C)..... Page 34
 Appendix – Review Criteria Page 148

CONSENT CALENDAR		
ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p>ITEM NO.: A.1 CPC PUZ 14-00013 (Quasi-Judicial)</p> <p>ITEM NO.: A.2 CPC PUD 14-00014 (Quasi-Judicial)</p> <p>PARCEL NO.: 5306000061</p> <p>PLANNER: Larry Larsen</p>	<p>Request by M&S Civil Consultants on behalf of Nextop Holdings, LLC for consideration of the following applications:</p> <ol style="list-style-type: none"> 1. A change of zoning from Agricultural District with Airport Overlay (A/AO) to Planned Unit Development District with Airport Overlay (PUD/AO). 2. The Ridge at Cumbre Vista Filing PUD Development Plan that would allow for the development of a 65-lot, single-family detached residential neighborhood, including public streets and sidewalks, drainage facilities and landscape tracts. <p>The property is located south of Cowpoke Road, approximately ¼ mile west of the Cowpoke Road and Black Forest Road intersection and consists of approximately 13.74 acres.</p>	8
<p>ITEM NO.: B CPC CU 14-00072 (Quasi-Judicial)</p> <p>PARCEL NO.: 6325418003</p> <p>PLANNER: Lonna Thelen</p>	<p>A request by Grey Wolf Architecture on behalf of Carefree & Powers SW, LLC for a conditional use to allow automotive repair in the PBC (Planned Business Center) zone district for Street Service, an automotive repair use. The property is zoned PBC/cr AO, contains 1.9 acres and is located at 5721 N. Carefree Circle.</p>	19

NEW BUSINESS CALENDAR

ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p>ITEM NO.: 4.A CPC A 13-00043 (Legislative)</p> <p>ITEM NO.: 4.B CPC MP 06-00069- A3MJ14 (Legislative)</p> <p>ITEM NO.: 4.C CPC PUZ 14-00043 (Legislative)</p> <p>ITEM NO.: 4.D CPC PUD 06-00108- A6MJ14 (Quasi-Judicial)</p> <p>PARCEL NOS.: 5307002005, 14, 18, 20</p> <p>PLANNER: Larry Larsen</p>	<p>Request by Guman and Associates on behalf of Apaloosa Investments, LLC for consideration of the following development applications:</p> <ul style="list-style-type: none"> A. The Dublin North 1D Annexation. B. An amendment to the Dublin North Master Plan to allow single-family residential use. C. The establishment of the PUD zone district (Planned Unit Development: Detached Single-Family Residential, 5.66 dwelling units per acre, maximum building height of 30 feet) with Airport Overlay. D. An amendment to the Dublin North Development Plan to allow for the development of 22 single-family residential lots, public streets, and landscape areas. <p>The property is located northwest of the Dublin Boulevard and Sandy Ford Intersection, south of Vickie Lane and consists of 5.0 acres.</p>	34
<p>ITEM NO.: 5.A CPC ZC 14-00052 (Quasi-Judicial)</p> <p>ITEM NO.: 5.B CPC DP 14-00053 (Quasi-Judicial)</p> <p>PARCEL NO.: 6332107002</p> <p>PLANNER: Rick O'Connor</p>	<p>Request by Echo Architecture on behalf of Cherry Creek Systems for consideration of the following development applications:</p> <ul style="list-style-type: none"> 1. A rezoning from PBC (Planned Business Center) to C-5 (Intermediate Business) to allow for light manufacturing (irrigation components) which is not allowed within the current commercial zoning. 2. An amended development plan to reflect new uses on the property. <p>The 2.2-acre property is located along the north side of Columbine Ave., along the east side of North Hancock Ave. and is addressed as 3025 N. Hancock Ave.</p>	76

ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p>ITEM NO.: 6 AR CM1 14-00032 (Quasi-Judicial)</p> <p>PARCEL NO.: 7312410047</p> <p>PLANNER: Rick O'Connor</p>	<p>Request by ATT/Power River Development Services on behalf of Foothills Swim and Racquet Club for consideration of a conditional use application for approval of a stealth 50-foot high mono pole pine tree and associated equipment building. The site is zoned R1-6/HS/SS (Single family residential with Hillside and Streamside Overlays), contains 6.44 acres and would be next to the sand volleyball court (at the north end). The property is located along the east side of Delmonico Drive and is addressed as 6955 Delmonico Drive.</p>	<p>98</p>
<p>ITEM NO.: 7.A CPC MPA 05-00278-A2MN14 (Quasi-Judicial)</p> <p>ITEM NO.: 7.B CPC PUZ 14-00066 (Quasi-Judicial)</p> <p>ITEM NO.: 7.C CPC PUP 14-00070 (Quasi-Judicial)</p> <p>PARCEL NO.: 6220102003</p> <p>PLANNER: Meggan Herington</p>	<p>A request by EV Studio on behalf of New Life Church for consideration of the following development applications:</p> <ul style="list-style-type: none"> A. An amendment to the North Gate Master Plan to change the land use of 17.05 acres from Office/Industrial to Community Commercial and Multi-Family. B. Rezone 17.05 acres from PIP-1 (Planned Industrial Park) to PUD (Planned Unit Development; Multi-family, 30 dwelling units per acre, commercial uses permitted in the PBC zone district excluding medical and recreational marijuana center, motor vehicle service station and sexually oriented businesses, 45-foot maximum building height). C. A PUD concept plan to show a mix of commercial and multi-family. <p>The property is located at the northeast corner of Voyager Parkway and New Life Drive, north of New Life Church and is addressed as 11305 Voyager Parkway.</p>	<p>130</p>

CONSENT CALENDAR

CITY PLANNING COMMISSION AGENDA

ITEM NO: A.1, A.2

STAFF: LARRY LARSEN

FILE NO: CPC PUZ 14-00013 - QUASI-JUDICIAL

FILE NO: CPC PUD 14-00014 - QUASI-JUDICIAL

PROJECT: THE RIDGE AT CUMBRE VISTA

APPLICANT: M&S CIVIL CONSULTANTS, INC.

OWNER: NEXTOP HOLDINGS, LLC



PROJECT SUMMARY:

1. **Project Description:** This project includes the following applications: 1.) change of zoning from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay) and 2.) the Ridge at Cumbre Vista PUD Development Plan (**FIGURE 1**). The property is located south of Cowpoke Road, approximately ¼ mile west of the Cowpoke Road and Black Forest Road intersection and consists of approximately 13.74 acres.

The applications, if approved, will allow for the future development of the Ridge at Cumbre Vista project. The project proposes single-family detached residential use at the density of 3.5 to 7.99 dwelling units per acre per the previously approved master plan. This project includes 65 lots for single-family detached residential residences, public streets and sidewalks, drainage facilities and landscape tracts. A final subdivision plat is currently being reviewed administratively.

The City Council approved the annexation of this project area on August 12, 2014. The annexation agreement has not yet been recorded. In order to expedite the review of the project, staff agreed to process the two applications and schedule them for review by the Planning Commission while the annexation agreement is signed and recorded. With technical modifications listed below, the project complies with the annexation agreement; however, prior to final action on the applications, staff recommends that the annexation agreement be recorded in order to complete the annexation process.

2. **Applicant's Statement:** (**FIGURE 2**)
3. **Planning and Development Department's Recommendation:** Approval of the applications, subject to technical modifications.

BACKGROUND:

1. **Site Address:** Not applicable.
2. **Existing Zoning/Land Use:** A/AO (Agricultural with Airport Overlay / vacant & single-family residence to be removed. (**FIGURE 3**))
3. **Surrounding Zoning/Land Use:**
North: PUD/AO (Planned Unit Development with Airport Overlay) / Vacant (Planned: Residential – Wolfe Ranch)
South: County RR-5 (Rural Residential) / Vacant
East: County A-5 (Agricultural) / Private Riding Arena
West: R-1-6000 / DF / AO (Single-Family Residential with Design Flexibility and Airport Overlays) / Single-family residences (Cumbre Vista)
4. **Comprehensive Plan/Designated 2020 Land Use:** Potential Annexation Area - General Residential
5. **Annexation:** Saddletree Village (August, 2014)
6. **Master Plan/Designated Master Plan Land Use:** The Ridge at Cumbre Vista / single-family residential, 3.5 to 7.99 dwelling units per acre
7. **Subdivision:** Unplatted.
8. **Zoning Enforcement Action:** None.
9. **Physical Characteristics:** The majority of the site slopes towards the south. The site has no significant vegetation (grasses and shrubs) or natural features.

STAKEHOLDER PROCESS AND INVOLVEMENT: The standard City notification process for the internal review included posting the property with a notice poster and mailing postcards to

approximately 120 property owners within 1,000 feet of the project area. No e-mails or letters of concern were received.

The same posting and notification process will be utilized prior to the CPC public hearing.

All applicable agencies and departments were asked to review and comment, including the City Airport. No significant concerns were identified. All issues and concerns were incorporated into the development plan or provided as conditions of approval. Final compliance will be verified and confirmed prior to issuance of a building permit.

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

1. Design and Development Issues: None. No significant issues or concerns have been identified. Only minor technical issues and concerns were identified by the Land Use Review and other review agencies; they have been addressed in plan revisions or conditions of approval.
2. Conformance with the City Comprehensive Plan: The zone change and development plan is consistent with the City Comprehensive Plan. The Plan's 2020 Land Use Map will identify this area as a "General Residential". (Not yet amended to include this property.)

The following City Comprehensive Plan goals, objectives and policy statements apply to this project:

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 302c: Promote Compatibility between Land Uses of Differing Intensities: Design and develop mixed land uses to ensure compatibility and appropriate transitions between land uses that vary in intensity and scale.

Objective LU 5: Develop Cohesive Residential Areas: Neighborhoods are the fundamental building block for developing and redeveloping residential areas of the city. Likewise, residential areas provide a structure for bringing together individual neighborhoods to support and benefit from schools, community activity centers, commercial centers, community parks, recreation centers, employment centers, open space networks, and the city's transportation system. Residential areas also form the basis for broader residential land use designations on the citywide land use map. Those designations distinguish general types of residential areas by their average densities, environmental features, diversity of housing types, and mix of uses. Residential areas of the city should be developed, redeveloped and revitalized as cohesive sets of neighborhoods, sharing an interconnected network of streets, schools, parks, trails, open spaces, activity centers, and public facilities and services.

Policy LU 501: Plan Residential Areas to Integrate Neighborhoods into the Wider Subarea and Citywide Pattern: Plan, design, develop, and redevelop residential areas to integrate several neighborhoods into the citywide pattern of activity centers, street networks, environmental constraints, parks and open space, school locations and other public facilities and services.

Strategy LU 501a: Link Neighborhood Layout and Design to a Larger Residential Area: In master plans and in community planning areas, layout and design individual neighborhoods to form a coherent residential area.

Policy LU 601: Assure Provision of Housing Choices: Distribute housing throughout the City so as to provide households with a choice of densities, types, styles and costs within a neighborhood or residential area.

Objective N 1: Focus On Neighborhoods: Create functional neighborhoods when planning and developing residential areas. Regard neighborhoods as the central organizing element for planning residential areas. Rely on neighborhood-based organizations as a means of involving residents and property owners in the decision-making process.

Objective N 3: Vary Neighborhood Patterns: Integrate a variety of housing types and densities with amenities, services, and retail uses to generate opportunities and choices for households. When the character, context and scale of the surrounding neighborhood are taken into account, mixed-use developments can provide unique opportunities for employment, shopping, housing choice, and public gathering space, while having a positive impact on the neighborhood.

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 City Planning and Development Staff that the Ridge at Cumbre Vista PUD Development is consistent with the City's Comprehensive Plan 2020 Land Use Map, as to be amended, and the Plan's goals, objectives and policies for General Residential use.

3. Conformance with the Area's Master Plan: This project is located within the recently approved the Ridge at Cumbre Vista Master Plan; the area is designated for residential use.

It is the finding of the City Planning and Development Staff that the Ridge at Cumbre Vista project is consistent with the Ridge at Cumbre Vista North Master Plan.

4. Zone Change to Planned Unit Development (PUD): The existing zoning for this area is A/AO (Agricultural with Airport Overlay). The proposed zone is PUD/AO (Planned Unit Development: Detached Single-Family Residential, density 4.75 dwelling units per acre, maximum building height of 30 feet, with Airport Overlay).

Zone change requests are reviewed based upon the zone change criteria found in City Code Section 7.5.603.B. Further, zone changes to Planned Unit Development are reviewed based

upon the establishment and development of a PUD zone using the criteria found in City Code Section 7.3.603.

It is the finding of the City Planning and Development Staff that the zone change meets the zone change criteria found in City Code Section 7.5.603.B and the establishment and development of a PUD zone criteria found in City Code Section 7.3.603.

5. Development Plan Amendment: The Ridge at Cumbre Vista PUD Development Plan Amendment is submitted in conjunction with the zone change application for this project.

PUD Development plans are reviewed based upon the PUD development plan review criteria found in City Code Section 7.3.606.

It is the finding of the City Planning and Development Staff that the Ridge at Cumbre Vista PUD development plan meets the development plan review criteria found in City Code Section 7.3.606.

STAFF RECOMMENDATIONS:

Item No: A.1 CPC PUZ 14-00013 – Change of Zone District

Approve the change of zoning district from A/AO (Agricultural zone with Airport Overlay) to PUD/AO (Planned Unit Development: Single-Family Residential, density of 4.75 dwelling units per acre, maximum building height of 30 feet with Airport Overlay), based upon the finding that it complies with the review criteria of City Code Sections 7.5.603.B. and 7.3.603

Item No: A.2 CPC PUD 14-00014 – PUD Development Plan

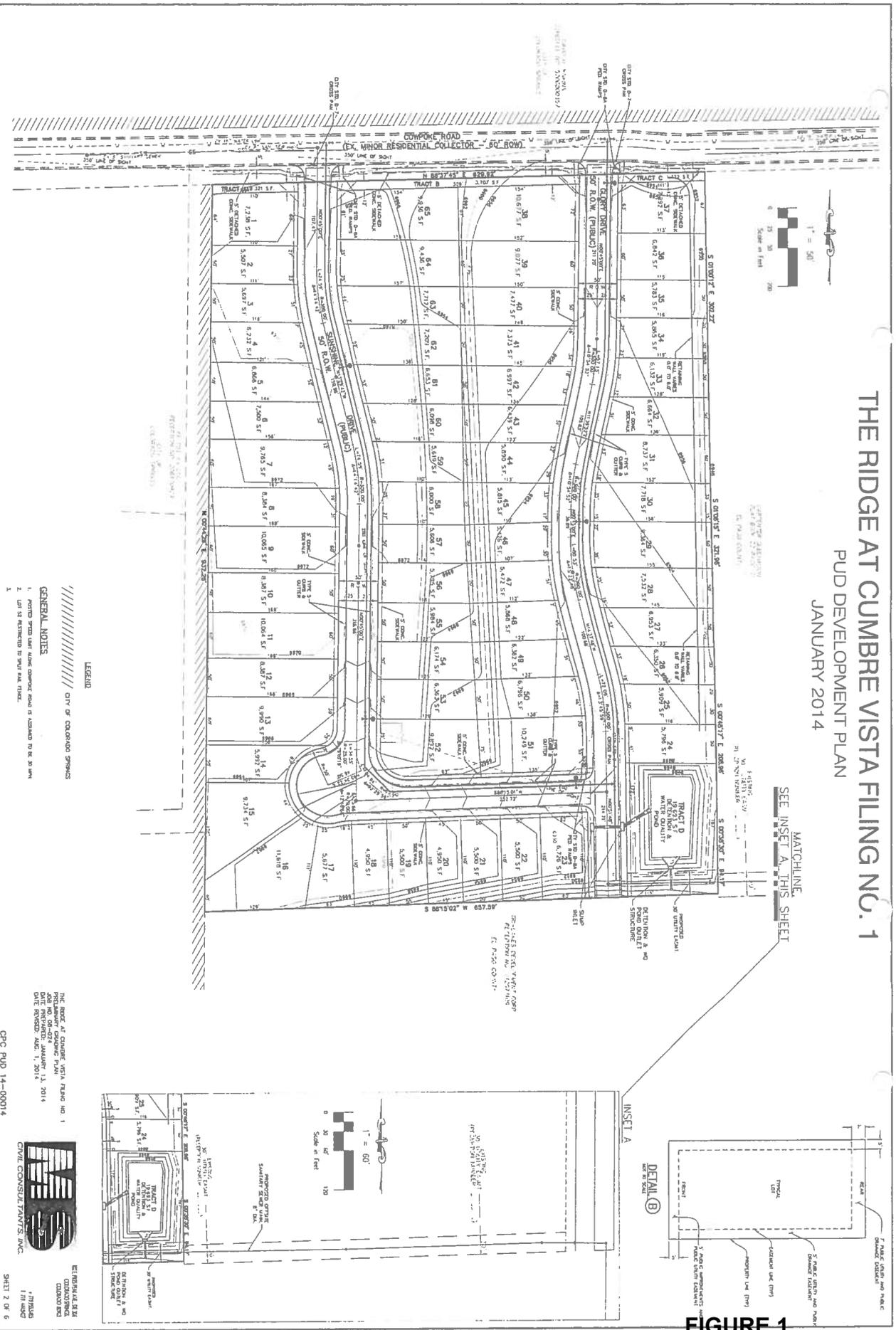
Approve the Ridge at Cumbre Vista PUD Development Plan based upon the finding that the plan complies with the review criteria of City Code Section 7.3.606, subject to the following technical and/or informational modifications:

Technical Modifications on the PUD Development Plan:

1. This project will not be scheduled for City Council public hearings until the pending annexation is completed and recorded.
2. Provide the public hearing posting affidavit for City files.
3. Add the following note: "If this project does not participate in the Woodmen Heights Metropolitan District, a cost recovery for Cowpoke Road may be required. Financial obligation for improvements made by the WHMD must be met or inclusion to the WHMD shall be determined and fulfilled prior to recordation of plat".
4. Add a note indicating whether this project will or will not participate in the Woodmen Heights Metropolitan District (WHMD).
5. Provide Engineering Development Review & Stormwater approval of the development plan, the plat, the drainage report, and that all of their concerns have been addressed to their satisfaction regarding sight visibility and drainage report modifications.
6. Provide City Utilities approval of the WWMFR, the development plan and that all of their concerns have been addressed to their satisfaction regarding the 30' public utility easement.
7. Add the following note: "This project is subject to both the Woodmen Road Metropolitan District and Woodmen Heights Metropolitan District fees and requirements".
8. Provide WHMD approval to accept tracts and clarifies their maintenance responsibilities.
9. On Sheets 2 & 4, show the reception number for the off-site 30' utility easement.

10. On Sheet 1, under Site Data, under Existing Zoning, show the City Ordinance number with approved land uses, maximum density, and building height. (It is yet to be determined.)
 11. On Sheet 1, under Site Data, under Tracts & Maintenance, indicate the ownership and maintenance of the tracts, not HOA or District, but one or the other. If District maintenance, provide a letter from Woodmen Height Metro District stating they assume ownership and maintenance responsibilities.
 12. On Sheets 2 and 6, label all the required the speed line of sight visibility areas.
 13. On Sheet 1, add the following sentence to Note #10: " That the fence and landscaping in the front of the lot adjacent to the curve will be limited to the following: Landscaping shall be less than 3.5', bottom of canopy for trees shall be at 6' or higher, and no solid fencing greater than 3.5' for visibility.
 14. On Sheet 1, add the following new note: "Per Engineering comments given in the drainage report and annexation agreement, water quality will be required for the portion of this site that flows into Cottonwood Creek."
-

THE RIDGE AT CUMBRE VISTA FILING NO. 1
 PUD DEVELOPMENT PLAN
 JANUARY 2014



GENERAL NOTES

1. REFER TO THE CITY OF COLORADO SPRINGS PUD DEVELOPMENT PLAN FOR THE CITY OF COLORADO SPRINGS.
2. REFER TO THE CITY OF COLORADO SPRINGS PUD DEVELOPMENT PLAN FOR THE CITY OF COLORADO SPRINGS.
3. REFER TO THE CITY OF COLORADO SPRINGS PUD DEVELOPMENT PLAN FOR THE CITY OF COLORADO SPRINGS.

LEGEND

- ////// CITY OF COLORADO SPRINGS

THE RIDGE AT CUMBRE VISTA FILING NO. 1
 PUD DEVELOPMENT PLAN
 PREPARED BY: J. J. JENSEN
 DATE: JANUARY 1, 2014
 DATE REVISED: NONE

CPC PUD 14-00014
 CIVIL CONSULTANTS, INC.
 SHEET 2 OF 6

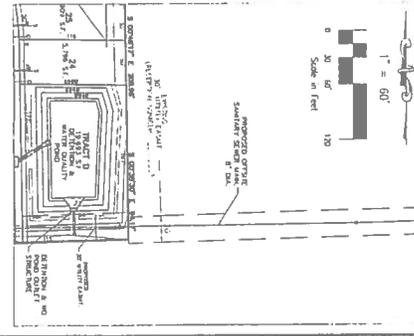


FIGURE 1



102 E. Pikes Peak Ave., Ste. 306
Colorado Springs, CO
Mail to: P.O. Box 1360
Colorado Springs, CO
80901-1360
v 719.955.5485 f 719.444.8427

City of Colorado Springs
Planning Department
30 S. Nevada Ave., Suite 102
Colorado Springs, CO 80901

January 22, 2014

RE: Project Statement for The Ridge at Cumbre Vista Filing No. 1

Dear Mr. Larsen,

The Ridge at Cumbre Vista Filing No. 1, is located west of Black Forest Road, South of Cowpoke Road in Section 6, Township 13 South, Range 65 west of the 6th P.M. in the City of Colorado Springs, El Paso County, Colorado, also known as the Saddletree Village Master Plan and Annexation.

The following package contains a request for approval of a; Development Plan, Final Plat, and a change of Zone for 13.70 Acres. The site is directly adjacent to the City of Colorado Springs boundary on the west and north sides. [To the west is the Cumbre Vista residential subdivision, to the north is a proposed residential land use within the Wolf Ranch Master Plan.] To the east and south are existing mixed use (Residential/Commercial/Light Industrial) land parcels in El Paso County.

The proposed development is planned to consist of approximately 65 single family residential lots, with standard public 50-foot wide street rights-of-way with utilities, sidewalks, etc... The development will be planned and constructed as a "typical" residential subdivision, per normal standards and specifications in the City of Colorado Springs and Colorado Springs Utilities. The lots sizes will average 8,500 square feet. The homes sizes will vary from 1,600-4,000 square feet. Public facilities will include the public streets, utilities, sidewalks, and storm water detention via Sand Creek Regional Detention Basin No. 6, and a small portion of the site draining to the Cottonwood Creek Drainage Basin. School and Park fees will be paid in lieu of land dedication.

On behalf of the owners of Nextop Holdings, LLC, we respectfully request that attached plans and the associated applications be reviewed for comment by the City of Colorado Springs land development staff.

Sincerely,

Virgil A. Sanchez, P.E.

Ridge at Cumbre Vista

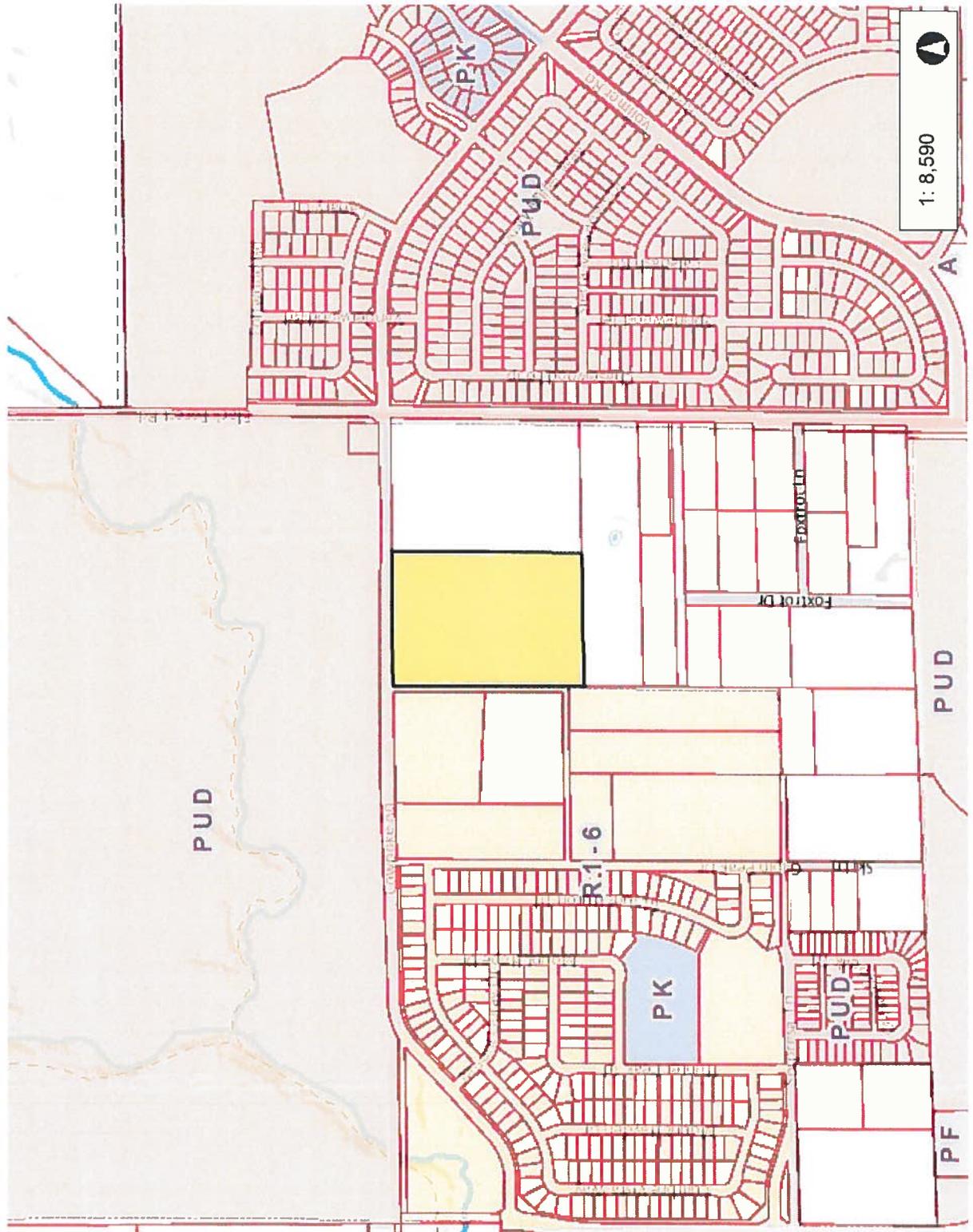


Legend

- Parcels
- Base Zone - Fill

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



This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

NAD_1983_StatePlane_Colorado_Central_FIPS_0502_Feet
 © Latitude Geographics Group Ltd.

FIGURE 3

CITY PLANNING COMMISSION AGENDA

ITEM NO: B

STAFF: LONNA THELEN

FILE NO:
CPC CU 14-00072 – QUASI-JUDICIAL

PROJECT: SERVICE STREET
APPLICANT: GREY WOLF ARCHITECTURE
OWNER: CAREFREE & POWERS SW, LLC



PROJECT SUMMARY:

1. Project Description: This project includes an application for a conditional use to allow an automotive repair use in a PBC/cr/AO (Planned Business Center with conditions of record and the Airport Overlay) zone district for a 1.9-acre site located southeast of Rio Vista Drive and N. Carefree Circle. **(FIGURE 1)**
2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Department's Recommendation: Approval of the applications, subject to technical modifications.

BACKGROUND:

1. Site Address: 5721 N. Carefree Circle
2. Existing Zoning/Land Use: PBC/cr/AO
3. Surrounding Zoning/Land Use:
North: PBC / commercial
South: R-5 / vacant and a child care center
East: PBC / convenience store
West: R1-6 / single family
4. Comprehensive Plan/Designated 2020 Land Use: new/developing corridor
5. Annexation: Sparks Addition, 1971
6. Master Plan/Designated Master Plan Land Use: Colorado Country / Commercial
7. Subdivision: Colorado Country Filing No. 14
8. Zoning Enforcement Action: None
9. Physical Characteristics: There are no structures on the property. The site is relatively flat and contains periphery landscaping along N. Carefree Circle and Rio Vista Drive that was approved with the Kum & Go site plan.

STAKEHOLDER PROCESS AND INVOLVEMENT: The public process involved with the review of this application included a neighborhood meeting held on March 26, 2014. There were 11 people in attendance at the meeting. Concerns about noise, safety, and hours of operation were raised at the meeting. No formal public comments were received beyond those verbal comments communicated at the public meeting. The site was posted and postcards were sent on two separate occasions to 78 property owners within 500 feet during the internal review of the project. No comments were received.

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

1. Review Criteria / Design & Development Issues:
The property is currently part of the SW Powers Boulevard and North Carefree concept plan and is planned as a retail strip center. The proposed project would change the use of the subject property to automotive repair for Service Street. The concept plan was not amended because this use finalizes the implementation of the concept plan. Because the proposed automotive repair use is a conditional use in the PBC zone district, staff required a neighborhood meeting at the pre-application stage of this project. During the neighborhood meeting, concerns about noise, lights and hours were discussed.

The project proposes a 4,480 square foot automotive repair building that is 33 feet tall to the tallest part of the structure. Due to the concerns about noise, the applicant submitted a sound study that was taken at an existing Service Street location in Parker, Colorado **(FIGURE 3)**. The study concluded that the noise levels did not exceed the ambient noise levels on the street on which it is located.

The building layout includes overhead doors on the north and south sides of the building, but not on the east and west. The west elevation, which faces the single family homes across Rio Vista Drive, does not have any overhead or man doors. In addition, landscaping, including trees and low bushes, have been included to protect the neighborhood from the noise and car lights. No pole lights or wall mounted lights are on the west elevation. All other lights on site are full cut-off. No formal restrictions for hours of operation were made on the development plan, but Service Street has noted they will be open 7 am to 7 pm Monday through Saturday and 9 am to 6 pm on Sunday.

The existing conditions of record on the property were part of Ordinance No. 81-297 approved in 1980. The conditions are: 1. Only one access to North Carefree Circle, 2. No access be allowed to Powers Boulevard, 3. Avigation easement be filed with the plat, and 4. Noise attenuation construction methods, as approved by FAA, required to mitigate noise impact. All conditions of record have been followed.

The conditional use review criteria requires that the project not be injurious to the surrounding neighborhood, be consistent with the zoning code, and be consistent with the comprehensive plan. Staff feels that with the additional study for noise, the building layout to ensure the overhead doors to not open toward the neighborhood, and the limited lighting that will be on the west side of the building that the conditional use criteria have been met.

2. Conformance with the City Comprehensive Plan:

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 LU 4: Encourage Infill and Redevelopment

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

The comprehensive plan calls for this area to be a new/developing corridor. The proposed project fits within the definition of a new/developing corridor as it is along a major commercial corridor within the City. The project also promotes a mixed land use and develops a property that is considered an infill property.

3. Conformance with the Area's Master Plan:

The Colorado Country Master Plan calls for this area to be commercial. The proposed project is a commercial project.

STAFF RECOMMENDATION:

Item No: B CPC CU 14-00072 – CONDITIONAL USE

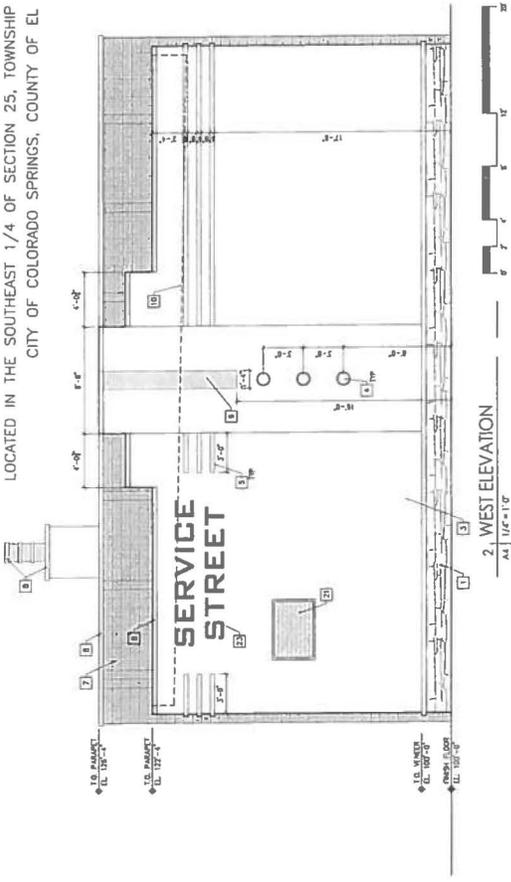
Approve the conditional use for Service Street, based upon the finding that the conditional use complies with the review criteria in City Code Section 7.5.704 and 7.5.502.E, subject to compliance with the following technical and/or informational plan modifications:

Technical Modifications on Conditional Use:

1. Remove the words “as yet to be platted part of” in front of the legal description on page 1.
 2. Under site data building use state “auto repair”.
 3. Re-label one of the trash enclosure elevations to West.
 4. Key note #19 states chain link fence. The fence is wood, revise.
 5. Label the lights as full cut-off on page 4.
 6. Revise the drainage report to be for Lot 2 Filing 14.
 7. Ensure all public sidewalks are located within a public improvement easement or public right-of-way.
 8. The Motor Vehicle Lot is to have large shade trees, which cast shade on the lot surface (typically a south and west orientation). Adjust the tree designations “VL” to meet this requirement; and be sure counts are still met within each category.
-

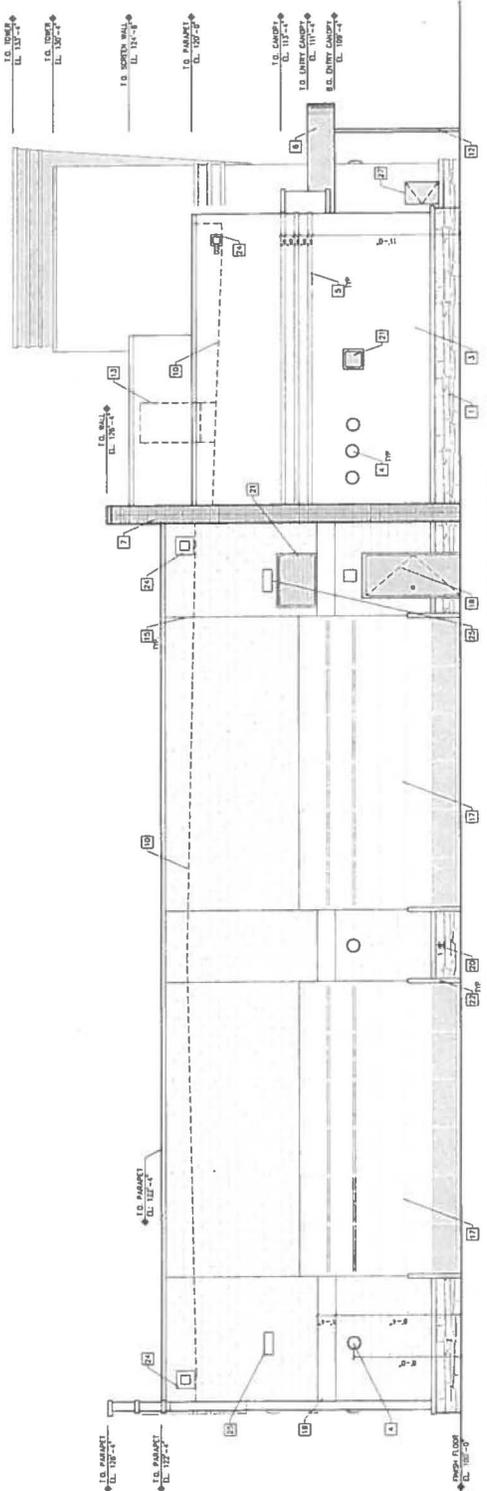
SERVICE STREET AUTOMOTIVE REPAIR AT COLORADO SPRINGS COMMERCIAL PLAN

LOT 2 COLORADO COUNTRY FILING NO 14
 LOCATED IN THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 13 SOUTH, RANGE 56 WEST OF THE 6TH P.M.
 CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO



2. WEST ELEVATION
 A4 | 1/8" = 1'-0"

- MATERIAL LEGEND**
- 1. 1/2" THICK POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 2. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 3. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 4. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 5. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 6. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 7. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 8. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 9. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 10. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 11. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 12. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 13. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 14. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 15. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 16. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 17. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 18. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 19. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER
 - 20. 4" POLISHED CONCRETE SLAB ON GRADE WITH 4" REINFORCING BARS @ 18" ON CENTER



1. SOUTH ELEVATION
 A4 | 1/8" = 1'-0"

CONTACT INFORMATION:
 DEVELOPER:



Huntington Properties, Inc.
 11010 West Loop South, Suite 550
 Houston, TX 77024
 713.623.6944

CONTACT: SANDY P. ARON
 sandy@arconcompanies.com

ARCHITECT:
 GREY WOLF ARCHITECTURE
 ARCHITECTURE INTERIOR DESIGN



CONTACT: KEN HARSHMAN
 kharshman@greywolfstudio.com

CIVIL ENGINEER:
 CKE ENGINEERING, INC.

14257 W. EVANS CIRCLE
 LAKEWOOD, CO 80228
 (303) 917-1737

CONTACT: JOSEPH C. COCO, PE
 jcochowork@comcast.net

LANDSCAPE DESIGNER:



Julie Wickert Landscape Architect
 19245 Northpark Road
 Montrose, CO 81403
 970.249.3392

CONTACT: JULIE WOLVERTON
 wolverton@montrose.net

AMENDMENTS

AUGUST, 2014
 EXTERIOR ELEVATIONS
 SHEET 7 OF 11

FILE NUMBER
 CPC-CU 14-00072

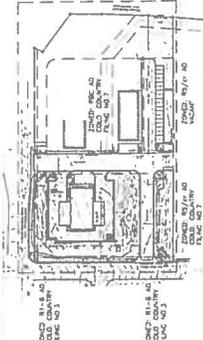
A4

FIGURE 1

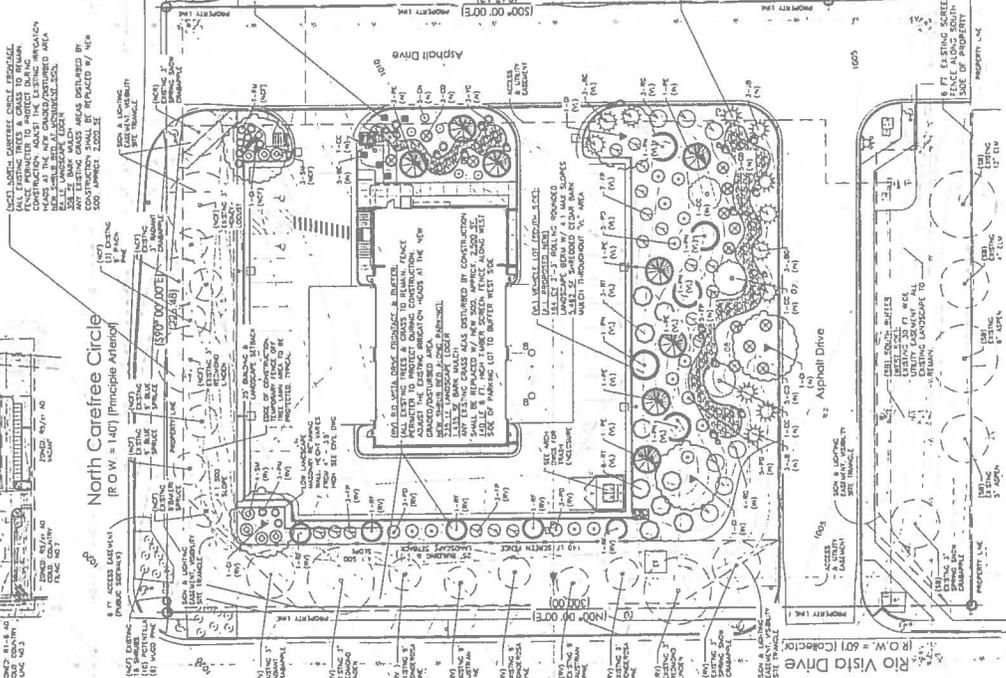
SERVICE STREET AUTOMOTIVE REPAIR AT COLORADO SPRINGS COMMERCIAL PLAN

LOT 2 COLORADO COUNTRY FILING NO 14
 LOCATED IN THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE 6TH P.M
 CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO

ZONING MAP:



IRRIGATION NOTE:
 ALL EXISTING TREES & GRASS TO REMAIN.
 CONSTRUCTION SHALL BE LIMITED TO THE EXISTING IRRIGATION SYSTEM. ALL NEW IRRIGATION SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF COLORADO SPRINGS IRRIGATION ORDINANCE.
STORM WATER QUALITY:
 STORMWATER IS BEING REMOVED FROM THE PROJECT SITE BY A 15" DIA. 10' LONG CURB CUT IN THE SOUTHWEST CORNER OF THE LOT. THE CURB CUT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF COLORADO SPRINGS IRRIGATION ORDINANCE.



TREES

SYM	QTY	SIZE	HEIGHT	SPREAD	COMMENTS	REMARKS
T1	1	12" DBH	12' FT	12' FT	FRUITING PINE	12" DBH
T2	1	12" DBH	12' FT	12' FT	FRUITING PINE	12" DBH
T3	1	12" DBH	12' FT	12' FT	FRUITING PINE	12" DBH
T4	1	12" DBH	12' FT	12' FT	FRUITING PINE	12" DBH
T5	1	12" DBH	12' FT	12' FT	FRUITING PINE	12" DBH

SHRUBS

SYM	QTY	SIZE	HEIGHT	SPREAD	COMMENTS	REMARKS
S1	1	12" DBH	12' FT	12' FT	FRUITING PINE	12" DBH
S2	1	12" DBH	12' FT	12' FT	FRUITING PINE	12" DBH
S3	1	12" DBH	12' FT	12' FT	FRUITING PINE	12" DBH
S4	1	12" DBH	12' FT	12' FT	FRUITING PINE	12" DBH
S5	1	12" DBH	12' FT	12' FT	FRUITING PINE	12" DBH

GROUND PLANE

SYM	QTY	SIZE	HEIGHT	SPREAD	COMMENTS	REMARKS
G1	1	12" DBH	12' FT	12' FT	FRUITING PINE	12" DBH
G2	1	12" DBH	12' FT	12' FT	FRUITING PINE	12" DBH
G3	1	12" DBH	12' FT	12' FT	FRUITING PINE	12" DBH
G4	1	12" DBH	12' FT	12' FT	FRUITING PINE	12" DBH
G5	1	12" DBH	12' FT	12' FT	FRUITING PINE	12" DBH

CONTACT INFORMATION:
 DEVELOPER:
 Huntington Properties, Inc.
 1109 N. Fort Collins Ave. Suite 550
 Fort Collins, CO 80526
 970.223.6944

ARCHITECT:
 GREY WOLF ARCHITECTURE
 ARCHITECTURE PLANNING INTERIOR DESIGN
 1610 COLLEGE BLVD. SUITE 100
 FORT COLLINS, CO 80526
 970.223.6944

CONTACT SANDY P. ARON
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CONTACT KEN HARSHMAN
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CIVIL ENGINEER:
 CKE ENGINEERING, INC.
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 (303) 917-1737
 jcozowork@comcast.net

LANDSCAPE DESIGNER:
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 Landscape Architect
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 Suite 550
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 970.249.9392
 wolverton@montrose.net

AMENDMENTS

AUGUST, 2014
 FINAL LANDSCAPE PLAN
 SHEET 9 OF 11
 FILE NUMBER
 CPC-CU 14-00072

FIGURE 1

GREY WOLF ARCHITECTURE

June 17, 2014

Lonna Thelen
Case Manager
City of Colorado Springs, Planning & Department
30 S Nevada Ave, Ste 105
Colorado springs, CO 80903

Re: Letter of Introduction, Service Street Automotive Repair Building
5721 N Carefree Circle, Colorado Springs, CO 80919
1335

Dear Lonna,

Service Street Auto Repair would like to introduce the construction of a new 4,480 square foot building on 5721 N Carefree Circle. The project is approximately 83,725 square feet (1.92 acre) of commercial space in Airport Overlay, Planned Business Center (PBC) zone. The proposed floor area ratio (FAR) is 0.05.

The building includes both automotive service area and supporting office/customer areas. The service area consists of eight service bays totaling approximately 3,681 sf. The customer/office area is approximately 799 sf. The building is proposed to be CMU construction at the service area and metal stud with EIFS finish at the office/customer area. The main entry is to face east.

The building will feature 360 degree architecture. Service area portion of the building façade is to be split face CMU with smooth face accent band and cultured stone base, entry front area is to be two colored stucco with cultured stone base. Parapets on the building have been extended to fully screen the roof top mechanical units.

Service Street is a rapidly growing business specializing in automotive repair and maintenance. They offer a refreshing alternative to dirty repair garages, inexperienced brake/muffler/lube shops or overpriced dealerships. They strive to offer the finest service in the industry, and continually invest in the latest technology and state-of-the-art equipment. The first Service Street automotive repair center in Colorado was opened in Parker and is a big hit with customers.

At Service Street they take pride in using "best practice" processes that capture and recycle all of their waste oil and fluids. Nothing but plain water ever escapes their premises, so there is no chance of ground contamination.

The elements of the development have been designed in accordance Colorado Springs Zone District design guidelines.

Service Street Auto Repair is excited about joining this new community and is committed to being an integral part of the neighborhood.

Sincerely,

Kenneth W Harshman
Grey Wolf Architecture

1543 CHAMPA STREET SUITE 200
DENVER, COLORADO 80202
303.292.9107 arch@greywolfstudio.com

FIGURE 2

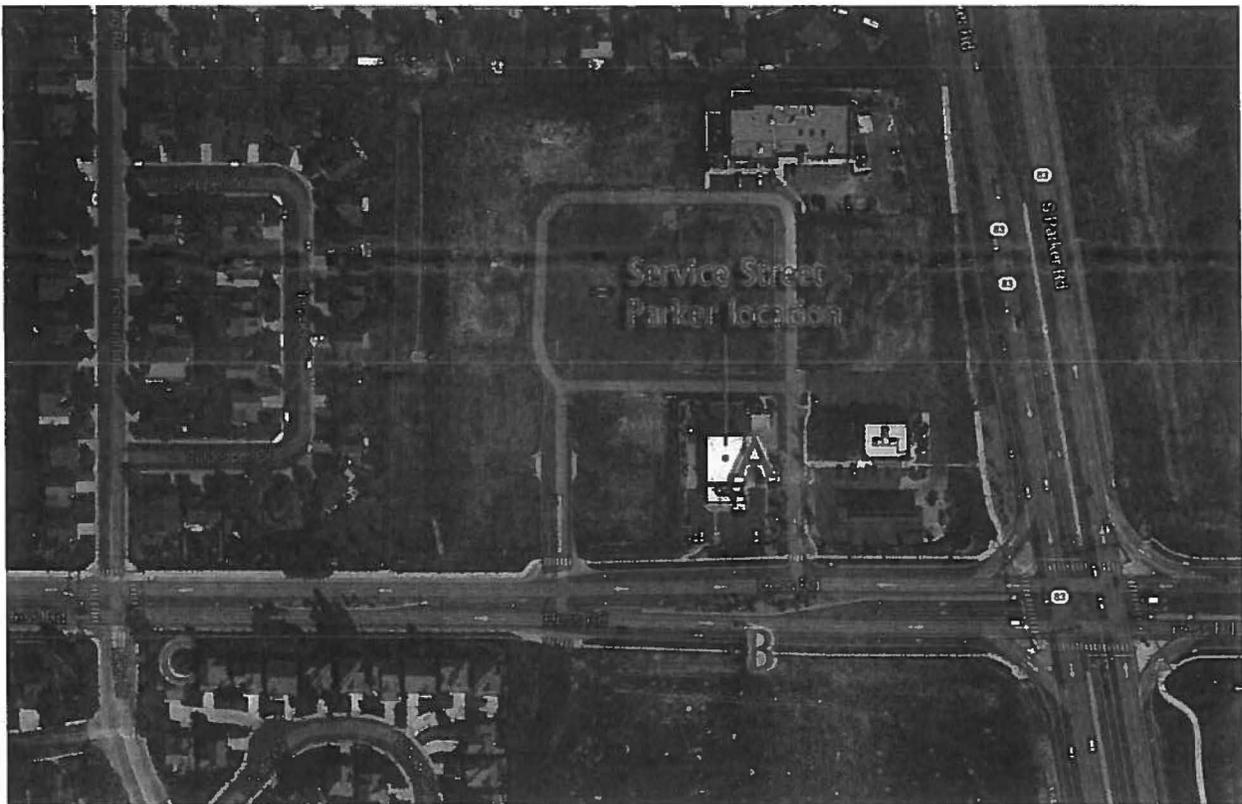
Thursday, May 22, 2014

Sound Test Report – Service Street Automotive Repair

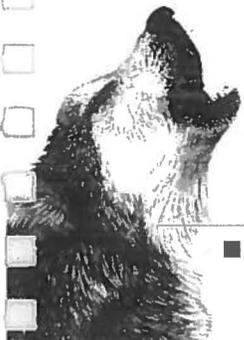
The following report is in response to concerns regarding noise levels for a proposed Service Street Automotive Repair location in Colorado Springs. The intent of this study is to measure noise levels at the existing facility in Parker, Colorado and determine the facility's impact on ambient noise levels. Measurements were taken at the Parker Service Street facility on a weekday between 2:35 PM and 3:16 PM MDT.

Each image below captured from the sound metering device indicates results taken at the location indicated by a corresponding letter on the aerial map (Aerial Map Image). Location "A" is inside the work bays of the Service Street facility during routine automotive service operations, which included use of pneumatic wrenches, grinding wheels and hydraulic lifts. Location "B" is directly across the street from the Service Street facility. Location "C" is for reference measurement of noise levels at the distance of the front of a house from the same street (C).

Red lines on the analog gauge in each image indicate minimum and peak sound pressure levels (SPL) in Decibels (dB) registered at the location and the average level. The indicated dB number is the current reading when the image was captured.



Aerial Map Image



Data

Reading A-1 (Image A-1) was taken inside the service bays near the door. Sound levels were in the range of normal conversation.

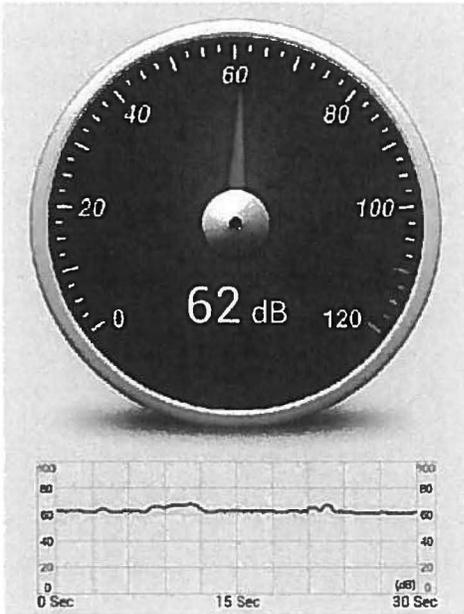


Image A-1

Reading A-2 (Image A-2) was taken inside the service bays next to the air compressor, which was running during the reading. It indicates an average sound pressure level of 71dB.

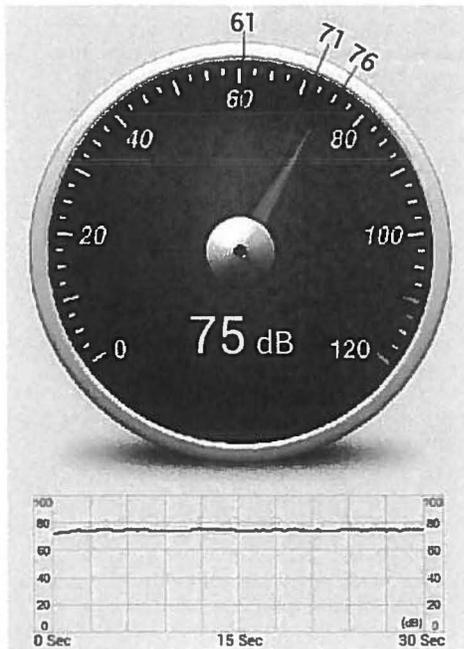


Image A-2



Readings A-3 and A-4 (Images A-3 and A-4) were taken inside the service bays near a car being serviced. The 77dB peaks on the graph indicate use of a pneumatic wrench installing and removing lug nuts on a car's wheels.

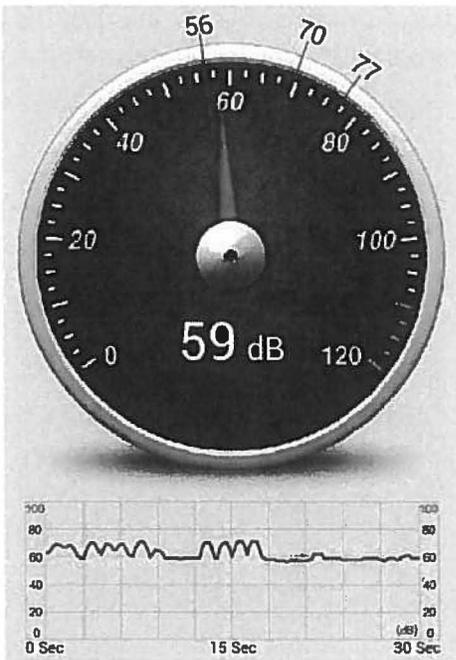


Image A-3

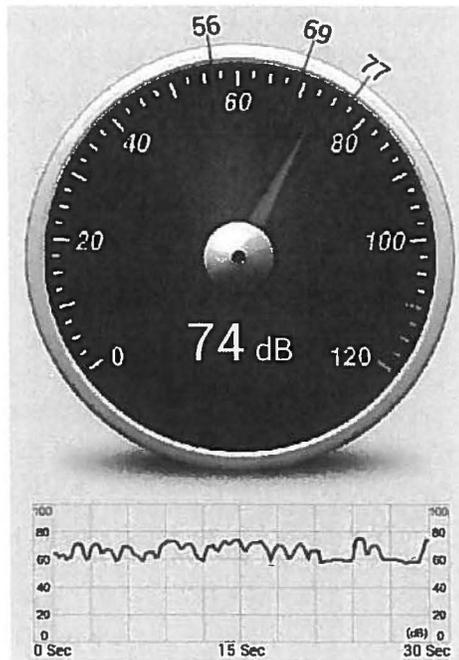
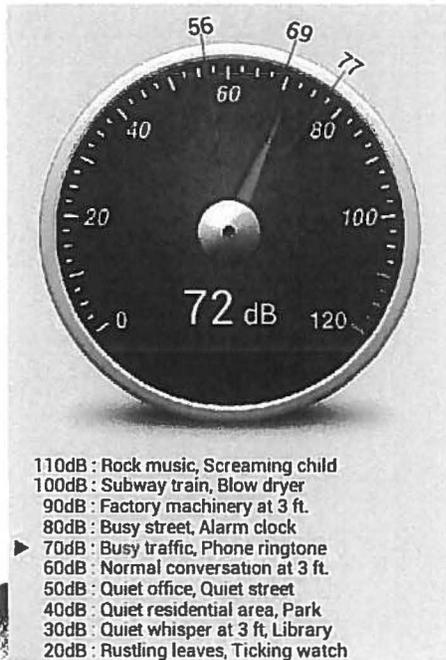


Image A-4

Reading A-5 (Image A-5) was also taken inside the service bays immediately after Reading A-4. The table in Image A-5 correlates the readings inside the service bays to the range of sound levels from normal conversation to those of a ringing phone or busy traffic. Note that the average SPL for the duration of the readings inside the service bays was 69dB and the peak SPL was 77dB.



A-5

Readings B1 through B3 were taken across the street from the Service Street facility, approximating the location of neighboring homes at the proposed Colorado Springs location. Peaks on the graph indicate vehicles passing by the test equipment. Note that the average SPL for the duration of the readings across the street was 71dB and the peak SPL was 86 dB, higher than those recorded inside the service bays, indicating that any noise from the Service Street facility would not exceed ambient noise levels at the street.

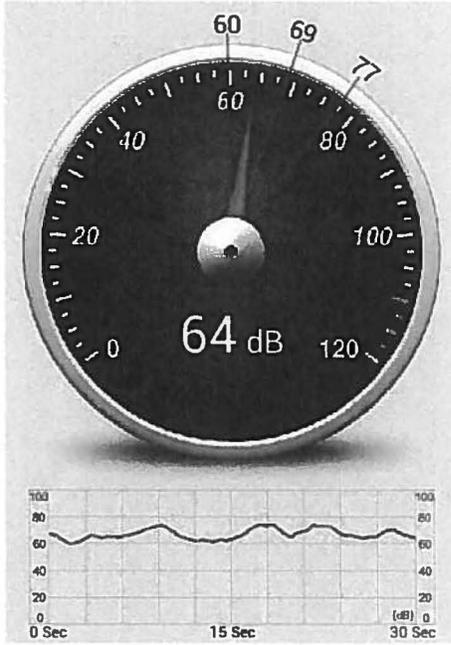


Image B-1

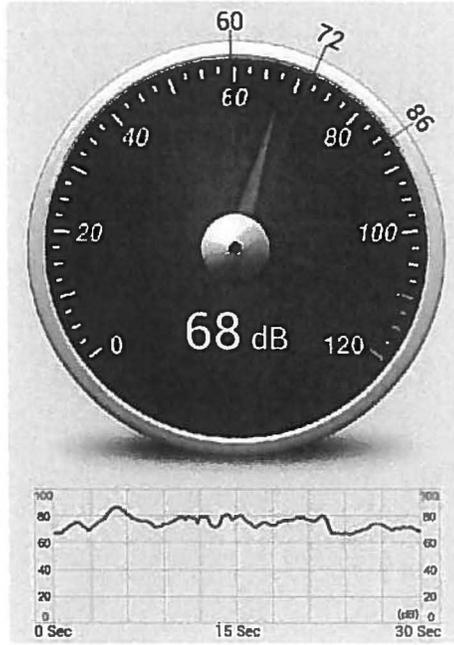


Image B-2

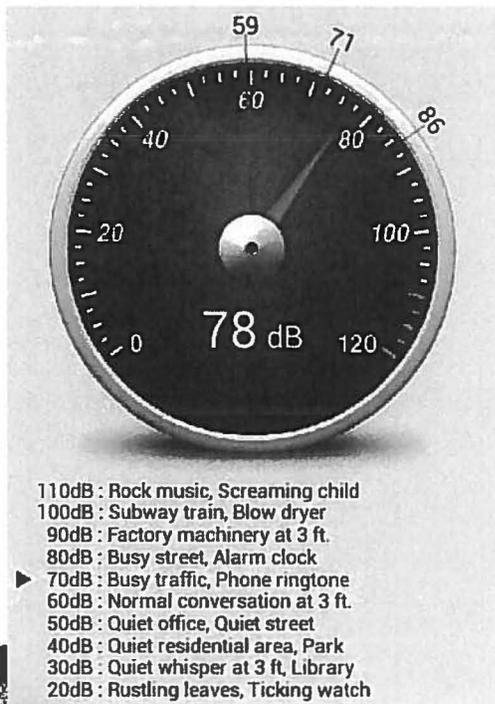


Image B-3

Readings C1 through C3 were taken on the east side of Nate Drive even with the front of the houses along the south side of Hess Road. Peaks on the graph indicate vehicles passing by the test equipment. Note that the average SPL for the duration of the readings at this location was 72dB and the peak SPL was 82 dB, similar to the readings at Location "B", confirming that noise from the Service Street facility is not contributing to increased ambient noise levels.

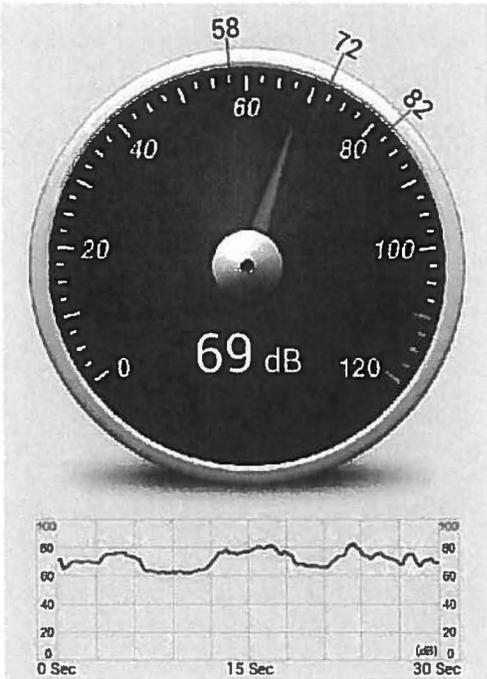


Image C-1

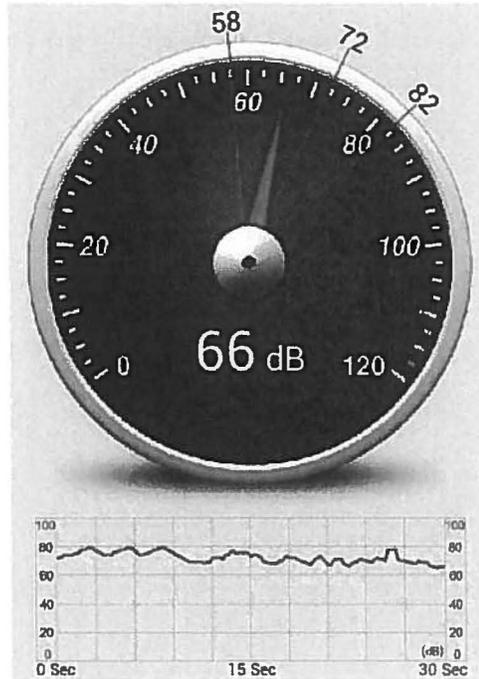
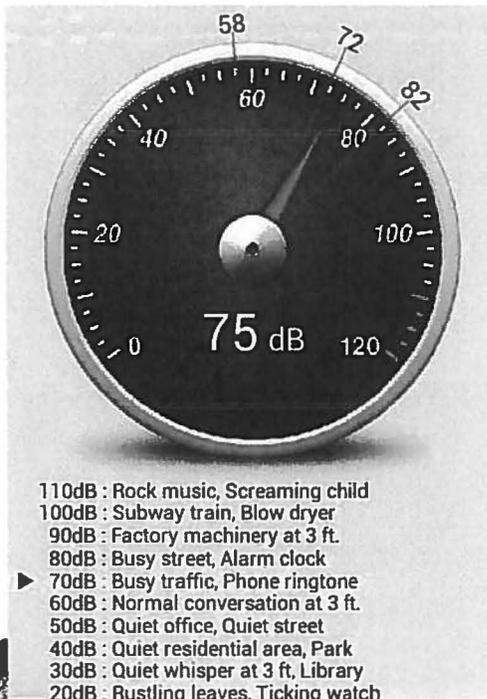


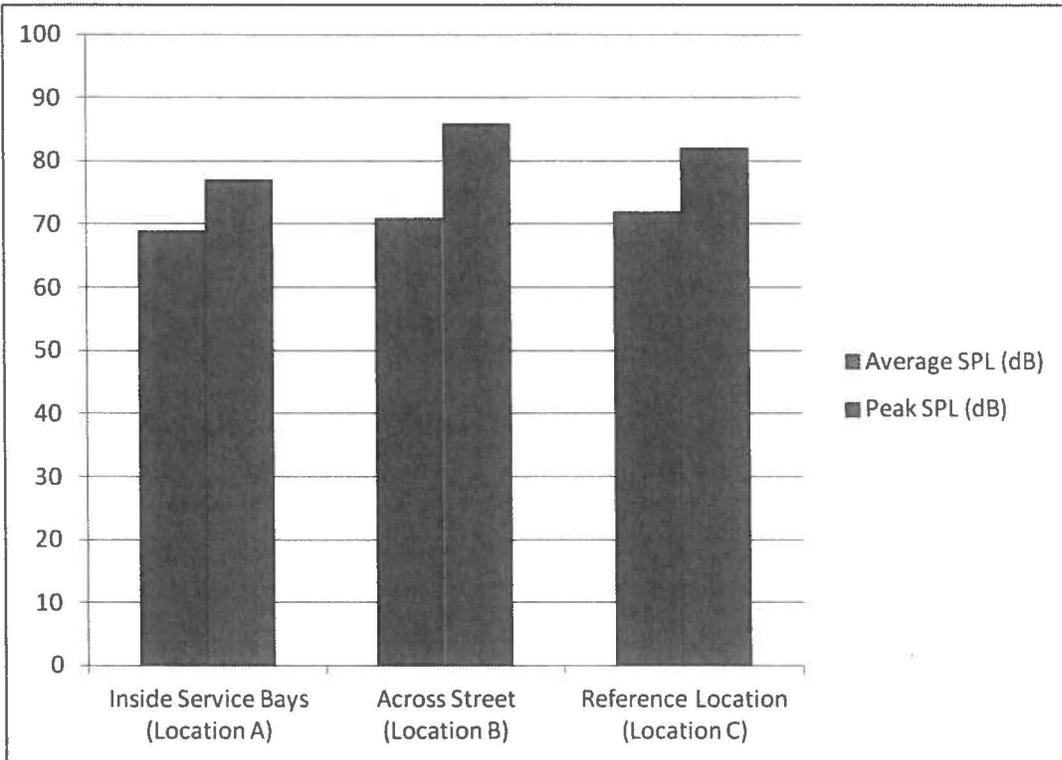
Image C-2



- 110dB : Rock music, Screaming child
- 100dB : Subway train, Blow dryer
- 90dB : Factory machinery at 3 ft.
- 80dB : Busy street, Alarm clock
- ▶ 70dB : Busy traffic, Phone ringtone
- 60dB : Normal conversation at 3 ft.
- 50dB : Quiet office, Quiet street
- 40dB : Quiet residential area, Park
- 30dB : Quiet whisper at 3 ft, Library
- 20dB : Rustling leaves, Ticking watch

Image C-3

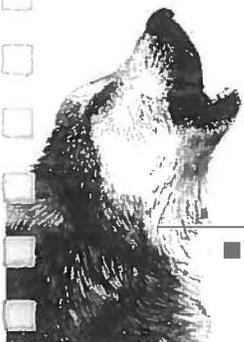
Summary



Conclusion

In conclusion, the data collected indicates that noise levels even inside an existing Service Street facility do not exceed ambient noise levels on the street on which it is located, and does not contribute to increasing ambient noise levels that can be expected in the vicinity of such a facility.

Dane Vierow LEED AP BD+C
Project Manager
Grey Wolf Architecture



NEW BUSINESS CALENDAR

ITEMS: 4.A-4.D

STAFF: LARRY LARSEN

FILE NOS.:

CPC A 13-00043 – LEGISLATIVE

CPC MP 06-00069-A3MJ14 - LEGISLATIVE

CPC PUZ 14-00043 – LEGISLATIVE

CPC PUD 06-00108-A6MJ14 - QUASI-JUDICIAL

PROJECT: DUBLIN NORTH ANNEXATION 1D AND DUBLIN NORTH PHASE 7
APPLICANT: GUMAN AND ASSOCIATES
OWNER: APALOOSA INVESTMENTS, LLC



PROJECT SUMMARY:

1. Project Description: Request by Guman and Associates on behalf of Apaloosa Investments, LLC for consideration of the following applications: 1.) the Dublin North 1D Annexation (**FIGURES 1 & 2**); 2.) an amendment to the Dublin North Master Plan (**FIGURE 3**); 3.) establishment of the PUD/AO (Planned Unit Development: Detached Single-Family Residential, maximum density 5.66 dwelling units per acre, maximum building height of 30 feet, with Airport Overlay) zone district; and 4.) an amendment to the Dublin North Development Plan (Phase 7) (**FIGURE 4**).

If approved the applications would allow the property to be included within the City and be developed for single-family residential use, specifically for 22 single-family residential lots, City streets, and landscape areas.

The property is located northwest of the Dublin Boulevard and Sandyford Lane intersection, south of Vickie Lane and consists of 5.0 acres.

2. Applicant's Project Statements: (**FIGURE 5**)
3. Planning and Development Department's Recommendation: Approval of the applications subject to technical modifications.

BACKGROUND:

1. Site Address: Not applicable
2. Existing Zoning/Land Use: County A/AO (Agricultural with Airport Overlay) / Vacant (**FIGURE 6**)
3. Surrounding Zoning/Land Use:
North: PUD (Planned Unit Development – Residential) / Vacant (Planned: Single-Family Residential)
South: R-1-6000 (Single-Family Residential) / Single-family residences
East: PUD (Planned Unit Development – Residential) / Vacant (Planned: Single-Family Residential)
West: County RR-5 (Rural Residential) / Vacant
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: Pending
6. Master Plan/Designated Master Plan Land Use: Pending - Dublin North Master Plan - Residential
7. Subdivision: Dublin North Filing #7 (Pending)
8. Zoning Enforcement Action: None.
9. Physical Characteristics: The site slopes slightly towards the southwest. The site has no significant vegetation (grasses and shrubs) or natural features.

STAKEHOLDER PROCESS AND INVOLVEMENT: The standard City notification process was used for the applications' internal review and included posting the property with a notice poster and mailing postcards to approximately 202 property owners within 1,000 feet of the project area. No e-mail or letters of concerns were received.

The same posting and notification process will be utilized prior to the CPC public hearing.

All applicable agencies and departments were asked to review and comment. No significant concerns were identified. All issues and concerns were incorporated into the development plan.

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

1. Design and Development Issues: This is a simple addition to an existing development plan and allows for an additional 22 lots.
 - a. Fiscal Impact Analysis: The City Budget Office prepared the Dublin North 1D Annexation Fiscal Impact Analysis and found that the annexation provides a positive cumulative cash flow for the City. **(FIGURE 7)**
 - b. Land Use Compatibility: This existing project is located within an area being developed for single-family residential neighborhoods.
2. Conformance with the City Comprehensive Plan: The annexation and use is consistent with the City's Comprehensive Plan. The Plan's 2020 Land Use Map identifies this area as a "Potential Annexation Area - General Residential".

The following City Comprehensive Plan goals, objectives and policy statements apply to this project:

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 302c: Promote Compatibility between Land Uses of Differing Intensities: Design and develop mixed land uses to ensure compatibility and appropriate transitions between land uses that vary in intensity and scale.

Objective LU 5: Develop Cohesive Residential Areas: Neighborhoods are the fundamental building block for developing and redeveloping residential areas of the city. Likewise, residential areas provide a structure for bringing together individual neighborhoods to support and benefit from schools, community activity centers, commercial centers, community parks, recreation centers, employment centers, open space networks, and the city's transportation system. Residential areas also form the basis for broader residential land use designations on the citywide land use map. Those designations distinguish general types of residential areas by their average densities, environmental features, diversity of housing types, and mix of uses. Residential areas of the city should be developed, redeveloped and revitalized as cohesive sets of neighborhoods, sharing an interconnected network of streets, schools, parks, trails, open spaces, activity centers, and public facilities and services.

Policy LU 501: Plan Residential Areas to Integrate Neighborhoods into the Wider Subarea and Citywide Pattern: Plan, design, develop, and redevelop residential areas to integrate several neighborhoods into the citywide pattern of activity centers, street networks, environmental constraints, parks and open space, school locations and other public facilities and services.

Strategy LU 501a: Link Neighborhood Layout and Design to a Larger Residential Area: In master plans and in community planning areas, layout and design individual neighborhoods to form a coherent residential area.

Policy LU 601: Assure Provision of Housing Choices: Distribute housing throughout the City so as to provide households with a choice of densities, types, styles and costs within a neighborhood or residential area.

Objective N 1: Focus On Neighborhoods: Create functional neighborhoods when planning and developing residential areas. Regard neighborhoods as the central organizing element for planning residential areas. Rely on neighborhood-based organizations as a means of involving residents and property owners in the decision-making process.

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 City Planning and Development Staff that the Dublin North 1D Annexation and the Dublin North Phase 7 project are consistent with the City's Comprehensive Plan 2020 Land Use Map and the Plan's goals, objectives and policies for General Residential use.

3. Conformance with the City Annexation Plan: This 5.00 acre annexation and master plan is a logical annexation of a part of an enclave that clearly belongs in the City. Although the proposed plan for this relatively small part of a larger development does not include some of the desired aspects of land use mix and connectivity supported by the Comprehensive Plan, it does meet the minimum requirements. It is also noted that the property is part of the 'Future Inclusion Area' of the Dublin North Metropolitan Districts. The applicant should specifically address whether they intend to include this property in that district. Finally, the applicant will need to address inclusion into the Southeastern Colorado Water Conservancy District.

It is the finding of the City Planning and Development Staff that the Dublin North 1D Annexation and the master plan amendment are consistent with the City's Annexation Plan for General Residential use.

4. Conformance with the Area's Master Plan: This project is to be located within the Dublin North Master Plan area is designated for residential use.

It is the finding of the City Planning and Development Staff that the Dublin North Phase 7 project is consistent with the Dublin North Master Plan.

5. Zone Change to Planned Unit Development (PUD): The proposed zone is PUD/AO (Planned Unit Development: Detached Single-Family Residential, maximum density 5.66 dwelling units per acre, maximum building height of 30 feet, with Airport Overlay).

Zone change requests are reviewed based upon the zone change criteria found in City Code Section 7.5.603.B. Further, zone changes to Planned Unit Development are reviewed based

upon the establishment and development of a PUD zone criteria found in City Code Section 7.3.603.

It is the finding of the City Planning and Development Staff that the zone change meets the zone change criteria found in City Code Section 7.5.603.B and the establishment and development of a PUD zone criteria found in City Code Section 7.3.603.

6. Development Plan Amendment: The Dublin North PUD Development Plan Amendment is submitted in conjunction with the zone change application for this project.

PUD Development plans are reviewed based upon the PUD development plan review criteria found in City Code Section 7.3.606.

It is the finding of the City Planning and Development Staff that the PUD development plan meets the development plan review criteria found in City Code Section 7.3.606.

STAFF RECOMMENDATIONS:

Item No: 4.A CPC A 13-00043 – Annexation

Approve the Dublin North 1D Annexation, based upon the finding that the annexation complies with the findings of City Code Section 7.6.203, subject to the following conditions and technical and/or informational modifications:

Technical Modifications on the Annexation:

1. Prior to setting the City Council's public hearing provide the City Attorney's, City Utilities, City Engineering, City Traffic, and Land Use Review's approval of the executed annexation agreement.
2. Provide City Utilities approval of the executed Special Warranty Deed transferring water rights to the City (which will require the Owner to obtain an inventory of the Owner's water rights appropriations for the property).
3. Provide the Bureau of Reclamation's approval for inclusion into the Southeastern Colorado Water Conservancy District to Land Use Review and City Utilities.

Item No: 4.B CPC MP 06-00069-A3MJ14 – Master Plan Amendment

Approve the Dublin North Master Plan Amendment upon the finding that the plan complies with the review criteria of City Code Section 7.5.408, subject to the following technical and informational modifications:

Technical Modifications on the Master Plan Amendment:

1. Show the proposed amendment on the existing approved Dublin North Master Plan. Include all updated plan sheets.
2. Clearly "cloud" all areas of change associated with this amendment.
3. Show the Parks and Recreation's approved neighborhood 3.5 acre park site.
4. Changes to the master plan will include:
 - a. Showing the City file number, "CPC MP 06-00069-A3MJ14", in the lower right corner of each sheet;
 - b. On Sheet 1, update the Data Table regarding acreage;
 - c. On Sheet 1, update the Proposed Land Use Table;
 - d. On Sheet 1, add the Dublin North 1D Annexation to the Annexation Table;

- e. On Sheet 1, update the park and school dedication statements;
- f. On Sheet 2, add the Dublin North 1D legal description;
- g. On Sheet 3, add any specific Dublin North 1D Notes, if applicable;
- h. On Sheet 4, show the Dublin North 1D area and only include: "Dublin North 1D – Residential – 8.00 – 11.99 du / ac – 5.00 ac";
- i. On Sheet 4, show the neighborhood park site;
- j. On Sheets 5 & 6, show the Dublin North 1D area and neighborhood park site.
- k. On Sheet 1, update the amendment history box as provided in the 6/11/14 review letter.

Item No: 4.C CPC PUZ 14-00043 – Establishment of Zone District

Approve the establishment of the PUD/AO (Planned Unit Development: Detached Single-Family Residential, maximum density 5.66 dwelling units per acre, maximum building height of 30 feet, with Airport Overlay) zone district, based upon the finding that the change complies with the zone change criteria found in City Code Section 7.5.603.B and the PUD establishment criteria found in City Code Section 7.3.603.

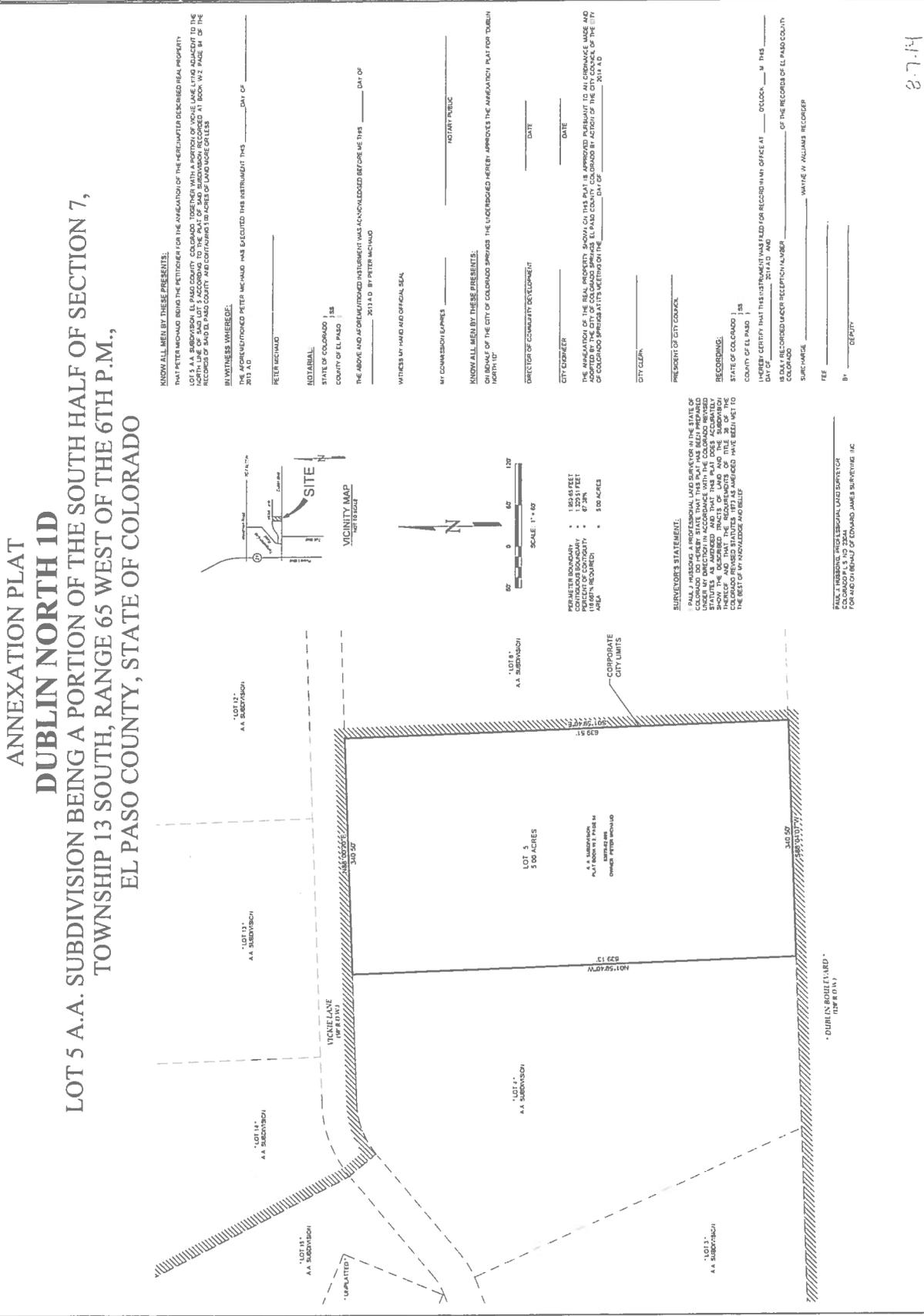
Item: 4.D CPC PUD 06-108-A6MJ14 – PUD Development Plan Amendment

Approve the Dublin North Phase 7 PUD Development Plan Amendment based upon the finding that the plan complies with the PUD development plan review criteria in City Code Section 7.3.606, subject to the following technical and informational modifications:

Technical Modifications on the PUD Development Plan:

1. Provide City Real Estate Services approval that all required easements have been properly vacated.
 2. It is also noted that the property is part of the 'Future Inclusion Area' of the Dublin North Metropolitan District. A note should be added to specifically address whether it is intend to include this property in that district.
 3. Vickie Lane must now be included, designed, and constructed from this project, west to Templeton Gap Road. Show Vickie Lane as part of this development plan on Sheets 1, 4, 7, 10, &11.
 4. On Sheet 1, under General Notes, add the following note: "Any assignments of drainage basin credits must be in the name of the ownership as shown on the plat at time of submittal for recordation. Credit assignments must be submitted to the City, Engineering Review Stormwater Department and approved by the City Finance section prior to submittal of the plat for recordation."
 5. On Sheet 1, under Site Data and Proposed Zoning, add the new ordinance number that will be provided for this Phase 7 area; maintain the previous ordinance number.
 6. On Sheets 2, 5, 9, 12 & 14, remove the screening wall from Tract Q and show a sidewalk connection between the Donahue Drive and Edmondstown Drive intersection south to the Dublin sidewalk.
 7. On Sheet 1, under Site Data, change 30 to 22 for the number of lots within Phase 7.
 8. On Sheets 7, 8 & 9, modify plan to eliminate overlapping text.
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EDWARD-JAMES SURVEYING, INC. 4732 Eastbridge Circle Colorado Springs, CO 80907 Office: (719) 576-1216 Fax: (719) 576-1206 Cell: (719) 546-8247		ANNEXATION PLAT DUBLIN NORTH 1D LOT 5 A.A. SUBDIVISION BEING A PORTION OF THE SOUTH HALF OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE CITY AND COUNTY OF COLORADO, STATE OF COLORADO.	DRAWN BY: DJM CHECKED BY: JLS DATE: 07/16/14 SCALE: 1" = 60' SHEET NO. 1 OF 1
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ANNEXATION PLAT
DUBLIN NORTH 1D
LOT 5 A.A. SUBDIVISION BEING A PORTION OF THE SOUTH HALF OF SECTION 7,
TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,
EL PASO COUNTY, STATE OF COLORADO

KNOW ALL MEN BY THESE PRESENTS: THAT PETER MICHAEL RINDO THE PETITIONER FOR THE ANNEXATION OF THE HEREAFTER DESCRIBED REAL PROPERTY NORTH LINE OF SAID LOT 5 ACCORDING TO THE PLAT OF SAID SUBDIVISION RECORDED AT BOOK W-2 MADE BY THE RECORDS OF SAID EL PASO COUNTY AND CONTAINING 5.00 ACRES OF LAND MORE OR LESS

IN WITNESS WHEREOF: THE ABOVE NAMED PETER MICHAEL RINDO HAS EXECUTED THIS INSTRUMENT THIS _____ DAY OF _____ 2013 A.D. BY PETER MICHAEL RINDO

INDIVIDUAL
 STATE OF COLORADO
 COUNTY OF EL PASO

THE ABOVE NAMED PETER MICHAEL RINDO HAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2013 A.D. BY PETER MICHAEL RINDO

WRITTEN BY: HANS HOFER, OFFICIAL SEAL

BY COMMISSIONER: _____ NOTARY PUBLIC

KNOW ALL MEN BY THESE PRESENTS: CHURCH OF THE CITY OF COLORADO APPROVES THE UNDERGOING HEREIN APPROVES THE ANNEXATION PLAT FOR DUBLIN NORTH 1D

DIRECTOR OF COMMUNITY DEVELOPMENT _____ DATE _____

CITY ENGINEER _____ DATE _____

CITY CLERK _____

PRESIDENT OF CITY COUNCIL _____

RECORDING: _____

STATE OF COLORADO
 COUNTY OF EL PASO

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT _____ O'CLOCK _____ M THIS _____ DAY OF _____ 2013 A.D. IN THE RECORDS OF EL PASO COUNTY, COLORADO

WITNESSES: _____ WITNESS: W. WILLIAMS, RECORDER

FEES: _____

BY: _____ DEPUTY

SURVEYOR'S STATEMENT:
 PAUL J. HERRING, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, HAS REVIEWED THE INSTRUMENT AND THE RECORDS REFERRED TO THEREIN AND HAS FOUND THAT THE INSTRUMENT IS IN ACCORDANCE WITH THE COLORADO REVISION STATUTES AS AMENDED AND THAT THE PLAT DOES ACCURATELY REPRESENT THE REAL PROPERTY DESCRIBED THEREIN AND THAT THE REQUIREMENTS OF TITLE 38 OF THE COLORADO STATUTES AS AMENDED HAVE BEEN MET TO THE BEST OF MY KNOWLEDGE AND BELIEF

PERIMETER BOUNDARY: 1,205.11 FEET
 CONTIGUOUS BOUNDARY: 1,205.11 FEET
 (18 MONTHS REQUIRED)
 AREA: 5.00 ACRES

SCALE: 1" = 60'

VICINITY MAP
 NORTH TO SOUTH

PAUL J. HERRING, PROFESSIONAL LAND SURVEYOR FOR AND ON BEHALF OF EDWARD JAMES SURVEYING, INC.

LOT 5
 5.00 ACRES

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 A.A. SUBDIVISION

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FIGURE 1

DRAFT NO. 4

08/28/14

DUBLIN NORTH 1D ANNEXATION ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT "Agreement", dated this ____ day of _____, 2014__, is between the City of Colorado Springs, a home rule city and Colorado municipal corporation ("City"), and Peter and Julie Michaud, ("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 Dublin North 1D Annexation 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 Amendment to the Dublin North 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").

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 PUD/AO (Planned Unit Development District with Airport Overlay) 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.

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. None.
- 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

a. Vickie Lane: Vickie Lane right-of-way is located partially within the City at this time. This annexation will effectively include all of the right-of-way within the City. Vickie Lane will be constructed as a "pioneer road" and as designated on the city approved development plans and as approved by City Engineering, Traffic and Transportation as part of this Annexation and the Dublin North project. The Owner agrees to dedicate the necessary right-of-way and construct Vickie Lane within this property, to City standards for a local residential street as well as using the existing right-of-way and extending and constructing Vickie Lane, from this property west to

existing Templeton Gap Road, to pioneer road design standards. A cost recovery for Vickie Lane may be imposed.

b. Dublin Boulevard: Dublin Boulevard already exists adjacent to this property. No further right-of-way or street improvements are necessary at this time, except a pedestrian sidewalk will be required to be constructed as part of this annexation and the Dublin North project. The Owner agrees to construct this sidewalk. A cost recovery for Dublin Boulevard exists and the Owner agrees to pay his fair share cost.

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).

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 Sand Creek and Cottonwood Creek Drainage Basin Planning Studies.

E. Parks Fees in lieu of park land dedication shall be required for this annexation.

F. Schools: Fees in lieu of school land dedication shall be required for this annexation.

G. Improvements Adjacent to Park and School Lands. Not Applicable.

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, in its sole discretion, 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, in its sole discretion, 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 in its sole discretion. 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.

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, in its sole discretion, 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. 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, in its sole discretion, 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' 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: 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. If any portion of the Property is located outside CSU's electric service territory, then upon annexation, CSU will acquire the electric service territory within the Property that is not served by CSU from the then-current electric service provider in accord with C.R.S. §§ 40-9.5-201 *et seq.*, or 31-15-707, and Owners shall be solely responsible for 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. Accordingly, Owners agree to pay the then-current electric service provider, directly, for the costs associated with CSU's acquisition of the electric service territory as specified in C.R.S. §§ 40-9.5-204 (1) (a) and 40-9.5-204 (1) (b) within 30 days of receipt of an invoice for such costs. Owners also agree to pay CSU for the costs associated with CSU's acquisition of the electric service territory as specified in C.R.S. §§ 40-9.5-204 (1) (c) and 40-9.5-204 (1) (d) within 30 days of receipt of an invoice for such costs.

Further, Owners acknowledge sole responsibility for the costs that CSU incurs in the conversion of any overhead electric lines to underground service and the removal of any existing electric distribution facilities (overhead or underground) that were previously installed by the then-current electric service provider. These costs shall be paid by Owners concurrent with the execution of a contract between the Owners and CSU that obligates Owners to reimburse CSU for such conversion or removal of existing electrical facilities.

3. Water and Wastewater Facilities by CSU: The Owners shall pay any advance recovery-agreement charges, or other fees or charges that are not currently approved by CSU for the Property, but which may become applicable as a result of any on-site or off-site water or wastewater system facilities that CSU or other developers may design and construct in order to ensure an integrated water or wastewater system supplying the Property. Additionally, the 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.

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's Planning and Engineering Department. 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, in its sole discretion, 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 and shall be subject thereafter 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. 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 consent for inclusion into the District from the Bureau of Reclamation.

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 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 Falcon Fire Protection 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 \$1,631.00 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

The Owner agrees to pay a fee of \$677.00 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.

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

CITY OF COLORADO SPRINGS

BY: _____
MAYOR

ATTEST:

BY: _____
CITY CLERK

APPROVED AS TO FORM:

BY: _____
CITY ATTORNEY

PROPERTY OWNERS:

Peter Michaud

Julie Michaud

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

LOT 5 OF A. A. SUBDIVISION AS PLATTED IN THE EL PASO COUNTY RECORDS IN PLAT BOOK W-2, AT PAGE 94, BEING IN THE SOUTHEAST ONE-QUARTER OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO:

CONTAINING 5.386 ACRES MORE OR LESS.

LEGAL DESCRIPTION STATEMENT

I, PAUL J. HUSSONG, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF IS CORRECT.

PAUL J. HUSSONG, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 23044
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.

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

Exhibit A

LEGAL DESCRIPTION

To the
Special Warranty Deed and Irrevocable Consent to the Appropriation, Withdrawal and Use of Groundwater
executed by Peter Michaud and Julie Michaud, Grantor(s) on _____.

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

A TRACT OF LAND BEING A PORTION OF LOT 5 AS PLATTED IN A. A. SUBDIVISION RECORDED IN THE EL PASO COUNTY RECORDS IN PLAT BOOK W-2, AT PAGE 94 AND BEING A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTHWESTERLY BOUNDARY LINE OF DUBLIN NORTH FILING NO. 1 AS PLATTED IN THE EL PASO COUNTY RECORDS UNDER RECEPTION NUMBER 208712755 BEING MONUMENTED AT EACH END BY A NO. 5 REBAR AND 1 1/2" ALUMINUM CAP STAMPED "JR ENG PLS 32820" BEING CONSIDERED TO BEAR N01°55'53"W A DISTANCE OF 480.41 FEET

COMMENCING AT THE NORTHWEST CORNER OF LOT 5, A.A. SUBDIVISION NO. 1, SAID POINT BEING THE POINT OF BEGINNING; THENCE N88°00'20"E AND ON THE NORTH LIE OF SIAD LOT 5 A DISTANCE OF 331.32 FEET; THENCE 01°59'40"W A DISTANCE OF 499.16 EET; THENCE S88°02'55"W A DISTANCE OF 2.30 FEET; THENCE S01°57'05"E AND ON THE BOUNDARY OF SAID DUBLIN NORTH FILING NO. 5 A DISTANCE OF 140.00 FEET TO A POINT ON THE SOUTH LINE OF SAID A.A. SUBDIVISION FILING NO. 1; THENCE S88°02'55"W AND ON THE SOUTH LINE OF SAID A.A. SUBDIVISION FILING NO. 1 A DISTANCE OF 328.92 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE N01°59'40"W AND ON THE WEST LINE OF SAID LOT 5 A DISTANCE OF 638.91 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 211,398 SQ. FEET, OR 4.853 ACRES.

LEGAL DESCRIPTION STATEMENT

I, PAUL J. HUSSONG, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF IS CORRECT.

PAUL J. HUSSONG, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 23044
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.

Exhibit B

To the
Special Warranty Deed and Irrevocable Consent to the Appropriation, Withdrawal and Use of Groundwater
executed by Peter Michaud, and Julie Michaud, 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.

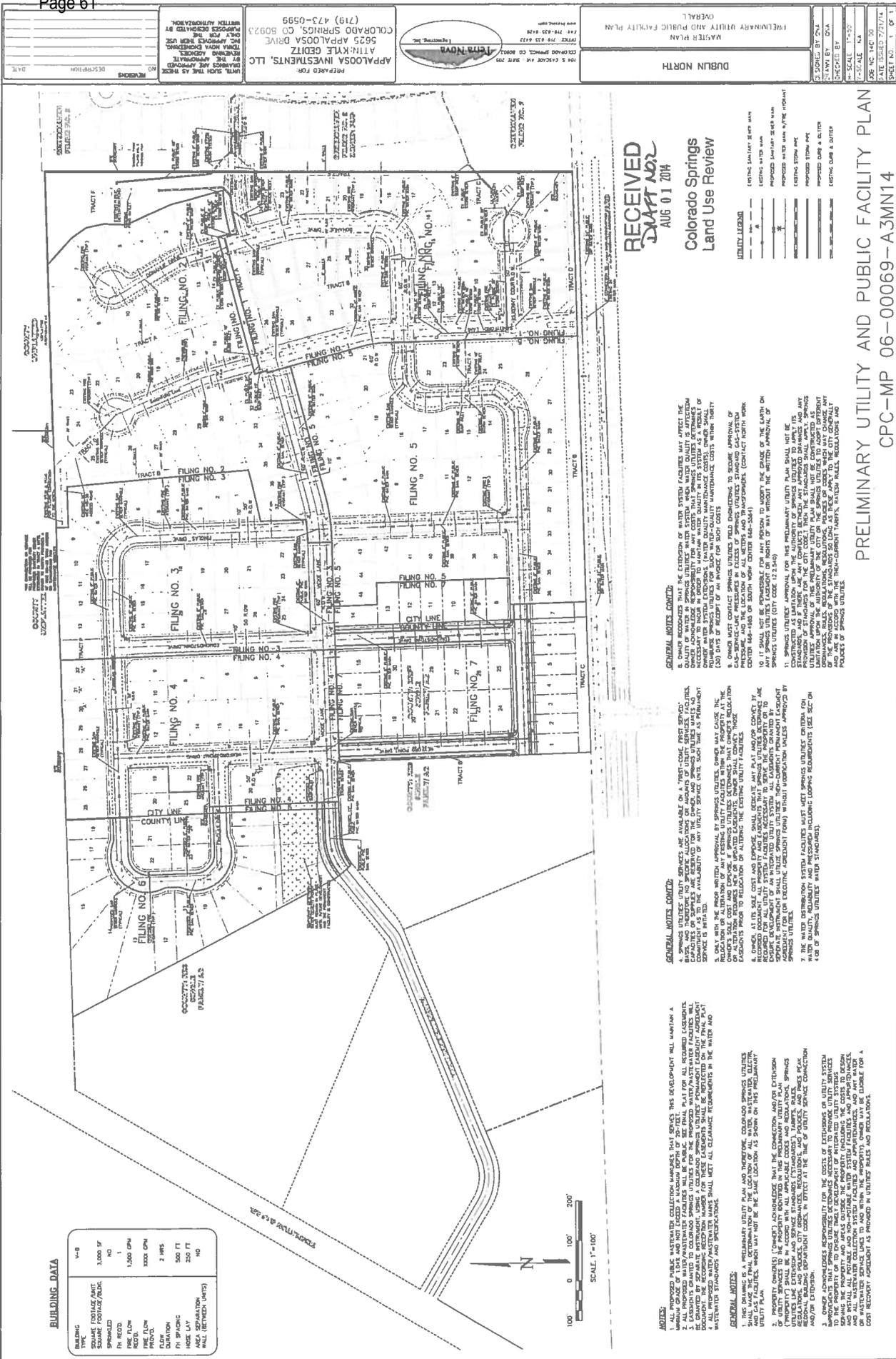
Court:

Source:

Amount:

Date of Decree:

Name of Owner:



BUILDING DATA

V-B	1-8
BUILDING TYPE	3,000 SF
FOOTPRINT	1
SQUARE FOOTAGE/PUBLIC	1,500 GPM
SPRINKLED	3,000 GPM
FR RECD.	500 FT
RECD.	350 FT
FIRE FLOW	
PROVD.	
DURATION	
PH SPACING	
HOSE LAY	
WALL (DETACHED UNITS)	

RECEIVED
 DRAFT NO. 2
 AUG 01 2014
 Colorado Springs
 Land Use Review

UTILITY LEGEND

EXISTING WATER MAIN	---
EXISTING SANITARY SEWER MAIN	---
PROPOSED WATER MAIN	---
PROPOSED SANITARY SEWER MAIN	---
EXISTING STORM PIPE	---
PROPOSED STORM PIPE	---
EXISTING GAS & OIL PIPE	---
PROPOSED GAS & OIL PIPE	---

GENERAL NOTES, CONT'D:

8. OWNER ACKNOWLEDGES THAT THE EXTENSION OF WATER SYSTEM FACILITIES MAY AFFECT THE EXISTING GRADE OF THE PROPERTY AND THAT THE OWNER SHALL BE RESPONSIBLE FOR THE NECESSARY GRADING AND EROSION CONTROL MEASURES TO MAINTAIN THE EXISTING GRADE OF THE PROPERTY AND TO PROTECT THE ADJACENT PROPERTY FROM EROSION AND DAMAGE TO THE EXISTING FACILITIES.

9. OWNER SHALL CONTACT SPRINGS UTILITIES FIELD OFFICE TO OBTAIN APPROVAL OF THE PROPOSED EXTENSION OF WATER SYSTEM FACILITIES AND TO OBTAIN THE NECESSARY PERMITS FROM THE CITY OF COLORADO SPRINGS.

10. IT SHALL NOT BE RESPONSIBLE FOR ANY PERSON TO LOCATE THE GRADE OF THE EARTH ON ANY SPACES UTILITIES FACILITIES OR RIGHTS OF WAY WITHOUT THE WRITTEN APPROVAL OF SPRINGS UTILITIES.

11. SPRINGS UTILITIES APPROVAL FOR THIS PRELIMINARY UTILITY PLAN SHALL NOT BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON. SPRINGS UTILITIES SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO THE PROPERTY OR TO THE ADJACENT PROPERTY CAUSED BY THE EXTENSION OF WATER SYSTEM FACILITIES OR BY THE USE OF THE INFORMATION PROVIDED HEREON.

GENERAL NOTES, CONT'D:

4. SPRINGS UTILITIES UTILITY SERVICES ARE AVAILABLE ON A "FIRST-COME, FIRST-SERVED" BASIS. THE AVAILABILITY OF UTILITY SERVICES IS SUBJECT TO THE AVAILABILITY OF UTILITY SERVICE UNITS. SUCH TIME AS REMAINING SERVICE IS AVAILABLE.

5. ONLY WITH THE PRIOR WRITTEN APPROVAL BY SPRINGS UTILITIES, OWNERS MAY CAUSE THE RELOCATION OF ALTERNATE OR ANY EXISTING UTILITY FACILITIES WITHIN THE PROPERTY AT THE DISCRETION OF SPRINGS UTILITIES. SPRINGS UTILITIES SHALL CONVEY THE NECESSARY PERMITS TO THE OWNER OF THE PROPERTY.

6. SPRINGS UTILITIES SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE UTILITY FACILITIES. THE DESIGN AND CONSTRUCTION SHALL BE IN ACCORD WITH THE CITY OF COLORADO SPRINGS UTILITY STANDARDS AND SPECIFICATIONS.

7. THE WATER DISTRIBUTION SYSTEM FACILITIES MUST MEET SPRINGS UTILITIES CRITERIA FOR THE DESIGN AND CONSTRUCTION OF WATER DISTRIBUTION SYSTEMS. THE DESIGN AND CONSTRUCTION SHALL BE IN ACCORD WITH THE CITY OF COLORADO SPRINGS UTILITY STANDARDS AND SPECIFICATIONS.

8. THE WATER DISTRIBUTION SYSTEM FACILITIES MUST MEET SPRINGS UTILITIES CRITERIA FOR THE DESIGN AND CONSTRUCTION OF WATER DISTRIBUTION SYSTEMS. THE DESIGN AND CONSTRUCTION SHALL BE IN ACCORD WITH THE CITY OF COLORADO SPRINGS UTILITY STANDARDS AND SPECIFICATIONS.

NOTES:

1. ALL PROPOSED PUBLIC WASTEWATER COLLECTION MAINS THAT SERVE THIS DEVELOPMENT WILL MAINTAIN A MINIMUM GRADE OF 1.0% AND NOT EXCEED A MAXIMUM BIRTH OF 20-FEET.

2. LANDSCAPE DESIGN FOR THE PROPOSED WATER/WASTEWATER FACILITIES WILL BE IN ACCORD WITH THE CITY OF COLORADO SPRINGS UTILITY STANDARDS AND SPECIFICATIONS.

3. LANDSCAPE DESIGN FOR THE PROPOSED WATER/WASTEWATER FACILITIES WILL BE IN ACCORD WITH THE CITY OF COLORADO SPRINGS UTILITY STANDARDS AND SPECIFICATIONS.

4. LANDSCAPE DESIGN FOR THE PROPOSED WATER/WASTEWATER FACILITIES WILL BE IN ACCORD WITH THE CITY OF COLORADO SPRINGS UTILITY STANDARDS AND SPECIFICATIONS.

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12. LANDSCAPE DESIGN FOR THE PROPOSED WATER/WASTEWATER FACILITIES WILL BE IN ACCORD WITH THE CITY OF COLORADO SPRINGS UTILITY STANDARDS AND SPECIFICATIONS.

13. LANDSCAPE DESIGN FOR THE PROPOSED WATER/WASTEWATER FACILITIES WILL BE IN ACCORD WITH THE CITY OF COLORADO SPRINGS UTILITY STANDARDS AND SPECIFICATIONS.

14. LANDSCAPE DESIGN FOR THE PROPOSED WATER/WASTEWATER FACILITIES WILL BE IN ACCORD WITH THE CITY OF COLORADO SPRINGS UTILITY STANDARDS AND SPECIFICATIONS.

15. LANDSCAPE DESIGN FOR THE PROPOSED WATER/WASTEWATER FACILITIES WILL BE IN ACCORD WITH THE CITY OF COLORADO SPRINGS UTILITY STANDARDS AND SPECIFICATIONS.

16. LANDSCAPE DESIGN FOR THE PROPOSED WATER/WASTEWATER FACILITIES WILL BE IN ACCORD WITH THE CITY OF COLORADO SPRINGS UTILITY STANDARDS AND SPECIFICATIONS.

17. LANDSCAPE DESIGN FOR THE PROPOSED WATER/WASTEWATER FACILITIES WILL BE IN ACCORD WITH THE CITY OF COLORADO SPRINGS UTILITY STANDARDS AND SPECIFICATIONS.

18. LANDSCAPE DESIGN FOR THE PROPOSED WATER/WASTEWATER FACILITIES WILL BE IN ACCORD WITH THE CITY OF COLORADO SPRINGS UTILITY STANDARDS AND SPECIFICATIONS.

19. LANDSCAPE DESIGN FOR THE PROPOSED WATER/WASTEWATER FACILITIES WILL BE IN ACCORD WITH THE CITY OF COLORADO SPRINGS UTILITY STANDARDS AND SPECIFICATIONS.

20. LANDSCAPE DESIGN FOR THE PROPOSED WATER/WASTEWATER FACILITIES WILL BE IN ACCORD WITH THE CITY OF COLORADO SPRINGS UTILITY STANDARDS AND SPECIFICATIONS.

PRELIMINARY UTILITY AND PUBLIC FACILITY PLAN
 CPC-MP 06-00069-A3MN14

FIGURE 3

Dublin North

Development Plan Major Amendment

NORTHEAST OF DUBLIN BLVD. AND POUDRE WAY

DATE: 07/14/2014
 DRAWN: JRM, WFD
 CHECKED: WFD

PROJECT NO.: 2

SITE PLAN

PROJECT NO.: 2

CPC PUD: DP-001007-AM-14

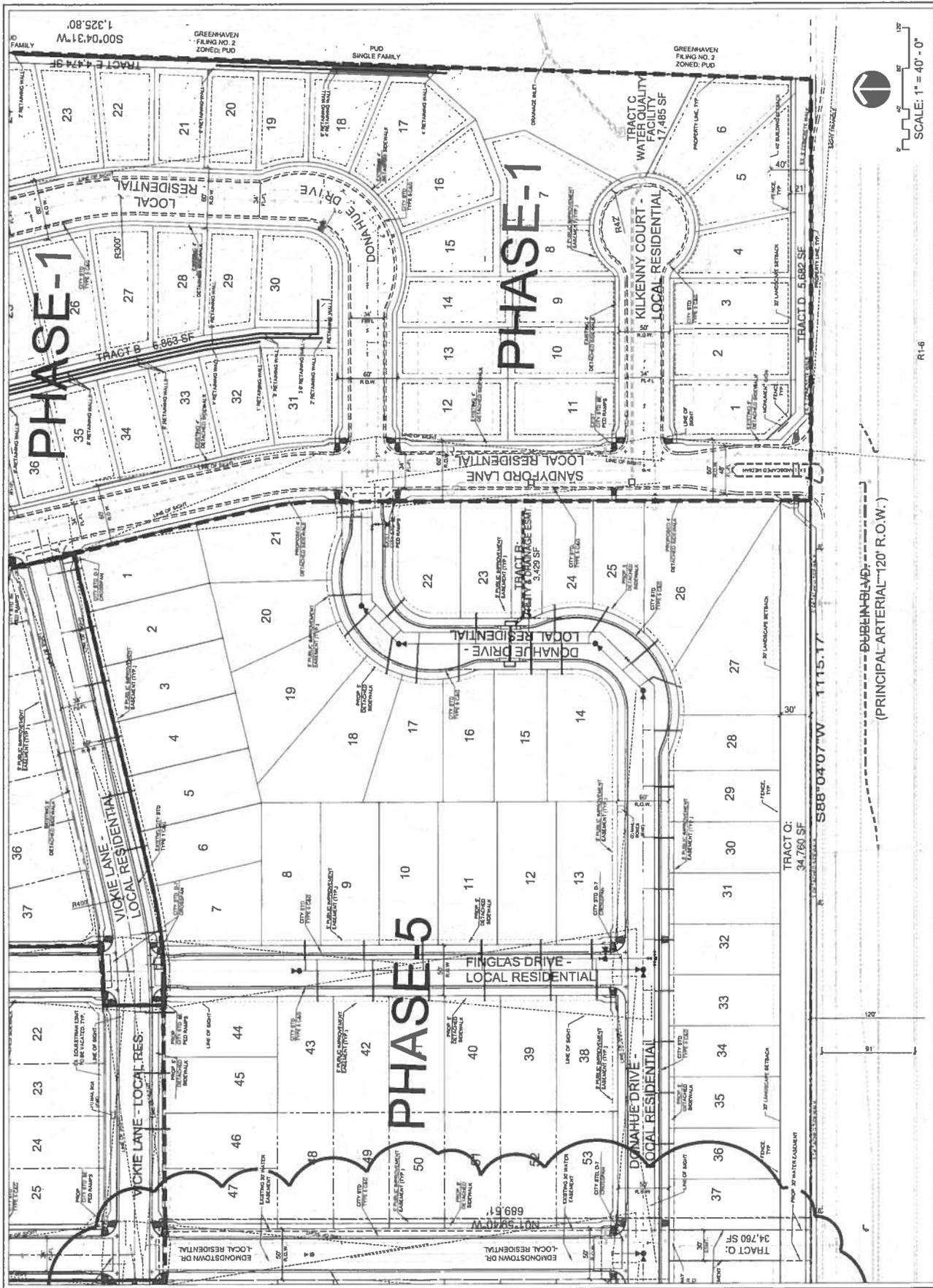


FIGURE 4

William Garver
 2711 North West Parkway, Suite 13
 Kansas City, MO 64116
 Phone: (816) 431-1000
 Fax: (816) 431-1001
 www.williamgarver.com

Dublin North
 Development Plan Major Amendment

NORTHEAST OF DUBLIN BLVD. AND POUDRE WAY

DATE: 07/15/2014	PROJECT: 2014-001
SCALE: 1" = 40'-0"	OWNER: WTB

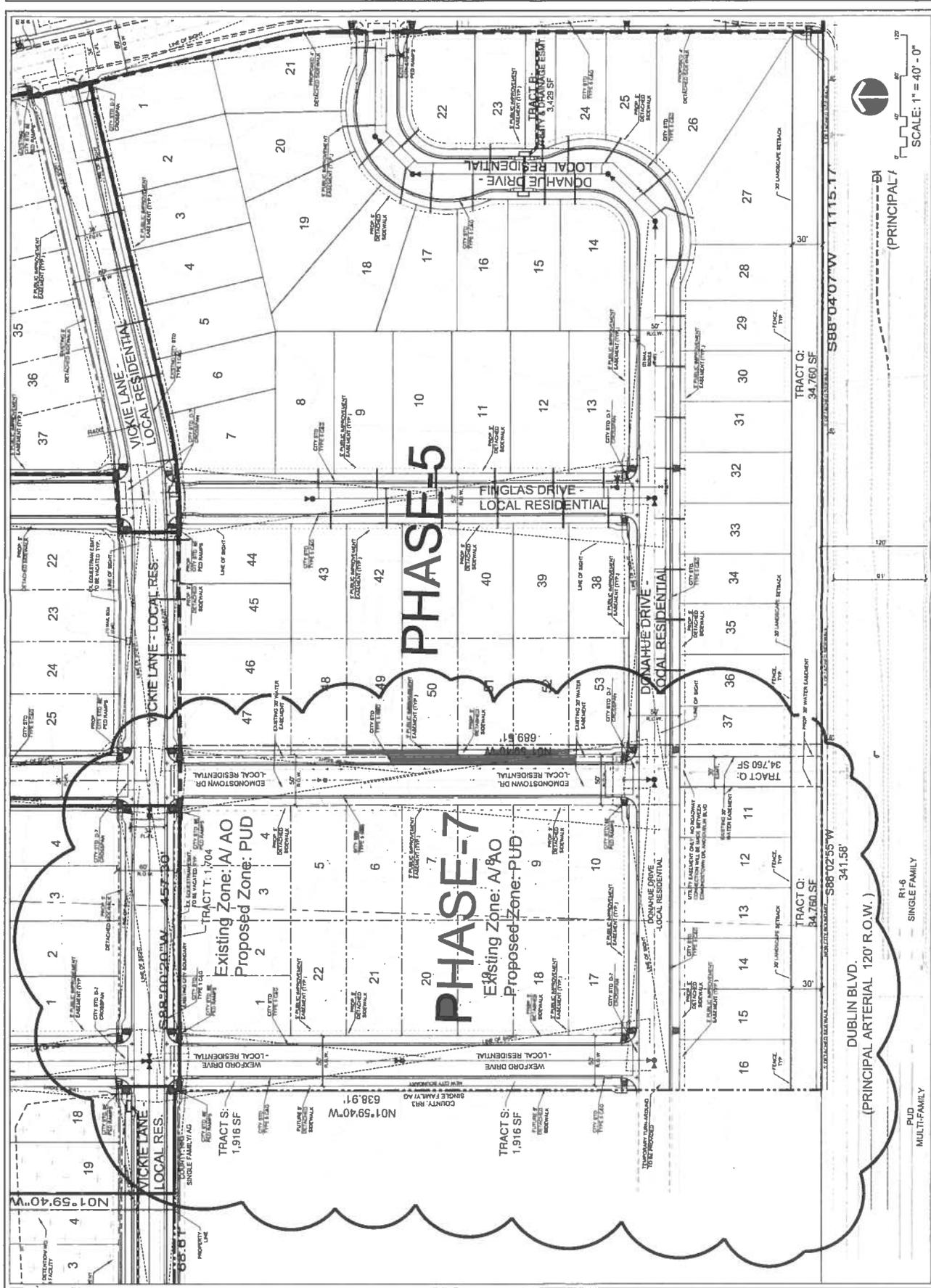


FIGURE 4



URBAN PLANNING | COMMUNITY DESIGN | LANDSCAPE ARCHITECTURE

731 North Weber Street, Suite 10, Colorado Springs, CO 80903, 719.633.9700 719.633.4250 fax
Email: WGuman@aol.com Web: GumanLtd.com

April 16, 2014

Larry Larsen, AICP
Senior Land Use Review Planner
Planning & Development
City of Colorado Springs
30 S. Nevada Ave., Suite 105
Colorado Springs, CO 80903

RE: Dublin North Phase 7/ Filing 7, Annexation, Master Plan, Rezone and Major Amendment to the Development Plan

Project Statement:

The purpose of this major amendment to the existing Dublin North Development Plan (CPC PUD 06-0018-A5MJ13) is for the addition of 5 acres and 22 single-family detached dwelling units to the overall Dublin North Project. The major amendment will increase the total acreage from 47 to 52 acres and the dwelling units from the currently approved 210 units up to 232 total units for a density of 4.46 DU's per Acre. As part of the major amendment, this 5 acres will be required to be annexed from the county into the city and rezoned from County RR-5 to Planned Unit Development (PUD). The annexation petition has already been approved by the Colorado Springs City Council and the City Attorney's office. The additional units will be added in the southwest corner of the existing project. There are no proposed changes to the existing lots, final plats, streets, utilities, and landscape already approved within the Dublin North project.

Annexation Justification:

Annexation of the 5 acre Dublin North Phase 7/ Filing 7 area is a logical extension of the city's boundary as it will be an extension of the existing Dublin North subdivision. The proposed project will be beneficial to the city by adding an additional 22 units to the existing subdivision by bringing fees for building permits, fees for parks and schools, property taxes, and city utility rate payers. It can be assumed that these residents will also shop within city limits bringing in additional tax revenue. The annexation of this parcel will be of little to no upfront cost to the city or general community as the developer will be required to pay for extending roads and services. However, the city will retain maintenance responsibilities for these services as is standard practice. The project currently has sufficient water and

wastewater service capabilities to extend to the proposed 22 units as these utilities were designed for this expansion in mind and all required utility easements have been shown on the drawings. In addition, these utilities are available immediately and will not delay the progress of this phase. Finally, both drainage and traffic impacts have been assessed and found to be a non-issue with the increased 22 dwelling units. More information can be found in the attached reports.

Master Plan Review Criteria:

While much of The Comprehensive Plan will not apply to the Dublin North Phase 7/ Filing 7 project, it does meet several of the outlined Master Plan Review Criteria illustrated on the master plan application requirements. Much of the comprehensive plan will not apply due to the simplicity of the proposed project with just 22 single-family detached dwelling units being added to an existing subdivision. There are no multi-family or commercial uses proposed. The existing subdivision already contains utility services and easements, roadways, and a metropolitan district to maintain common landscape areas. The Concept Plan 2020 Land Use Map identifies this parcel as General Residential. The proposed master plan amendment is consistent with this designation, compatible with existing adjacent land uses and promotes the existing development pattern with a network of interconnected streets, pedestrian connections, and utility extensions. All dwelling units along Dublin Blvd are buffered with a vegetated landscape setback and opaque screen fence.

The Dublin North Phase 7 area will not impose an undue burden on existing facilities or transportation systems as these additional 23 residential units were included in early design phases in order to account for the facilities these units would require. As previously stated, Dublin North has sufficient water and wastewater service capabilities to extend to the proposed 22 units. These utilities are available immediately and will not delay the progress of this annexation for development plan. All drainage and traffic impacts have been assessed and found to be a non-issue with the increased 22 dwelling units. The proposed roadways are logical continuations of approved road designs and will complete a looped traffic pattern to help disperse interior circulation. The existing intersection at Dublin Blvd. and Sandy Ford Lane will not be overburdened and can adequately handle the anticipated traffic trip increase. The drainage systems for this particular Phase 7 have also been accounted and designed for with previous submittals that include approval of pond locations and sub-surface drainage facilities.

While the site contains no significant natural features or preservation areas, the project seeks to maintain existing view corridors and provides adequate buffering from Dublin Blvd with screening and landscaping. There are no existing drainage ways, floodplains, environmentally sensitive areas, or

geologic mitigation hazards found on-site. This phase will allow for continuation of the existing detached sidewalk found along Dublin Blvd to continue eastward for eventual connection to the future Tutt Blvd.

A full fiscal impact analysis is not required for this site, rather fiscal impact information has been provided with this submittal for analysis by the City of Colorado Springs Budget Office. This information includes estimated number of traffic lane miles; estimated number of residential units by type and market value; estimated yearly build-out by land use type; and current assessed valuation of the property. The additional units, roadways, utilities, and detention facilities will have no adverse fiscal impact to the general community or the city. The fiscal impact information has been provided on a separate letter as part of this submittal.

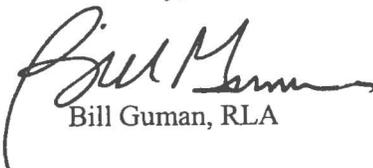
Finally, the development will pay fees in lieu of land to be dedicated for both park (0.51 Acres Req.) and school sites (0.44 Acres Req.). This approach follows what has been done with the six previously approved phases/ filings of the Dublin North development. These fees will be paid at time of platting at a rate determined by the City of Colorado Springs per the city code.

Issues:

No major issues have been identified.

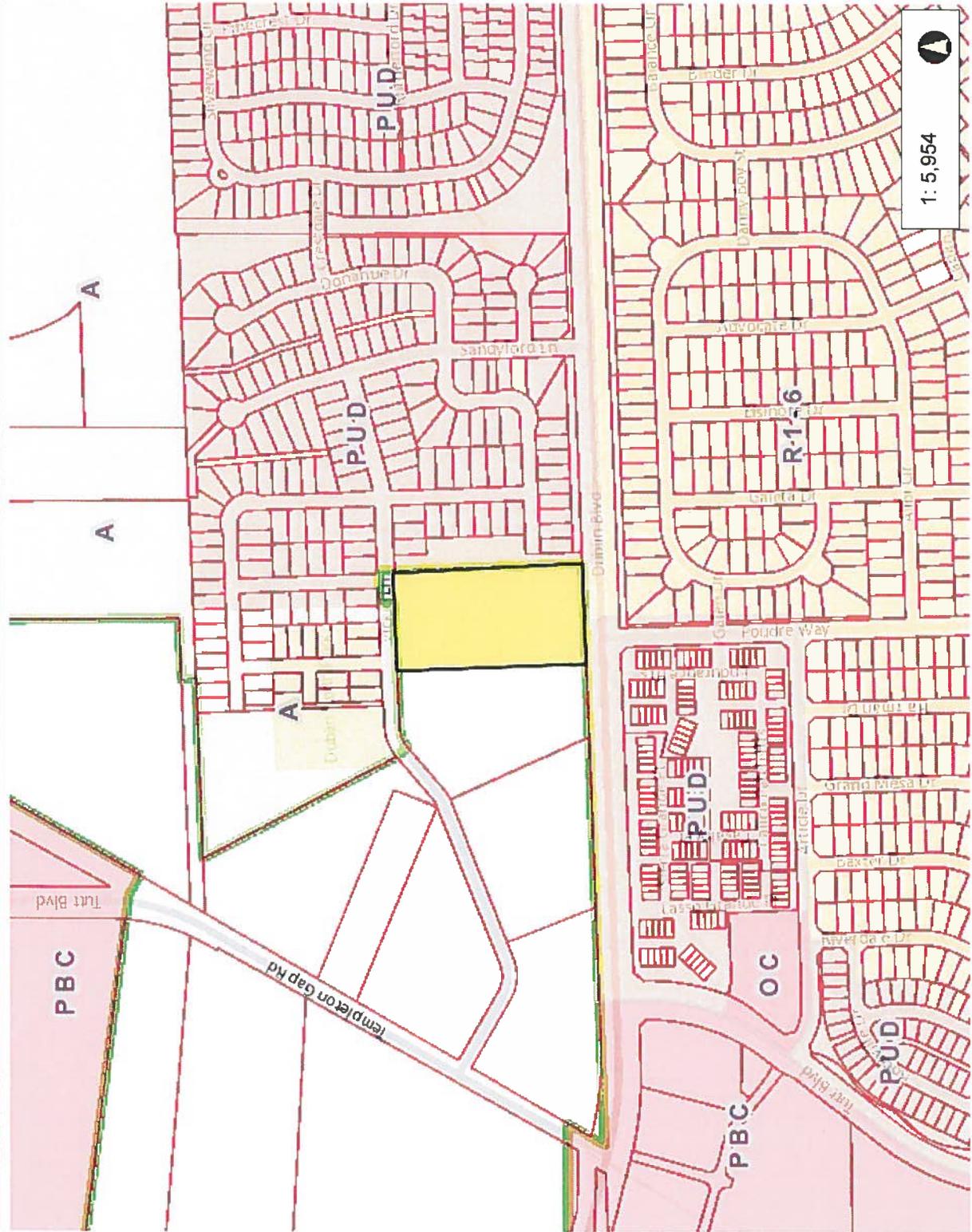
Please let us know of any questions or concerns. Thank you.

Sincerely,



Bill Guman, RLA

Dublin North Phase 7



Legend

□ Parcels

Base Zone - Fill

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

1: 5,954



This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

NAD_1983_StatePlane_Colorado_Central_FIPS_0502_Feet
 © Latitude Geographics Group Ltd.

FIGURE 6

TO: Larry Larsen, Senior Planner
FROM: Nina Vetter, Senior Analyst
DATE: June 15, 2014
SUBJECT: Dublin North Annexation - Fiscal Impact Analysis

A copy of the fiscal impact analysis for the Dublin North Annexation 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 Dublin North development for the period 2014-2023.

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 2014-2023. The Budget Office estimates the city revenue, as outlined in the Revenue Notes, stemming from the development.

The Draft Annexation Agreement provides for specific fees for fire protection and police protection, includes public land dedication for parks, and includes standard provisions that all street and/or traffic improvements and traffic control devices should be paid by the Owner.

Most departments indicated that there were 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 Fire, Police, Streets and Traffic Engineering Divisions identified marginal increases in operational costs to service the area.

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

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

REVENUE NOTES

Dublin North Phase 7 Annexation

General Fund/Public Safety Sales Tax Fund Fiscal Impact Analysis, 2014-2023

General Fund

PROPERTY TAX:

It is assumed property taxes will be collected in the year 2016 based upon beginning construction in 2014 because of the time lag associated with placing assessed value onto the assessment rolls. The 2016 revenue is calculated by multiplying the City mill levy of 4.279 mills by the projected increase in City assessed valuation resulting from the proposed development. This assumes there is no change in the residential assessment ratio of 7.96%. The cumulative assessed valuation includes a 3% annual increase in market values.

SPECIFIC OWNERSHIP TAX:

The Specific Ownership Tax revenue is calculated at 11.70% of property tax revenues. This is based on the 2012 actual City specific ownership tax revenues as a percent of property tax revenue.

ROAD & BRIDGE REVENUE:

The Road & Bridge Revenue is calculated at 3.85% of the property tax revenues. This is based on the 2012 actual City road & bridge revenues as a percent of property tax revenue.

SALES AND USE TAX:

The revenue calculation assumes the existing General Fund tax rate and existing collection practices. Projections include sales tax revenue from the personal consumption by the population projected to reside in Dublin North Phase 7 and the sale of building materials used in the projected construction of the households in the development.

The Sales Tax Revenue for Residential Uses is calculated by determining the average household income per unit and the percentage of income spent on taxable consumption. The average household income per unit is calculated based upon an "affordability" calculation, which assumes 10% down, 30-year mortgage @ 4%, and a 28% income/Principal and Interest ratio. The percentage of income spent on taxable consumption is 33.2%, which is an estimate from the U.S. Department of Commerce Consumer Expenditure Surveys. It also assumes that 75% of consumption by the new residents will be within the City and that 60% of the consumption by these residents is new to the City (in other words, 60% of residents moved from outside City limits). Also, it assumes there is a one-year construction/revenue collection lag. Projections include a 3% annual increase for inflation.

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

MISCELLANEOUS REVENUE:

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

Public Safety Tax Fund

SALES AND USE TAX:

The revenue calculation assumes the existing PSST rate and existing collection practices. Projections include sales tax revenue from the personal consumption by the population projected to reside in Dublin North Phase 7 and the sale of building materials used in the projected construction of the households in the development.

The Sales Tax Revenue for Residential Uses is calculated by determining the average household income per unit and the percentage of income spent on taxable consumption. The average household income per unit is calculated based upon an “affordability” calculation, which assumes 10% down, 30-year mortgage @ 4%, and a 28% income/Principal and Interest ratio. The percentage of income spent on taxable consumption is 33.2%, which is an estimate from the U.S. Department of Commerce Consumer Expenditure Surveys. It also assumes that 75% of consumption by the residents will be within the City and that 60% of the consumption by these residents is new to the City (in other words, 60% of residents moved from outside City limits). Also, it assumes there is a one-year construction/revenue collection lag. Projections include a 3% annual increase for inflation.

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

EXPENDITURE NOTES:

Dublin North Annexation

General Fund/Public Safety Sales Tax (PSST) Fund Fiscal Impact Analysis, 2014-2023

POLICE:

As part of the Annexation Agreement, the Annexor will pay \$677 per gross acre of the annexed area as the Owner's share of the capital cost of a new police station and initial equipment purchase required to service this annexation. The addition of 22 residential units is only projected to have a small marginal impact to the operational cost of police services (\$1,500-\$1,957 annually).

FIRE:

As part of the Annexation Agreement, the Annexor will pay \$1,631 per gross acre of the entire annexed area as their share of the capital cost of a new fire station and initial apparatus required to service this annexation. The only additional, operational, identifiable marginal costs of providing service to the annexed area are fuel, medical supplies and maintenance (~\$28 annually).

PUBLIC WORKS – STREETS, TRAFFIC ENGINEERING, CITY ENGINEERING:

There are no associated storm sewers, creeks or other drainage improvements on this annexation and therefore no impact on City Engineering. There will be some costs associated with street signs and streetlights, as well as roadway maintenance (~\$2,294- \$3,063 annually).

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:

As part of the Annexation Agreement, the Annexor will pay the fee-in-lieu of park land dedication (which is \$1,781 per residential unit for densities less than 8 units per acre and \$1,264 per residential unit for densities greater than 8 units per acre per the City's Subdivision Code). The fee will be held in the Public Space and Development Fund for future park development in this area.

**GENERAL FUND FISCAL IMPACT ANALYSIS
 SUMMARY OF EXPENDITURES AND REVENUE FOR DUBLIN NORTH**

	Projected 2014	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Projected 2020	Projected 2021	Projected 2022	Projected 2023
EXPENDITURES										
<u>Total Salaries, Operating, and Capital Outlay</u>										
Police	1,500	1,545	1,591	1,639	1,688	1,739	1,791	1,845	1,900	1,957
Fire	28	27	28	28	28	28	28	28	28	28
Public Works - Streets	1,201	1,237	1,274	1,312	1,352	1,392	1,434	1,477	1,521	1,637
Public Works - Transportation Engineering	1,093	1,126	1,159	1,194	1,230	1,267	1,305	1,344	1,384	1,426
Public Works - City Engineering	0	0	0	0	0	0	0	0	0	0
Public Works - Transit	0	0	0	0	0	0	0	0	0	0
Parks, Recreation and Cultural Services	0	0	0	0	0	0	0	0	0	0
TOTAL EXPENDITURES	3,822	3,935	4,053	4,174	4,298	4,426	4,558	4,694	4,834	5,048
REVENUES										
Property Taxes	0	0	206	418	431	444	457	471	485	499
Specific Ownership Taxes	0	0	24	49	50	42	53	55	57	58
Road & Bridge Revenue	0	0	8	16	17	17	18	18	19	19
Sales Tax Revenue (Residential Uses)	0	336	682	703	724	745	768	791	815	839
Sales and Use Tax Revenue (Building Materials)	4,840	4,840	0	0	0	0	0	0	0	0
Miscellaneous Revenue	0	5,407	10,814	11,138	11,472	11,817	12,171	12,536	12,912	13,300
General Fund Sub-Total	4,840	10,583	11,734	12,324	12,694	13,065	13,467	13,871	14,288	14,715
Public Safety Sales Tax Fund										
Sales Tax Revenue (Residential Uses)	0	67	136	141	145	149	154	158	163	168
Sales and Use Tax Revenue (Building Materials)	968	968	0	0	0	0	0	0	0	0
Public Safety Sales Tax Fund Sub-Total	968	1,035	136	141	145	149	154	158	163	168
TOTAL REVENUE	5,808	11,618	11,870	12,465	12,839	13,214	13,621	14,029	14,451	14,883
REVENUE SURPLUS/DEFICIT (Total Rev. less Total Exp.)	1,986	7,683	7,817	8,291	8,541	8,788	9,063	9,335	9,617	9,835
ANNUAL	1,986	9,669	17,486	25,778	34,319	43,107	52,169	61,504	71,122	80,957
CUMULATIVE										

FIGURE 7

CITY PLANNING COMMISSION AGENDA

ITEMS: 5.A, 5.B

STAFF: RICK O'CONNOR

FILE NOS.:

CPC ZC 14-00052 – QUASI-JUDICIAL
CPC DP 14-00053 QUASI-JUDICIAL

PROJECT: 3025 N. HANCOCK

APPLICANT: ECHO ARCHITECTURE/CHERRY CREEK SYSTEMS

OWNER: RESTAURANT SUPPLY INC



PROJECT SUMMARY

1. Project Description:
Two applications are associated with this request. The first application is a zone change from PBC (Planned Business Center) to C-5/cr (Intermediate Business with conditions of record). The second application is an “as-built” development plan (**FIGURE 1**) indicating the new use proposed for the property.
2. Applicant’s Project Statement: **FIGURE 2**
3. Planning and Development Department’s Recommendations: Approval of the applications subject to conditions of record and technical modifications.

BACKGROUND:

1. Site Address: 3025 N. Hancock
2. Existing Zoning/Land Use: PBC (Planned Business Center)/light manufacturing
3. Surrounding Zoning/Land Use:
North PBC/commercial development
South R-2 (two-family residential)/church and single family residential
East R1-6 (single family)/school athletic field
West R-5 (multi-family)/single family residential and office
4. Comprehensive Plan/Designated 2020 Land Use: Commercial Center
5. Annexation: The property was annexed in 1967 as part of the Fillmore Addition.
6. Master Plan: Not applicable.
7. Subdivision: The property was platted in 1954 as part of a lot within the Abrahamson’s Venetian Village Subdivision.
8. Zoning Enforcement Action: There have been several violation notices provided to the previous owners of this property, primarily for unsightly outside storage and debris; there are no current violations pending on this property.
9. Physical Characteristics: The site is developed with a building and parking lot.

STAKEHOLDER PROCESS:

An initial notification was provided to 69 property owners within 500 feet of the subject property during the internal review. An informal meeting was held with approximately eight (8) concerned neighbors in July. Subsequently, a second notification was sent to 315 property owners within 1,000 of the request. A neighborhood meeting was held in August to which approximately 21 individuals attended. The property was posted for the meeting and internal review. An additional postcard notification and posting will occur prior to the Planning Commission meeting.

Staff has received formal comments from one (1) neighbor with concerns/issues and two (2) letters in support of the applications (**FIGURE 3**).

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

1. Analysis of Major issues

The primary request is to rezone the property to allow for a light manufacturing operation within the existing building. The existing PBC zoning does not allow for any manufacturing whereas the C-5 zone, which is requested, does. The current tenant is the applicant with the intent to purchase the property if the applications are approved. The light manufacturing operation recently moved from a previous location and seeks the rezoning to allow his operation to continue. This application is not a result of any enforcement efforts due to the current light manufacturing use.

There are more similarities between these two commercial districts than differences (**FIGURE 4**). One of the primary differences is the light manufacturing use is an allowable use in the C-5 zone.

There is a tendency to place less emphasis on uses conducted within the confines of a building provided there are limited external impacts. The manufacturing that is occurring within the building is the assemblage of irrigation components to construct systems that are used in commercial green houses. While there is some minor manufacturing of parts, the operation is not an objectionable use. Other commercial uses, including past uses on this property, have been unsightly and a detriment to the neighborhood. A previous user had extensive outside storage that has been an issue with the neighborhood.

Colorado Springs is over commercialized. Older shopping centers lose their commercial attractiveness, the markets change and transition into other uses. As an example here, the use of this building initially was an Albertsons grocery store. As trends changed, the store closed and was replaced by multiple other users that have occupied the space over the years. In a worst case scenario, these centers fall further into decline with a lack of users and may become semi-abandoned. There is a desire for vitality within a neighborhood and a deteriorating center will not enhance this vitality. With a "clean" user occupying the space, there are "eyes" on the property, activity, and the ability for upkeep. These could be lacking with the demise of an aging center.

Staff fully supports this change and believes this is a positive effort to enhance an otherwise declining property. The rezoning is the correct approach to approve of the allowance for a light manufacturing use.

This use would have fewer impacts in some respects that many uses permitted in the existing PBC zone. While a grocer is a highly desirable use in a neighborhood, a grocery store has multiple delivery trucks daily from various vendors as well as a constant flow of customers. While traffic is always a concern, this use has limited truck traffic and employee traffic is very limited.

The conditions of record are suggested as they represent uses that staff views as incompatible in proximity to residences and would not be harmonious.

Neighborhood concerns

The neighborhood concerns are primarily the past use with the unsightly appearance of the property, primarily outside storage. While that tenant has relocated in a unit north of this request (and is currently subject to zoning enforcement actions), this user will have reduced outside storage needs. Staff is

recommending landscape treatment that will soften the storage issue as this remains a concern with the neighbors

2. Conformance with the City Comprehensive Plan:

The 2020 Land Use map identifies this property as within the Commercial Center Land Use category. The accompanying Land Use Matrix of the Comprehensive Plan indicates that industrial uses are an acceptable land use for this land use classification.

Applicable Objectives and goals are as follows:

Objective LU 4: Encourage Infill and Redevelopment

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

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

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

Objective LU 7: Develop Shopping and Service Areas to be Convenient to Use and Compatible with Their Surroundings

Colorado Springs has numerous commercial areas that provide the necessary goods and services for visitors and regional, community, and neighborhood residents. The location and design of these areas not only has a profound effect on the financial success of commercial businesses, but also on the quality of life for the residents. Regardless of whether a commercial development is intended to serve neighborhood, community, citywide, or regional functions, it must be located and designed to balance pedestrian, bicycle, automobile, and, in many cases, transit access. In addition, the location and design of commercial uses must be integrated into surrounding areas, rather than altering the character of surrounding land uses and neighborhoods. Incorporating a mix of uses will increase the diversity and vitality of commercial areas.

Strategy LU 702a: Redevelop Obsolete Commercial Areas as Activity Centers

Redevelop commercial areas that are obsolete or under-utilized either as community activity centers, commercial centers, or employment centers, depending on their size, location and primary function.

Strategy LU 702c: Support and Encourage the Evolution of Existing Commercial Areas into Activity Centers

Support and encourage the evolution and transformation over time of existing commercial areas from their exclusive auto orientation and single use functions

into activity centers with mixed uses, pedestrian and transit orientation, and better relationships to the surrounding residential areas.

Policy LU 801: Locate New Employment Activities within Mixed-use Centers

Locate concentrated employment activities within designated mixed-use centers whenever possible. Employment centers will be designed for basic employment uses including light manufacturing, offices, corporate headquarters, as well as other uses of similar character. Include a variety of complementary uses, such as business services, lodging for business travelers, convenience retail, childcare, restaurants, and multifamily housing. Employment activities that cannot be located within mixed-use centers due to large, single employer campuses, or environmental, industrial, and operational constraints, should be planned within the context of complimentary mixed uses in nearby activity centers.

Strategy LU 801g: Support and Encourage the Redevelopment of Obsolete Industrial Areas as Activity Centers

Support the redevelopment of older, obsolete industrial areas with a mix of uses in new activity centers, including residential, employment, commercial, recreational and entertainment uses.

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

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

3. Conformance with the Area's Master Plan: Does not apply.

ZONE CHANGE CRITERIA:

In accordance with City Zoning Code Chapter 7, Article 5, Section 603, a proposal for a change of zone classification may be approved by the City 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 City Comprehensive Plan.
- 3.) The proposal is consistent with the master plan for the area, in which the parcel is located.

Staff finds that criteria one and two are met, and criteria three does not apply.

DEVELOPMENT PLAN CRITERIA

Staff has determined that the development plan review criteria (Section 7.5.502.E.) are satisfied subject to the revisions to the plan as listed below.

STAFF RECOMMENDATION:

Item No: 5.A CPC ZC 14-00052 – Rezoning to C-5/cr

Approve the rezoning to C-5/cr (Intermediate Business with conditions of record), based upon the finding that the rezoning complies with the rezone review criteria in City Code Section 7.5.603 B, subject to the following Conditions of Record:

Conditions of Record:

1. That the following uses are prohibited:
 - a. Outdoor kennels.
 - b. Construction and/or contractors yards.

Item No: 5.B CPC DP 14-00053 – Development Plan

Approve the 3025 Hancock Development Plan, based upon the finding that the development plan complies with the development plan review criteria in City Code Section 7.5.502.E, subject to compliance with the following technical plan modifications:

Technical Modifications on the Development Plan:

1. Provide an 8-10' landscaped area adjacent to the east and south side of the fence. All plant materials shall consist of shrubs and trees, to be generally consistent with the landscape buffer/screen requirements and be on a drip irrigation system. The fence along the east side may need to be relocated to the west to accommodate the landscaping. A landscaping plan shall be submitted to LUR for approval and all landscaping shall be installed within 45 days of approval of the requests.
 2. Additional screening shall be provided to block the views of materials inside the fenced area so the storage is opaquely screened. This shall also include replacing missing slats within the existing fencing
 3. No trucks shall be parked longer than 24 hours along the east side of the building.
 4. Any semi-permanent parking on the property (over one week in duration) shall be shown on the development plan.
-



Date: April 21, 2014
To: City Of Colorado Springs
Land Use Review Division
Planning & Community Development Department
Attn: Rick O'Connor, Planner
Project: Cherry Creek Systems
Location: 3025 North Hancock Avenue
Colorado Springs, CO 80907

Cherry Creek Systems - Project Statement

Proposed Zone Change:

Cherry Creek Systems (CCS) is requesting a zone change from the current PBC to C-5. Cherry Creek Systems is a "light industrial" use, manufacturing greenhouse automation systems. They have occupied this building for approximately 6 months producing this equipment. When CCS moved into this building it was highly underutilized and a large portion of the exterior site was utilized as open air storage – a use not permitted in the PBC zone. CCS has cleaned up the site and has increased the occupancy of this formerly nearly empty building.

Project Justification:

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

Yes. CCS's operations are non-hazardous, quiet, and unobtrusive. By creating a viable business in this building the site has been physically cleaned up and the area has become safer due to the increased activity at the building, creating more "eyes on the street".

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

Yes. The property is located in the "Mature Redevelopment Corridor". CCS occupying this underutilized and formerly undesirable building is exactly what the Mature Redevelopment Corridor calls for.

3. *Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan.*

Not Applicable.

Project Issues:

The following issues in *'italics'* were raised during the Pre-App meeting on August 21, 2013:

Concern for declining older commercial center:

The fact that this commercial center is declining is due to many reasons. By expanding the allowed uses the potential for this commercial center to recover from its decline is increased. CCS is a great tenant and a great neighbor and will help this commercial center redevelop.

The PBC and C-5 zones are quite similar in permitted/conditional uses. The primary exception being Industrial Uses. CCS is an industrial use but a very inconspicuous one. The applicant would support a "Condition of Record" to disallow any Industrial Use that would be detrimental to the neighborhood (ie. noise, hour, and odor limitations).

Please feel free to contact me anytime with questions and/or comments on this Project Statement.

Respectfully,
Echo Architecture, LLC.

by 

Ryan Lloyd
Architect

Rick,

Thank you for your email. I did find the neighborhood meetings informative. I know you handed me the information on my question of a variance for this business. Frankly, it did not make any sense to me.

My comments/questions

I think the new business is a good thing for the neighborhood and the shopping center.

I would like the planning commission to consider keeping the PBC zone with a variance.

What is the review process for a PBC as opposed to a C-5?

So, after re-reading my emails dated the 24 and 26, I think they state my other concerns.

I also want the Planning Commission to know that I have and am still working with the State.

Thank you Rick. I believe you said that the information for the Planning Meetings will be on the city website?

From: Sharon Stone [<mailto:sharonstone1@mac.com>]

Sent: Thursday, June 26, 2014 8:27 AM

To: O'Connor, Rick

Cc: Stella Lively; Linda J

Subject: Re: concern regarding request for use of land change

Mr. O'Connor,

Thank you for your response. I am requesting a hearing/meeting with you and a representative from Cherry Creek Systems. I want to know and many of my neighbors want to know how this zone change will impact our neighborhood. When you report that the "manufacturing will be inside the building" - that answer is simply not enough information. OEM Parts also is a business that is "inside the building" and has been allowed to spill over to the outside and completely trash the area. You must understand that we are all weary regarding the particular business site where Cherry Creek is located. It has been a slow process to move the trash that continually gathers in this area. Response from the city has been minimal and it was only after I contacted the State, was there action. This business site is always in disrepair and trying to deal with the 2 owners has also been ineffective.

I turn to you with the hope that you can begin to assist us. This business site lowers our property value and is an eye sore. As property owners and citizens of this city, we deserve all of the rights and considerations to live in a neighborhood that is well maintained and supported by our city government.

From: Sharon Stone [<mailto:sharonstone1@mac.com>]

Sent: Tuesday, June 24, 2014 3:40 PM

To: O'Connor, Rick

Cc: Linda J

Subject: concern regarding request for use of land change

Mr. Rick O'connor,

I was just informed by a neighbor that there has been a request of zoning change by a business in a small business strip mall close to my neighborhood.

The business is Cherry Creek Systems, 3025 North Hancock
The reference # for rezone is CPC-ZC14-00052
The request is to change from PBC to C5

I was not notified of this change nor were my immediate neighbors. I want to understand what this change means from a Planned Business Center to Light Industrial. I understand that only neighbors within 500 ft. were notified.

My concern is the continual trash that still exists in this complex by OEM Parts at 3029 North Hancock and now this change for Cherry Creek Systems causes more concern.

This neighborhood is surrounded by schools and churches and manages to be a well kept neighborhood. Last summer I contacted the State Health and Environment Dept. and through their assistance, OEM was highly encouraged to move mounds of trash. OEM continues to maintain a pile of trash behind their building and I have registered complaints with Code Enforcement.

There is a "Privacy Fence" next to Cherry Creek Systems and it now too is beginning to be filled with junk. The fence, first of all, is not private. My understanding is that nothing is to be seen beyond the top of the fence nor through the fence, this the name "privacy". One is able to see items through the fence and over the top.

This neighborhood and its residents deserve better.

Please be in touch regarding this concern and let this email register as a complaint regarding this zoning request.

Sharon
sharonstone1@mac.com

September 2, 2014

Planning and Development

Mr. Rick O'Connor

Mr. O'Connor

I am writing this letter to you concerning the meeting I attended August 13, 2014 at Cherry Creek Systems. It was well attended and several points were brought up during the question and answer period by the local residence. My feeling was the overall proposal was accepted for the zoning change which I agree with the opposition was more related to the property ownership than the occupant. I feel Cherry Creek Systems manufacturing will not have any negative impact on the neighborhood in contrast I feel it would be very positive. I have lived in this area for sixty years as my family is the fifth generation on the same street in this neighborhood we have seen many changes over the years. I cannot help to believe this would be an improvement to this area. A vacant building does no good. Please feel free to contact me with any concerns or questions.

Best Regards

Ron Murphy

Property Owner of the following:

3204 Illinois Ave

3203 Illinois

3125 Illinois Ave

O'Connor, Rick

To: -
Subject: RE: mailing list

From: - [mailto:lindrama@aol.com]
Sent: Wednesday, September 03, 2014 12:09 PM
To: O'Connor, Rick
Subject: RE: mailing list

Rick...these comments still stand, following the most recent meeting with Cherry Creek Systems. They are a plus for our neighborhood and I would advocate their being granted the zoning they seek. Linda Johnson

From: - [mailto:lindrama@aol.com]
Sent: Friday, July 11, 2014 12:09 PM
To: O'Connor, Rick
Cc: sharonstonel@mac.com
Subject: Re: mailing list

Rick...We felt that our meeting with you and the Cherry Creek Systems representatives was productive and established rapport. After you left we were given an informative tour of the CCS operation. Mention was made of building a model greenhouse in the parking area. Wouldn't it be ideal if the old strip mall could attract other related businesses? We learned that the location at 3025 N Hancock was chosen for its location, close to I-25, and for its size. Their previous location was larger than needed for their operations. It was also mentioned that some materials that they used are available locally, rather than off shore, which is a plus.

Another thought I had during the tour, is that school children, and older trade trainees, would be fascinated and educated about manufacturing, and the industry that CCS is involved in, by field tours through their operation.

Thanks for your information about the notice mailing. Linda Johnson

7.3.203

7.3.203

PERMITTED, CONDITIONAL AND ACCESSORY USES
 OFFICE, COMMERCIAL, INDUSTRIAL, TRADITIONAL NEIGHBORHOOD DEVELOPMENT, SPECIAL PURPOSE AND FORM BASED ZONE DISTRICTS^{1,3,5}

Use Types	OR	OC	PBC	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	TND
Residential use types:														
Accessory dwelling unit				P										P
Detoxification center	C	P	C	C	C					P				P
Dormitory, fraternity or sorority house		P	C	P	C			C				P		P
Human service establishments:														
Domestic violence safe house	P	P	P	P	P			C						P
Family support residence	P	P	C	P	C			C						P
Human service facility:	P	P	C	P	C			C						P
Hospice	P	P	C	P	C			C						P
Residential childcare facility	P	P	C	P	C			C						C
Human service home	P	P	C	P	C			C						P
Human service residence:	P	P	C	P	C			C						P
Family care home	P	P	C	P	C			C						P
Large family care home	C	P	C	P	C			C						C
Human service shelter:	C	P	C	P	C		C	C						C
Drug or alcohol treatment facility	C	P	C	P	C		C	C						C
Multi-family dwelling	C	P	C	P	C			C						P
Retirement home		P	C	P	C			C						P
Rooming or boarding house		P	C	P	P			C	C			P		P

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FIGURE 4

7.3.203

7.3.203

Use Types	OR	OC	PBC	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	TND
Residential use types (cont.)														
Single-family detached dwelling on individual lot	P	P	C	P	C			C						P
Manufactured home	P	P	C	P	C			C						P
Two-family dwelling on an individual lot	P	P	C	P	C			C						P
Office use types:														
Call center	P	P	P	P	P	P	P	P	P				P	P
Financial services		P	P	P	P	P	P	P	P				P	P
General offices	P	P	P	P	P	P	P	P	P				P	P
Medical offices, labs and/or clinics	P	P	P	P	P	P	P	P	P				P	P
Mixed office/residential use	P	P	C	P	C			C	C					
Commercial use types:														
Agricultural sales and service			P	P	P			C	C					P
Automotive and equipment services:														
Automotive service ⁴			P	P	P			P	P					C
Automotive rentals ⁴		P	P	C	P			C	C				P	
Automotive repair garage ⁴			C	C	P	P	P	P	P				C	C
Automotive sales ⁴			C	C	P			C	C					
Automotive storage yard					P			P	P					
Automotive wash			P	C	P			C	C					C
Body and fender repair services					P			P	P					
Construction equipment business								C	P					

FIGURE 4

7.3.203

7.3.203

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 (cont.)														
Equipment rental and sales					C			P	P					
Equipment repair services								P	P					
Equipment storage yard					C	C	C	C	P					
Bar			P	P	P			C	C			P	P	P
Bed and breakfast inn	C	P	P	P	P			C	C					P
Building maintenance services				P	P		P	C	C					
Business office support services		P	P	P	P	P	P	P	P				P	P
Business park		C	P	P	P	P	P	P	P				P	P
Campground			P	P	P					P	P	P		
Commercial center			P	P	P			C	C				P	P
Communication services	P	P	P	P	P	P	P	P	P				C	P
Construction sales and services			P	P	P			P	P					P
Consumer convenience services			P	P	P			C	C					P
Consumer repair services			P	P	P			C	C					P
Crematory services				C	C			P	P					
Data center			P	P	P	P	P	P	P					
Exterminating services					P	P	P	P	P					P
Food sales:														
Convenience food sales			P	P	P		C	C					P	P
General food sales			P	P	P		C	C						P
Specialty food sales		C	P	P	P		C	C					P	P

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FIGURE 4

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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 (cont.)														
Funeral services:	P	P	P	P	P									P
Crematory services (as an accessory use)			C	C	C									C
Hookah bar			C	C	C			C	C					C
Hotel/motel		C	P	P	P			C	C			P	P	P
Kennels:														
Indoor			C	C	P			P	P					
Indoor and outdoor				C	C			P	P					
Animal shelters					C					P				
Liquor sales			P	P	P			C	C					P
Medical marijuana facility:														
Medical marijuana center	7	7	P	P	P	A ⁶	A ⁶	A ⁶	A ⁶					
Medical marijuana infused product manufacturer	7	7	P	P	P	P	P	P	P					
Optional premises cultivation operation	7	7	P	P	P	P	P	P	P					
Miniwarehouses		C	P	C	P	C	P	P	P	P				
Mixed commercial-residential		C	P	P	P									P
Mixed office-residential		C	P	P	P									P
Personal consumer services		P	P	P	P			C	C				P	P
Personal improvement services			P	P	P			C	C				P	P
Pet services			P	P	P			C	C				C	P

FIGURE 4

7.3.203

7.3.203

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 (cont.)														
Pharmacy	A	P	P	P	P			C	C				P	P
Recreation, commercial:														
Indoor entertainment			P	P	P	C	C	C	C			C	C	P
Indoor sports and recreation			P	P	P	C	C	C	C			C	C	P
Outdoor entertainment					P			C	C			C		P
Outdoor sports and recreation			C		P	C	C	C	C			C	P	P
Restaurants:														
Drive-in or fast food		C	P	P	P	C	C	C	C			C	P	
Quick serve restaurant		P	P	P	P	C	C	C	C		P	P	P	
Sit down - served at table		P	P	P	P	C	C	C	C		P	P	P	P
Retail, general:			P	P	P			C	C			P	P	P
Large retail establishment			P	P	P			C	C			C	P	P
Neighborhood serving retail		C	P	P	P							P	P	P
Sexually oriented business			P	P	P				P					
Surplus sales					P			C	C					P
Teen club/young adult club			C	C	C			C	C					P
Veterinary service:														
Large animal hospitals								P	P					
Small animal clinics			P	P	P			P	P					P

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FIGURE 4

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7.3.203

Use Types	OR	OC	PBC	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	TND
Civic use types:														
Administrative/safety services										P				P
Cemetery	C	C	C	C	C	C	C	C	C	P				P
Club (membership, social and recreational)			P	P	P	P	P	C	C				C	P
Community gardens	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Cultural services	C	C	P	P	P			C	C	P	P	C	P	P
Daycare services	C	P	P	P	P	C	C	C	C				C	P
Detention facilities/halfway houses										P				
Educational institutions:														
Charter school	C	C	P	P	P	C	C	C		P				P
College and university	C	C	P	P	P	P	P	C					C	P
Nonpublic schools	C	C	P	P	P	C	C	C						P
Proprietary schools	P	P	P	P	P	P	P	P					P	P
Public schools	C	C	P	P	P	C	C	C						P
Hospital		P	P	C	P	C	C	C	C					P
Maintenance and service facility										P			P	
Public assembly			P	P	P			C	P	P				P
Public park and recreation										P	P		P	P
Religious institution	P	P	P	P	P	C	C	C						P
Semipublic community recreation	C	C	C	C	C	C		C	C					P
Social service center			P					C						P
Utility facilities										P				

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FIGURE 4

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Use Types	OR	OC	PBC	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	TND
Industrial use types:														
Accessory retail sales (accessory to principal use) ⁴						A	A	A	A			A	A	A
Construction and/or contractor yards				P	P	P	P	P	P					
Construction batch plant									P					
Custom manufacturing				P	P		P	P	P				P	P
Garbage service companies								C	C					
General industry:														
Heavy							P		P					
Light							P	P	P				P	P
Industrial laundry services (large scale activity)							P	P	P					C
Junkyard								C	P					
Manufacturing							P	P	P				P	C
Meatpacking and related industry									P					
Mining operations:														
Temporary surface and open pit	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Underground (activities above)														
Underground (activities under)	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Recycling:														
Large recycling collection center							C	C	P					
Recycling processing center								C	P					

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FIGURE 4

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Use Types	OR	OC	PBC	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	TND
Industrial use types (cont.)														
Research and development						P	P	P	P				P	P
Stockyards									P					
Transfer station								C	P					
Truck terminal						P	P	P	P				P	
Vehicle dismantling yard								C	P					
Warehouse					C	P	P	P	P				P	
Warehousing and distribution						P	P	P	P				P	
Parking use types:														
Parking lot/surface parking:														
Private						P	P	P	P	P			P	P
Public						P	P	P	P	P			P	P
Parking structure:														
Private								C	C	C			P	P
Public								C	C	C			P	P
Transportation use types:														
Aviation facilities													P	
Railroad facilities										A				P
Transit shelter	P	P	P	P	P	P	P	P	P	P	P	P	P	
Transportation terminal					P	C	C	C	C				P	P

FIGURE 4

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Use Types	OR	OC	PBC	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	TND
Agricultural use types:														
Commercial greenhouse			P	P	P	P	P	P	P					P
Stable, commercial											P			
Miscellaneous use types:														
Broadcasting tower	C	C	C	C	C	C	C	C	C	C	C	C	C	C
CMRS facilities ²														
Landfill (putrescible and nonputrescible)								C	P					

7.3.203

Notes:

1. Unless otherwise permitted by this Zoning Code, all uses permitted in a specific PUD zone district shall be determined at the time of zoning.
2. See section 7.4.603 of this chapter for additional CMRS information.
3. Development plan required for all conditional uses and when required per section 7.7.502 of this chapter.
4. See section 7.3.205 of this part for additional standards for specific land uses.
5. Unless otherwise permitted by this Zoning Code, all uses permitted in a specific FBZ zone district shall be determined at the time of zoning and described in the zone specific regulating plan.
6. In accord with subsection 7.3.205C, "Accessory Retail Sales And Services", of this part.
7. Refer to subsection 7.3.205K6 of this part for additional standards for MMJ facilities located within the OR and OC zone districts.

(Ord. 80-131; Ord. 81-102; Ord. 86-39; Ord. 86-117; Ord. 86-119; Ord. 90-108; Ord. 91-30; Ord. 94-107; Ord. 01-42; Ord. 01-173; Ord. 02-97; Ord. 02-125; Ord. 02-153; Ord. 03-74; Ord. 03-110; Ord. 03-157; Ord. 06-55; Ord. 06-162; Ord. 09-73; Ord. 09-88; Ord. 10-42; Ord. 10-107; Ord. 12-66)

January 2013

FIGURE 4

CITY PLANNING COMMISSION AGENDA

ITEM: 6

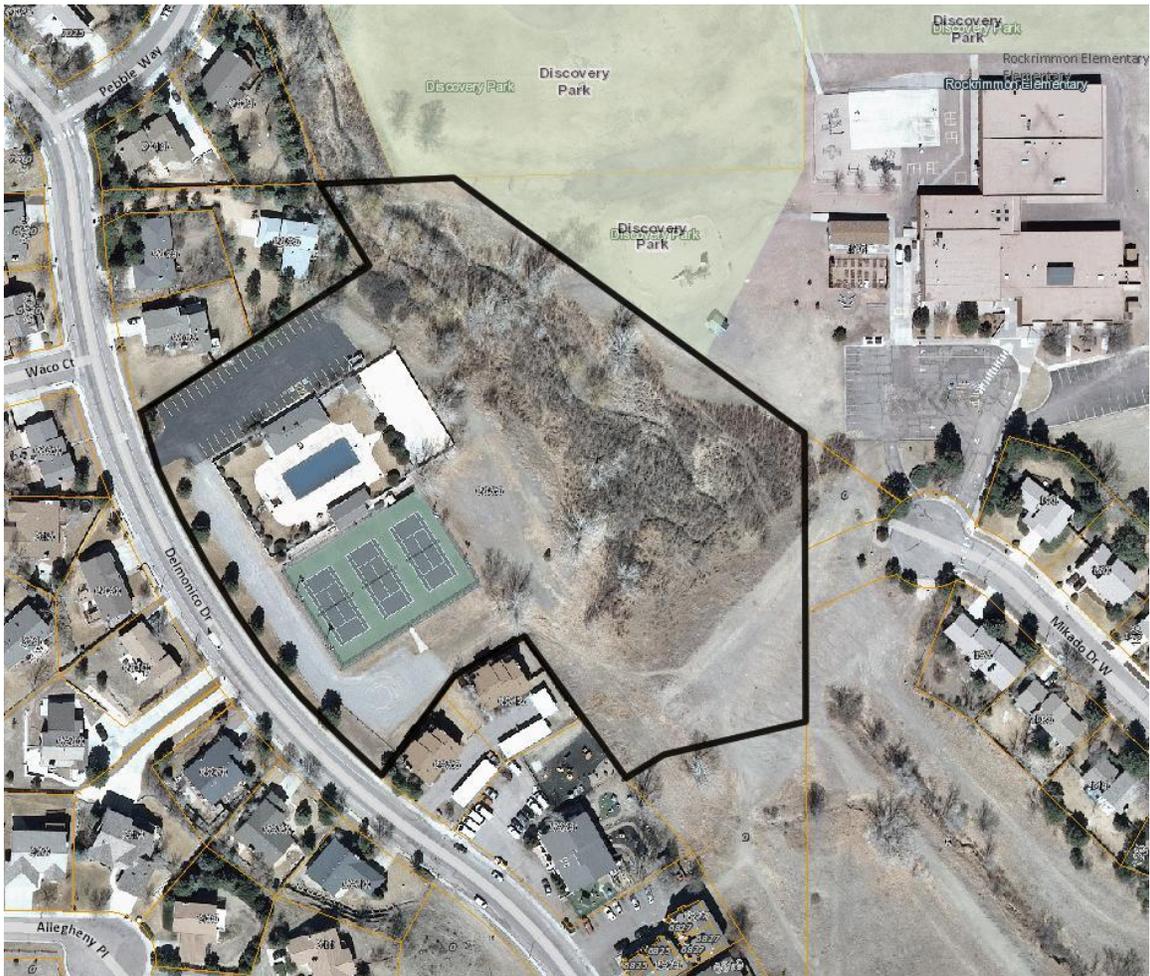
STAFF: RICK O'CONNOR

FILE NO.:
AR CM1 14-00032 – QUASI-JUDICIAL

PROJECT: Foothills Swim and Racquet Club CMRS

APPLICANT: POWDER RIVER DEVELOPMENT SERVICES/ATT

OWNER: Foothills Swim and Racquet Club



1. Project Description:
This project consists of an application to locate a stealth “pine” mono pole CMRS tower on property utilized as a swim and racquet facility (**FIGURE 1**). The parcel contains an existing building, swimming pool, tennis courts, volleyball court and parking area. The property is zoned R1-6/HS/SS (single family with hillside and streamside overlays) and contains 6.44 acres. The CMRS stealth tower requires Conditional Use approval because the tower exceeds the maximum height of the zone district (which is 30 feet).
2. Applicant’s Project Statement: **FIGURE 2**
3. Planning and Development Department’s Recommendation: Approval of the application subject to conditions of approval.

BACKGROUND:

1. Site Address: 6955 Delmonico Drive
2. Existing Zoning/Land Use: R1-6/recreation facility
3. Surrounding Zoning/Land Use:
North R-1 6000/single-family residential
South R-4 and R1-6/multi-family and single family residential
East R-1 6000/Discovery Park and school
West PUD (Planned Unit Development)/single-family residential
4. Comprehensive Plan/Designated 2020 Land Use: Low Residential
5. Annexation: The property was annexed as part of the Golden Cycle Addition Annexation in 1966.
6. Master Plan: None
7. Subdivision: This site is part of lots within the Rockrimmon Neighborhood Center and the Foothills Swim and Racquet Club Subdivision approved in 1973 and 1978 respectively.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The property is developed with a building, tennis courts, volleyball court, and a parking lot. The site is heavily vegetated to the east toward the drainage with many mature trees.

STAKEHOLDER PROCESS:

During the internal review period, 467 properties within 1,000 of the site were mailed notices(the Code for CMRS specifies the 1,000 foot notification) and three adjoining homeowner associations (HOA’s) were provided with both the plans and a notification. Three concerns/opposition comments from neighbors were received (**FIGURE 3**). Based on initial comments/concerns, staff required the applicant to fly balloons to mark the height of the tower (**FIGURE 4**). Three other property owners responded in favor of the request (**FIGURE 3**) and an additional owner provided several questions relating to the tower.

Both an additional mailing and posting will occur prior to the Planning Commission. No neighborhood meetings were held.

ANALYSIS OF MAJOR ISSUES:

CMRS criteria are specifically addressed within Chapter 7, Article 4, Part 6 of the City Code. Stealth freestanding facilities are allowed within residential zones only if they are located on multi-family, institutional or nonresidential sites such as churches, schools, museums, etc. These facilities are a permitted use if they do not exceed the height of the zone district and are conditional uses if they exceed the zone district height. This facility will be 47 feet high at the top of the antennas and 50 feet at the top of the “tree” structure (**FIGURE 5**). An 11’-5” by 28’ equipment building would be located adjacent to the tower and would be enclosed with an eight-foot solid fence that would match the existing fence on the property.

It is the intent of the cell providers to modify their systems to allow for more capacity due to increasing demands and to fill in “dead” spots. It is challenging to identify locations outside of commercial/industrial areas that meet the city’s siting provisions for CMRS facilities.

While this property contains both the hillside and streamside overlays, there will be almost no disturbance in the areas that exhibit the primary characteristics (slope and vegetation) of these two overlays.

Staff believes that the stealth facility will blend with the surrounding area and is far enough away from any potential residential impacts (the closest residence would be the residence to the north which would be approximately 95 feet away). While the stealth facility will be taller than the existing trees, trees of varying heights are not uncommon.

Comprehensive Plan

Staff does not find any goals, policies or strategies of the Comprehensive Plan that would apply to this type of use. Therefore, in this conditional use request the Comprehensive Plan elements would not apply.

Conditional Use Review Criteria

Per Section 7.5.704 of the Zoning Code the Planning Commission may approve and/or modify a conditional use application in whole or in part, with or without conditions, only if all 3 of 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.

Staff finds that the surrounding neighborhood will not be substantially injured, the intent of the Zoning Code is met and elements of the Comprehensive Plan do not apply.

STAFF RECOMMENDATION:

Item No: 6 AR CM1 14-00032-Conditional Use

Approve the Foothills Swim and Racquet Club CMRS facility, based upon the finding that the conditional use complies with the conditional use review criteria in City Code Section 7.5.704 and the development plan review criteria in City Code Section 7.5.502.E., subject to the following condition:

- That no portion of the antennas extend beyond the stealth tree branches.



AS-BUILT EXHIBIT

TRACT A, FOOTHILLS RACQUET CLUB AND PORTION OF LOT 2 ROCKRIMMON
 NEIGHBORHOOD CENTER F.1
 COLORADO SPRINGS, EL PASO COUNTY, COLORADO

PARENT PARCEL DESCRIPTION

TITLE COMMITMENT REPORT

GENERAL NOTES

1. THIS AS-BUILT EXHIBIT IS A REPRESENTATION OF THE EXISTING CONDITIONS OF THE SITE AND THE PROPOSED IMPROVEMENTS. IT IS NOT A CONTRACT DOCUMENT AND DOES NOT SUPERSEDE ANY CONTRACT DOCUMENTS. THE CONTRACT DOCUMENTS SHALL CONTROL IN THE EVENT OF A DISCREPANCY.

2. THE EXISTING CONDITIONS OF THE SITE WERE OBSERVED AND MEASURED BY THE SURVEYOR ON THE DATE OF THE SURVEY. THE SURVEYOR HAS NOT CONDUCTED A VISUAL INSPECTION OF THE SITE SINCE THE DATE OF THE SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY CHANGES TO THE SITE SINCE THE DATE OF THE SURVEY.

3. THE PROPOSED IMPROVEMENTS WERE MEASURED AND LOCATED BY THE SURVEYOR ON THE DATE OF THE SURVEY. THE SURVEYOR HAS NOT CONDUCTED A VISUAL INSPECTION OF THE SITE SINCE THE DATE OF THE SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY CHANGES TO THE SITE SINCE THE DATE OF THE SURVEY.

4. THE SURVEYOR HAS NOT CONDUCTED A VISUAL INSPECTION OF THE SITE SINCE THE DATE OF THE SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY CHANGES TO THE SITE SINCE THE DATE OF THE SURVEY.

PROPOSED LEASE AREA

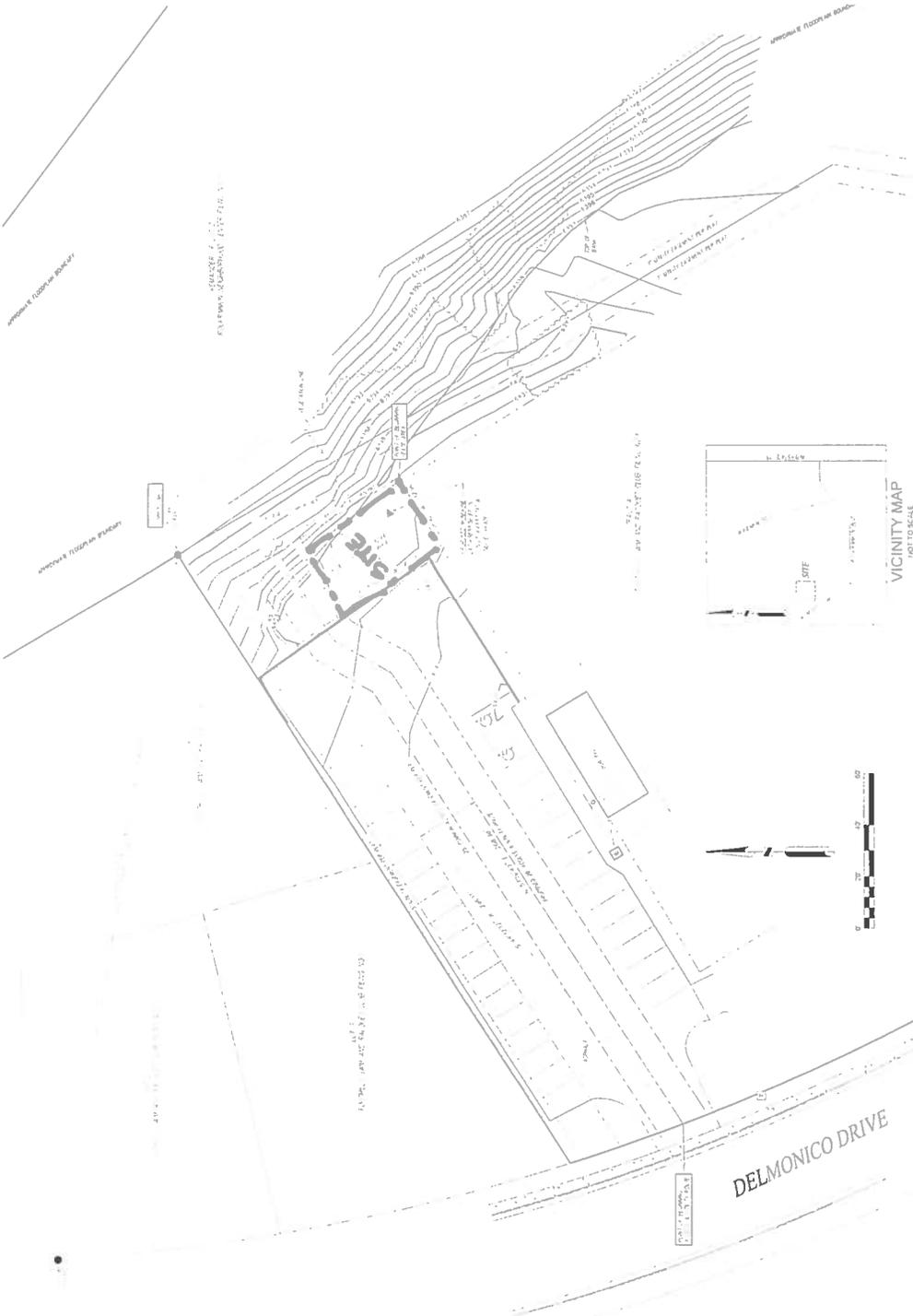
THE PROPOSED LEASE AREA IS SHOWN ON THIS AS-BUILT EXHIBIT. THE LEASE AREA IS BOUND BY THE PROPOSED IMPROVEMENTS AND THE EXISTING CONDITIONS OF THE SITE. THE LEASE AREA IS SUBJECT TO THE TERMS AND CONDITIONS OF THE LEASE AGREEMENT. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY CHANGES TO THE LEASE AREA SINCE THE DATE OF THE SURVEY.

PROPOSED ACCESS & UTILITY ROUTE

THE PROPOSED ACCESS AND UTILITY ROUTE IS SHOWN ON THIS AS-BUILT EXHIBIT. THE ROUTE IS BOUND BY THE PROPOSED IMPROVEMENTS AND THE EXISTING CONDITIONS OF THE SITE. THE ROUTE IS SUBJECT TO THE TERMS AND CONDITIONS OF THE LEASE AGREEMENT. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY CHANGES TO THE ROUTE SINCE THE DATE OF THE SURVEY.

SURVEYOR'S CERTIFICATION

I, THE SURVEYOR, HAVE CONDUCTED A SURVEY OF THE SITE AND THE PROPOSED IMPROVEMENTS. I HAVE MEASURED AND LOCATED THE PROPOSED IMPROVEMENTS AND THE EXISTING CONDITIONS OF THE SITE. I HAVE PREPARED THIS AS-BUILT EXHIBIT AS A REPRESENTATION OF THE EXISTING CONDITIONS OF THE SITE AND THE PROPOSED IMPROVEMENTS. I AM NOT RESPONSIBLE FOR ANY CHANGES TO THE SITE SINCE THE DATE OF THE SURVEY.



DATE: 02/17/2014	DRAWN: L. J. JONES	CHECKED: M. J. JONES	SCALE: AS SHOWN
PROJECT: AS-BUILT EXHIBIT	CLIENT: DAVID EVANS & ASSOCIATES, INC.	PROJECT NO: 14-001	DATE: 02/17/2014
PROJECT: AS-BUILT EXHIBIT	CLIENT: DAVID EVANS & ASSOCIATES, INC.	PROJECT NO: 14-001	DATE: 02/17/2014
PROJECT: AS-BUILT EXHIBIT	CLIENT: DAVID EVANS & ASSOCIATES, INC.	PROJECT NO: 14-001	DATE: 02/17/2014

DAVID EVANS & ASSOCIATES, INC.
 1401 15TH STREET, SUITE 200
 COLORADO SPRINGS, CO 80902
 TEL: 719.534.1100
 FAX: 719.534.1101
 WWW.DAASURV.COM

POWDER RIVER
 1000 S. WASHINGTON STREET
 COLORADO SPRINGS, CO 80902
 TEL: 719.534.1100
 FAX: 719.534.1101
 WWW.POWDERRIVER.COM

AS BUILT EXHIBIT
 SITE NO. 14-001
 SITE NAME: AS-BUILT EXHIBIT
 COLORADO SPRINGS, EL PASO COUNTY, COLORADO

DATE: 02/17/2014
 DRAWN: L. J. JONES
 CHECKED: M. J. JONES
 SCALE: AS SHOWN

PROJECT: AS-BUILT EXHIBIT
 CLIENT: DAVID EVANS & ASSOCIATES, INC.
 PROJECT NO: 14-001
 DATE: 02/17/2014

FIGURE 1



188 INVERNESS DRIVE WEST
SUITE 400
ENGLEWOOD, CO 80112



POWDER RIVER
Development Services LLC
219 S. WOODDALE AVE
BAGGEE, CO 80616
208.938.8844
www.powderriverdev.com

PROJECT NO: 4491-102813

DRAWN BY: JLB

CHECKED BY: R.A.B

REV	DATE	DESCRIPTION	INT
D	05/05/14	HAZARDOUS REMOVE COMMENTS	AW
C	05/14/14	HAZARDOUS REMOVE COMMENTS	AS
B	03/25/14	HAZARDOUS REMOVE COMMENTS	AS
A	11/25/13	ISSUED FOR REVIEW 100% AB	AB
	10/16/13	ISSUED FOR REVIEW 90% AB	AB

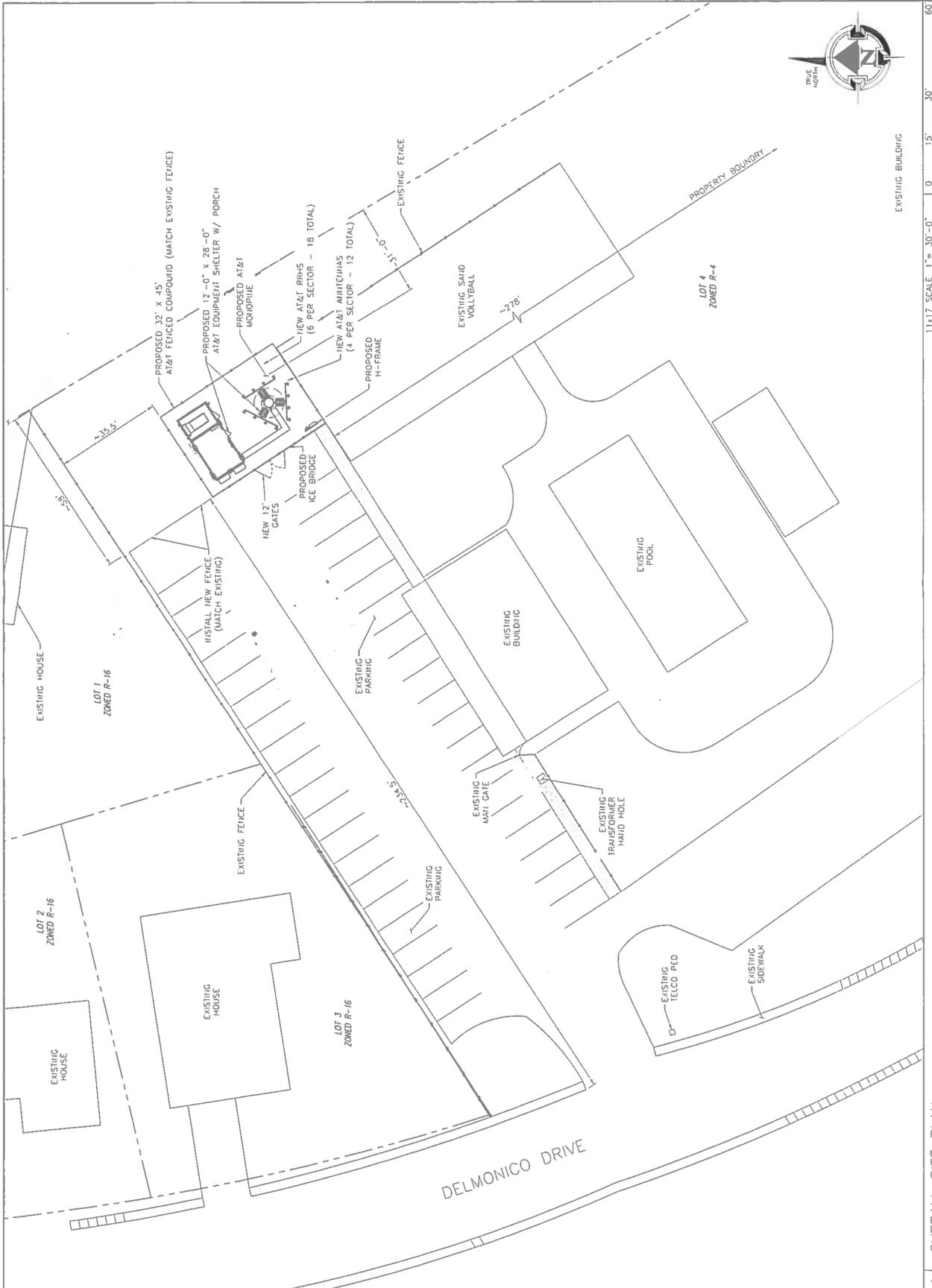
THE ENSURE

SITE INFORMATION
SITE NAME: WINTERLY & DELMONICO
SITE ID: COLO232
FA CODES: 12906842
6955 DELMONICO DR
COLORADO SPRINGS, CO 80919

NEW BUILD
SHEET TITLE

OVERALL SITE PLAN

SHEET NUMBER
3 OF 5



EXISTING BUILDING

11x17 SCALE 1" = 30'-0"
22x34 SCALE 1" = 15'-0"

1 OVERALL SITE PLAN

FIGURE 1



188 BIRCHMERE DRIVE, ACCT
SUITE 400
EAGLEWOOD, CO 80112



POWDER RIVER
Development Services LLC
219 S. WOODDALE AVE
EAGLE, ID 83616
208.938.8844
www.powderriverdev.com

PROJECT I/D -4491 I 2813

DRAWN BY -JLB

CHECKED BY -P A B

REVISIONS

REV	DATE	DESCRIPTION	INT
D	05/14/14	AT&T REMOVE COMMENTS AFS	
B	03/25/14	AT&T REMOVE COMMENTS AFS	
A	11/25/13	ISSUED FOR REVIEW 100% JLB	
A	10/16/13	ISSUED FOR REVIEW 90% JLB	

LICENSURE

SITE INFORMATION

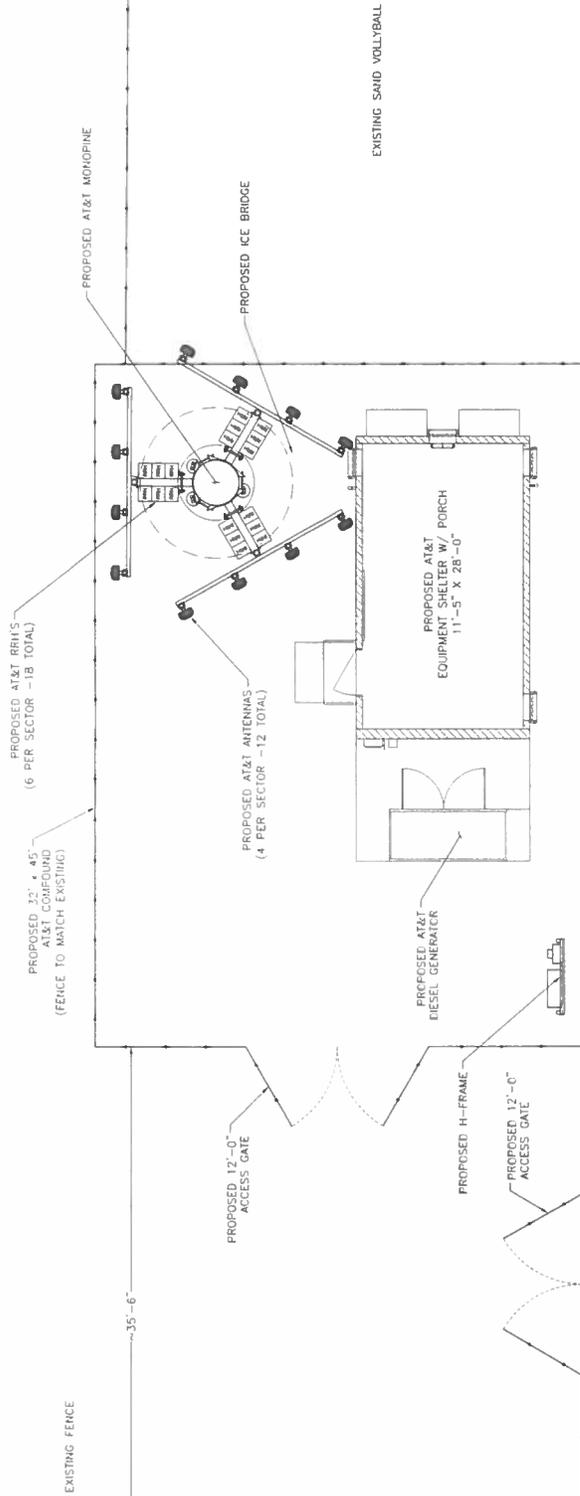
SITE NAME WINTERY & DELMONICO
SITE ID: COLO2252
FA CODES: 12906842
6955 DELMONICO DR
80919
COLORADO SPRINGS, CO
NEW BUILD

SHEET TITLE

ENLARGED SITE PLAN

SHEET NUMBER

4 OF 5



PROPERTY LESSEE(S) ACKNOWLEDGE AND AGREE TO THE FOLLOWING:

- COLORADO SPRINGS UTILITIES SHALL MAKE THE FINAL DETERMINATION OF THE LOCATION OF ALL ELECTRIC FACILITIES, WHICH MAY NOT BE THE SAME LOCATION AS SHOWN ON THIS PLAN.
- PROPERTY LESSEE(S) (LESSEE) ACKNOWLEDGES THAT THE CONNECTION AND/OR EXTENSION OF UTILITY SERVICES TO THE PROPERTY IDENTIFIED IN THIS PLAN ("PROPERTY") SHALL BE IN ACCORD WITH ALL APPLICABLE CODES AND REGULATIONS, COLORADO SPRINGS UTILITIES' LINE EXTENSION AND SERVICE STANDARDS ("STANDARDS"), TARIFFS, RULES, REGULATIONS, AND POLICIES, CITY ORDINANCES, RESOLUTIONS, AND POLICIES, AND PIKES PEAK REGIONAL BUILDING DEPARTMENT CODES, IN AFFECT AT THE TIME OF UTILITY SERVICE CONNECTION AND/OR EXTENSION.
- COLORADO SPRINGS UTILITIES' UTILITY SERVICES ARE AVAILABLE ON A "FIRST-COME, FIRST-SERVED BASIS" AND, THEREFORE, NO SPECIFIC ALLOCATIONS OR AMOUNTS OF UTILITY SERVICES, FACILITIES OR SUPPLIES ARE RESERVED FOR THE LESSEE, AND COLORADO SPRINGS UTILITIES MAKES NO COMMITMENT AS TO THE AVAILABILITY OF ANY UTILITY SERVICE UNTIL SUCH TIME AS PERMANENT SERVICE IS INITIATED.
- LESSEE MUST CONTACT COLORADO SPRINGS UTILITIES FIELD ENGINEERING TO SECURE APPROVAL OF THE LOCATION OF ALL UTILITY FACILITIES, INCLUDING ELECTRIC METERS AND TRANSFORMERS (NORTH WORK CENTER 668-4885 OR SOUTH WORK CENTER 668-5564).
- COLORADO SPRINGS UTILITIES' APPROVAL OF THIS PLAN SHALL NOT BE CONSTRUED AS A LIMITATION UPON THE AUTHORITY OF COLORADO SPRINGS UTILITIES TO APPLY ITS STANDARDS AND IF THERE ARE ANY CONFLICTS BETWEEN ANY APPROVED DRAWINGS AND ANY PROVISION OF STANDARDS OF THE CITY CODE, THEN THE STANDARDS SHALL APPLY.



1" = 16'
1" = 16'
1" = 16'

FIGURE 1

**ATT Wireless Communications Facility
6955 Delmonico**

Introduction:

New Cingular Wireless (AT&T) is a telecommunications service provider operating wireless telecommunications sites on private property and within the public right-of-way throughout Colorado and nationwide. AT&T and its affiliates have acquired licenses from the Federal Communications Commission (“FCC”) to provide Personal Communications Service (“PCS”) throughout the United States. These licenses include Colorado Springs. The regional system operates under the name “AT&T” and is part of an integrated nationwide network of coverage.

Special Use Request (CMRS):

AT&T requests a Special Use Permit to construct a stealth 50’ Tower wireless telecommunication facility at the Foothills Swim and Racquet Club at 6955 Delmonico Dr.

Description of Proposed Use:

AT&T proposes the installation of a telecommunication facility consisting of twelve (12) antennas on a new Stealth Monopine tower. In addition, there will be an equipment area to be located just north of the new Monopine.

Changes Requested By Colorado Springs:

The Monopine has been moved to the east end of the Volleyball area as requested. Fencing to match the existing fence will be utilized to screen the equipment area.

Utilities and Access:

No off-site or public improvements will be needed for this proposed facility. No water, sewer, refuse or other additional services shall be required. The proposed facility will not be staffed and, upon completion, will require only routine maintenance visits (approximately one time every three months). There will be no impact to the existing traffic patterns nor will there be any traffic hazards or nuisances generated. The site will require commercial power, gas and telephone connections which will be currently at or adjacent to the site

Site Selection and Justification:

AT&T has been sensitive in selecting a site that will minimize, if not eliminate, any detrimental impact on the surrounding property. This facility will not impair the use or enjoyment of, or be otherwise injurious to property in the immediate vicinity. To the contrary, enhanced wireless communications will have a positive influence on personal, business, governmental and other existing uses in this area. Similar light towers and antennas already exist within the area. Furthermore the property owner has expressed a need for better coverage when its emergency personnel are required to use a wireless device to communicate during emergency situations.

**ATT Wireless Communications Facility
6955 Delmonico**

There are numerous factors that are taken into consideration when identifying a location to place a wireless telecommunications facility. Coverage area, topography, population, lease compatibility, access and availability of utilities are some of these factors used to consider the best location. Further, specific zoning classifications are researched to locate installations in the area where potentially significant environmental impacts are mitigated to a level of insignificance. Such preferred locations are in commercial or industrial zones and on property where other existing communications installations have already been installed. AT&T has located a site that will have acceptable visual impact and still provide the necessary services to the target area.

The site is entirely self-monitored by sophisticated devices which connect directly to a central office and which alert personnel to equipment malfunction or breach of security. Moreover, no smoke, debris or other nuisances will be generated by the proposed facility.

The facility which AT&T proposes to construct is necessary in order to provide wireless services to this area, including traditional wireless services such as wireless digital telephone service and new services not available under some traditional analog cellular systems, such as wireless internet connections. This technology does not interfere with radio, television or other communications signals, and all matters pertaining to signal interference are within the sole province of the FCC.

The proposed facility will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community, but is necessary to provide wireless communications to this community and other surrounding communities. Section 704 (National Wireless Telecommunications Siting Policy) of the Telecommunication Act of 1996, passed by Congress in February 1996, requires facilities to comply with FCC regulations concerning health risk. The Act also states “(n)o state or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the commission’s regulations concerning such emissions.” AT&T insures that the proposed facility complies with the FCC Public Notice (February 2000) regarding Radio Frequency human exposure rules. All existing transmitting facilities, operations and devices must comply with 47 CRF 1.307, paragraphs (b)(1) through (b)(3), or the licensee presently holding the permit or license to transmit must file and Environmental Assessment with the FCC.

The proposed facility will be designed and constructed to meet applicable governmental and industry safety standards. Specifically, AT&T will comply with all FCC governing construction requirements, technical standards, interference protection, power limitations, and radio frequency standards. Any and all RF emissions are subject to the exclusive jurisdiction of the

**ATT Wireless Communications Facility
6955 Delmonico**

FCC.

Wireless communication technology provides vital communications in “911” and other emergency situations. In fact, more “911” and other emergency calls are now placed on wireless phones than on traditional landline phones. Wireless communications are also used to promote efficient and effective non-emergency personal, business, and governmental communications. These services have become established and accepted as an integral part of the nation’s communications infrastructure and promote public health, safety, morals, comfort and general welfare.

Coverage and Propagation:

Like traditional wireless phone systems, the proposed addition to the network operates on a “grid” system, whereby overlapping “cells” mesh to form a seamless wireless network. The technical criteria for establishing cell sites are very exacting as to both the height and location of the telecommunication facility. Based on a computerized engineering study which takes into account, among other things, local population density, traffic patterns, and topography, AT&T’s RF engineers have identified the proposed facility as being a necessary and appropriate location for a wireless site in order to provide coverage in this area of Colorado Springs.

AT&T provides PCS telephone and other communication services under licenses from the FCC. AT&T’s RF engineers have determined that the absence of a telecommunications facility at this proposed location results in coverage deficiencies which, in turn, result in the inability by AT&T customers to place, receive or maintain a wireless phone call or other communication. Topography and other natural or man-made obstructions are evaluated for radio signal blockage to assess line-of-sight transmission issues with respect to the proposed coverage area. After being reviewed by the engineers, this proposed facility location was determined to be the best location that meets all of the coverage criteria of AT&T in Colorado Springs. Please refer to the propagation study attached that show the coverage this proposed facility will provide to the surrounding area.

Conclusion:

The proposed telecommunication facility located at the Foothills Swim and Racquet Club conforms to the legislative intent and purpose of the Colorado Springs Code. Therefore, AT&T respectfully requests that Colorado Springs grant a Special Use Permit enabling AT&T to construct the proposed wireless telecommunications facility.

September 2, 2014

City of Colorado Springs
Planning and Development
Rick O'Connor
rkoconnor@springsgov.com

Thank you for the opportunity to comment on the AT&T cell tower proposed at Foothills Swim and Racquet Club (FSRC) at 6955 Delmonico Drive.

This tower is called a Stealth Monopine and will be 50 feet tall. This 50 foot tall “tree” will be approximately 15 feet taller than the highest cottonwood trees in this location. The proposed site is along Dry Creek which is where Cottonwoods grow naturally, not pine trees. Cottonwoods only have leaves about half the year and there are no other pine trees near the proposed site to disguise this tower. If you look at the site from the street (Image 1 below) you will see how little this tree/tower will blend into the environment.

Rockrimmon and the FSRC property is zoned R-1 HS SS, or Single Family Residential with Hillside/Streamside Overlay. In City Code 7.3.504 (Hillside Overlay Zone) Section A, Number 2—Purpose: states “The purpose of the hillside area overlay or HS is to specify conditions for any type of development to ensure that these areas retain their unique characteristics” and “It is the intent of these regulations to ensure that development within this overlay zone is compatible with, and complements the natural environment”, and Number 3—Objective a: “to conserve the unique natural features and aesthetic qualities of hillside areas”. City Code 7.3.508 (Streamside Overlay Zone) has similar purposes and objectives.

AT&T states in their proposal that “preferred locations are in commercial or industrial zones and on property where other existing communications installations have already been installed”. If you look at the location of the towers in Colorado Springs on the map provided in Image 2 below, the majority of them are located in rural or industrial/commercial areas. Rockrimmon is not in a commercial or industrial zone, but is instead solely a residential neighborhood.

AT&T also states that there are “similar towers and antennas already exist within the area”. Again, if you refer to Image 2, there is not a single tower near this area. Have alternative sites been considered by AT&T? There are many commercial and industrial locations in the nearby areas which would have less of an impact both visually and on our property values.

John Dahl with Powder River Development Services told me that this cell tower will serve an area of ½ mile radius. I would have to question why AT&T would spend that type of money to service such a small number of customers. Mr. Dahl also stated that it would take AT&T 10 years to recoup the cost of this tower using cell service alone. Does AT&T have plans to lease additional antennas on this tower to offset those costs?

While only FSRC members will gain from the profits, I have to question how many pool members that are supporting the tower will be able to see it from their homes? I was told that when FSRC members were asked to vote they didn't get enough interest. Why should something that negatively affects the entire community but positively benefits only a select portion of that community be allowed into our neighborhood, especially when a majority of members that would benefit aren't even interested?

Lastly, I am concerned about the implementation and longevity of the project. Is it possible to request a balloon test? The "tree" top will be basically at eye level from our house; has it been made clear to surrounding homes that it will significantly impact their views? What are the terms of the lease? If their lease is not renewed, will the tower be removed? At who's expense?

We have lived with the pool parties/loud music until 10:00 pm, we have lived with parking issues and traffic congestion during weekends, swim meets, parties, etc. — these events were part of the pool when we bought our home nearly two decades ago. This tower, though, was not, and we should not have to live with it so that the pool can make more money.

The proposed Monopine cell tower will adversely affect the character and aesthetics of our neighborhood, which in turn could affect the property value of homes in the area. Therefore, I am requesting that Colorado Springs deny AT&T's request for a Special Use Permit to construct their cell tower at this location.

Thank you for your time,
Su DiVittorio
352 Waco Court
Colorado Springs, CO 80919
719.439.2375
wewaco@aol.com

Based on the dumpster enclosure fence being 6 ft high, this is what the 50 ft Stealth Monopine will look like from the street during at least half of the year when the Cottonwoods are without leaves. The photos of the balloon test were taken when the trees were fully green.

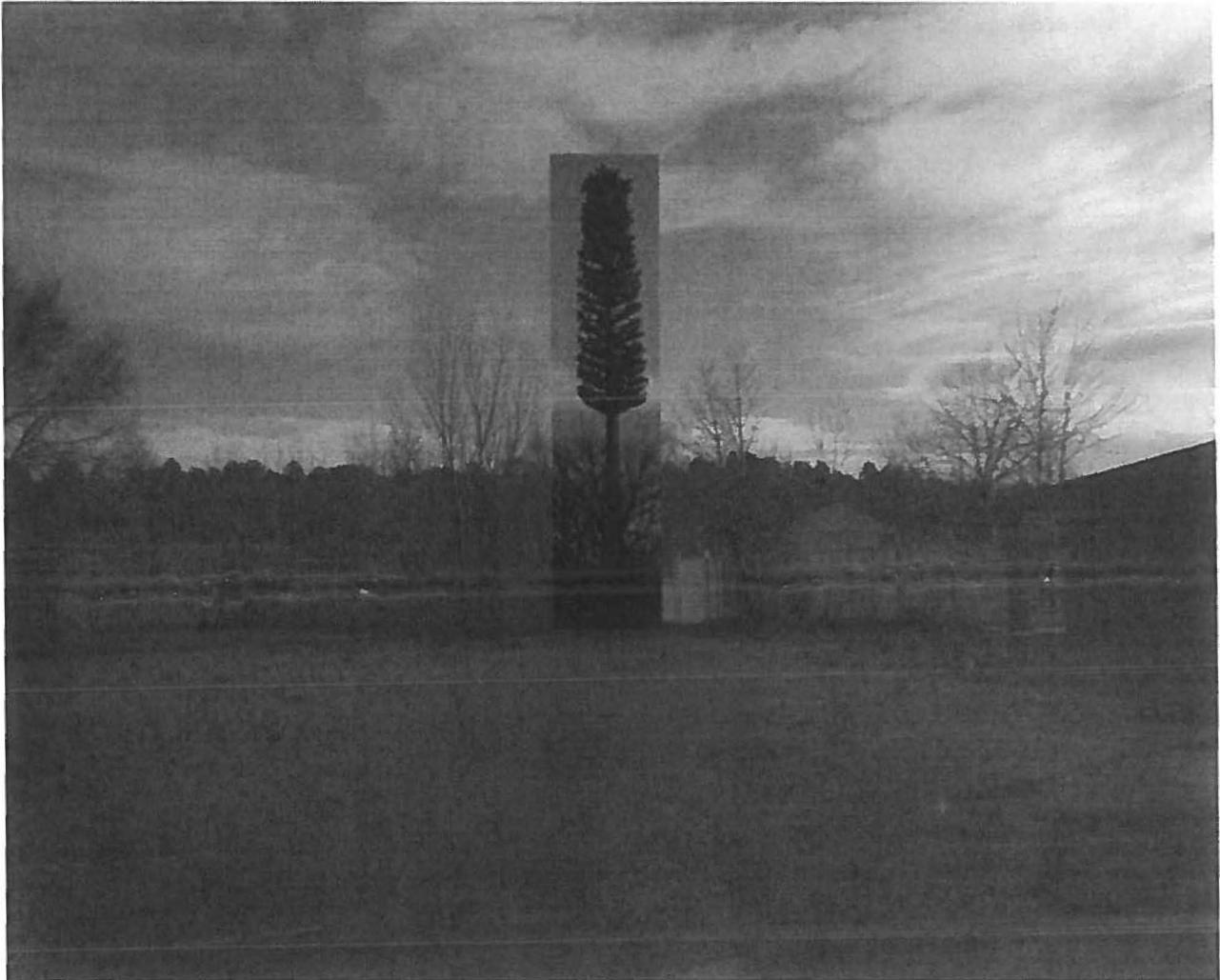


Image 1

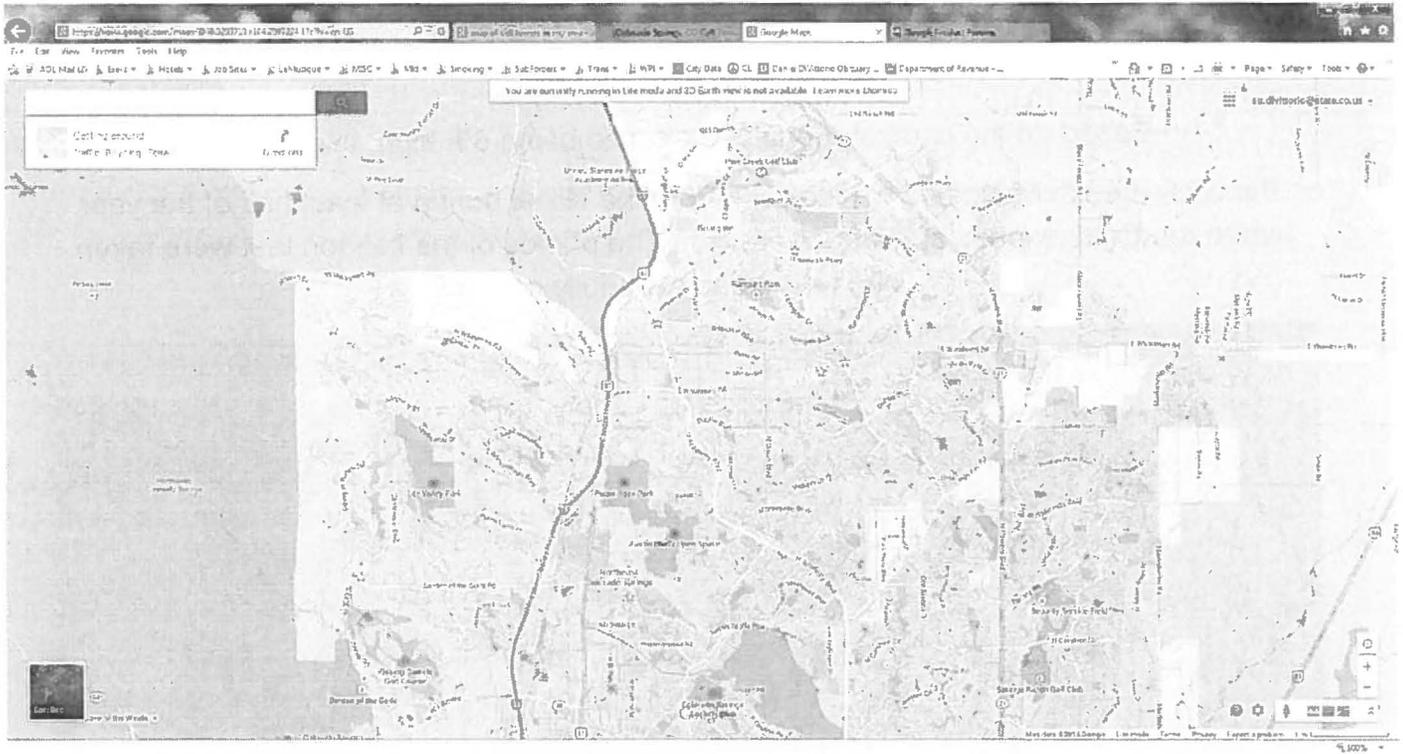


Image 2

tower_tyr	registratic_status_coc	date_constru	structure_street_address	structure_city	height_of_struct	structure_type	owner_entity_name
Register:	1251276	Construct:	11/10/2006 2612 Rockhurst	Colorado Springs	160.1128	Tower	City of Colorado Springs
Register:	1253084	Granted	2/6/2002 5234 Aspen Drive	Colorado Springs	49.8712	Pole	Crown Castle MU LLC
Register:	1270227	Construct:	11/4/1998 3516 N TEJON STREET	Colorado Springs	64.9638	Tower	SBA 2012 TC Assets LLC
Register:	1286326	Granted	9550 Otero Avenue	Colorado Springs	36.091	Pole	Verizon Wireless VAW LLC
Register:	1214208	Construct:	6/20/2000 cnr Stadium South Gate Rds in	USAF Academy	43.3092	Pole	The Burlington Northern a
Register:	1029156	Construct:	1/1/1971 4625 STANTON ST	COLORADO SPRINGS	151.9103	Tower	COLORADO SPRINGS CITY C
Register:	1022243	Construct:	10/21/1991 ATOP AUSTIN BLUFFS	COLORADO SPRINGS	149.9417	Tower	Verizon Wireless VAW LLC
Register:	1029155	Construct:	1/1/1985 4502 N 30TH ST	COLORADO SPRINGS	60.0423	Tower	COLORADO SPRINGS CITY C
Register:	1032068	Construct:	8/1/1997 4625 STANTON ROAD	COLORADO SPRINGS	165.0343	Tower	CCATT LLC
Register:	1249704	Construct:	6/27/2005 2659 Briargate Blvd DN03647A	Colorado Springs	49.8712	Building w/Ant	T-Mobile West LLC
Register:	1249705	Construct:	8/21/2006 4098 W Woodmen Rd DN03588D	Colorado Springs	34.7786	Silo	T-Mobile West LLC

FIGURE 3

O'Connor, Rick

From: Nicole Smith <admin@comstockvillage.com>
Sent: Friday, February 21, 2014 9:17 AM
To: O'Connor, Rick
Cc: burkebeaumont@yahoo.com
Subject: Foothills Swim & Racquet Club AT&T Cell Tower

Hello Rick,

I'd like to include a comment from one of our Comstock Village HOA homeowners in regard to the proposed cell tower at Foothills Swim & Racquet Club. As Administrator of Comstock Village HOA, I am forwarding this to you per an offer that our Board of Directors gave to our homeowners for me to forward any comments that I receive.

Dear City Planning Committee,

We do not support the proposed construction of a cell tower at the club across the street from our cul de sac. Our cell service is fine. Any marginal benefit gained by erection of this tower will be more than out-weighted by plummeting property values for us and our fellow Comstock homeowners.

Our decision to purchase a home on Waco Court was strongly influenced by the maturity of the neighborhood, meaning no further building in the area could be reasonably anticipated. In our opinion, Foothills Swim and Racquet Club's attempt to trade residents' property values for their own extra revenue from AT&T demonstrates a breach of faith with the community.

We oppose cell tower construction anywhere in the Comstock Village Homeowners Association boundary. Thank you for your consideration.

Sincerely,

Mr. Burke Beaumont
340 Waco Court



Nicole Smith
Administrator
Comstock Village HOA
P. O. Box 49512
Colorado Springs, CO 80949
(719) 592-1913
www.ComstockVillage.com

O'Connor, Rick

From: Nicole Smith <admin@comstockvillage.com>
Sent: Monday, February 24, 2014 9:42 AM
To: O'Connor, Rick
Subject: Feedback on AT&T Cell Tower on Foothills Racquet & Swim Club property

Hello Rick,

Here is another comment that I received to pass on to you:

No one should want a cell phone tower anywhere near them unless they are looking for another source of cancer.

Barb & Doug Veitch
435 Allegheny Drive



Nicole Smith
Administrator
Comstock Village HOA
P. O. Box 49512
Colorado Springs, CO 80949
(719) 592-1913
www.ComstockVillage.com

O'Connor, Rick

From: Nicole Smith <admin@comstockvillage.com>
Sent: Friday, February 21, 2014 9:22 AM
To: O'Connor, Rick
Subject: AT&T Cell Tower at Foothills Swim & Racquet Club

Hello Rick,

Below is another comment I received from a Comstock homeowner in regard to the proposed AT&T cell tower at Foothills Swim & Racquet Club:

I don't mind the cell tower. I'd rather have the cell coverage (even if it were visible from my house). Sometimes I think we are all too self-centered and need to think of the greater good.

Ron Rubin
1042 Oak Hills Drive



Nicole Smith
Administrator
Comstock Village HOA
P. O. Box 49512
Colorado Springs, CO 80949
(719) 592-1913
www.ComstockVillage.com

O'Connor, Rick

From: Nicole Smith <admin@comstockvillage.com>
Sent: Monday, February 24, 2014 9:56 AM
To: O'Connor, Rick
Subject: Feedback on AT&T Cell tower at Foothills Swim & Racquet Club

Hello Rick,

Here is another homeowner's comment:

For Jerry and I the proposed AT&T cell tower sounds wonderful! We had to switch from Verizon to AT&T several years ago because they could not service us here in the Rockrimmon area. Even with AT&T we only have decent cell service in our home because of a microcell booster. When it has problems, we don't have service up here by Foothills Elementary. We have had to rely on a land line for the entire 23+ years we've lived here. This area definitely NEEDS this cell tower. In cases of emergency and the power is down, reliable cell phone service is an absolute must. Living in the technology age requires having some less attractive equipment in our residential areas. There are many ways the cell service providers have to help camouflage their towers these days. We sure hope this tower is approved.

Thank you,
Gerald and Patricia Vance
7010 Dark Horse Dr.



Nicole Smith
Administrator
Comstock Village HOA
P. O. Box 49512
Colorado Springs, CO 80949
(719) 592-1913
www.ComstockVillage.com

O'Connor, Rick

From: Jerry Sparks <Jerrys@RedNoland.com>
Sent: Wednesday, February 12, 2014 10:37 AM
To: O'Connor, Rick
Subject: Re: AR CM1 14-00032

Thanks Rick, Finally cell reception in the Rockrimmon neighborhood. My family use ATT as their carrier, our reception is awful. My daughter has volunteered to water that "mono pole pine tree" every day if necessary. So, you have our vote to go ahead with project.

Jerry Sparks
7110 Wintery Loop
C/S, Co 80919

Questions for the applicant regarding AR CM1 14-00032, 50' stealth mono pole pine:

Is the pole illuminated or are there lights of any kind on any part of the tower or equipment shed?

Is the generator inside the shed or exposed?

How often does the generator run and what is the average decibel output?

Are there provisions or allowances for more towers or additions to the proposed tower on the site or on the same property?

Who will be responsible for repairing any damage to Delmonico during or after installation?

Is any part of the tower or any of the attachments (antennas, rrrh. Etc) on the tower reflective?

How high from ground level are the lowest branches?

Do the upper branches extend as far from the pole as do the antennas and remote radio heads?

Where are the "similar" towers and antennas in the area located?

How many natural (trees) or man-made structures in the immediate vicinity are 50' tall or higher?

Will AT&T provide statistics on property values, before and after stealth pole installations, in similar neighborhoods?

Is the facility in compliance with Raven Hills HOA covenants and has the HOA done due diligence with its members for approval of facility?

When and where is the public meeting scheduled to take place?

Submitted by Scott Frederick

2/19/14

Questions for the applicant regarding AR CM1 14-00032, 50' stealth mono pole pine:

Is the pole illuminated or are there lights of any kind on any part of the tower or equipment shed? **No lights on or for the Mono Pine Tower, There is only an entry light on the shelter door, will only come on when the technician is there.**

Is the generator inside the shed or exposed? **There is an interior diesel Generator.**

How often does the generator run and what is the average decibel output? **The Generator will only come on if the commercial power goes out. I will need to research the decibel level when in use.**

Are there provisions or allowances for more towers or additions to the proposed tower on the site or on the same property? **The Mono Pine Tower will be design for a second carrier... It's highly unlikely that another carrier would collocate on this structure due to the height of the structure with a lower Rad Center that would be available, plus there is very limited ground space available. I would say no.**

Who will be responsible for repairing any damage to Delmonico during or after installation? **ATT's General Contractor would be responsible for any damages that occur during construction segment.**

Is any part of the tower or any of the attachments (antennas, rrrh. Etc) on the tower reflective? **All equipment located on the Mono Pine Tower will be painted green to match the structure.**

How high from ground level are the lowest branches? **The branches 8' to 10' off the ground.**

Do the upper branches extend as far from the pole as do the antennas and remote radio heads? **They should be almost the same distance from the center of the pole.**

Where are the "similar" towers and antennas in the area located? **There is a Monopine at the Se corner of E. Pikes Peak and E. Colorado. It is located behind the existing 1 story medical Center. This site is 1 block west of Pikes Peak Ave, and S. Hancock. There are several Monopines in Monument and Black Forest**

How many natural (trees) or man-made structures in the immediate vicinity are 50' tall or higher? **There are quite a few trees in the 40-50 foot range along the river. However, the Monopine will be slightly higher to allow it to transmit over the existing trees**

Will AT&T provide statistics on property values, before and after stealth pole installations, in similar neighborhoods? **As far as ATT knows, there are no statistics that show any change in property values**

Is the facility in compliance with Raven Hills HOA covenants and has the HOA done due diligence with its members for approval of facility? **We have not reviewed the HOA covenants. The tower should not be covered under the HOA.**

When and where is the public meeting scheduled to take place? **There is no planned public meeting.**



FIGURE 4

East from Delmonico



FIGURE 4 *East from pool*

Balloon Test Comparison Photo Simm

6955 Delmonico Looking From Pool (east)



(Photo is for illustrative purposes only)

FIGURE 4



FIGURE 4
*Looking se from east
end of parking lot*



Balloon Test Comparison Photo Simm
6955 Delmonico Looking From Parking Lot (SE)



FIGURE 4

(Photo is for illustrative purposes only)



FIGURE 4
*looking east across
parking lot*



FIGURE 4

Looking west from park



Balloon Test Comparison Photo Simm

6955 Delmonico Looking to the West



(Photo is for illustrative purposes only)

FIGURE 4



Balloon Test Comparison Photo Simm

6955 Delmonico Looking to the North West

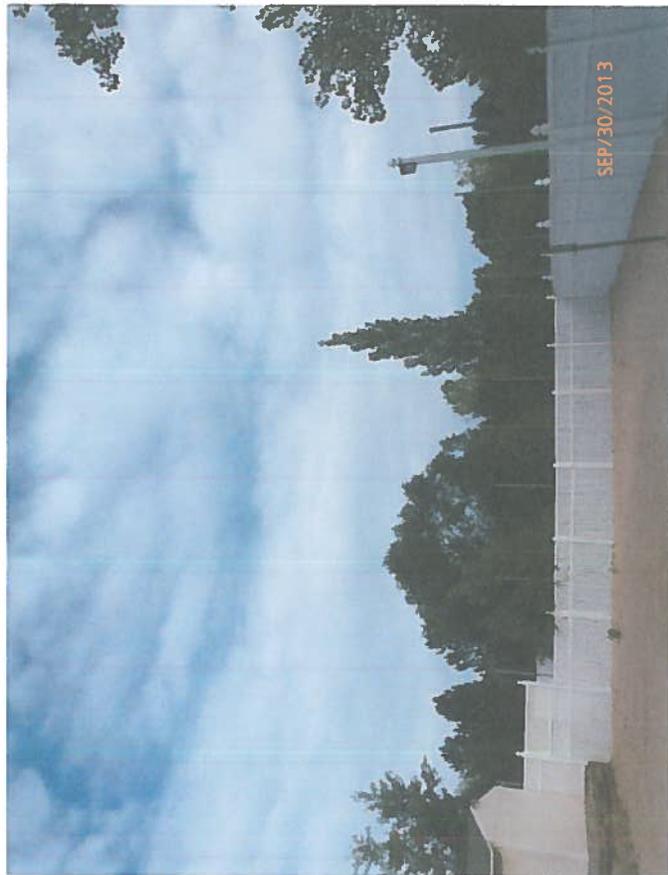


(Photo is for illustrative purposes only)

FIGURE 4



CO102252 Wintery & Delmonico 12906842 looking NW - Rev. 120913



Before



After

FIGURE 4

(PHOTO IS FOR ILLUSTRATIVE PURPOSES ONLY)

CITY PLANNING COMMISSION AGENDA

ITEM NOS: 7.A – 7.C

STAFF: MEGGAN HERINGTON

FILE NO(S):

A. - CPC MPA 05-00278-A2MN14- QUASI-JUDICIAL

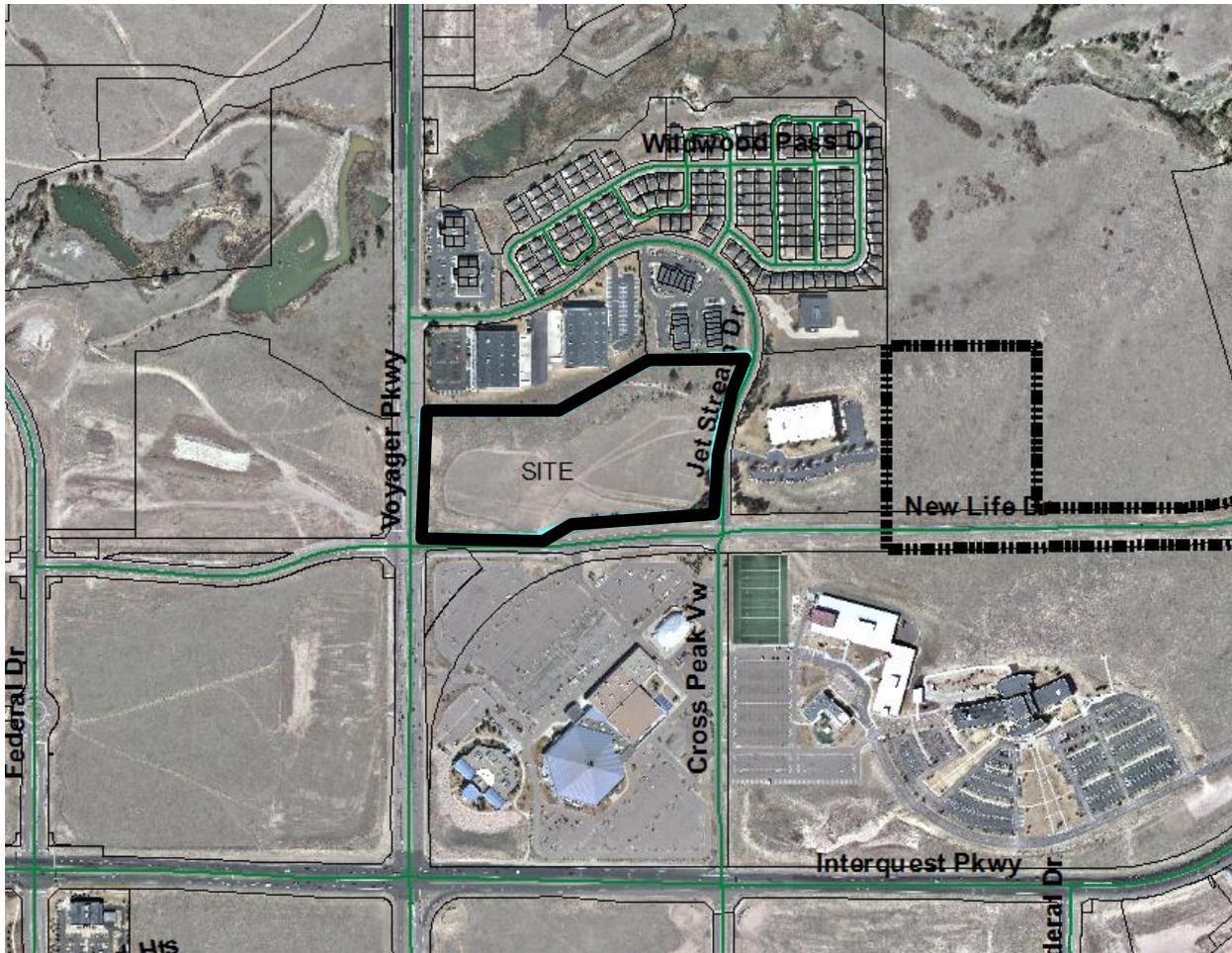
B. - CPC PUZ 14-00066 – QUASI-JUDICIAL

C. - CPC PUP 14-00070 – QUASI-JUDICIAL

PROJECT: 11305 VOYAGER

APPLICANT: EV STUDIO PLANNING

OWNER: NEW LIFE CHURCH



PROJECT SUMMARY:

1. Project Description: This project includes concurrent applications for a minor amendment to the Northgate Master Plan, PUD zone change, and PUD concept plan for a 17.05-acre parcel located at the northeast corner of Voyager Parkway and New Life Drive, north of New Life Church.

The minor master plan amendment proposes to change the land use from office and industrial to community commercial and multi-family residential. Rezoning will change the 17.05 acres from PIP-1 (Planned Industrial Park) to PUD (Planned Unit Development), allowing a mix of commercial and multi-family uses (multi-family residential at a maximum of 30 dwelling units per acre) with a 45-foot maximum building height for all structures.

The PUD concept plan illustrates the development of 3.7 acres of mixed commercial uses along Voyager Parkway and a 13.35-acre apartment project on the eastern portion of the site. The concept plan illustrates multi-family development to include up to 344 apartment units of varying size within 15 individual buildings, along with internal private parks and open space areas. **(FIGURE 1)**

2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Department's Recommendation: Staff recommends denial of the applications.

BACKGROUND:

1. Site Address: The site is currently addressed as 11305 Voyager Parkway.
2. Existing Zoning/Land Use: The 17.05 acres is vacant
3. Surrounding Zoning/Land Use:
North: PIP-1/Office/Warehouse
South: OC/New Life Church
East: PIP-1/ Office Warehouse
West: PUD/Commercial and Multi-family
4. Comprehensive Plan/Designated 2020 Land Use: The 2020 Lands Use Map designates this property as an "Employment Center" which is defined as "activity centers that are major concentrations of employment supported by a mix of uses that meet the needs of employees and visitors, such as restaurants, lodging, child care, higher density residential, and educational facilities".
5. Annexation: The property was annexed in 1985 as part of Northgate Addition Annexation #2 and Northgate Addition Annexation #3.
6. Master Plan/Designated Master Plan Land Use: The property is in the Northgate Master Plan and currently shown as O/I (Office and Industrial). The project includes a request to amend this master plan use to community commercial and multi-family.
7. Subdivision: The property is platted as Lot 1 of New Life Church Filing No. 3 that was recorded in February, 2004.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The property is vacant. The topography slopes significantly from the north to the south with roughly 34 feet elevation between the low and high points of the property.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public process included posting the site and sending postcards to 35 property owners within 500 feet.

Written opposition was received from the property owner to the north. This adjacent property is zoned PIP-1 (Planned Industrial Park) with a number of office/warehouse tenants. The owners of the property feel that the conversion of the site to multi-family residential will have a negative impact on their industrial uses. **(FIGURE 3)**

Staff also sent the plans to the standard internal and external review agencies for comments. There were no significant comments from the review agencies, and all comments received have been addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, School District 20, Police and E-911 and the US Air Force Academy.

On July 30, 2014, staff received written comments for the US Air Force Academy stating that the property is inside the Academy's east pattern and maneuver area and the inhabitants will be exposed to aircraft traffic pattern noise during daylight hours Monday through Friday and occasionally on Saturdays (there were no attachments to this email). The request from the Academy is to add a standard notice to the plans as follows: *NOTICE: This property may be impacted by noise and other similar sensory effects of flight by aircraft used in the United States Air Force Academy's Airmanship Program. This notice shall remain in effect until the Air Force Academy shall cease to be used for flight training purposes. This notice shall run with the land.*

The applicant has added the note to the concept plan and will add the same note to the future development plan.

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

1. Review Criteria / Design & Development Issues:

Minor Master Plan Amendment

The Northgate Master Plan was originally adopted in 1985 with the annexation of Northgate Additions Numbers 1 through 4. This master plan has been amended 20 times since adoption. Those amendments vary in size and impact; changing land uses and access locations. A recent major amendment to the master plan was approved for the Copper Ridge commercial area. That amendment changed 192 acres from office and industrial to regional commercial.

With the proposed amendment, the Northgate Master Plan illustrates 364 acres of Office and Industrial, 46 acres of Community Commercial and 100 acres of Multi-Family. With each amendment to the master plan, valuable office and industrial land is being converted to other uses, but not being replaced elsewhere in this area or other parts of the City with similar access to I-25, quality of surrounding office and industrial development and land area. Continued changes in the office and industrial land use could result in an eventual elimination of this use type and a negative impact on the ability to site these types of uses in the Northgate area and City as a whole.

Staff finds that it is important to preserve the valuable office and industrial land use in Northgate. This area has superior access to I-25 and direct access to major arterials such as Interquest Parkway and Voyager Parkway which have been a draw for corporate headquarters including Compassion International, Progressive and Oracle, among others. Most recently Wal-Mart opened a data center and Bal-Seal relocated its corporate headquarters to this area. Elimination of the office and industrial (PIP-1) could impact the overall ability of the City to attract new corporate headquarters,

office/industrial flex space and other similar uses. Staff recognizes that there are other industrially zoned areas throughout the City; however, the Voyager Blvd. corridor between Briargate Blvd. and Northgate Blvd. is particularly attractive for larger campus-like office and industrial uses due to accessibility, planned commercial and service uses, existing housing options and larger tracts of undeveloped land.

There are already a number of other multi-family projects in the area. There are two existing multi-family communities; Talon Hill Apartments and Bella Springs Apartments. There is a newly approved 264-unit multi-family complex on the west side of Voyager in the Marketplace at Interquest project, across from the proposed project. Also on the west side of Voyager are 29 acres within The Farm master plan that are shown as high density multi-family. Staff has had preliminary discussions with a multi-family developer looking to continue the entitlement process for that property. (see **Figure 4**)

The existing multi-family zoning and the previously master planned areas already provide for a mixed use employment, commercial and residential center. Changing the zoning to from PIP-1 to PUD to allow additional multi-family would potentially unbalance the uses in this area.

PUD (Planned Unit Development) Rezone

The property was zoned PIP-1 as part of a larger zoning in 1985 along with the approval of the annexation and adoption of the master plan. This zone change proposes to rezone the 17.05 acres from PIP-1 (Planned Industrial Park) to PUD (Planned Unit Development). The PUD is a customized zone district that sets specific uses, densities, and building heights for the property. This PUD rezone request will allow multi-family uses at a density maximum of 30 dwelling units per acre and all land uses permitted in the PBC zone district *excluding*:

- Medical/Recreational Marijuana Center
- Motor Vehicle Service Station
- Sexually Oriented Businesses

The maximum building height of the PUD zone is proposed as 45 feet. The 45-foot height is the typical office and commercial building height.

City Code Section 7.5.603.B sets forth the following criteria for approving zone changes:

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. N/A

It is the finding of staff that the proposal to rezone from PIP-1 to PUD does not meet the all of the required criteria for zone changes, particularly Criteria 2 and 3. Staff believes that the proposed zone change will further diminish the intent of the Northgate

Master Plan as an employment center. As described above, through the years significant reduction in office and industrial zoning has occurred in the Northgate Master Plan area, deviating from the original vision of that part of the City to have a balance between residential and non-residential uses. Furthermore, a majority of the property will be designated as multi-family. Multi-family residences in this area may have a negative impact on existing and potential future industrial uses on the surrounding parcels. Approval of this zone change would essentially isolate a pocket of the existing PIP-1 zoning, which staff fears would result in possible issues with attracting new tenants or expansion of the existing uses. Further, as stated in greater detail in the master plan section above, rezoning this property from PIP-1 may have a greater impact on the overall office and industrial uses in that area by eliminating potential sites for future users.

PUD Concept Plan

The concept plan shows 3.7 acres of mixed commercial uses along Voyager Parkway and 13.35 acres of the eastern portion of the site as multi-family residential. The multi-family concept illustrates 344 multi-family units of varying sizes in 15, three-story buildings, along with usable park and open space areas for the residents.

Allowable uses and building heights are outlined on the concept plan along with building and landscape setbacks. All setbacks shown on the plan meet the minimums for City Code requirements.

As mentioned in the stakeholder section of this report, the northern neighbor has concerns about the impacts of new residential neighbors. The overall issue is compatibility and whether future residents on the subject property will object to the existing industrial uses to the north. Future residents' objections to the existing industrial properties could affect the long-term marketability of those tenant-occupied spaces. Compatibility may be accomplished through site design; the concept plan shows significant screening and buffering along the northern property line. There is an 80-foot building setback shown on the plan. Within this setback are a series of retaining walls, six-foot screen fence, 15-foot wide landscape buffer and 30-foot wide interior drive. While the exact landscape design and screen fence design are not required with the concept plan, those details of creating compatibility will be reviewed by staff with the development plan.

Site topography will also aid in buffering. There is significant grade difference between this property and the property to the north. The proposed multi-family site sits approximately 34 feet higher than the northern property. The bottom of the ridge on the northern property is at an elevation of 6,740 and the top of the ridge on the multi-family site is at an approximate elevation of 6,774.

Access will be from Jet Stream Drive and New Life Drive. There is also a new three-quarter movement access proposed off of Voyager Parkway. Internal drive aisles are private. The current New Life Drive right-of-way is wider than needed along the southeastern portion of the site. The developer will request that City Council sell a portion of the unused right-of-way for use by this project. That right-of-way disposal request will go directly to Council at a future date when the development details are submitted. The concept plan does show that area of right-of-way that will be included in the project boundaries based on Council's expected approval of the property sale.

City Code Section 7.3.605 outlines the requirements and review criteria for a PUD concept plan. The PUD concept plan document is not required to show specific landscaping, screening and buffering, lighting or other site design aspects. That type of detail is specific to a development plan. Any future request for building permits will require the submission of a PUD development plan, which will be reviewed administratively per City Code Section 7.3.606.

The two PUD concept plan criteria that warrant specific discussion are criteria 7.3.605.E & F. Criterion E. requires that the proposed concept plan “promote the stabilization and preservation of the existing or planned land uses in adjacent areas and surrounding residential areas.” Criterion F. requires that the proposed concept plan “provide an appropriate transition or buffering between uses of differing intensities both on site and off site.” Staff finds that property owner to the north raises valid questions and concerns relative to these criteria.

2. Conformance with the City Comprehensive Plan:

Comprehensive Plan 2020 Land Use Map: Employment Center

Strategy N 203b: Achieve Balanced Mix of Land Uses.

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

Policy LU 301: Promote a Mixed Land Use Pattern.

Policy N 302: Promote Development of Mixed-use Neighborhoods – Provide residents the choice of walking, bicycling or driving to parks, schools, work, shopping, places of worship and transit stops in their own and other neighborhoods.

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

The Comprehensive Plan does not provide direction as to the conversion of prime industrial land to other uses (especially multi-family residential), nor does it provide direction on density of multi-family residential in suburban areas. Staff acknowledges that the proposed increase in residential density can mutually support and be supported by the commercial development planned for the area; however, it is important to preserve industrial zoning so that site availability options exist for large primary-job employers. Considering that the adjoining properties are already zoned for several hundred multi-family residential units, staff believes that changing the zoning of this property from PIP-1 to MFR is not warranted.

It is the finding of the Land Use Review Division that the minor amendment to the Northgate Master Plan and the 11305 Voyager Concept Plan will substantially conform to the City Comprehensive Plan 2020 Land Use Map and the Plan’s goals and objectives.

3. Conformance with the Area’s Master Plan:

This property is part of the Northgate Master Plan and currently shown as Office/Industrial. The project includes a minor amendment to the master plan to change the use to 3.7 acres of community commercial and 13.35 acres of multi-family. The Northgate Master Plan will then include approximately 100 total acres of multi-family land use and 46 acres of community commercial while continuing to diminish the stock of industrial zoned properties.

The Northgate Master Plan was originally approved with over 900 acres of O/I (office and industrial) designated land use. The proposed master plan amendment now further reduces that land use category and impacts the land use balance in the area.

It is the finding of Staff that the proposal is not in compliance with the Northgate Master Plan.

STAFF RECOMMENDATION:

ITEM NO.: 7.A CPC MPA 05-00278-A2MN14 – MINOR MASTER PLAN AMENDMENT

Deny the amendment to the Northgate Master Plan, based upon the finding that the amendment does not meet the review criteria for master plan amendments as set forth in City Code Section 7.5.408

ITEM NO.: 7.B CPC PUZ 14-00066 – CHANGE OF ZONING TO PUD

Deny the zone change of 17.05 acres from PIP-1 (Planned Industrial Park) to PUD (Planned Unit Development: Multi-family residential, 30 dwelling units per acre maximum, commercial uses as permitted in the PBC zone district excluding Medical/Recreational Marijuana Center, Motor Vehicle Service Station and Sexually Oriented Businesses, 45-foot maximum building height), based upon the findings that the change of zoning request does not comply with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603 and the criteria for the establishment and development of a PUD zone as set forth in City Code Section 7.3.603.

ITEM NO.: 7.C CPC PUD 14-00070 – 11305 VOYAGER PUD CONCEPT PLAN

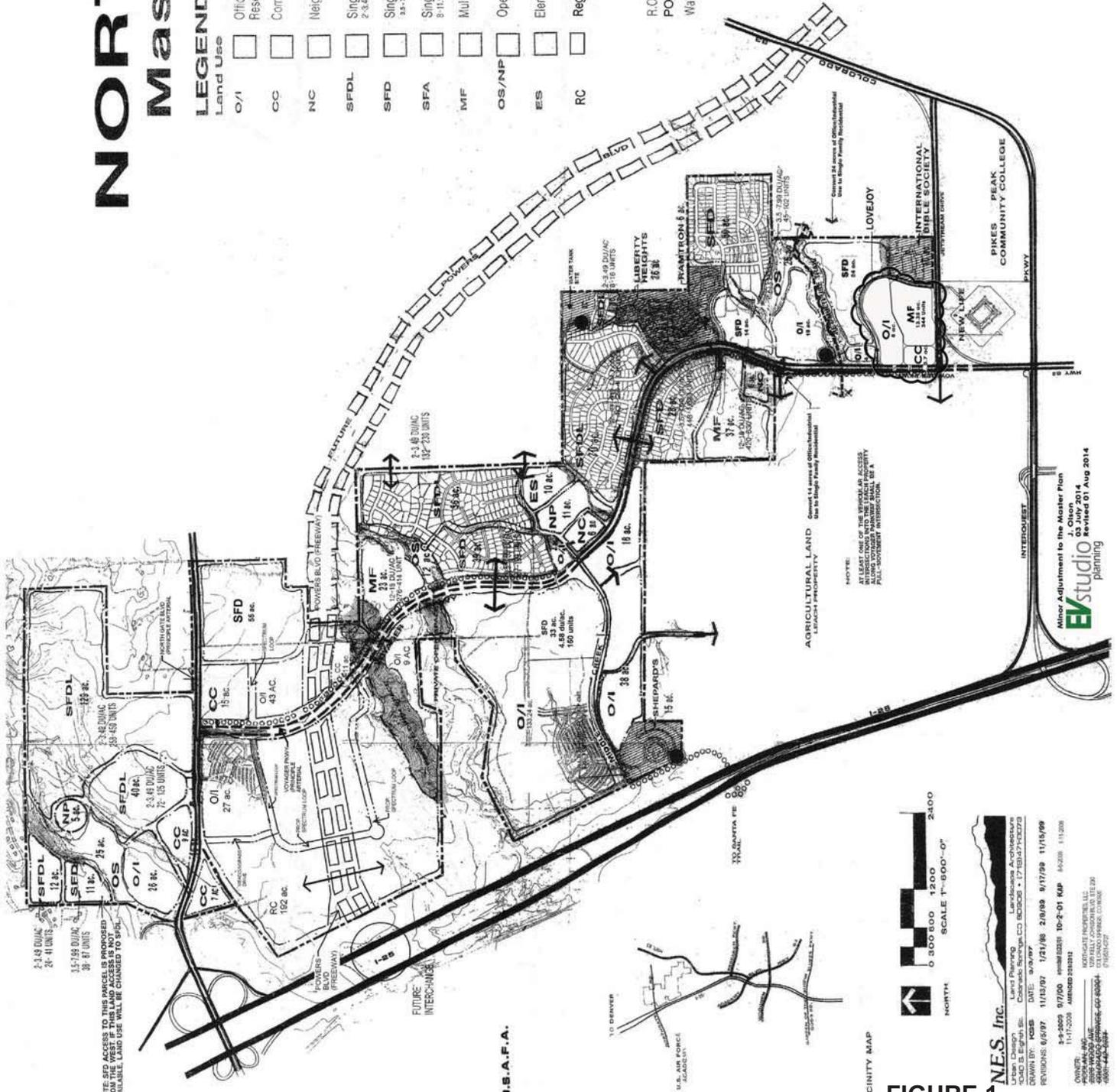
Deny the 11305 Voyager PUD Concept Plan based upon the findings that the PUD concept plan does not meet the review criteria for PUD concept plans as set forth in City Code Section 7.3.605.

Should the Planning Commission wish to approve the subject applications, it is recommended that the motion maker clearly states the reasons for the approval.

NORTHGATE Master Plan

LEGEND Land Use

Land Use	Proposed Acres
O/I	364
CC	46
NC	11
SFDL	308
SFD	254
SFA	0
MF	100
OS/NP	79
ES	10
RC	192



- MULTI-USE TRAIL
- BIKE PATH
- FIRE STATION (General Vehicle)
- WASTEWATER PUMP STATION
- ELECTRIC SUBSTATION
- MINOR ARTERIAL
- MAJOR ARTERIAL
- EXPRESSWAY
- INTERSTATE

PROPERTY OWNED BY OTHERS

VEHICULAR ACCESS
 (Areas are shaded and may not include all existing properties.)

CPC MPA 05-00278-A2M14
 -CPC-MPA 05-00278-A1M112

NOTE: SFD ZONES IN THIS MAP ARE PROPOSED. HOLD SFD ACCESS TO THIS LAND ACCESS IS NOT AVAILABLE. LAND USE WILL BE CHANGED TO SFDL.

2-3.48 DU/AC
 24-41 UNITS

15-1.98 DU/AC
 38-87 UNITS

2-3.48 DU/AC
 72-125 UNITS

2-3.48 DU/AC
 132-220 UNITS

2-3.48 DU/AC
 176-314 UNITS

2-3.48 DU/AC
 150 UNITS

FIGURE 1

N.E.S. Inc.
 Urban Design Land Planning
 3000 E. 1st Ave. Suite 100
 Denver, CO 80202 • (773) 477-0073

DATE: 9/10/14
 DRAWN BY: NCS
 REVISIONS: 6/26/14 11/13/14 1/21/15 2/10/15 9/17/15 11/15/15

1-800-955-9700
 11-11-2008 AMENCO 208212
 NORTHGATE PROJECTS, LLC
 2000 NORTHGATE BLVD, SUITE 100
 DENVER, CO 80202

SCALE 1"=600'-0"

NORTH

VICINITY MAP



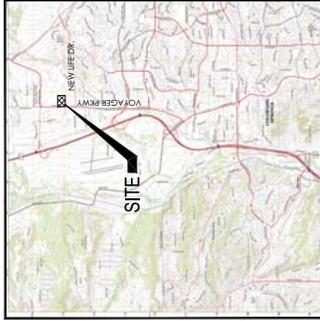
Denver, CO
 Evergreen, CO
 Coppens, CO
 Colorado Springs, CO
 303.670.7242
 www.e!studio.com
 www.e!studio.com

CONCEPT PLAN FOR 11305 VOYAGER

LOCATED IN A PORTION OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M.
 CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO



SOURCE: GOOGLE EARTH MAPS, 2014
 ROAD MAP



SOURCE: USGS QUADRANGLE MAP COLORADO EL PASO CO. (PREVIEW, Colorado-2013)
 USGS MAP

UTILITY CONTACTS

SANITARY SEWER UTILITIES
 111 S. CASCADE AVENUE
 COLORADO SPRINGS, CO 80903
 CONTACT: MATT WILLIAMS, PE
 PHONE: 719.468.8800

WATER / FIRE UTILITIES
 111 S. CASCADE AVENUE
 COLORADO SPRINGS, CO 80903
 CONTACT: MATT WILLIAMS, PE
 PHONE: 719.468.8800

ELECTRIC UTILITIES

COLORADO SPRINGS UTILITIES
 111 S. CASCADE AVENUE
 COLORADO SPRINGS, CO 80903
 CONTACT: MATT WILLIAMS, PE
 PHONE: 719.468.8800

GAS UTILITIES

COLORADO SPRINGS UTILITIES
 111 S. CASCADE AVENUE
 COLORADO SPRINGS, CO 80903
 CONTACT: MATT WILLIAMS, PE
 PHONE: 719.468.8800

PROJECT CONTACTS

OWNER
 E!STUDIO ARCHITECT
 1105 VOYAGER PARKWAY
 COLORADO SPRINGS, CO 80903
 CONTACT: MATT WILLIAMS, PE
 PHONE: 719.234.7777

DEVELOPER
 BANEY MANDEL DEVELOPMENT, LTD.
 1203 S. WHITE CHURCH BLVD., SUITE 230
 COLORADO SPRINGS, CO 80903
 CONTACT: BRYAN HOLLAND
 PHONE: 817.875.2115

APPLICANT

E!STUDIO ARCHITECT
 1111 OXBOW STREET, SUITE 306
 DENVER, CO 80204
 CONTACT: JOHN W. OLSON, R.A., LEED-AP, CING-9
 PHONE: 719.231.9799

CIVIL ENGINEER

E!STUDIO ARCHITECT
 1111 OXBOW STREET, SUITE 306
 DENVER, CO 80204
 CONTACT: JOHN W. OLSON, R.A., LEED-AP, CING-9
 PHONE: 719.231.9799

LANDSCAPE ARCHITECT

E!STUDIO ARCHITECT
 201 E. LAS ANIMAS SUITE 113
 DENVER, CO 80202
 CONTACT: JOHN W. OLSON, R.A., LEED-AP, CING-9
 PHONE: 719.231.9799

ARCHITECT

E!STUDIO ARCHITECT
 1111 OXBOW STREET, SUITE 306
 DENVER, CO 80204
 CONTACT: BILL FOSTER, AA
 PHONE: 303.745.3482

HOODPLAIN STATEMENT:

This property is located within Zone X (Area determined to be outside of the 500-year floodplain) as established by FEMA per FEMA map #04041C 0560; revised March 17, 1997.

- GENERAL NOTE:**
- The development will be comprised of a mixture of uses, potentially including Multi-Family Residential, Office, Retail, Restaurant, or Service businesses.
 - All streets within the neighborhood are to be Private.
 - Street grades are to be in accordance with the subdivision ordinance.
 - Street lighting will be provided in accordance with the subdivision ordinance, but not limited to standard street lighting. The lighting design and fixture selection will be subject to final review and approval by the City of Colorado Springs.
 - No significant natural features exist on the property. City of Colorado Springs Fire Department Standards: Fire lane markings on the street to be inspected by the Colorado Springs Fire Department prior to Certificate of Occupancy.
 - This development is located directly adjacent to existing light industrial uses. There may be impacts from traffic, noise and lighting related to the adjacent use.

SHEET INDEX

SHEET 01 - CP1
 SHEET 02 - CP2

ZONING

EXISTING ZONING	PP1
PROPOSED ZONING	PUD (MULTIFAMILY AND ALL LAND USES ASSOCIATED WITH THE PROPOSED COMMERCIAL CENTER) ZONING CLASSIFICATION
EXCLUDING:	Medical/Recreational Marijuana Center, Motor Vehicle Center, and Sexually Oriented Businesses
MAXIMUM BUILDING HEIGHT	45 FEET
RESIDENTIAL DENSITY	30 UNITS/ACRE MAXIMUM

COVER SHEET

COVER SHEET
 CONCEPT SITE PLAN

COMPLIMENT BNA	8-15-14
Addressed Comments	9-3-14
REVISION	
DATE	8-15-14
DRAWN BY	JWD
CHECKED BY	JWD
CONCEPT PLAN	
CHECKED BY	
COVER SHEET	

LAND DESCRIPTION:

A tract of land being a portion of the East Half of the Northeast Quarter of Section 20, Township 12 South, Range 66 West of the Sixth Principal Meridian, County of El Paso, City of Colorado Springs, State of Colorado. **Being more particularly described as follows:**

Block Of Beginning: The Southern line of Northgate Office/Warehouse Center Filing No. 1, recorded under reception No. 99031542 records of El Paso County, Colorado, being monumented at the Western end by a No. 4 rebar and being monumented at the Eastern end by a No. 4 rebar and end by a No. 5 rebar and 2" aluminum cap stamped "L.S. 228207" being assumed to bear N89°57'43"E, a distance of 574.27 feet.

Commencing at the Southwesterly corner of Northgate Office/Warehouse Center Filing No. 1, recorded under reception No. 99031542 records of El Paso County, Colorado, said point also being the True Point Of Beginning;

Thence along the Southern boundary line of said Northgate Office/Warehouse Center Filing No. 1, the following two (2) courses:

- N89°57'43"E, a distance of 574.27 feet;
- N69°18'38"E, a distance of 413.05 feet to the Southwesterly corner of Lot 1 of a rebar filing No. 1, recorded in plat Book E-4 of Page 119;

Thence along the Southern boundary line of said Lot 1, Lovejoy Filing No. 1, N89°07'46"E, a distance of 421.22 feet to a point on the Northern boundary line of said Lot 1, recorded in Northgate Office/Warehouse Center Filing No. 1, recorded in Plat Book C-4 at Page 3;

Thence along said Western Right-Of-Way line of said Jet Stream Drive, the following three (3) courses:

- Along an arc of a curve to the right, having a central angle of 17°19'23", a radius of 378.00 feet, a distance of 114.29 feet to a point of reverse curve;
- Along an arc of a curve to the left, having a central angle of 28°40'39", a radius of 832.00 feet, a distance of 416.51 feet to a point of tangency;
- S00°54'41"E, a distance of 162.75 feet;

Thence S49°00'00"W, a distance of 54.25 feet;

Thence S89°50'58"W, a distance of 524.87 feet;

Thence S6°53'47"W, a distance of 110.25 feet;

Thence S89°06'29"W, a distance of 56.86 feet;

Thence along an arc of a curve to the left whose chord bears S46°23'22"W, a distance of 25.29 feet, having a central angle of 0°54'07", a radius of 1055.00 feet, a distance of 25.29 feet;

Thence N89°45'38"W, a distance of 143.37 feet;

Thence S89°54'10"W, a distance of 340.61 feet to the Southwesterly corner of Voyager Parkway, as platted in said Northgate Office/Warehouse Center Filing No. 1;

Thence along the Eastern Right-Of-Way line of said Voyager Parkway N00°02'31"W, a distance of 1444.99 feet;

Thence along the Eastern Right-Of-Way line of said Voyager Parkway N00°02'31"W, a distance of 933.15 feet to the True Point of Beginning.

Acresage of the above mentioned parcel is 742.481 ± 30 FT or 17.05 ± AC. This parcel shall be known as New Life Church Filing No. 4.

11305 VOYAGER
 11305 Voyager Parkway
 Colorado Springs, Colorado
 CO-13-072

NOT FOR CONSTRUCTION

COMPLIMENT BNA	8-15-14
Addressed Comments	9-3-14
REVISION	
DATE	8-15-14
DRAWN BY	JWD
CHECKED BY	JWD
CONCEPT PLAN	
CHECKED BY	
COVER SHEET	

CP1
 CPC PUP 14-00070
 Sheet 1 of 2

New Life Church Filing No. 4

A PORTION OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 20,
TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P. M.
CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO

LEGAL DESCRIPTION

A tract of land being a portion of the East Half of the Northeast Quarter of Section 20, Township 12 South, Range 66 West of the Sixth Principal Meridian, County of El Paso, City of Colorado Springs, State of Colorado, **Being more particularly describes as follows:**

Basis Of Bearings: The Southerly line of Northgate Office/Warehouse Center Filing No. 1, recorded under reception No. 99031542 records of El Paso County, Colorado, being monumented at the Westerly end by a No. 4 rebar and 1-1/4" aluminum cap stamped "L.S. 9853" and at the Easterly end by a No. 5 rebar and 2" aluminum cap stamped "L.S. 32820" being assumed to bear N89°57'43"E, a distance of 576.27 feet.

Commencing at the Southwestery corner of Northgate Office/Warehouse Center Filing No. 1, recorded under reception No. 99031542 records of El Paso County, Colorado, said point also being the True Point Of Beginning; Thence along the Southerly boundary line of said Northgate Office/Warehouse Center Filing No. 1, the following two (2) courses:

- 1) N89°57'43"E, a distance of 576.27 feet;
- 2) N60°18'58"E, a distance of 413.05 feet to the Southwestery corner of Lot 1 of Lovejoy Filing No. 1, recorded in plat book E-4 at Page 119;

Thence along the Southerly boundary line of said Lot 1, Lovejoy Filing No. 1 N86°07'46"E, a distance of 421.22 feet to a point on the Westerly Right-Of-Way line of Jet Stream Drive as platted in Northgate Office/Warehouse Center Filing No. 1, recorded in Plat Book C-4 at Page 3;

Thence along said Westerly Right-Of-Way line of said Jet Stream Drive, the following three (3) courses:

- 1) Along an arc of a curve to the right, having a central angle of 17°19'23", a radius of 378.00 feet, a distance of 114.29 feet to a point of reverse curve;
- 2) Along an arc of a curve to the left, having a central angle of 28°40'59", a radius of 832.00 feet, a distance of 416.51 feet to a point of tangency;
- 3) S00°54'41"E, a distance of 162.75 feet;

Thence S45°00'00"W, a distance of 54.25 feet;

Thence S89°50'58"W, a distance of 526.87 feet;

Thence S63°53'47"W, a distance of 110.25 feet;

Thence S88°06'29"W, a distance of 56.86 feet;

Thence Along an arc of a curve to the left whose chord bears S66°23'22"W a distance of 25.29feet, having a central angle of 01°24'00", a radius of 1035.00 feet, a distance of 25.29 feet;

Thence N89°45'38"W, a distance of 143.37 feet;

Thence S89°54'10"W, a distance of 340.61 feet to the Southeasterly corner of Voyager Parkway, as platted in said Northgate Office/Warehouse Center Filing No.1;

Thence along the Easterly Right-Of-Way line of said Voyager Parkway N00°02'51"W, a distance of 444.99 feet;

Thence along the Easterly Right-Of-Way line of said Voyager Parkway N02°17'37"E, a distance of 93.15 feet to the True Point of Beginning.

Acreage of the above mentioned parcel is 742,481 ± SQ FT or 17.05 ± AC. This parcel shall be known as New Life Church Filing No. 4.



Project Statement/ Analysis
July 3, 2014, Revised August 11, 2014

The proposed application includes a minor adjustment to the Master Plan and a Concept plan showing a mixture of uses on an existing 17 acre site.

Our client, desires to develop the currently Industrial-zoned land (PIP1, or Planned Industrial Park) into a mixture of uses. Our proposed zoning for both properties is as a Planned Unit Development, or PUD, which is a down zoning process from PIP1.

The current zoning in place allows the following land uses as permitted uses:

- Call Center
- Financial Service
- General Office
- Medical Office
- Automotive Repair Garage
- Business Office Support Services
- Business Park
- Communication Services
- Data Center
- Extermination Services
- Medical Marijuana Center
- Medical Marijuana Infused Product Manufacturer
- Medical Marijuana Cultivation Operation Center
- Membership Clubs
- Community Gardens
- Colleges or a University
- Proprietary Schools
- Construction and/or Contractor Yards
- Light Industrial
- Manufacturing
- Research and Development
- Truck Terminal
- Warehouse
- Warehouse and Distribution
- Private Parking Lot
- Public Parking Lot
- Transit Shelter
- Commercial Greenhouse

The uses listed above are permitted uses that do not require development plans to go to Planning Commission or City Council for approval. Additional notable/feasible conditional uses, which due require a Planning Commission Hearing include indoor entertainment; indoor sports and recreation; outdoor sports and recreation; restaurants; cemetery; daycare services; charter/public/non-public schools; hospital; religious institution; and community recreation.

Denver Office:
1117 Cherokee Street, Suite 306
Denver, Colorado 80204
303.670.7242 local

Evergreen Office:
4602 Plettner Lane – 4D
Evergreen, Colorado 80439
866.323.5882 toll free

Texas Office:
314 E. Highland Mall Blvd. Suite 100
Austin, Texas 78752
254.238.4405 local

Colorado Springs Office:
201 E. Las Animas, Suite 113
Colorado Springs, CO 80903
303.670.7242 local

www.evstudio.com

The Concept Plan submitted in conjunction with this application illustrates the intention to develop the land with predominantly 3-story apartment buildings. These buildings will be accompanied with amenities of sunken parks distributed through the site that dual function for storm water infiltration and a place for residents to enjoy the outdoors. With the dual use green spaces, we can better utilize the land and not be subject to the large detention areas that are found throughout the city.

The land along Voyager Parkway is envisioned to be developed for community commercial, which may or may not include shops, restaurants, offices, additional multiple-family residential or a combination of these uses. We envision this to not be isolated from the large area of multi-family, but rather walkable and a part of the fabric of the multi-family units. The Concept Plan illustrates the pedestrian and vehicular connectivity between the two future land parcels.

We believe the land to be harmonious and complementary to the existing land uses in the overall area. There are currently two other multi-family projects underway in the vicinity. The demand for multi-family in the area is a response, or in preparation for, the planned retail developments in the area along totaling over 4.5 million square feet of Retail. Planned retail centers include Colorado Crossing (800,000 sq. ft.), the Interquest Marketplace (900,000 sq. ft.), Monument Marketplace (641,000 sq. ft.) and Copper Ridge (2,000,000 sq. ft). In early August of this year, another retail development was announced in the Gazette with 167,000 sq. ft.

In the design process for this project, it was analyzed to maintain a portion of the property as its current zoning, PIP-1. Market research and analysis was not favorable however due to the cost of the land, however the growing demand for multi-family residential is very favorable for this area due to the area's growth rate.

One project is located directly to the southwest of the intersection of New Life Drive and Voyager Parkway. It is a part of the Interquest Marketplace and has 264 apartment units planned.

The other project is the Farm which includes 29-acres of multi-family residential. Although this plan does not currently have an application into the city denoting information regarding quantities of apartments, it does underline that there is a demand for multi-family residential in the area.

In addition to the adjacent multi-family properties, a single-family development is also located to the northwest of the property, although it is not directly adjacent. Other adjacent land uses that are complementary to apartments include New Life Church to the south and a Community College to the southeast.

Herington, Meggan

From: Steve Clark <sclark@clarkinv.com>
Sent: Thursday, July 31, 2014 4:23 PM
To: Herington, Meggan
Cc: Johnny Stevens; bwright@fwflegal.com; Sandy Stevens; Charlie Stevens; Cathy Tilma; Stephen Clark, II; Mike Helwege (mhelwege@coscommercial.com); Sharon Pack
Subject: Request for Rezoning to Multi-Family on New Life Drive & Voyager

Ms. Herington –

This is to follow up our phone conversation this week with a formal written objection to the above zoning change and request to change the Northgate Master Plan from “O & I” to residential uses in our area.

Approximately 10 years ago we developed two industrial buildings at the SEC of Voyager and Jet Stream (1705 & 1735 Jet Stream), and have owned and operated them since that time. They are Class A, 28 feet in the clear industrial buildings with multiple loading docks. At the time we purchased the land we relied on the Northgate Master Plan that assured us the area would be limited to industrial uses. A few years later we somehow missed the application (being based in Kansas), unfortunately, that resulting in allowing the single family homes (Wildwood at Northgate) that now exist across Jet Stream to the North of us.

As a result of that change of use we have had complaints from the residents of that complex regarding truck traffic, noise and lighting at our property. This would not have happened if the use had been limited to Industrial. Heavy, larger truck traffic is a hazard to children who reside in residential neighborhoods, and creates additional liability for us due to safety concerns.

Tenants with industrial uses are adverse to locating in properties that have residential uses in close proximity, with a resulting diminution of the value of our property. If the proposed rezoning is approved, we will have to bear the burden of these issues even though we were there first to locate there when this area was represented to be limited to industrial and office uses. This change would be particularly impactful to us since the subject rezoning request is immediately contiguous to our property on the South.

The owners and developers of the subject land may suggest economic reasons warrant these changes, but it is not adequate justification to burden us with the additional management responsibilities and loss of value that we will most certainly incur. It is not fair nor equitable for us to have relied in good faith upon the restrictions initially setup for this area that are now being requested to be lifted to accommodate other users economic interests many years later.

We have retained Mr. Bruce Wright, of Flynn, Wright & Fredman as our legal counsel to represent us in objecting to the requested changes. Mr. Wright will be following up with you. Please add Mr. Wright to any correspondence you might send to us on this matter.

Sincerely,

**Steve Clark
Clark Investment Group
1717 N. Waterfront Parkway
Wichita, Kansas 67206
Phone 316.634.1112
FAX 316.634.1116
www.clarkinvestment.com**

Herington, Meggan

From: Steve Clark <sclark@clarkinv.com>
Sent: Monday, July 28, 2014 9:19 AM
To: Herington, Meggan
Cc: Johnny Stevens; Mike Helwege (mhelwege@coscommercial.com)
Subject: My VM Message to you - 1735 Jet Stream

Meggan –

Per my VM to you, at your convenience I would appreciate talking with you about the pending rezoning application to multi-family on the large vacant tract contiguous to the South of our industrial property, which is located at the SEC of Voyager and Jet Stream in the Northgate area.

We would like to log a formal complaint in objection to this change. Placing residential uses immediately adjacent to industrial is problematic at best.

Our building have been there now for approximately 10 years. That immediate area was represented to us as being master planned to be only industrial uses when we developed our two buildings. Since then the zoning was changed across the street to the North with residential developed there. The uses are not compatible with truck noise, lighting requirements for industrial uses, etc.

My number is below, or you may e-mail me if you wish.

Thank you.

**Steve Clark
Clark Investment Group
1717 N. Waterfront Parkway
Wichita, Kansas 67206
Phone 316.634.1112
FAX 316.634.1116
www.clarkinvestment.com**

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BRUCE M. WRIGHT
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(719) 578-8444

FACSIMILE (719) 578-8836
FWF File No. 3357.001

July 30, 2014

Via Email:
(mharrington@springs.gov.com)

Megan Harrington
Planning Department
City of Colorado Springs
30 South Nevada Avenue, Suite 105
Colorado Springs, CO 80903

Re: Proposed Northgate Rezone / Voyager Parkway / New Life Drive
CPC MPA 05-00278 - A2MN 14

Dear Ms. Harrington:

We have just been retained by the owners of the industrial property immediately to the north of this proposed project to assist them in analyzing these related requests. Although we have not had time to do much background investigation, I do note the applicants are requesting only a minor amendment to the Northgate Master Plan. According to City Code (Section 7.5.403(c)(2)), a minor amendment is one which "would not increase trip generation off the parcel by more than ten percent." Changing land use on this 16.69 acre parcel from Planned Industrial to a 344-unit multi-family complex would certainly increase trip generation by dramatically more than ten percent. Thus, it would seem more appropriate to process the master plan request as a major amendment. I understand the landowners will separately be providing you with a summary of their concerns.

I appreciate your attention to this matter. Please call if there are questions.

Sincerely,



BRUCE M. WRIGHT

BMW/gad

cc: Steve Clark
Johnny Stevens

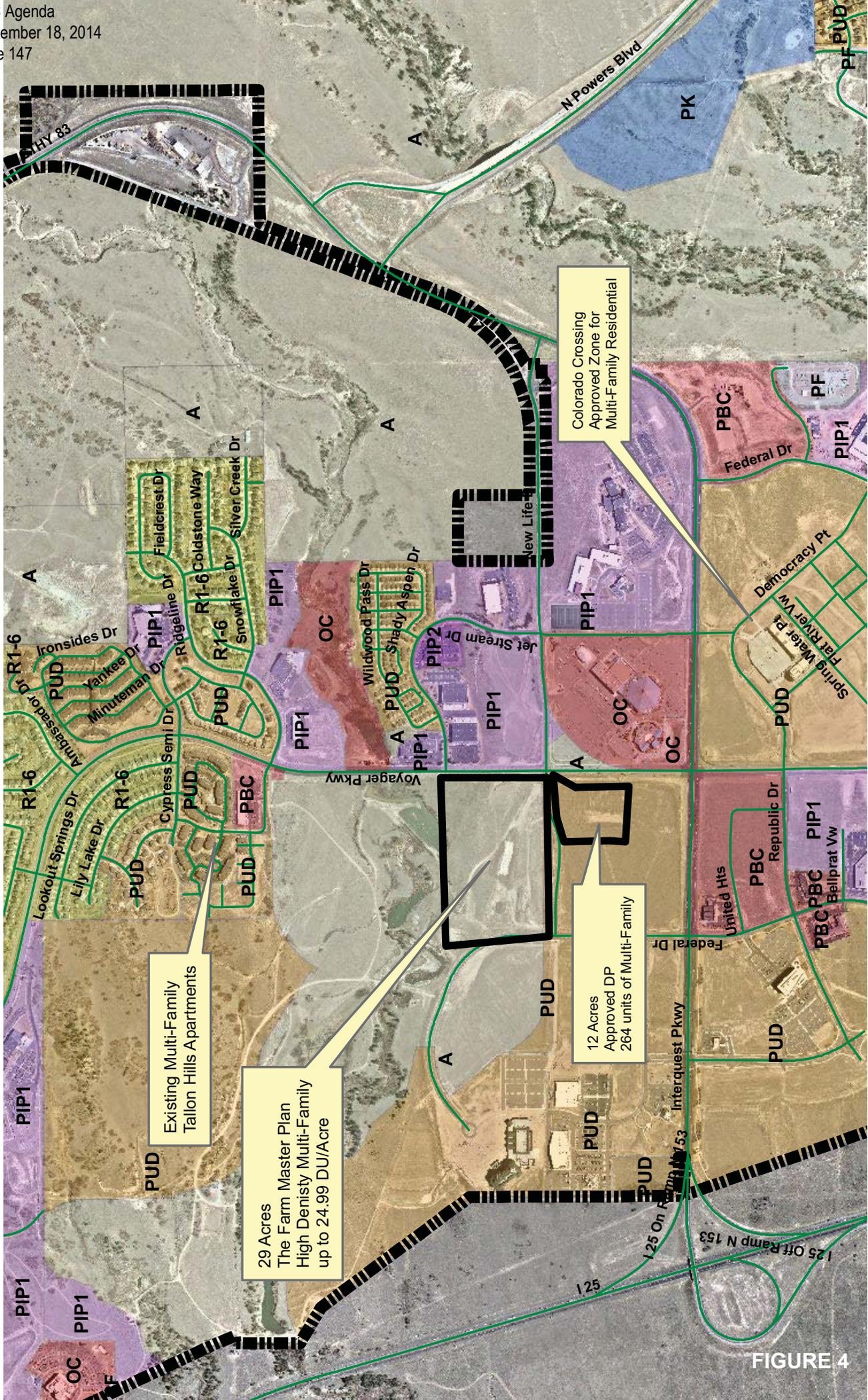


FIGURE 4

APPENDIX

Development Application Review Criteria

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)

7.3.605: PUD PLAN REVIEW CRITERIA:

Substantial compliance with the criteria is necessary for the approval of the PUD plan. The Director may determine that certain criteria are not applicable based on the characteristics of the individual project. PUD plans shall be reviewed based on the following review criteria:

- A. Is the proposed development pattern consistent with the Comprehensive Plan, the 2020 Land Use Map, and all applicable elements of the Comprehensive Plan (including the Intermodal Transportation Plan and the Parks, Recreation and Trails Master Plan)?
- B. Are the proposed uses consistent with the primary and secondary land uses identified in the 2020 Land Use Map of the Comprehensive Plan, as amended?
- C. Is the proposed development consistent with any City approved Master Plan that applies to the site?
- D. Is the proposed development consistent with the intent and purposes of this Zoning Code?
- E. Does the development pattern proposed within the PUD concept plan promote the stabilization and preservation of the existing or planned land uses in adjacent areas and surrounding residential neighborhoods?
- F. Does the development pattern proposed within the PUD concept plan provide an appropriate transition or buffering between uses of differing intensities both on site and off site?
- G. Does the nonresidential development pattern proposed within the PUD concept plan promote integrated activity centers and avoid linear configurations along roadways?
- H. Are the permitted uses, bulk requirements and required landscaping appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community?
- I. Does the PUD concept plan provide adequate mitigation for any potentially detrimental use to use relationships (e.g., commercial use adjacent to single-family homes)?
- J. Does the PUD concept plan accommodate automobile, pedestrian, bicycle and transit modes of transportation as appropriate, taking into consideration the development's primary function, scale, size and location?
- K. Does the PUD concept plan include a logical hierarchy of perimeter and internal arterial, collector and local streets that will disperse development generated vehicular traffic to a variety of access points and ways, reduce through traffic in adjacent residential neighborhoods and improve resident access to jobs, transit, shopping and recreation?
- L. Will streets and drives within the project area be connected to streets outside the project area in a way that minimizes significant through traffic impacts on adjacent residential neighborhoods, but still improves connectivity, mobility choices and access to jobs, shopping and recreation?
- M. Does the PUD concept plan provide safe and convenient vehicle and pedestrian connections between uses located within the zone district, and to uses located adjacent to the zone district or development?
- N. Will adequately sized parking areas be located to provide safe and convenient access, to avoid excessive parking ratios and avoid excessive expanses of pavement?
- O. Are open spaces integrated into the PUD concept plan to serve both as amenities to residents/users and as a means for alternative transportation modes, such as walking and biking?
- P. Will the proposed development overburden the capacities of existing or planned streets, utilities and other public facilities?
- Q. Are the areas with unique or significant natural features preserved and incorporated into the design of the project? (Ord. 03-110; Ord. 03-190, Ord. 12-68)

7.3.606: REVIEW CRITERIA FOR 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 7.5.504(C)(2) 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?

MASTER PLAN REVIEW CRITERIA:

7.5.408: REVIEW CRITERIA:

Master plans and major and minor amendments to approved master plans shall be reviewed for substantial conformance with the criteria listed below. Minor amendments are not subject to review criteria in subsection F of this section.

A. Comprehensive Plan: The Comprehensive Plan and the 2020 Land Use Map are the context and the benchmark for the assessment of individual land use master plans. The proposed land use master plan or the amendment conforms to the policies and strategies of the Comprehensive Plan. The proposed land use pattern is consistent with the Citywide perspective presented by the 2020 Land Use Map.

B. Land Use Relationships:

1. The master plan promotes a development pattern characterizing a mix of mutually supportive and integrated residential and nonresidential land uses with a network of interconnected streets and good pedestrian and bicycle connections.
2. Activity centers are designed so they are compatible with, accessible from and serve as a benefit to the surrounding neighborhood or business area. Activity centers also vary in size, intensity, scale and types of uses depending on their function, location and surroundings.
3. The land use pattern is compatible with existing and proposed adjacent land uses and protects residential neighborhoods from excessive noise and traffic infiltration.
4. Housing types are distributed so as to provide a choice of densities, types and affordability.
5. Land use types and location reflect the findings of the environmental analysis pertaining to physical characteristics which may preclude or limit development opportunities.
6. Land uses are buffered, where needed, by open space and/or transitions in land use intensity.
7. Land uses conform to the definitions contained in article 2, part 2 of this Zoning Code.

C. Public Facilities:

1. The land use master plan conforms to the most recently adopted Colorado Springs parks, recreation and trails master plan.
2. Recreational and educational uses are sited and sized to conveniently service the proposed population of the master plan area and the larger community.

3. The proposed school sites meet the location, function and size needs of the school district.
4. The land use master plan conforms to the adopted plans and policies of Colorado Springs Utilities.
5. Proposed public facilities are consistent with the strategic network of long range plans.
6. The master development drainage plan conforms to the applicable drainage basin planning study and the drainage criteria manual.

D. Transportation:

1. The land use master plan is consistent with the adopted intermodal transportation plan. Conformity with the intermodal transportation plan is evidence of compliance with State and local air quality implementation and maintenance plans.
2. The land use master plan has a logical hierarchy of arterial and collector streets with an emphasis on the reduction of through traffic in residential neighborhoods and improves connectivity, mobility choices and access to jobs, shopping and recreation.
3. The design of the streets and multiuse trails minimizes the number of uncontrolled or at grade trail crossings of arterials and collectors.
4. The transportation system is compatible with transit routes and allows for the extension of these routes.
5. The land use master plan provides opportunities or alternate transportation modes and cost effective provision of transit services to residents and businesses.
6. Anticipated trip generation does not exceed the capacity of existing or proposed major roads. If capacity is expected to be exceeded, necessary improvements will be identified, as will responsibility, if any, of the master plan for the construction and timing for its share of improvements.

E. Environment:

1. The land use master plan preserves significant natural site features and view corridors. The Colorado Springs open space plan shall be consulted in identifying these features.
2. The land use master plan minimizes noise impacts on existing and proposed adjacent areas.
3. The land use master plan utilizes floodplains and drainageways as greenways for multiple uses including conveyance of runoff, wetlands, habitat, trails, recreational uses, utilities and access roads when feasible.
4. The land use master plan reflects the findings of a preliminary geologic hazard study and provides a range of mitigation techniques for the identified geologic, soil and other constrained natural hazard areas.

F. Fiscal:

1. A fiscal impact analysis and existing infrastructure capacity and service levels are used as a basis for determining impacts attributable to the master plan. City costs related to infrastructure and service levels shall be determined for a ten (10) year time horizon for only the appropriate municipal funds.
2. The fiscal impact analysis demonstrates no adverse impact upon the general community and the phasing of the master plan is consistent with the adopted strategic network of long range plans that identify the infrastructure and service needs for public works, parks, police and fire services.
3. The cost of on site and off site master plan impacts on public facilities and services is not borne by the general community. In those situations where the master plan impacts are shown to exceed the capacity of existing public facilities and services, the applicant will demonstrate a means of increasing the capacity of the public facilities and services proportionate to the impact generated by the proposed master plan. Mitigation of on site and off site costs may include, but is not limited to, planned expansions to the facilities, amendments to the master plan, phasing of the master plan and/or special agreements related to construction and/or maintenance of infrastructure upgrades and/or service expansions. Any special agreements for mitigation of on site and off site impacts for public improvements, services and maintenance are shown to be workable and supported by financial assurances. Preexisting and/or anticipated capacity problems not attributable to the master plan shall be identified as part of the master plan review.
4. Special agreements for public improvements and maintenance are shown to be workable and are based on proportional need generated by the master plan.
5. Any proposed special districts are consistent with policies established by the City Council. (Ord. 84-221; Ord. 87-38; Ord. 91-30; Ord. 94-107; Ord. 97-109; Ord. 01-42; Ord. 02-51)

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)

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)

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)

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)